SALT LAKE CITY COUNCIL STAFF REPORT

DATE:	September 22, 2005
SUBJECT:	Petition No. 400-05-10 – Planning Commission – Rezoning properties near 900 South and 900 East.
STAFF REPORT BY:	Jennifer Bruno, Policy Analyst
AFFECTED COUNCIL DISTRICTS:	District 5
ADMINISTRATIVE DEPT: AND CONTACT PERSON:	Community and Economic Development Sarah Carroll, Associate Planner
NOTICE REQUIREMENTS:	Newspaper advertisement and written notification to surrounding property owners 14 days prior to the Public Hearing.

KEY ELEMENTS:

A. An ordinance has been prepared for Council consideration to rezone the following properties from Residential (R-1/5000) to Community Business (CB), amending the zoning map and master plan:
   1. 916 South 900 East
   2. 909 South 900 East (currently split-zoned residential *and* commercial)
   3. 932 East 900 South
   4. 919 South Lincoln Street (currently split-zoned residential *and* commercial)

B. Key points from the Administration's transmittal include:
   1. The current and historical uses include the following:
      i. **916 South 900 East –** Currently serves as parking for Cahoots and Orion Music. The County records indicated that the lot has been paved and has served the adjacent commercial uses for 38 years (first paved in 1967). The proposed area to be rezoned is .14 acres.
      ii. **909 South 900 East –** Currently serves as parking for various businesses in the area including Starbucks, Great Clips, and others. No records found have indicated when the lot was paved. However, 1980 aerial maps show the lot as paved (paved for at least 25 years). The proposed area to be rezoned is .18 acres.
      iii. **932 East 900 South –** Currently serves as parking and a storage building for Mutual Beauty Supply. These uses were approved by the Board of Adjustment in 1975 (used as parking and storage for 30 years). The proposed area to be rezoned is .14 acres.
      iv. **919 South Lincoln Street –** There is currently a vacant home on this property. The structure has not been used for residential purposes for approximately 49 years. In 1966, when the structure was used by the Bethel Baptist Church for classrooms, the Board of Adjustment approved converting the rear yard into a parking lot (used as parking for 39 years). The structure was last used by the Salt Lake Community Action Program (CAP), which vacated the structure in 2004. Due to interior alterations over the course of its non-

residential use, it is not an attractive property for residential tenants. The proposed area to be rezoned is .59 acres.

a. The property owner plans to construct a new veterinary clinic (identified in the East Liberty Park Community Council special meeting minutes as a 7,000 square foot stone and shingle craftsman-style building, consistent with neighborhood character), and as it is a permitted use, has received the required City approvals for this development plan. If the zoning change is not approved, the property owner will move forward with the veterinary clinic on the commercially-zoned portion of the property as approved. However, this leaves the residential structure with a paved back yard directly abutting a commercial parking lot with no buffers.
b. Should the rezoning request be approved, the property owner plans to tear down the vacant structure to expand the on-site parking and add landscaping elements to the parking lot. The expanded parking plan would more directly comply with the goals of the master plan, as the configuration would deter commercial traffic from using the alley as primary ingress/egress (non-slanted spaces encourage visitors to use Lincoln Street), and would allow for increased landscaped buffering between residential and commercial uses (**see color map in planning transmittal**).

2. The purpose of this petition is to rezone four properties so that their zoning becomes consistent with the actual use of each property. Draft zoning maps of the 1995 re-write project identify these properties (except item #1) as intended to be zoned commercial, as seen with the pink outline. (**see color map in planning transmittal**). The error may have occurred during the actual zoning map creation, when a switch was made from a manual to a computerized system.
3. The East Central Community Small Area Master Plan (1993) focuses on developing commercial and residential uses in a compatible way while avoiding commercial encroachment into residential districts. The transmittal states that the Planning Commission does not view this recommended zoning as commercial encroachment since all of the properties have been used for non-residential purposes for 25 to 49 years.
4. Based of the following findings of fact, Planning staff recommended that the Planning Commission transmit a favorable recommendation to he City Council regarding the petition:
    i. The proposed rezone would help align the goal of providing goods and services for abutting neighborhoods without creating a negative impact on residents and is therefore consistent with the various applicable master plan policies.
    ii. The proposed rezone would be harmonious with the overall character of existing development in the immediate vicinity of the properties, and that the rezoning would match the current uses with the proper zoning designations. The owner's revised parking plan for item #4 would improve the overall character of the area.
    iii. The proposed rezone would not create an adverse effect on adjacent properties.
    iv. The proposed rezone will not increase the demand for services to any of the properties.

C. The surrounding land uses are Community Business to the north of all the properties in the petition, and R-1/5,000 to the South.
D. The purpose of the Community Business (CB) zoning is to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods.
E. The purpose of the residential (R-1/5,000) zone is to provide for conventional single-family residential neighborhoods on lots not less than 5,000 square feet in size.
F. The City's Fire, Police, Public Utilities, Transportation, and Building Services Departments and Divisions had no objections. New development or redevelopment proposals will be required to comply with applicable City codes.
G. The petition was heard by the East Central Community Council on May 18, 2005, and the Liberty Park Community Council on June 22, 2005.
    1. Members of the East Central Community Council expressed concerns over commercial encroachment. Others expressed support because the current use of these lots is not residential. No formal vote was taken. The Chair of the ECCC stated that because of where the land falls, they decided to defer the decisions to East Liberty Park Community Council.
    2. Members of the Liberty Park Community Council voted on each property individually as follows:
        i. 916 South 900 East – not enough information
        ii. 909 South 900 East – not enough information
        iii. 932 East 900 South – vote to deny petition; members believe the parking lot was installed illegally. (note: City staff has subsequently found that the Board of Adjustment did in fact approve the change of use in 1975, case #6872)
        iv. 919 South Lincoln Street – majority vote in favor of petition; a majority of members approved of development plans for this parcel and thought that eliminating the deteriorating, vacant structure would deter people who had begun to use the structure for illegal activity, as well as encourage people to keep vehicle traffic out of the alley. Those who did oppose the petition cited concerns of commercial encroachment.
H. On August 10, 2005, the Planning Commission voted to transmit a favorable recommendation to the City Council to approve the proposed amendments. Commissioners agreed with Planning staff's finding that this proposal did not qualify as true "commercial encroachment" due to the fact that all of the properties have been used for non-residential purposes for a lengthy period of time, and that the proposal complies with the goals of all relevant master plans. Items discussed included:
    1. Regarding the 919 South Lincoln Street property - A resident of the neighborhood for 25+ years indicated concern that a viable home will be torn down instead of remodeled. Additionally, this resident voiced concern that once the landscaping is in place there is no City code to force the property owner to property maintain his landscaping.
    2. Regarding the 919 South Lincoln Street property – The Vice Chair of the East Central Community Council stated that Dr. Ack has been a good neighbor and indulgent with their requests, and is personally in favor of the rezoning request.
    3. Dr. Ack, owner of the property at 919 South Lincoln Street, spoke to the serious decay of the buildings that occurred before he purchased them. He stated a desire to aesthetically improve the community.
    4. Other items discussed included buffer zones, over-hangs, and landscaping.
    5. Based on the Planning staff's findings, the Planning Commission voted 4-2 to transmit a favorable recommendation on all four items.

i. Commissioner Muir voted against the motion due to his opposition of item #4. He stated that he could not support demolishing a home.

I. The Administration's transmittal includes the following letters from members of the community on the subject:
   1. Letter from Ivan & Angela Ramirez (929 South Lincoln Street – abutting residential property) write to support the property owner's proposed plan for the 919 South Lincoln Street property. They feel that the design of the commercial building integrates very well with the homes in the area, and he appreciates the added expense that the developer incurs to do this. They see this investment by the property owner as a welcome addition to the City's investment in the 9th and 9th area.
   2. Letter from Susan VanRoosendaal (long time resident of the area) notes that she is in favor of the plan for the 919 South Lincoln Street property. She sees that the existing buildings are eye sores and that the neighborhood is lucky to have someone interested in making improvements.
   3. Letter from Shirley Aldous (long time area resident) notes that she is in favor of the plan for the 919 South Lincoln Street property and thinks that all of the objections to this plan have been addressed by the property owners working with residents. She notes that the City's first concern should be to get sufficient off-street parking so businesses can thrive.

MATTERS AT ISSUE:

A. The Council may wish to discuss with the Administration if the requirements of the Mitigation of Residential Housing Loss from Rezoning section of the City Code (Salt Lake City Code Chapter 18.97) is applicable in the case of the property at 919 Lincoln Street.
   a. The minutes for the East Liberty Park Community Organization meeting (June 28, 2005) state that the Planning Department will not recommend payment of a housing mitigation fee as the house on the property was not in use as a residence.

MASTER PLAN AND POLICY CONSIDERATIONS:

A. The East Central Community Small Area Master Plan (1993) specifically refers to the unique character of the 9th and 9th area. This plan indicates properties 1, 2, and 3, and most of property 4, as off-street parking to serve the 9th and 9th commercial area, and includes them in the "core district" classification rather than the "residential district." The goals of the plan are outlined as follows:
   b. Maintain and preserve residential neighborhood integrity and a sense of security and safety within the neighborhood.
   c. Maintain and preserve a viable commercial business district within the neighborhood.
   d. Establish a business neighborhood identity that has as its focus the commercial business district and which is supportive and reflective of the aesthetic interests of the neighborhood.
   e. Resolve conflicts between residential and other land uses, and between various transportation, parking, and service requirements.

B. Relevant policies found in the Central Community Development Plan (1974) include:
   a. Reversing the trend of families leaving for the suburbs, to avoid a decrease in population.

b. Containing the industrial and commercial areas by restricting strip commercial and creating small neighborhood centers.

C. The draft Central Community Master Plan (yet to be adopted) focuses on appropriately locating a variety of uses in the Central Community to provide for a range of commercial uses that intermingle successfully with surrounding uses. The draft Plan encourages support of new and existing commercial nodes, while emphasizing the importance of preventing the encroachment of commercial development into residential neighborhoods. Also noted is the importance of minimizing parking impacts on surrounding residential neighborhoods by providing adequate parking for commercial uses, so customers are not parking along residential streets.

D. Existing Council policy supports using zoning to maintain the residential population base within the City and to encourage population expansion. The Council policy notes that residential uses should have residential zoning classifications.

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

CHRONOLOGY:

Please refer to the Administration's transmittal for a complete chronology of events relating to the proposed zoning map fine tuning.

- April 27, 2005 — Planning Commission initiated the request
- August 10, 2005 — Planning Commission hearing
- August 25, 2005 — Ordinance requested from the City Attorney's Office.
- August 26, 2005 — Ordinance received from City Attorney's Office.

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

File Location: Community Development Dept., Planning Division, Rezoning 909, 916, 919 and 932 South 900 East,

A. LOUIS ZUNGUZE
DIRECTOR
BRENT B. WILDE
DEPUTY DIRECTOR

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

ROSS C. "ROCKY" ANDERSON
MAYOR

COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer **DATE:** September 9, 2005

FROM: Louis Zunguze, Community Development Director

RE: **Petition No. 400-05-10**. Fine Tuning Mapping Amendments for Properties near 900 South and 900 East.

STAFF CONTACT: Sarah Carroll, Planning Division, 535-6260 or sarah.carroll@slcgov.com

RECOMMENDATION: That the City Council hold a briefing and schedule a public hearing regarding Petition 400-05-10

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: Petition 400-05-10 was initiated by the Planning Commission and requests a rezoning of four properties that were zoned incorrectly during the 1995 Zoning Rewrite Process. The properties are zoned Residential (R-1/5000) or split-zoned Residential and Commercial (R-1/5000 and CB). The petition requests a zone change for these four properties to Commercial (CB) zoning only. The recommended CB zoning is based on current and historical uses of the property, as noted below:

1. **916 South 900 East** – Parking for Cahoots and Orion Music: The County records indicate that the lot was paved in 1967. This parcel has been a parking lot for 38 years.

2. **909 South 900 East** – Parking for various community commercial businesses including Starbucks, Great Clips, and others: Neither City nor County records indicate exactly when this lot was paved, but the 1980 aerial maps suggest that the lot was paved at that time. This parcel has been a parking lot for at least 25 years.

3. **932 East 900 South** – Parking and storage building for Mutual Beauty Supply: The parking and storage garage were approved by the Board of Adjustment in 1975 and as a result have been used as such for 30 years.

4. **919 South Lincoln Street** – The rear yard parking at this location was approved by the Board of Adjustment in 1966: The structure was used by the Bethel Baptist Church as classrooms and a recreation hall at that time. The rear yard parking has been in place for 39 years, and the now vacant structure has been used for non-residential purposes for approximately 49 years.

Analysis: The purpose of this petition is to rezone four properties so that their zoning becomes consistent with the actual use of each property, and amend the Central Community Master Plan accordingly. These four properties were recognized as commercial uses by either the Central Community Small Area Master Plan (1993) and/or the 1995 rewrite project pencil drawings and were intended to be zoned commercial. The error may have occurred during the creation of the 1995 zoning map.

Amendments to the Zoning Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance. As detailed in Section 21A.50.050: "A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard." Section 21A.50.050 A-E, however, identifies five factors to be considered:

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

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

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

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

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, stormwater drainage systems, water supplies, and wastewater and refuse collection. (Ord. 26-95 § 2(25-4), 1995)

Based on these five factors, Staff analyzed master plan considerations, existing and potential future development in the immediate vicinity, impacts to adjacent properties, applicable overlay zones, and the adequacy of existing services and facilities. As a result of this analysis, the Planning Commission recommended the property be rezoned.

Section 21A.02.040 of the Salt Lake City Zoning Ordinance states that amendments to the zoning map should be consistent with the purposes, goals, objectives, and policies of the applicable adopted Master Plan of Salt Lake City. The East Central Community Small Area Master Plan (1993) and the Draft Central Community Master Plan focus on developing

commercial and residential uses in a compatible way while avoiding commercial encroachment into residential districts. The Planning Commission does not view this recommended zoning as a commercial encroachment since all of the properties have been used for non-residential purposes for 25 to 49 years.

The petition was reviewed by City Departments, and they do not have any objections to the proposed rezone.

Public Process: Records confirm that initial use changes to the properties at 932 East 900 South and 919 South Lincoln Street were approved by the respective Boards of Adjustment, but no evidence of approvals was found in regards to the other two properties. This petition was heard by the East Central Community Council Executive Board on May 18, 2005, and by the East Liberty Park Community Council on June 22, 2005.

At the East Central Executive Board meeting the members discussed the proposal and expressed support and/or concern in equal measure. Concern was expressed by some members regarding commercial encroachment while others expressed support since these are already parking lots and used for non-residential purposes. The East Liberty Park Community Council voted on each property individually and determined they did not have enough information to decide on the issue for the properties at 916 and 909 South 900 East. They voted against rezoning the property at 932 East 900 South because they considered the parking lot to have been installed illegally. They voted in favor of rezoning the property at 919 South Lincoln Street because there was general approval for the development plans at that location; those who did oppose the plans cited concerns about commercial encroachment.

The Planning Commission heard this petition on August 10, 2005, and passed a motion to transmit a favorable recommendation to the City Council to approve the proposed zoning map amendments and to amend the Central Community Master Plan to identify these properties as Community Commercial land use.

Master Plan Amendment: Utah State Code 10-9a-204 and -205 regulate the requirements for noticing a general plan amendment and land use ordinance amendment. The noticing requirements stated below have been met for this proposal.

> Utah Code 10-9a-205: **Notice of public hearings and public meetings on adoption or modification of land use ordinance.**
>
> 1) Each municipality shall give:
> a) notice of the date, time, and place of the first public hearing to consider the adoption or any modification of a land use ordinance; and
> b) notice of each public meeting on the subject
> 2) Each notice of a public hearing under Subsection (1)(a) shall be:
> a) mailed to each affected entity at least ten calendar days before the public hearing;
> b) posted:
> i) in at least three public locations within the municipality; or
> ii) on the municipality's official website; and

c) i) published in a newspaper of general circulation in the area at least ten calendar days
before the public hearing; or
ii) mailed at least three days before the public hearing to:
(A) each property owner whose land is directly affected by the land use ordinance change; and
(B) each adjacent property owner within the parameters specified by municipal ordinance.

3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the meeting and shall be posted:
a) in at least three public locations within the municipality; or
b) on the municipality's official website.

Relevant Ordinances:

City Code Section 21A.50.050	Standards for General Amendments
Utah State Code Section 10-9a-204, -205	Noticing Requirements
Utah State Code Section 10-9a-404	General Plan Amendment
Utah State Code Section 10-9a-503	Zoning Map Amendments

Contents

PROJECT CHRONOLOGY

April 27, 2005	The Planning Commission initiated the request.
May 2, 2005	The Planning Division received the petition request.
May 16, 2005	Requested appropriate City Departments review and comment on the proposed amendments; routed to Transportation, Engineering, the Fire Department, Public Utilities, Police, and Building and Licensing Services.
May 18, 2005	Petition request presented to the East Central Community Council Executive Board.
June 22, 2005	Petition request presented to the East Liberty Park Community Council.
July 26, 2005	Planning Commission public hearing notice mailed.
July 27, 2005	Legal notices published in the Salt Lake Tribune and the Deseret News.
July 29, 2005	Posted properties with a notice of the upcoming meeting.
August 10, 2005	Planning Commission public hearing held. A motion for a positive recommendation was passed.
August 25, 2005	Ordinance request sent to City Attorney.
August 24, 2005	Planning Commission ratified minutes of August 10, 2005 meeting.
August 26, 2005	Received ordinance from the City attorney.

SALT LAKE CITY ORDINANCE
No. _____ of 2005
(Rezoning four properties near 900 South and 900 East and Amending the East Central Community Small Area Master Plan and Central Community Development Plan)

AN ORDINANCE REZONING FOUR PROPERTIES FROM RESIDENTIAL TO COMMERCIAL, AND AMENDING THE EAST CENTRAL COMMUNITY SMALL AREA MASTER PLAN AND CENTRAL COMMUNITY DEVELOPMENT PLAN, PURSUANT TO PETITION NO. 400-05-10:

- 916 SOUTH 900 EAST, FROM RESIDENTIAL (R-1/5000) TO COMMERCIAL (CB); AND
- 909 SOUTH 900 EAST, FROM RESIDENTIAL (R-1/5000) AND COMMERCIAL (CB) TO COMMERCIAL (CB); AND
- 932 EAST 900 SOUTH, FROM RESIDENTIAL (R-1/5000) TO COMMERCIAL (CB); AND
- 919 SOUTH LINCOLN STREET (952 EAST 900 SOUTH), FROM RESIDENTIAL (R-1/5000) AND COMMERCIAL (CB) TO COMMERCIAL (CB).

WHEREAS, the Planning Commission and the City Council of Salt Lake City, Utah, have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, 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 properties listed above is appropriate for the development of the community in that area.

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

SECTION 1. Rezoning of Properties. The property located at 916 South 900 East, which is more particularly described on Exhibit "A" attached hereto, shall be and hereby is rezoned

from residential (R-1/5000) to commercial (CB). The property located at 909 South 900 East, which is more particularly described on Exhibit "B" attached hereto, shall be and hereby is rezoned from residential (R-1/5000) and commercial (CB) to commercial (CB). The property located at 932 East 900 South, which is more particularly described on Exhibit "C" attached hereto, shall be and hereby is rezoned from residential (R-1/5000) to commercial (CB). The property located at 919 South Lincoln (952 East 900 South), which is more particularly described on Exhibit "D" attached hereto, shall be and hereby is rezoned from residential (R-1/5000) and commercial (CB) to commercial (CB).

SECTION 2. Amendment to 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 East Central Community Small Area Master Plan and Central Community Development Plan, as previously approved by the Salt Lake City Council, shall be and hereby are amended consistent with rezoning set forth above.

SECTION 4. Effective Date. This ordinance shall become effective on the date of its first publication.

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

_____
CHAIRPERSON

ATTEST:

_____
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____Approved. _____Vetoed.

_____
MAYOR

_____
CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date September 20, 2005
By Melanie Reif

(SEAL)

Bill No. _____ of 2005.
Published: _____.

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Exhibit "A"

Address: 916 South 900 East

Parcel Number: 16-08-181-020

Legal Description: Lot 4, Stevens Subdivision less tract deeded to Salt Lake City.

Exhibit "B"

Address: 909 South 900 East

Parcel Number: 16-08-182-002

Legal Description: Lots 19 & 20 of Block 3, Belmont Subdivision.

Exhibit "C"

Address: 932 East 900 South

Parcel Number: 16-08-182-017

Legal Description: South ½ of Lot 26 and all of Lot 27, Block 3, Belmont Subdivision.

Exhibit "D"

Address: 919 South Lincoln Street (952 East 900 South)

Parcel Number: 16-08-183-001

Legal Description: Lots 16, 17, 18 & 19 & the West 117 feet of Lots 20 & 21, Block 4, Belmont Subdivision

Planning SC 9/7/05

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is currently reviewing Petition No. 400-05-10 initiated by the Planning Commission, requesting zoning map and master plan amendments to correct the zoning of the properties located at approximately 916 South 900 East, 909 South 900 East, 932 East 900 South and 919 South Lincoln Street from R-1/5000 Single Family Residential to CB Community Business. The subject parcels contain parking lots and a former residential structure and have been used for non-residential purposes for at least 25 years. This petition was initiated because the planning staff determined that these parcels were incorrectly zoned in the 1995 Zoning Rewrite Process.

As part of the master plan and zoning amendment process the City Council is holding an advertised public hearing to receive comments regarding this petition request. 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: 7:00 p.m.

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

If you have any questions relating to this proposal, please attend the meeting or call Sarah Carroll at 535-6260 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

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

16081770150000
COLANGELO, DANIEL V
841 E 900 S
SALT LAKE CITY UT 84105

16081780070000
WOODMAN ASSOCIATES LC
859 E 900 S # 200
SALT LAKE CITY UT 84105

16081780080000
WOODMAN ASSOCIATES LC
859 E 900 S # 200
SALT LAKE CITY UT 84105

16081780100000
WOODMAN ASSOCIATES LC
859 E 900 S # 200
SALT LAKE CITY UT 84105

16081780110000
SMITH'S FOOD KING
3336 E 32ND ST STE 217
TULSA OK 74135

16081790130000
MONTGOMERY, ERNEST E &
859 S 900 E
SALT LAKE CITY UT 84102

16081810270000
KIDD, JESSICA G
952 S 900 E
SALT LAKE CITY UT 84105

16081810280000
GRIZZLY GULCH LC
1568 E LAIRD AVE
SALT LAKE CITY UT 84105

16081810290000
CASH, BRYANT T & COLLEEN R; JT
855 E BELMONT AVE
SALT LAKE CITY UT 84105

16081810300000
CASH, BRYANT T &
855 E BELMONT AVE
SALT LAKE CITY UT 84105

16081810310000
MERRILL, VIRGIL B & SARA JO
1079 E 200 S
SALT LAKE CITY UT 84102

16081820010000
SCHMIDT, REEDA M; TR ET AL
287 E 4600 S
MURRAY UT 84107

16081820020000
SCHMIDT, REEDA M; TR ET AL
287 E 4600 S
MURRAY UT 84107

16081820030000
BRIDGE, EDWARD K &
2538 S 600 E
SALT LAKE CITY UT 84106

16081820040000
SMITH, DAVID G &
921 S 900 E
SALT LAKE CITY UT 84105

16081820050000
CRISPIN, JAN E
927 S 900 E
SALT LAKE CITY UT 84105

16081820060000
GUDMUNDSEN, LANCE S
931 S 900 E
SALT LAKE CITY UT 84105

16081820070000
FOX, ALICE C, TR
937 S 900 E
SALT LAKE CITY UT 84105

16081820080000
RAST, CHARITY K
943 S 900 E
SALT LAKE CITY UT 84105

16081820090000
CLIFFORD, BRETT A &
949 S 900 E
SALT LAKE CITY UT 84105

16081820100000
BONACCI, MARY H.
951 S 900 E
SALT LAKE CITY UT 84105

16081820110000
WELSH, HARDEN G &
953 S 900 E
SALT LAKE CITY UT 84105

16081820120000
MALONE, FRED J. & ETHEL
957 S 900 E
SALT LAKE CITY UT 84105

16081820130000
STUDIO NINE, LLC
926 E 900 S
SALT LAKE CITY UT 84105

16081820140000
BARKER, TERRY A &
4441 W 5135 S
SALT LAKE CITY UT 84118

16081820150000
GARDEN GATE CANDY, LC
1929 E 3780 S
SALT LAKE CITY UT 84106

16081820160000
HANSON SECURITIES CORP.
13263 S 1162 E
DRAPER UT 84020

16081820170000
HANSON SECURITIES CORP.
13263 S 1162 E
DRAPER UT 84020

16081820180000
KINYON, RANDAL E
926 S LINCOLN ST
SALT LAKE CITY UT 84105

16081820190000
MANWILL, JIM S &
3160 S 1810 E
SALT LAKE CITY UT 84106

16081820200000
MANWILL, JIM S &
3160 S 1810 E
SALT LAKE CITY UT 84106

16081820210000
KALLBACKA, EDWARD A
944 S LINCOLN ST
SALT LAKE CITY UT 84105

16081820220000
PITCHER, CANDICE
948 S LINCOLN ST
SALT LAKE CITY UT 84105

16081820230000
NELSON, KLAUDIA K
952 S LINCOLN ST
SALT LAKE CITY UT 84105

16081820240000
PRZYBYLA, ANDREAS M; ET AL
958 S LINCOLN ST
SALT LAKE CITY UT 84105

16081840010000
O'GRADY, CLAUDIA &
977 S WINDSOR ST
SALT LAKE CITY UT 84105

16081570020000
HANSON, KEVIN D
909 S 800 E
SALT LAKE CITY UT 84105

16081570030000
WATTS, BART T &
915 S 800 E
SALT LAKE CITY UT 84105

16081790140000
BRADY, SUSAN L; TR
867 S 900 E
SALT LAKE CITY UT 84102

16081790150000
CORDOVA INVESTMENTS LLC
1055 E EMERSON AVE
SALT LAKE CITY UT 84105

16081790310000
HKM, LC; ET AL
925 E 900 S
SALT LAKE CITY UT 84105

16081790320000
AMAZING GRACE LC
PO BOX 3476
HAILEY ID 83333

16081790330000
DISTON, LUELLA H
1477 E HARVARD AVE
SALT LAKE CITY UT 84105

16081810010000
HOLT, STEPHEN M &
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CLASSIC PROPERTIES, LLC
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TAYLOR, CORDELL B &
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BENNETT, JOHN
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SALT LAKE CITY UT 84105

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JOHNSON, BAERBEL K
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MULLENAX, STEVEN M
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SHIRLEY, PETER S &
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RAMOZ, GINA
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MILLIKAN, DIANN
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ENDICOTT, SCOTT K
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SAMPINOS, SAM P; 50% INT
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TELEMARK PROPERTY MANAGEMEI
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BYCROFT, JOSEPH E &
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HILL, THOMAS & DEBORAH J;
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MADSEN, ERIC LEE &
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TULSA OK 74135

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MONTGOMERY, ERNEST E &
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ROWLAND-HALL-ST MARKS HOSPIT
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HKM, LC; ET AL
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AMAZING GRACE LC
PO BOX 3476
HAILEY ID 83333

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DISTON, LUELLA H
1477 E HARVARD AVE
SALT LAKE CITY UT 84105

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FIELDSTAD, DARRELL S &
951 E 900 S # 1
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SALT LAKE CITY UT 84105

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PRZYBYLA, ANDREAS M; ET AL
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JENKINS, PATSY P; TR
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NORMAN, KENNETH D &
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GIBSON, WILLIAM H JR &
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ULRICH, CARRIE L
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ULRICH, CARRIE L
1007 E BELMONT AVE
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CHANG, DOLLY T &
1003 E BELMONT AVE
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CHANG, DOLLY T &
1003 E BELMONT AVE
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RUEGNER, MONICA E; TR
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MONTGOMERY, ERNEST E &
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ROHNER, LARRY K
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ROHNER, RONALD H
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ROWLAND-HALL-ST MARKS HOSPIT
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AMAZING GRACE LC
PO BOX 3476
HAILEY ID 83333

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DISTON, LUELLA H
1477 E HARVARD AVE
SALT LAKE CITY UT 84105

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PIERCE, J FRANK &
862 S 1000 E
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FIELDSTAD, DARRELL S &
951 E 900 S # 1
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UPC HOLDINGS, LC
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ROWLAND HALL-ST MARK'S SCHOO
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SCHMIDT, REEDA M; TR ET AL
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MURRAY UT 84107

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SCHMIDT, REEDA M; TR ET AL
287 E 4600 S
MURRAY UT 84107

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BRIDGE, EDWARD K &
2538 S 600 E
SALT LAKE CITY UT 84106

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SMITH, DAVID G &
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JONES, BRIAN &
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PANPACIFIC PROPERTIES LLC;
853 S 900 E
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TURLAK, JOHN G &
970 E BELMONT AVE
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MAYHEW, DANIEL R &
974 E BELMONT AVE
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ROBINSON, EULALIA J &
982 E BELMONT AVE
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FAHYS, JUDITH A
988 E BELMONT AVE
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HALE, MERICA & COURTNEY; JT
851 S 1000 E
SALT LAKE CITY UT 84102

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WATERS, MOLLY E
863 S STATE ST
SALT LAKE CITY UT 84111

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UTAH MUSIC ACADEMY, INC.
1005 E 900 S
SALT LAKE CITY UT 84105

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UTAH MUSIC ACADEMY, INC
1005 E 900 S
SALT LAKE CITY UT 84105

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SANTIVASI, DAVID L
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SALT LAKE CITY UT 84105

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SALT LAKE CITY CORP
451 S STATE ST # 225
SALT LAKE CITY UT 84111

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JOHNSON, CLINT &
818 SW THIRD AVE #319
PORTLAND OR 97204

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CARPENTER, GLEN A
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SALT LAKE CITY UT 84105

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HELIER, SUSAN; TR
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PHILLIPS, SHERYL J
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MARLEY, LISA D
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SALT LAKE CITY UT 84105

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HIND, SPENCER J & JUDY R;
1085 W 9000 S
WEST JORDAN UT 84088

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BANKS, DAVID A
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SALT LAKE CITY UT 84105

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FERRON, HAYDEE A
1012 E 900 S
SALT LAKE CITY UT 84105

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DAVIS, HELEN B; ET AL
PO BOX 8334
INCLINE VILLAGE NV 89452

16082540130000
KEENE, PAUL
1018 E 900 S
SALT LAKE CITY UT 84105

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DAVIS, HELEN B; ET AL
PO BOX 8334
INCLINE VILLAGE NV 89452

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SAKONJU, SHIGERU
926 S MCCLELLAND ST
SALT LAKE CITY UT 84105

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HERMANSEN, CAROL J.
928 S MCCLELLAND ST
SALT LAKE CITY UT 84105

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WEBER, MELISSA &
934 S MCCLELLAND ST
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ANDERSON, TERRY R &
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GILLIS, KIMBALL M &
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EKDAHL, NICHOLAS A &
947 S 1000 E
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1011 E BELMONT AVE
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RODRIGUEZ, GUADALUPE &
971 E BELMONT AVE
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DAILEY, RICHARD L; TR
3478 S CRESTWOOD DR
SALT LAKE CITY UT 84109

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KRESSER, MURIEL D W; TR
981 E BELMONT AVE
SALT LAKE CITY UT 84105

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HANSEN, TRICIA
985 E BELMONT AVE
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FERRIS, TERRY J
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HIGH, DARRYL W & LOUISE H
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JAGGI, STANLEY R &
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ENDICOTT, SCOTT K
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SAMPINOS, SAM P; 50% INT
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DANIGER, BRUCE T &
P O BOX 1442
PALM SPRINGS CA 92263

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D & S FAMILY ENTERPRISES,
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942 S 900 E
SALT LAKE CITY UT 84105

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ORULLIAN, TODD J &
PO BOX 95691
SOUTH JORDAN UT 84095

Dennis Guy-Sell
P.O. Box 520473
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Pam Pederson
1165 Windsor St.
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Sarah Carroll
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GUDMUNDSEN, LANCE S
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FOX, ALICE C, TR
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RAST, CHARITY K
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JENKINS, PATSY P; TR
964 E 900 S
SALT LAKE CITY UT 84105

16081830030000
RAMIREZ, IVAN D &
4037 RIVERMIST LN
LEHI UT 84043

16081830040000
NORMAN, KENNETH D &
931 S LINCOLN ST
SALT LAKE CITY UT 84105

16081830050000
BARR, HELEN R
937 S LINCOLN ST
SALT LAKE CITY UT 84105

16081830060000
TELEMARK PROPERTY MANAGEMEI
PO BOX 522057
SALT LAKE CITY UT 84152

16081830070000
GILLMOR, STEPHEN T III
949 S LINCOLN ST
SALT LAKE CITY UT 84105

16081830080000
BENTLEY, DANIEL C; TR
1045 E HOLLYWOOD AVE
SALT LAKE CITY UT 84105

16081830090000
ROSQUIST, JAKE
959 S LINCOLN ST
SALT LAKE CITY UT 84105

16081830100000
LAINE, MOHICAN &
969 E BELMONT AVE
SALT LAKE CITY UT 84105

16081810160000
TAYLOR, CORDELL B &
919 S WINDSOR ST
SALT LAKE CITY UT 84105

16081810070000
BENNETT, JOHN
923 S WINDSOR ST
SALT LAKE CITY UT 84105

16081810080000
WALLIS, KELLY T &
9190 N UPPER LANDO LN
PARK CITY UT 84098

[redacted]

16081810100000
JOHNSON, BAERBEL K
937 S WINDSOR ST
SALT LAKE CITY UT 84105

16081810110000
MULLENAX, STEVEN M
945 S WINDSOR ST
SALT LAKE CITY UT 84105

16081810170000
SAMPINOS, SAM P; 50% INT
PO BOX 65727
SALT LAKE CITY UT 84165

16081810180000
DANIGER, BRUCE T &
P O BOX 1442
PALM SPRINGS CA 92263

16081810190000
D & S FAMILY ENTERPRISES,
902 S 900 E
SALT LAKE CITY UT 84105

16081810200000
DANIGER, BRUCE T &
P O BOX 1442
PALM SPRINGS CA 92263

16081810210000
WALLMAN, ROBERT W &
920 S 900 E
SALT LAKE CITY UT 84105

16081810220000
SEAVEY, BONNIE
926 S 900 E
SALT LAKE CITY UT 84105

16081810240000
DEBOUZEK-DORNAN, MICHELE
940 S 900 E
SALT LAKE CITY UT 84105

16081810250000
LOFTHOUSE, KIMBERLEE
942 S 900 E
SALT LAKE CITY UT 84105

16081810260000
ORULLIAN, TODD J &
PO BOX 95691
SOUTH JORDAN UT 84095

16081810270000
KIDD, JESSICA G
952 S 900 E
SALT LAKE CITY UT 84105

16081810280000
GRIZZLY GULCH LC
1568 E LAIRD AVE
SALT LAKE CITY UT 84105

16081810310000
MERRILL, VIRGIL B & SARA JO
1079 E 200 S
SALT LAKE CITY UT 84102

16081820010000
SCHMIDT, REEDA M; TR ET AL
287 E 4600 S
MURRAY UT 84107

16081820020000
SCHMIDT, REEDA M; TR ET AL
287 E 4600 S
MURRAY UT 84107

16081820030000
BRIDGE, EDWARD K &
2538 S 600 E
SALT LAKE CITY UT 84106

16081820040000
SMITH, DAVID G &
921 S 900 E
SALT LAKE CITY UT 84105

16081820050000
CRISPIN, JAN E
927 S 900 E
SALT LAKE CITY UT 84105

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GUDMUNDSEN, LANCE S
931 S 900 E
SALT LAKE CITY UT 84105

16081820070000
FOX, ALICE C, TR
937 S 900 E
SALT LAKE CITY UT 84105

16081820080000
RAST, CHARITY K
943 S 900 E
SALT LAKE CITY UT 84105

16081820090000
CLIFFORD, BRETT A &
949 S 900 E
SALT LAKE CITY UT 84105

16081820100000
BONACCI, MARY H.
951 S 900 E
SALT LAKE CITY UT 84105

[redacted]
SLC PLANNING DIVISION
451 SO. STATE STREET
ROOM 406
SALT LAKE CITY, UT 84111
Sarah Carroll

16081840020000
COOK, ANNELIESE
44 W BROADWAY ST # 1107
SALT LAKE CITY UT 84101

16081840030000
ROCK, CORTNEY A
870 E BELMONT AVE
SALT LAKE CITY UT 84105

16081840040000
CHRISTENSEN, RONALD A
980 S 900 E
SALT LAKE CITY UT 84105

16081850010000
SASICH, MICHAEL J
977 S 900 E
SALT LAKE CITY UT 84105

16081570040000
CHRISTIANSEN, NEIL, CHARISSE &
901 E 7800 S
MIDVALE UT 84047

16081570050000
MALOOF, PAULA L &
925 S 800 E
SALT LAKE CITY UT 84105

16081570060000
SALT LAKE COUNTY
2001 S STATE ST # N4500
SALT LAKE CITY UT 84190

16081570070000
BARNITZ, CRAIG R
929 S 800 E
SALT LAKE CITY UT 84105

16081570100000
MCCARTY, SUSAN C; TR
941 S 800 E
SALT LAKE CITY UT 84105

16081570140000
FOGG, WILLIAM R
822 E 900 S
SALT LAKE CITY UT 84105

16081570150000
VENIZELOS, GEORGE A
470 E 900 S
SALT LAKE CITY UT 84111

16081570160000
VENIZELOS, GEORGE A
470 E 900 S
SALT LAKE CITY UT 84111

16081570170000
HANKINS, RANDALL M
830 E 900 S
SALT LAKE CITY UT 84105

16081570180000
JACOBY, JAMES E & SUZANNE S;
3500 RIVERWOOD RD
ALEXANDRIA VA 22309

16081570190000
HARDING, MICHAEL R &
3869 S MANHATTEN DR
WEST VALLEY UT 84120

16081570200000
VIGIL, RONALD L
928 S WINDSOR ST
SALT LAKE CITY UT 84105

16081570210000
DEFREESE, AMY S
932 S WINDSOR ST
SALT LAKE CITY UT 84105

16081570220000
MANUM, SEAN A
938 S WINDSOR ST
SALT LAKE CITY UT 84105

16081570230000
MANUM, SEAN A
938 S WINDSOR ST
SALT LAKE CITY UT 84105

16081570240000
ELDREDGE, HAROLD D & ANNA S;
946 S WINDSOR ST
SALT LAKE CITY UT 84105

16081570250000
MIKOLASH, GREGORY H
952 S WINDSOR ST
SALT LAKE CITY UT 84105

16081570260000
LOWE, JANET M
958 S WINDSOR ST
SALT LAKE CITY UT 84105

16081570270000
CORNELL, JON M & SHANEY S;
962 S WINDSOR ST
SALT LAKE CITY UT 84105

16081570290000
LANEY, WILLIAM K & REBECCA H;
1356 E EMERSON AVE
SALT LAKE CITY UT 84105

16081570300000
PACE, DAVE G & CHERYL C;
933 S 800 E
SALT LAKE CITY UT 84105

16081770090000
SMITHS FOOD & DRUG CENTERS
1550 S REDWOOD RD
SALT LAKE CITY UT 84104

16081770110000
CHATTERTON, KAYE C
821 E 900 S
SALT LAKE CITY UT 84105

16081770120000
MARTIN, TERRY L
825 E 900 S
SALT LAKE CITY UT 84105

16081770130000
WU,JIAMNING &
3540 GREER RD
PALO ALTO CA 94303

16081770140000
STOKER, MARGARET L
839 E 900 S
SALT LAKE CITY UT 84105

16081830110000
BYCROFT, JOSEPH E &
8364 TOP OF THE WORLD DR
COTTONWOOD HTS UT 84121

16081830120000
HAMSHER, SANDRA L &
984 E 900 S
SALT LAKE CITY UT 84105

16081830130000
JENKINS, PATSY P; TR
3094 S 1935 E
SALT LAKE CITY UT 84106

16081830140000
GIBSON, WILLIAM H JR &
150 E FIRST AVE # 609
SALT LAKE CITY UT 84103

16081830150000
BRERETON, EILEEN R &
916 S 1000 E
SALT LAKE CITY UT 84105

16081830160000
SMIT, PETER J & MARIA A
922 S 1000 E
SALT LAKE CITY UT 84105

16081830170000
HILL, THOMAS & DEBORAH J;
924 S 1000 E
SALT LAKE CITY UT 84105

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GRAY, TOM R &
932 S 1000 E
SALT LAKE CITY UT 84105

16081830190000
MADSEN, ERIC LEE &
936 S 1000 E
SALT LAKE CITY UT 84105

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RHODES, PIPER J
938 S 1000 E
SALT LAKE CITY UT 84105

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NIESEN, EVA J
940 S 1000 E
SALT LAKE CITY UT 84105

16081830220000
GRUNDVIG, G SCOTT &
952 S 1000 E
SALT LAKE CITY UT 84105

16081830230000
RODRIGUEZ, GUADALUPE &
971 E BELMONT AVE
SALT LAKE CITY UT 84105

16081830240000
DAILEY, RICHARD L; TR
3478 S CRESTWOOD DR
SALT LAKE CITY UT 84109

16081830250000
KRESSER, MURIEL D W; TR
981 E BELMONT AVE
SALT LAKE CITY UT 84105

16081830260000
HANSEN, TRICIA
985 E BELMONT AVE
SALT LAKE CITY UT 84105

16081850050000
HIGH, DARRYL W & LOUISE H
980 S LINCOLN ST
SALT LAKE CITY UT 84105

16081860010000
JAGGI, STANLEY R &
977 S LINCOLN ST
SALT LAKE CITY UT 84105

16081860020000
FOREST CREEK PROPERTIES, LLC
8560 S SUGAR LOAF LN
SANDY UT 84093

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NOTE: The field trip is scheduled to leave at 4:00 P.M.

AGENDA FOR THE SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, August 10, 2005, at 5:45 P.M.

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

1. APPROVAL OF MINUTES from Wednesday, July 13, 2005

2. REPORT OF THE CHAIR AND VICE CHAIR

3. REPORT OF THE DIRECTOR

4. PUBLIC NOTICE AGENDA – NONE

5. PUBLIC HEARINGS

a. **Petition No. 400-05-10**, a request by the Salt Lake City Planning Commission for zoning map and master plan amendments to correct the zoning designation of four properties in the 9th and 9th area. The petition includes the following addresses: approximately **916 South 900 East, 909 South 900 East, 932 East 900 South,** and **919 South Lincoln Street**. The properties are zoned R-1/5000, Single Family Residential, or R-1/5000 and CB, Community Business. The purpose of the petition is to correct zoning map errors resulting from the 1995 Zoning Rewrite by changing the zoning designations of the subject parcels to CB, only. *(Staff - Sarah Carroll at 535-6260 or sarah.carroll@slcgov.com).*

b. **Petition No. 410-754**, by Dr. Nancy C. Larsen requesting conditional use approval to utilize an existing retail building, located at approximately **1441 South 1100 East Street**, for the operation of a veterinary clinic that specializes in feline health. The property is zoned RB Residential Business. Veterinary Clinics may be allowed as a conditional use in this zone. *(Staff - Marilynn Lewis at 535-6409 or marilynn.lewis@ci.slc.ut.us)*

c. **Petition No. 410-751**, by the Boyer Company for a planned development for a retail/office building located at approximately **40 North 500 West** (between 500 West and Rio Grande), and conditional use approval to modify building materials, setbacks, minimum height and modification to the 500 West residential requirement. *(Staff - Doug Dansie at 535-6182 or doug.dansie@ci.slc.ut.us)*

d. **Petition No. 400-05-21**, by the Boyer Company requesting approval to amend the Gateway Master Plans (Creating an Urban Neighborhood and the Gateway Specific Plan) regarding the **500 West right-of-way** and declare a portion of the land adjacent to the 500 West right-of-way, at approximately 175 South 500 West, surplus and sell to the applicant for development of retail / office uses. *(Staff - Doug Dansie at 535-6182 or doug.dansie@ci.slc.ut.us)*

e. **Petition No. 410-739**, by the Boyer Company for a planned development for a retail/office building located at approximately **200 South and 500 West** (Northeast corner -between 500 West and Rio Grande), and conditional use approval to modify building materials, setbacks, minimum height and modification to the 500 West residential requirement. *(Staff - Doug Dansie at 535-6182 or doug.dansie@ci.slc.ut.us*

f. **Petition 410-752**, by Rick J. Klein, for condition use approval to construct an 11-stall off-site parking facility accessory to permitted uses located behind approximately **809 and 817 South 1000 East**. The proposed site is located in the RMF-30 (Low Density Multifamily Residential) district. (Staff - Neil Olsen at 535-7932 or neil.olsen@slcgov.com*).*

6. UNFINISHED BUSINESS

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

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

NOTICE OF A HEARING

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

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

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

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

DATE: August 10, 2005

TO: Salt Lake City Planning Commission

FROM: Sarah Carroll
Associate Planner
Telephone: 535-6260
Email: sarah.carroll@slcgov.com

RE: Staff Report for the August 10, 2005 Planning Commission Meeting

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PETITION #:	**400-05-10** Fine Tuning Mapping Amendments for properties near 900 South and 900 East.
APPLICANT:	Salt Lake City Planning Commission
STATUS OF APPLICANT:	Salt Lake City Planning Commission
PROJECT LOCATIONS:	1. 916 South 900 East 2. 909 South 900 East 3. 932 East 900 South 4. 919 South Lincoln/(952 East 900 South)
PROJECT/PROPERTY SIZE:	1. 916 South 900 East 0.14 acres 2. 909 South 900 East 0.18 acres 3. 932 East 900 South 0.14 acres 4. 919 South Lincoln/(952 East 900 South) 0.59 acres
COUNCIL DISTRICT:	5 - Council member Jill Remington Love
REQUESTED ACTION:	Amend zoning map errors created during the 1995 Zoning Rewrite Project.
PROPOSED USE(S):	The existing zoning is inconsistent with the existing uses and some parcels are split zoned. The parcels are currently used primarily for commercial parking. 919 South Lincoln contains a former residential dwelling and a non-residential parking lot in the rear yard area.

APPLICABLE LAND USE REGULATIONS:

The East Central Community Small Area Master Plan (1993), recognizes items 1, 2, and 3 as commercial, and recognizes item 4 as institutional and residential. The 1995 Central Community Zoning Map supercedes the 1993 Small Area Plan and identifies the properties as commercial and residential.

ACCESS:

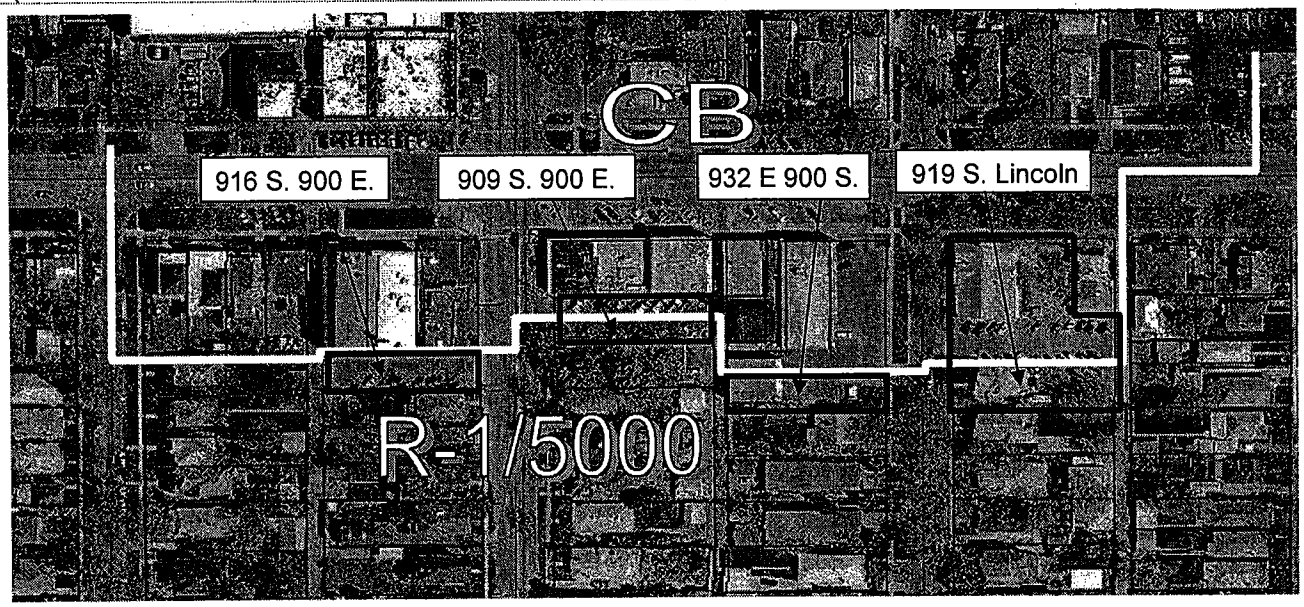
1. 916 South 900 East is accessed from 900 East.
2. 909 South 900 East is accessed from 900 East.
3. 932 East 900 South is accessed from Lincoln Street.
4. 919 South Lincoln/(952 East 900 South) is accessed from Lincoln Street.

PROJECT DISCRIPTION:

Zoning Amendments: The purpose of this project is to correctly zone four properties located in the 900 South and 900 East business district. There are different ways in which properties ended up with incorrect zoning; a parcel or parcels may not have been identified with the remainder of a property and therefore the zoning was split; a portion or an entire property was altogether excluded from the appropriate zone; or a portion or an entire property was improperly introduced into a completely new or inappropriate zone.

ZONING MAP AMENDMENT PROPOSAL:

	Address	Sidwell #	Current Zone	Rezone to	Current Use
1	916 South 900 East	16-08-181-020	R-1/5000	CB	Parking area for Cahoots, etc.
2	909 South 900 East	16-08-182-002	CB & R-1/5000	CB	Parking area for Starbucks, etc.
3	932 East 900 South	16-08-182-017	R-1/5000	CB	Business parking lot and storage bldg.
4	919 South Lincoln/ (952 East 900 South)	16-08-183-001	CB & R-1/5000	CB	Business parking lot and former residential structure



Item 1: 916 South 900 East is a parking lot that serves Cahoots and Orion Music and is currently zoned R-1/5000, Single Family Residential. The proposed zoning change from R-1/5000 to CB, Community Business, is consistent with the actual use of the property, and will allow the zoning of the parking lot to be consistent with the commercial uses it serves.

Item 2: 909 South 900 East is a parking lot that serves Starbucks and other commercial businesses and is currently split zoned R-1/5000, Single Family Residential and CB, Community Business. The proposal is to remove the split zoning and rezone the property to CB only. The zoning change is consistent with the actual use of the property, and will allow the zoning of the parking lot to be consistent with the commercial uses it serves.

Item 3: 932 East 900 South supports a parking lot and a storage garage that serves the adjacent commercial business and is currently zoned R-1/5000, Single Family Residential. The proposed zoning change from R-1/5000 to CB, Community Business, is consistent with the actual use of the property. Currently the parking lot and storage garage are divided by a lot line, with half of the garage and parking in the R-1/5000 zone and the other half in the CB zone. The garage and parking lot were approved by the Board of Adjustment on March 24, 1975, Case #6872. (Exhibit 7)

Item 4: The parcel at 919 South Lincoln Street and 952 East 900 South, sidwell # 16-08-183-001, is split zoned CB, Community Business and R-1/5000, Single Family Residential. The lot was combined into one parcel more than 30 years ago. This proposal is to rezone the residentially zoned portion of the lot (919 South Lincoln) to CB. The structure at 919 South Lincoln has been used for non-residential purposes since approximately 1956 and has been used by Salt Lake Community Action Program (CAP) as an adult education center and administrative center since 1990. The split zoning has been determined to be an error that occurred in the 1995 Zoning Map Rewrite.

MASTER PLAN SPECIFICATIONS:

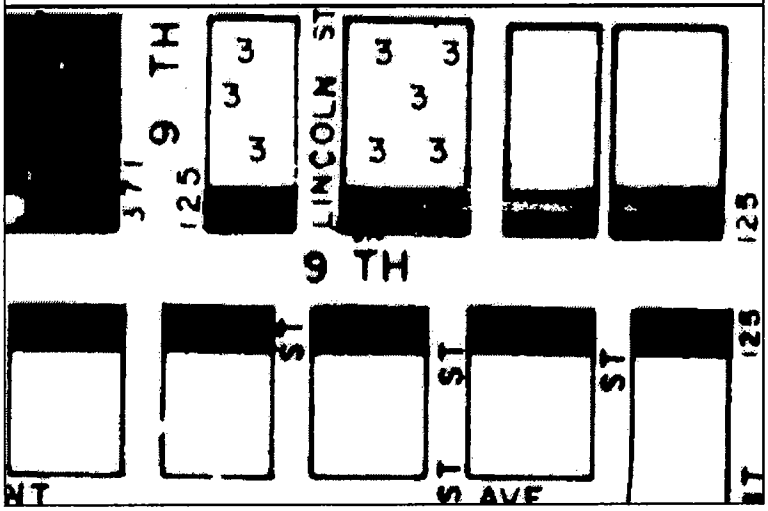
The East Central Community Small Area Master Plan, adopted in 1993 refers specifically to the 9th and 9th area, and is a valuable tool in determining the goals for this area, as discussed later in this report. The zoning map was updated in 1995 and according to Ordinance 26 of 1995, the zoning map supercedes any previous policies on future land use and acts as the current Future Land Use Map. The Zoning Map, which is also the Future Land Use Map, identifies property 1, part of property 2, property 3 and part of property 4 as residential. This proposal is to rezone all of these properties to commercial only. If the zoning is changed a Master Plan Amendment must also be adopted to ensure consistency.

HISTORY OF SUBJECT PROPERTIES:

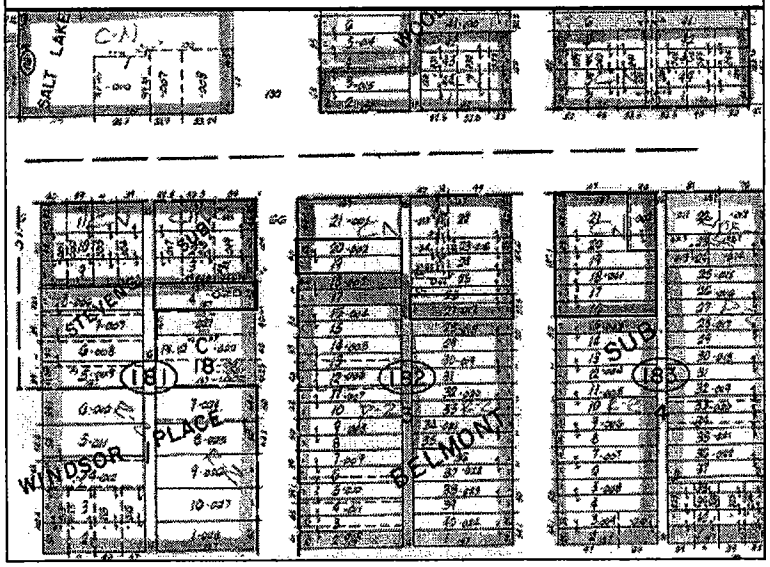
During the 1995 Zoning Rewrite Process several properties/parcels, or portions thereof, were erroneously included or excluded with the rezoning of various public and private properties. The 1995 rewrite focused on correctly zoning properties and avoiding split-zoning. In analyzing the draft zoning maps of the 1995 rewrite project, staff has found that the intent was to zone items 2, 3 and 4 as commercial properties. In analyzing the

1993 Small Area Plan, properties 1, 2, and 3 and most of property 4 are acknowledged as off-street parking found in the 9th and 9th area. The Small Area Master Plan includes items 1, 2 and 3 in the Core District rather than the residential district. The 1995 pencil drawings and the 1993 Small Area Plan display that the future for these properties was intended to be a commercial designation. It appears that in 1995 errors were possibly made when the pencil drawings were transposed to the computer and perhaps when the existing land uses were analyzed.

1994 Zoning Map



1995 Pencil Drawing



Map History: The 1994 zoning map and ordinance designated commercial zoning along 900 South. The first 125 feet of each property was zoned commercial and if the property was deeper than 155 feet the property became split-zoned. During the 1995 zoning rewrite project, properties were evaluated for their proper zone, however split-zoning and zoning designation errors were made in this process. When reviewing the 1993 Small Area Plan and the pencil drawings that were used in processing the 1995 zoning rewrite, staff found that these properties were actually intended to be designated as commercial and that an error occurred at some point in the process (Larger pencil drawing in color, Exhibit 2). The history noted below identifies approximately how long each property has been used commercially.

1. **916 South 900 East:** The County Assessor's website states that the lot was paved in 1967 and is used commercially. The rezone request for this property does not include any specific development proposal.

2. **909 South 900 East:** The County Assessor's website states that the lot is used commercially but does not state the year the lot was paved. The aerial sidwell's taken in 1980 document that the lot was paved and used as parking at that time. The rezone request for this property does not include any specific development proposal.

3. **932 East 900 South**: The garage and parking lot were approved by the Board of Adjustment on March 24, 1975, Case #6872 (Exhibit 7). The County Assessor's website states that the property is used commercially. The rezone request for this property does not include any specific development proposal.

4. **919 South Lincoln:** The Polk Directories give a general idea of how the structure has been used since its construction in 1907.

1907	The dwelling was constructed.
1927-1955	The Polk Directories list two names and two addresses which indicate that the structure was used as a duplex during those years.
1956-1971	Beginning in 1956 the Bethel Baptist Church used this structure for classrooms and a recreation hall and also housed a tenant.
1972-1977	Only one tenant is listed in the Polk Directories. The Church is not listed during these years, which leads one to believe that the Church may have stopped using the structure as a recreation hall. However, at least one of the tenants listed may have been a Reverend for the church, which indicates that the church was still using the structure. The rear yard was paved in 1966, with Board of Adjustment approval, Case #5099, to be used for additional parking for church activities. (Exhibit 6)
1978-1981	The Polk Directories list the structure as vacant.
1982-1989	The Polk Directories list one name and phone number. The structure may have been returned to a residential use during this time.
1990-2004	The structure has been used by Salt Lake Community Action Program (CAP) as an adult education center and administrative office since 1990.

The research obtained from the Polk Directories indicates that the structure at 919 South Lincoln has been used for purposes other than residential uses since approximately 1956. It is clearly documented that CAP has used the structure as an adult education center and for offices since 1990. The two properties were combined more that 30 years ago, under the ownership of the Bethel Baptist Church. A Special Exception was granted by the Board of Adjustment on April 26, 1965, Case #5099, which allowed a parking lot partially in a Residential District (Exhibit 6). The Bethel Baptist Church was allowed to pave the rear yard area of 919 South Lincoln to provide parking for church activities. In the minutes of that case it states that "the Pastor noted eventually they will tear down that house and use the land for an expanded parking area."

The current property owner has received required City approvals for the demolition of the old church and construction of a new veterinary clinic and parking lot on the commercially-zoned portion of the lot, 952 East 900 South. During the project review for

the new veterinary clinic it was determined that the approval for parking behind the residential structure will be void once new development occurs.

Due to the split zoning of this property, and the history of non-residential uses at 919 South Lincoln, different possibilities have been discussed:

1. Subdividing the property is not a viable solution. If the property owner divides the property along the split-zone line the owner will not be able to meet both frontage requirements for a residential zone and setback and parking requirements for a commercial zone. Therefore, the division of the property is not plausible.

2. Leaving the zoning as it is was discussed. If the zoning is left as it is, the property owner will move forward with the veterinary clinic on the commercially-zoned portion of the property, as approved, and the former residential structure will remain as it is. However, this will result in a residential structure that has a paved back yard, directly abuts a commercial parking lot with no buffers and cannot be sold separately. The uses for the structure are limited as it is not attractive to residential tenants due to: interior alterations, natural deterioration due to age and intense use, and a paved back yard.

   The applicant may still demolish the structure without the approval of a zone change. Under the City's demolition code, Chapter 18.64 the applicant could petition the Housing Advisory and Appeals Board (HAAB) to demolish the former residential structure and landscape the lot. HAAB could delay the demolition but cannot prevent it.

3. Amend the split-zoning so that the entire parcel becomes commercially zoned. This option provides the most appropriate alternative for this property. If the rezone is approved, the current property owner would like to demolish the former residential dwelling at 919 South Lincoln and revise the parking plan submitted to the permits office, incorporating this portion of the parcel into the parking lot for the new veterinary clinic. The presently approved parking plan provides angled parking spaces and one way traffic that must exit onto the alley. The revised parking plan provides the same number of parking stalls but allows for increased parking lot landscaping, a wider access and center parking lane, a landscaped buffer along the proposed zoning boundaries and two-way traffic so that customers do not exit onto the alley. The revised plan more readily complies with the goals of the Master Plan, as it will deter commercial traffic from the alley and will include increased landscaping. (Exhibit 8)

COMMENTS, ANALYSIS AND FINDINGS

COMMENTS

The proposed map amendments relate to four properties in the East Central Neighborhood. Comments from pertinent City departments and the affected Community

Councils have been summarized below and relate to all four sites in this proposal (Exhibits 3 and 4).

Public Utilities
Public Utilities reviewed the four sites, and had no objection to the rezoning petition.

Permits Office (Building Services and Licensing)
Building Services is in agreement with the proposed zone changes.

Transportation
From a transportation impact view, Transportation recommends approval of the rezoning because the CB zoning designation is a more complying designation of their existing use. Off-site parking is not permitted in the CB zone yet these parking lots are necessary to accommodate patrons of the businesses. In order to legalize the existing uses of these lots they would have to be combined through subdivision process to the other CB lots and the designated parking should be assigned to those businesses.

Engineering
No comments received.

Police
The Police Department found no concerns with the rezoning request.

Fire Department
The Fire Department has no objections to this rezoning request.

Community Council
Information relating to the rezone proposal was presented at the East Central Community Executive Board Meeting on May 18, 2005 and was heard by the East Liberty Park Community Council on June 22, 2005.

East Central Community Executive Board Meeting Summary: The rezone was presented to the Community Council members and Jim Ack presented his plans for the revised Pet Clinic parking lot. The members discussed the proposal and expressed support and/or concern. Concern was expressed by some members regarding commercial encroachment and the loss of housing stock in the residential district. Support was expressed by some members for the Pet Clinic parking lot proposal and some members stated that they would like to see the revised parking plan and additional landscaping at the Pet Clinic rather than the existing dwelling. Some members were concerned with commercial encroachment while others felt that since the parking lots exist, this was not considered encroachment. No written comments have been submitted by the East Central Community Council.

East Liberty Park Community Council Meeting Summary: As the proposal was discussed the members felt that each property should be considered separately and took a vote on each property respectively. The minutes from the final meeting and the final

determination regarding each property are attached (Exhibit 4).Regardin g items 1 and 2 the members felt that they did not have enough information to make a decision regarding these two properties. They wanted to make sure that the paved state of these properties had originally been approved through a legal process. The City has not found any information regarding the original approval or denial of these two parking lots. Regarding item 3, the members voted against the zone change because they thought that the original change of use was illegal. The City has found that the storage building and parking area were approved by the Board of Adjustment on March 24, 1975, Case #6872 (Exhibit 7). Regarding item 4, the members voted in favor of the zone change because they felt that the expanded area would present more pleasant landscaping at the Pet Clinic and would keep traffic off of the alley and would provide a means to deal quickly with a property that is beginning to attract people who are indulging in illegal activity.

GENERAL ANALYSIS AND FINDINGS

The Planning Commission must make a determination on whether or not they will transmit a favorable recommendation to the City Council to rezone the subject properties as requested (thereby creating a zoning map amendment) based on the Analysis and Findings as related to the standards for general amendments. The Zoning Ordinance, Chapter 21A.50.050, Standards for general amendments, states:

> A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the city council should consider the following factors:

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

Discussion: There are several sources to consider in reviewing the purposes, goals objectives, and policies for this area:

- The Central Community Development Plan, adopted in 1974.
- The East Central Community Small Area Master Plan, adopted in 1993.
- The 1995 Central Community Zoning Map.
- The Draft Central Community Development Plan, recommended by the Planning Commission in 2002.

Central Community Development Plan, adopted in 1974: The policies and proposals at that time focused on:

- Reversing the trend of families leaving for the suburbs, to avoid a decrease in population.
- Containing the industrial and commercial areas by restricting strip commercial and creating small neighborhood centers.

East Central Small Area Master Plan, adopted in 1993: This plan was developed specifically to focus on the commercial and residential areas surrounding the 9th and 9th commercial neighborhood. The Small Area Plan recognizes the importance and vitality of

both residential and commercial uses and focuses on enhancing the quality and stability of both in a complementary way. The Goals of the Small Area Plan were developed based on issues and concerns identified during the public process. The goals of the plan are identified as follows:

- Maintain and preserve residential neighborhood integrity and a sense of security and safety within the neighborhood.
- Maintain and preserve a viable commercial business district within the neighborhood.
- Establish a business neighborhood identity that has as its focus the commercial business district and which is supportive and reflective of aesthetic interests in the neighborhood.
- Resolve conflicts between residential and other land uses, and between various transportation, parking, and service requirements.

The consultant team commissioned to work on the Plan completed a land use analysis, a market evaluation, and a traffic and parking analysis and prepared a Land Use Plan for the 9th and 9th area. The existing land use analysis of the Small Area Master Plan identifies properties 1, 2 and 3 as commercial properties and identifies property 4 as Public/Semi-Public and residential. The Market Analysis indicates that the market will support additional commercial space, but emphasizes the communities' desire to retain residential uses. The Traffic Capacity and Parking Analysis of the Small Area Plan, recognizes that all four of the subject properties provide off-street parking in this area. The parking analysis states that the off-street and on-street parking is adequate for the amount of commercial and residential uses in the area. The Land Use Plan includes properties 1, 2, and 3 and most of 4 as part of the core commercial district at 9th and 9th. The Small Area Plan discusses competition for on-street parking among commercial and residential traffic and discourages the use of alleys for commercial traffic and encourages sufficient buffering and adequate parking for commercial uses. This plan states that the Core District boundaries, as shown in figure 4, are to be firmly fixed and that an expansion of this area shall require a master plan amendment.

1995 Central Community Zoning Map: In 1995 the City set out to update and revise the zoning maps. The 1995 Zoning Rewrite project updated all Master Plans; where the zoning and previous master plans were inconsistent, the 1995 zoning map took precedence (Ordinance 26 of 1995). Therefore, the current Central Community Zoning Map is the current Future Land Use Map for these properties. This petition is to correct errors made during the 1995 rezone process. The properties discussed in this proposal are split-zoned or zoned residentially, but all properties have been used for nonresidential purposes for 25-50 years. If the zoning is changed a master plan amendment must also be adopted to ensure consistency.

Draft Central Community Development Plan, recommended by the Planning Commission in 2002: The Commercial Land Use Policies noted in the draft plan focus on appropriately locating a variety of uses in the Central Community to provide for a range of commercial uses that successfully intermingle with surrounding residential uses. The Draft Master Plan encourages support of new and existing commercial nodes in low- to

medium-density residential areas and focuses on the importance of preventing the encroachment of commercial development into residential neighborhoods, so that low-density residential neighborhood patterns are not disrupted. Commercial centers are encouraged to minimize parking and traffic congestion impacts on surrounding residential neighborhoods by providing adequate parking so that customers are not parking along residential streets. The goals of the Draft Central Community Master Plan focus on compatible development, which is land uses and structures that are designed and located in a manner consistent with the development patterns, building masses and character of the area in which they are located.

Finding: Staff does not view this proposal as an encroachment of commercial development into residential neighborhoods due to the fact that all of the properties have been used for non-residential purposes for a lengthy period of time. Staff finds that the Small Area Plan (1993) and the pencil drawings used in the 1995 zoning rewrite project recognize these four properties as commercial uses and that the properties were erroneously zoned in the final process of the 1995 zoning rewrite. The rezone proposal complies with the goals of the Small Area Plan and the Draft Master Plan in that the parking lots and former residential structure will more readily comply with a commercial zoning district. Staff finds that the subject properties provide necessary off-street parking for the commercial center, thus minimizing congestion and on-street parking in the neighborhoods and complying with the Small Area Plan and the Draft Development Plan.

Staff finds that the rezone would help to bring existing businesses into conformance, in terms of parking, and will align with the goal of providing goods and services for abutting neighborhoods without creating a negative impact on residences. The parking lots allow traffic circulation that is consistent with the Master Plan Policies of preserving a viable commercial business district within neighborhoods without causing conflicts between residential and commercial land uses.

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

Discussion: Overall the character of the immediate vicinity will remain the same. The rezone will make the properties more harmonious with existing development. The proposed amendment will not affect the overall character of the existing development because the parking lots already exist and have been there for many years. The structure at 919 S. Lincoln has been used for non-residential purposes for at least 50 years and the existing rear yard parking has been in place for 40 years. The rezone of the properties and the revised parking plan for item 4 will enhance the fabric and character of the neighborhood with improved circulation, parking and buffering. The parcels abut commercial uses to the North and residential uses to the South. The proposed amendment will not affect the overall character of existing development in the vicinity because the general use of the property will not change.

Finding: Staff finds that the zoning amendment proposal is harmonious with the overall character of existing development in the immediate vicinity of the properties, and that the proposed amendment will match the current uses with the proper zoning designation. The parking lots and storage building related to items 1, 2, and 3 already exist, and the owner's revised parking plan for item 4 will improve the overall character of the area.

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

Discussion:

Item 1: There are three properties to the North zoned CB which contain commercial structures. The property to the South is zoned R-1/5000, and contains a single family residence. The property to the West is separated by an alley, is zoned R-1/5000 and contains a single family residence. The property to the East, across the street, is zoned R-1/5000 and supports a single family dwelling. The subject property is currently a parking lot and according to county tax records, is taxed as a commercial use. (Commercial uses are taxed at 100% of fair market value while residential uses are taxed at 55% of fair market value.)

Item 2: The property to the North is zoned CB and supports a restaurant. The property to the South is zoned R-1/5000, and contains a single family residence. The property to the West, across the street, is zoned CB and contains a commercial Laundromat. The property to the East, separated by an alley, is zoned CB and supports a storage warehouse. The subject property is currently a parking lot and according to county tax records, is taxed as a commercial use.

Item 3: The property to the North is zoned CB and supports a retail store. The property to the South is zoned R-1/5000, and contains a single family residence. There are two properties to the West that are separated by an alley, and contain single family dwellings. The property to the East, included in this proposal, is across the street and contains two structures; a former residential structure and a former church. The subject property contains a commercial parking lot and storage building and according to county tax records, is taxed as a commercial use.

Item 4: The property to the North is part of the same parcel and is zoned CB and will support a commercial use. The property to the South is zoned R-1/5000, and contains a single family residence. The properties to the West, included in this proposal, across the street, contain commercial structures and a parking surface. The properties to the East include a retail store zoned CB, and residential uses separated by an alley, zoned RMF-35 and R-1/5000. According to county tax records both structures on this parcel are taxed as commercial uses.

Due to the continuance of the existing uses at each respective property and the improved circulation, parking, landscaping and buffering provided by the revised parking plan in relation to item 4, the proposed amendment will not have an adverse effect on adjacent

properties and the subject properties will more readily comply with the goals and intent of the Master Plans.

Finding: Staff finds that the proposed amendment will not create an adverse effect on adjacent properties. Staff finds that the zoning designation was made in error and that the proposed amendment will change the zoning to match the actual use and will have no adverse effects on adjacent properties.

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

Discussion: The properties are not within any overlay districts.

Finding: Staff finds that none of the properties are within an overlay district.

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

Discussion: Staff requested comments from City Departments/Divisions; including Transportation, Engineering, the Fire Department, Public Utilities, Police, and Building Services. These departments did not have any objections to the proposed zoning amendment. Any future development must comply with City regulations. The department comments are attached. (Exhibit 3)

Findings: Staff finds that rezoning these properties will not increase the demand for services to any of the properties. The properties are in a built environment with existing facilities and uses. None of the responding departments objected to the rezone.

MASTER PLAN AMENDMENT:
Because the Zoning Map is also the Future Land Use Map for these properties, an amendment of the Zoning Map also requires an amendment of the Master Plan. State Law, Section 10-9a-24, Notice of public hearings and public meetings to consider general plan or modifications, outlines the criteria for noticing an amendment:

(1) Each municipality shall provide:
  (a) notice of the date, time, and place of the first public hearing to consider the original adoption or any modification of all or any portion of a general plan; and
  (b) notice of each public meeting on the subject.
(2) Each notice of a public hearing under Subsection (1)(a) shall be at least ten calendar days before the public hearing and shall be:
  (a) published in a newspaper of general circulation in the area;
  (b) mailed to each affected entity; and
  (c) posted:

(i) in at least three public locations within the municipality; or
(ii) on the municipality's official website.

(3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the meeting and shall be:
(a) submitted to a newspaper of general circulation in the area; and
(b) posted:
(i) in at least three public locations within the municipality; or
(ii) on the municipality's official website.

A notice for the Master Plan amendment was published in the Salt Lake Tribune and Deseret News on July 27, 2005. A notice was also mailed to affected property owners and posted, meeting State Law requirements for Master Plan amendments (Exhibit 10).

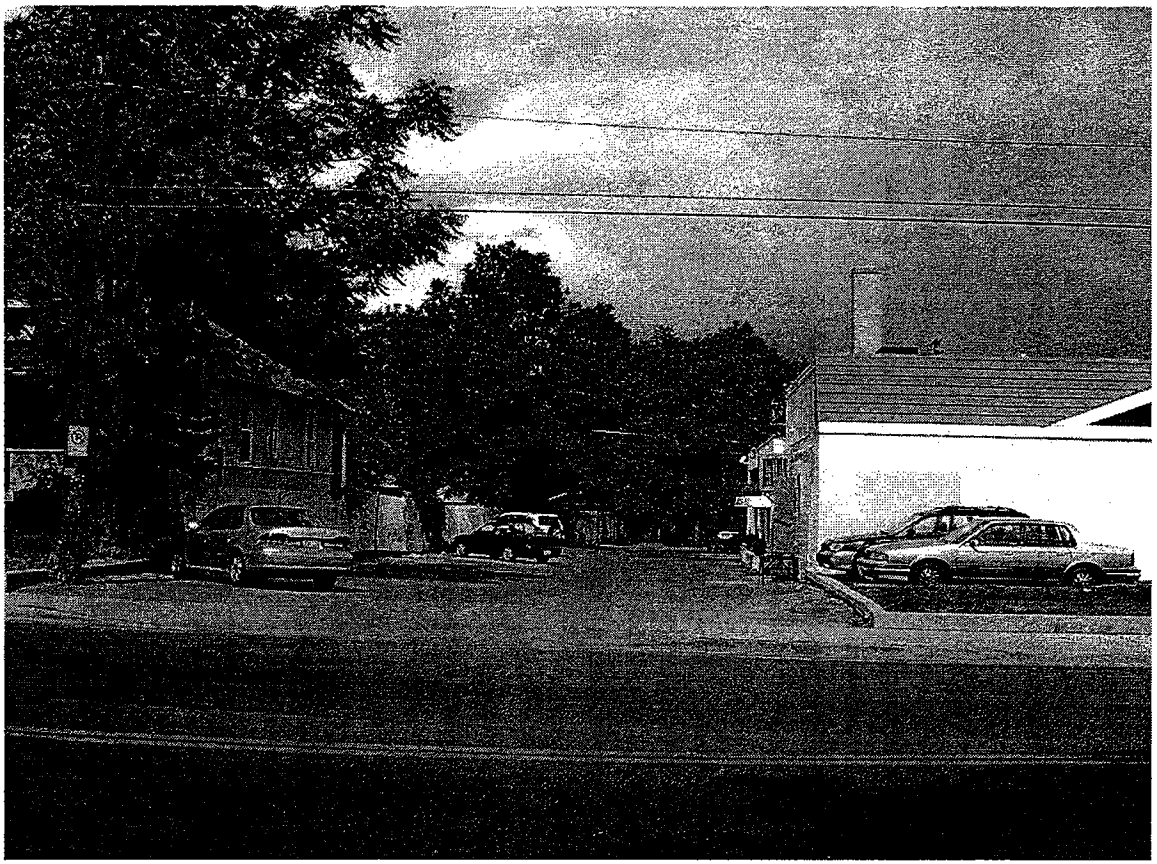
RECOMMENDATION:
Based on the Findings of Fact identified in this report, staff recommends that the Planning Commission transmit a favorable recommendation to the City Council, to approve the proposed zoning map amendments and amend the Central Community Master Plan to identify the properties as Community Commercial land use.

Exhibits:

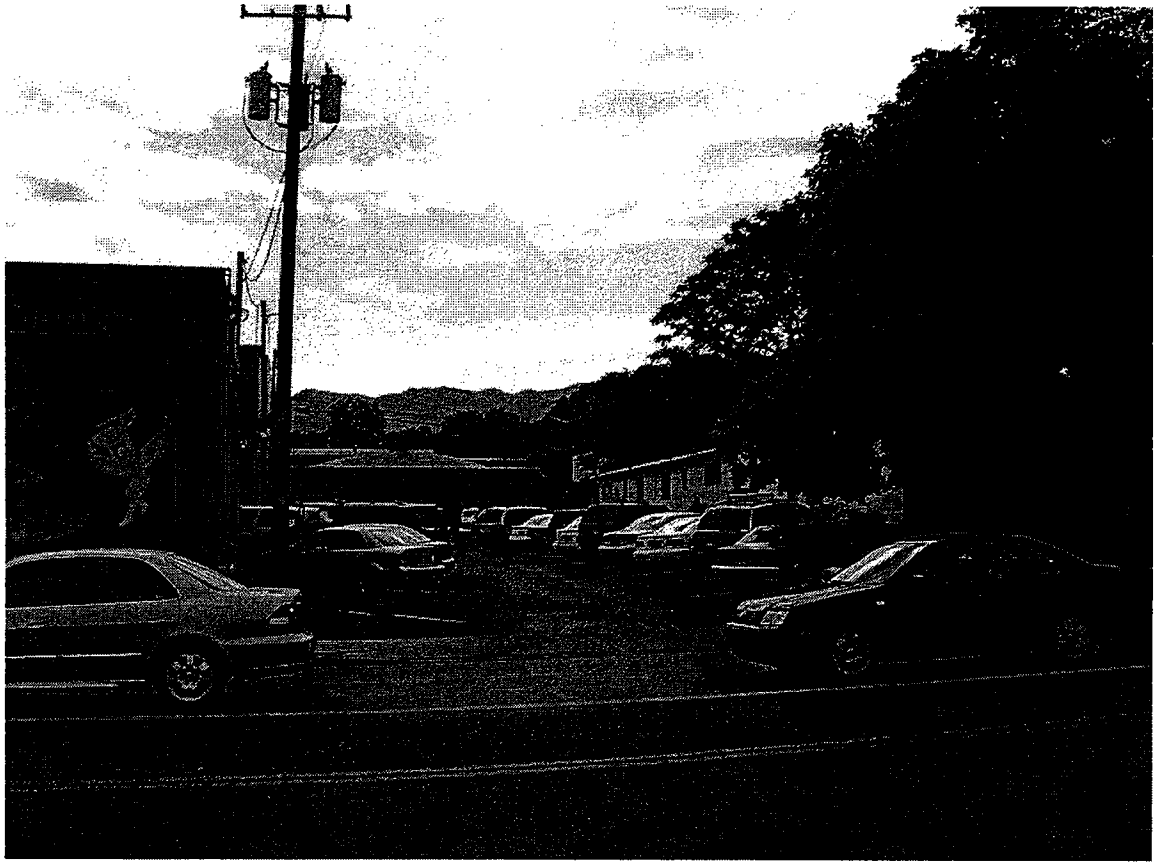
1. Photo's of the Subject Properties
2. Zoning Rewrite Project, Initial Draft Map (Large 1995 Pencil Drawing – in color)
3. Comments from City Departments
4. Comments from the Respective Community Councils
5. Letters from Citizens of the Community
6. Minutes of Board of Adjustment Case #5099, approved April 26, 1965
7. Minutes of Board of Adjustment Case #6872, approved March 24, 1975
8. Approved and revised parking plan for the University Pet Clinic
9. Letters to the Property Owners and their Written Responses
10. Newspaper Legal Notices, Published on July 27, 2005

Sarah Carroll, Associate Planner
Planning Division

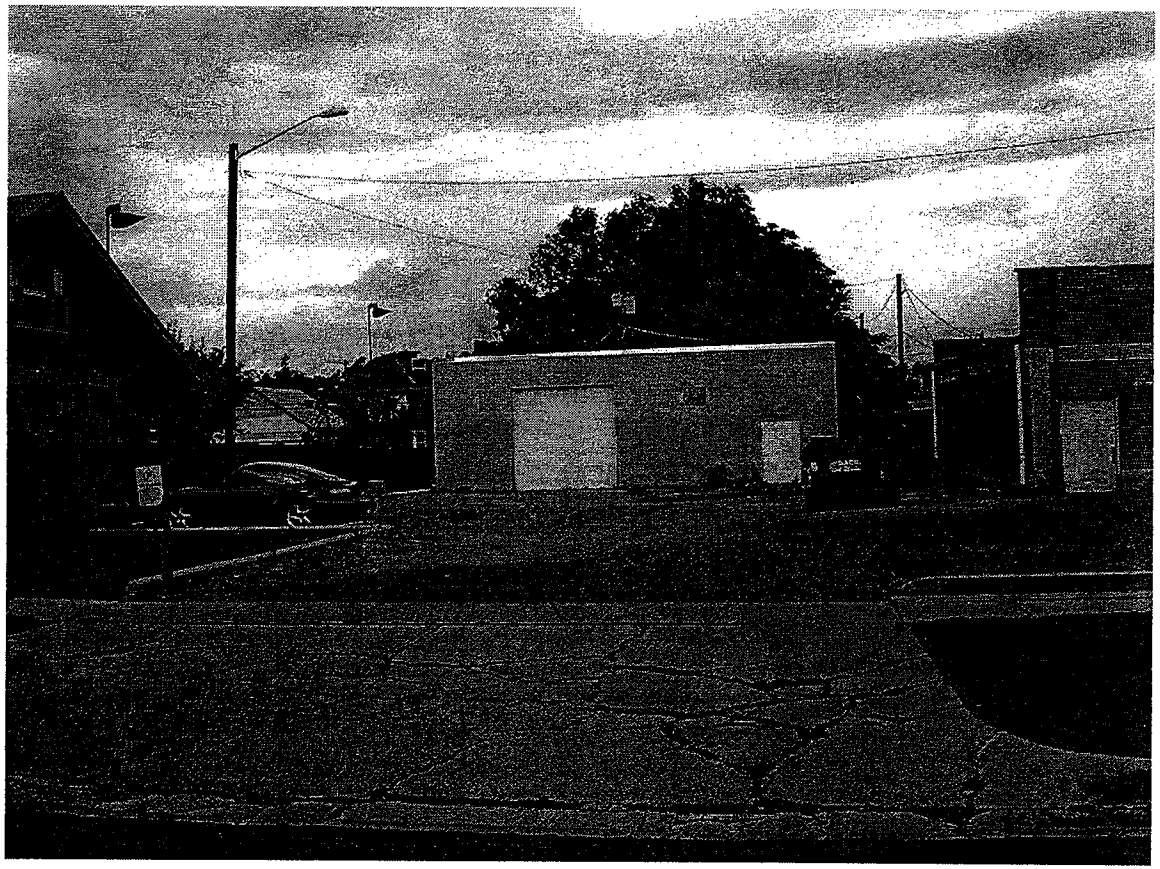
916 South 900 East
Parking for Cahoots Cards & Gifts and Orion Music



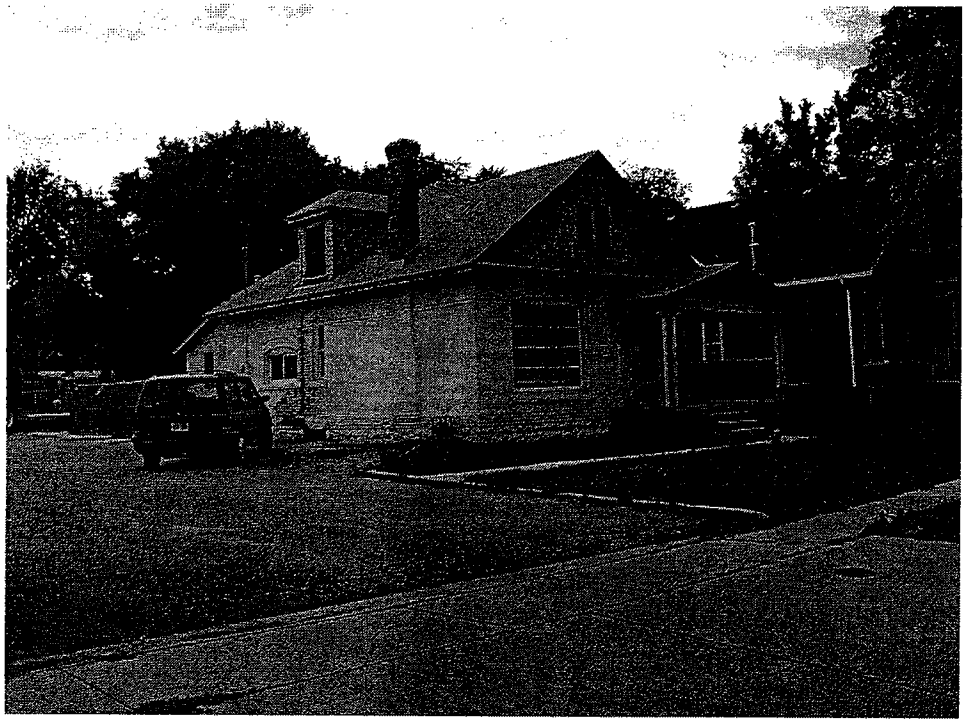
909 South 900 East
Parking for businesses such as:
Starbucks, Great Clips, Cloud 9, Children's Hour, Floribunda, and Centered City Yoga



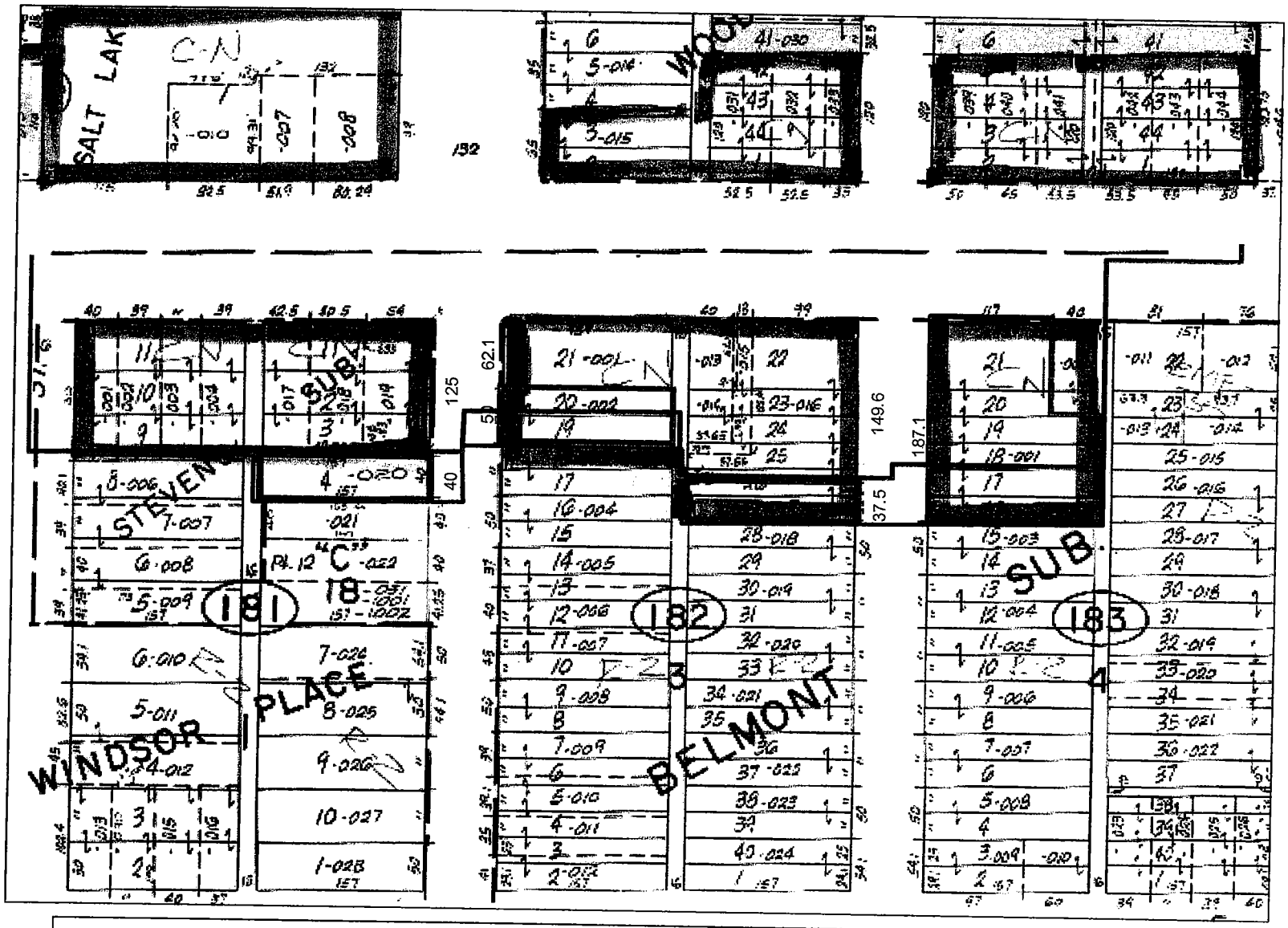
932 East 900 South
Parking and storage garage for Mutual Beauty Supply



919 South Lincoln Street
Former residential structure with year yard parking lot



1995 Pencil Drawing



KEY:

Current Zoning Line

Proposed Zoning Line

Subject Properties

FIRE DEPT.

Carroll, Sarah

From: Leydsman, Wayne
Sent: Thursday, June 02, 2005 12:00 PM
To: Carroll, Sarah
Subject: Petition #400-05-10 900 South Rezone, SLCFD#234/05
Categories: Confidential

No objections to this proposal noted by SLCFD.

Wayne Leydsman
Assistant Plans Examiner

POLICE

Carroll, Sarah

From: Smith, JR
Sent: Monday, May 23, 2005 12:22 PM
To: Carroll, Sarah
Subject: Petition # 400-05-10 900 South rezone

Categories: Program/Policy

Sarah,

I do not see any CPTED concerns based upon the rezoning request of these four properties.

Thanks,

J.R. Smith
SLCPD
Community Action Team

PUBLIC UTILITIES

Carroll, Sarah

From: Stewart, Brad
Sent: Tuesday, May 17, 2005 11:57 AM
To: Carroll, Sarah
Cc: Weiler, Scott; Larson, Bradley; Smith, JR; Butcher, Larry; Walsh, Barry; Garcia, Peggy; Cowles, Vicki
Subject: RE: Petition # 400-05-10; Rezone of four properties on 900 South

Categories: Program/Policy

Sarah,

Public Utilities has no objection to the proposed zoning change.

Please note, however, that if development starts to intensify property uses, or if parcels are assembled for a larger project, there may be utility demand / capacity issues that the developer will be required to solve as a condition of project approval. For example, new fire codes for larger buildings may require upsizing the existing water mains.

We will be able to give more precise instruction as plans are presented for review.

Thanks,

Brad

From: Carroll, Sarah
Sent: Monday, May 16, 2005 9:56 AM
To: Walsh, Barry; Weiler, Scott; Larson, Bradley; Stewart, Brad; Smith, JR; Butcher, Larry
Cc: Boskoff, Nancy; Campbell, Tim; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Oka, Dave; Querry, Chuck; Rutan, Ed; Zunguze, Louis
Subject: Petition # 400-05-10; Rezone of four properties on 900 South

Please find attached a Memorandum and map regarding petition # 400-05-10, rezone of properties on 900 South. << File: Rezone Proposal Map.doc >> << File: Memorandum; 400-05-10 900 South Rezone.doc >>

Sarah Carroll
Associate Planner
801-535-6260
sarah.carroll@slcgov.com

TRANSPORTATION

From: Walsh, Barry
Sent: Tuesday, May 17, 2005 5:20 PM
To: Carroll, Sarah
Cc: Young, Kevin; Weiler, Scott; Larson, Bradley; Stewart, Brad; Butcher, Larry
Subject: RE: Petition # 400-05-10; Rezone of four properties on 900 South

Categories: Program/Policy

May 17, 2005

Sarah Carroll, Planning

Re: Petition 400-05-10, 900 South Rezone, at 906 S. 900 E, 909 S. 900 E, 932 E. 900 S. 952 E. 900 S. & 919 S. Lincoln St.

The Division of Transportation review comments and recommendations are as follows;

The lots in question are presently used for parking to support the existing businesses in the CB zone and are under the same ownership of CB zone parcels (878 E. 900 S, 902 E. 900 S, 934 E. 900 S, etc). Our understanding is that off site parking is not a permitted use in the CB zone. So, in order to legalize the existing uses of these lots they would have to be combined thru subdivision process to the existing CB lots and designated parking assigned to those businesses. Again there is the issue with interpretation of the existing parking lots and required landscape buffers that would greatly impact the existing parking use of these lots.

As a transportation impact we recommend approval of these lots being converted to the CB zone designation as a more complying function of their existing use.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Scott Weiler, P.E.
Brad Larson, Fire
Brad Stewart, Utilities
Larry Butcher, Permits

From: Carroll, Sarah
Sent: Monday, May 16, 2005 9:56 AM
To: Walsh, Barry; Weiler, Scott; Larson, Bradley; Stewart, Brad; Smith, JR; Butcher, Larry
Cc: Boskoff, Nancy; Campbell, Tim; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Oka, Dave; Querry, Chuck; Rutan, Ed; Zunguze, Louis
Subject: Petition # 400-05-10; Rezone of four properties on 900 South

9th & 9th ZONING PROPOSAL—ELPCO LAND USE COMMITTEE RESPONSE
June 22, 2005

We see the following as the overarching problem:

1. We (all interested parties) need to address 9th & 9th zoning and use issues from a mutually agreed upon, fully articulated philosophical base. We do have a small area master plan, but it is being ignored by all and sundry. Part of this may have to do with the change in kind of business, and hence, the change in customer base that has occurred since the plan was completed in the early 1990's. We need to work formally with the merchants, the Planning Department, and our City Council representatives to resolve the philosophical issues. As it stands, procedure (piecemeal zoning changes) will dictate policy (allowable usage intensity). Some of the individual issues that need to form part of the discussions are:
    A. The concept of size and its relationship to intensity of use.
    B. The limits to growth of small neighborhood shopping areas in which are located specialty 'destination' shops.
    C. Small neighborhood shopping areas and small neighborhood shops in an age of big box stores.
    D. Small neighborhood shopping areas as urban strip malls.

In the case of the specific proposals we found the following:

The property the city lists as part of the 932 East 900 South is actually 920 Lincoln Street (16-082-182-017). The first listing of an appraisal was in 1937. The photograph accompanying the appraisal (dated on the back) shows a small bungalow). The parcel consists of one half of lot 26 and all of lot 27. A person named Schwar was listed as owner. He remains the owner/resident through 1956 (City Directory) when the property disappears from the City Directory. The County Assessor's records list several owners after Mr. Schwar. Another appraisal was done in 1977. At this time the owner was listed as an agent of Safeway Stores and the photograph shows the house no longer in existence, however, the large storage unit/garage currently backing the alley is shown. This storage unit/garage is the split zoned lot 26.

At the original presentation before ECCC, the Planning Department indicated the zoning listed on the 1995 city zoning map was incorrect and that this property should be commercially zoned. We contend this particular property was made into a parking lot without benefit of official sanction and therefore should not be rezoned. The zoning was residential and no mistake was made on the1995 map.

We have not had the time to research the properties at 916 South 900 East and at 909 South 900 East, but considering what we found out about the other two properties, we are not convinced the original research was thorough enough to justify the proposal.

In the case of the Bethel Baptist Church we found the following:

The church building does not have any kind of historic district or site protection. Restoration and adaptive re-use would have been possible for some uses, but not for a veterinary clinic. The small bungalow at 919 Lincoln Street is our major concern. Bethel Baptist Church obtained permission (in the 1960's) to tear down the house and turn it into a parking lot. They used it instead as their parsonage, however the back yard of the property was used for parking. This use was conditional, and the ability to use the land for parking died when Bethel Baptist ceased to be used as a church. ELPCO was involved in the discussions about using the house as an 'adult education center'. Their stand at the time was that interior renovations not leave the house such that it could not be used again as a residential dwelling.

In the presentation before ECCC, Mr. Ack showed two renderings, one that included the residential piece, and one that did not. His claim was that the residential piece is not absolutely necessary to his plans for a new clinic. The size of the new clinic will make the building one of the largest commercial buildings at 9th & 9th. When the veterinary clinic is moved again, the area that could be wholly dedicated to parking, if the residential piece is included, will be greater than we see as acceptable. It will invite an intensity of use out of scale with the rest of the district.

ELPCO SPECIAL MEETING MINUTES
Revised June 28, 2005
Salt Lake City Planning Department Rezoning Proposal for assorted lots at 9th and 9th.

Realms of Inquiry School
June 22, 2005, 7:30 p.m.

Present: Shirley Aldous, Margaret Brady, Ellen Fisher, Randy Holladay, Randy Kinyon, Ani Heinig, Jan Hernandez, Thomas Hill, Tommie Howe, Kathleen McDonald, Sandra Marsh, Jennifer Mayhew, Murry Mullenax, Pam Pedersen, Christine Probasco, Steve Quinn, Jake Rosquist, Chuck Schamel,
Jerry Shepherd, Lois Snyder, Andrew Stone, Susan VanRoosendaal, Jim Ack and Lynn McCarron, owners, University Pet Clinic; Cheri Coffey, Salt Lake City Planning Department; Marian Florence, secretary, East Central Community Council; Dennis Guy-Sell, chair, East Central Community Council; Gary Jenkins, owner, Jenkins Plumbing & Heating.

Pam Pederson called the meeting to order at 7:45 p.m.

Cheri Coffey presented the Planning Departments proposal for the four properties. The Planning Department contends that the residential zoning currently in place for three of the properties should have been changed in 1995 when the Salt Lake City completed a city-wide rezoning project. The Planning Department thinks these problems were a result of
the lack of computerized GIS information and the switch from a manual to
a computerized system. The three properties are at 916 South 900 East, 909 South 900 East, and 932 East 900 South (920 Lincoln Street).

Jim Ack presented his proposal for the development of a veterinary clinic and hospital on the southeast corner of Lincoln Street and 9th South (the Bethel Baptist Church property). The move from the current site of the University Pet Clinic at 965 East 900 South to the new clinic will enable the Acks to handle their growing business. The drawings for the new building show a stone and shingle craftsman style building of 7000 plus square feet (1000 plus square feet of which would be contained in a partial second story at the back of the building). The building and landscaping adhere to "98%" (per Mr. Ack) of the city's
walkable community ordinance. The demolition of the former church and construction of the new building are permitted uses (not needing any kind of special approval). By presenting the plans, Mr. Ack wanted ELPCO to understand his concern that the new building complements the existing neighborhood. The rezoning of 919 Lincoln is the issue actually before ELPCO. If it were rezoned commercial Mr. Ack would be able to use it to expand the landscaping and parking for the facility. Cheri Coffey stated the Planning Department will not recommend payment of a housing mitigation fee as the house on the property was not in use as a residence.

Residents' comments in favor of the rezoning proposal included:
The expanded area would present a more pleasant landscape for neighbors and would better encourage the walkable potential of the neighborhood.

The house would not be saleable or salvageable as a residence.

It would be easier to keep vehicle traffic out of the alley, if people could both come and go onto Lincoln Street.

Residents from Lincoln Street and 10th East in the area close to the new clinic spoke in favor of both the design of the new building and rezoning of the attached property for use as additional landscaping and parking. In addition to the other comments supporting the rezoning, they raised the following points:

The value of upgraded individual properties to the economic viability of the whole 9th and 9th business district.

The need to deal quickly with a property that is beginning to attract people who are indulging in mischievous and illegal acts.

Residents' comments against the rezoning proposal included:

The amount of possible parking in this parcel would encourage a more intensive use than would fit the neighborhood when the veterinary clinic eventually leaves.

The house could be rehabilitated and put back into residential use.

The gradual encroachment of commercial uses and properties into the neighborhood causes erosion of the neighborhood.

Margaret Brady gave a short presentation on the rezoning proposal, emphasizing the property at 920 South Lincoln Street (Mutual Beauty Supply parking). She researched this plot and could see no indication that the demolition of the house in the 1970's and the subsequent paving and use as a parking lot were ever officially sanctioned in the form of a conditional use or special exception to the residential zoning. ELPCO's Land Use Committee is still researching the other sites.

There was a short discussion of the value of revising the 9th & 9th Small Area Plan.

There was agreement about dividing the rezone proposal into three sections: 919 Lincoln (the veterinary clinic site), 920 Lincoln (Mutual Beauty Supply parking), and the other two properties. The desire to divide the rezoning proposal reflected a general desire to grant the rezoning of 919 Lincoln while not recommending rezoning the other parcels until we have more specific information. However, the meeting broke up before formal vote was taken on the three issues. [An e-mail and/or mail ballot (for those who did not have an e-mail address) will be issued to those residents of ELPCO who attended this meeting.]

Pam Pedersen thanked all participants for their focus on issues rather than individuals. The meeting adjourned at 9:30 p.m.

N.B., ELPCO would like to thank Jim Ack , Jan Hernandez, Chris Probasco, Pam Pedersen, and Randy Holladay for their help in getting the door alarm turned off so the meeting could take place.

Carroll, Sarah

From: Margaret Brady [margaret.brady@library.utah.edu]
Sent: Thursday, July 07, 2005 4:10 PM
To: Carroll, Sarah
Cc: Pamela Pedersen
Subject: 9th & 9th Rezone Proposal

Sarah,

I apologize for my late reply. My e-mail has been down for the last six days. The following is the East Liberty Park Community Organization's response to the 9th & 9th rezoning proposal:

East Liberty Park Community Organization (ELPCO) met June 22, 2005 to discuss the proposal to rezone several properties adjacent to the 9th & 9th business district from residential to commercial. In our discussion we agreed that different issues were involved in the various properties.
We agreed to separate the properties and vote on each separately:

4. 919 Lincoln Street (the house and property adjacent to the former Head Start/Bethel Baptist Church): Residents of ELPCO who attended the June 22, 2005 meeting voted 12 to 7 (3 people did not vote) in favor of the change in zoning from residential to commercial. Those in favor cited the following:

The expanded area would present a more pleasant landscape for neighbors and would better encourage the walkable potential of the neighborhood.

It would be easier to keep vehicle traffic out of the alley between Lincoln Street and 10th East if people could both come and go onto Lincoln Street.

The value of upgraded individual properties to the economic viability of the whole 9th and 9th business district.

The need to deal quickly with a property that is beginning to attract people who are indulging in mischievous and illegal acts.

3. 920 Lincoln Street (the property adjacent to Mutual Beauty Supply):
Residents of ELPCO who attended the June 22, 2005 meeting voted 13 to 5 (3 people did not vote) against the change in zoning. The primary reason for this vote was as follows:

Our research could not find, nor did the Planning Department provide, any evidence that the house on the property that was torn down in the 1970's (it had disappeared by 1977 when Salt Lake County reappraised the property) and the subsequent paving and use as a parking lot were legally done. The proposal presented to ELPCO made vague reference to 'permits', however this sort of change of use is not, nor was it then, the kind of change of use handled by mere permits. Since it appears likely that the original change of use was illegal, we are against the change. As an aside, the residential part of the split zoned property was originally part of the 920 Lincoln Street parcel according to Salt Lake County appraisal records.

1, 2. All other proposed rezones: Residents of ELPCO who attended the June 22, 2005 meeting voted 9 to 6, with two abstentions (3 people did not vote) in favor of asking the Planning Department for more information about the history of these properties. The primary reason for this vote was as follows:

We did not have time to research these properties, but based on our research on 920 Lincoln Street we would prefer more assurance that the current paved state of these properties and their use as parking/driveway reflects adherence to the legal process in place at the time of their having been removed from actual residential use.

Margaret Brady,
Secretary and Land Use Committee Chair
ELPCO

June 21, 2005

Cheri Coffey, AICP
Deputy Planning Director
Salt Lake City Corp.
451 S. State
Room 406
Salt Lake City, UT 84111

Re: 919 S. Lincoln Proposed Development

Dear Ms. Coffey,

My name is Ivan Ramirez; my wife and I own the property on 929 S. Lincoln, which is the closest residential property to the proposed development site
(919 S. Lincoln). I must say that if it wasn't for the kind gesture of James Ack and Lynn McCarron (contacting us in regards to the proposed construction in this parcel), we wouldn't of been aware of the project. We never received a letter in the mail to this affect.

My wife and I met with James and Lynn last week to review the proposed development for the corner property, and we welcome and support the project 100%.
As a business man I understand the important role costs play in any business venture. However, I also understand and share the vision and business principles that James and Lynn have expressed, by going through the extra expense to design a building that will integrate well with the homes in the area.
This was one of our main concerns when we first met, but it was quickly addressed with the design drawings shared with us.

The 9th & 9th area is a trendy and unique area with lots of character, but I also think it's time for the residents of the area to start investing in the improvement of the area. Improving the area is exactly what I see Jackl and Lynn doing with their proposed development. I am aware of the city's plans to beautify the area with the over $1 million dollar project, which I am not even sure it will cover a full renovation of the area. I am afraid the city can't do it all on its own, they need the help of the local businesses and residents. If we want to see this area flourish, as the 15th and 15th area has, we will need to make sure we have a unified vision of the areas future.

We thank you dearly for allowing us to express our points of view.

Regards,

Ivan & Angela Ramirez

Ivan Ramirez
email: ivandramirez@yahoo.com
T. 801.598.7144
F. 425.740.8504

June 27, 2005

Cheri Coffe, AICP
Deputy Planning Director
Salt Lake City, Corporation
451 S. State, Room 406
Salt Lake City, Utah 84111

Dear Ms. Coffe:

Thank you for your presentation at the June 22, 2005 ELPCO meeting.

I wanted to write a quick note to let you know that I am in favor of the proposed development of 919 Lincoln Street property. The owners of the University Pet Clinic have put a considerable amount of time, money and energy into this project. I believe our neighborhood is lucky to have someone interested in making improvements. The two buildings that occupy this property are nothing but eye sores. I would love to see that magnificent building that Jim Ack has proposed built! They have been a wonderful addition to our neighborhood and I would hate to see them go somewhere else.

I have lived in this neighborhood a long time (from 1958 to 1978) since 1985, a total of 40 years so far.

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

Sincerely,

Susan VanRoosendaal

Susan VanRoosendaal
1046 S. 1000 East
Salt Lake City, Utah 84105

June 23, 2005

Cheri Coffe, AICP
Deputy Planning Director
Salt Lake City Corporation
451 S. State, Room 406
Salt Lake City, UT 84111

Dear Ms. Coffe:

At a meeting of the ELPCO on June 22, 2005, presentation of a future veterinary clinic was thoroughly discussed. I was indeed excited over the proposal of this new structure.

The 9th South frontage area has always been commercially zoned since I worked in this neighborhood in 1944 (during WWII). I have lived in this neighborhood since 1952 when we built our home on Herbert Avenue.

The portion of this commercial property in contention seems to be at 919 Lincoln Street. This lot has been incorporated into this commercial property since the 1960's per ELPCO's handout at the meeting and I quote from this:

"...The small bungalow at 919 Lincoln Street is our major concern. Bethel Baptist Church obtained permission in the 1960's to tear down the house and turn it into a parking lot. They used it instead as their parsonage; however, the back yard of the property was used for parking. This use was conditional and the ability to use the land for parking died when Bethel Baptist ceased to be used as a church...."

In this instance, permission (1960's) must have been in the form of zoning. It has always been my understanding that zoning applied to properties (land), not to individuals using the same, whether it be a church, business, whatever. How can we say this "permission and/or zoning dies with the Bethel Baptist Church, because they used only half of the lot in contention for parking and left the house intact? Because of the lot's usage at that time, the original permission (zoning) should not be rescinded.

The obstacles in this contentious lot seemed to have been resolved by the owners of this future veterinary clinic, i.e. (1) obtained favorable consent from neighbor on south side of 919 Lincoln Street for the intended parking area, (2) Jenkins plumbing on the east was also in favor of this clinic as was indicated at the meeting, and (3) permission granted in the 1960's for this lot's usage for parking should still exist.

If the past (1960) permission (zoning) does not apply now to this area, I strongly urge favorable zoning be once again applied to the 919 Lincoln portion of this property.

The city's first and foremost concern should be to get parking off city streets and here is a business ready and able to provide save. Please encourage this veterinary clinic to stay.

Sincerely,

Shirley B. Aldous

Shirley B. Aldous
978 Herbert Avenue
Salt Lake City, UT 84105

on the other side of the house for a driveway to a detached garage in the rear yard or by changing his drive slightly he could construct a carport in front of his attached garage and still meet the ordinance. He was asked if the present attached garage is being used for living quarters but he assured the Board it is not. It is not being used as a garage because it is too small; when the car is driven into it, the doors will not close.

The neighbors on both sides have no objections according to the applicant, the one to the north, which would be most affected, hopes the variance will be granted. The Chairman ordered the matter taken under advisement. In the executive session the various aspects of the case were reviewed. If this variance were granted, it was noted, at some later date this or another owner would want to roof the whole thing which could not be allowed; also there is plenty of room for a detached garage in the rear yard with a driveway south of the dwelling.

At the conclusion of the executive session, since the Board could find no unusual condition attached to this property which would deprive the owner of a substantial property right and there was no evidence presented which would justify the granting of a variance, Mr. Cannon moved that the requested variance be denied, seconded by Mr. We all voting "Aye".

Case No. 5099 at the southeast corner of Lincoln Street and 9th South Street in reapplication of the Bethel Baptist Church for an exception to the ordinance to permit a parking lot partially in a Residential "R-4" District which requires Board of Adjustment and Planning Commission approval.

M. J. Hiltsley, Pastor, was present. Mr. Jorgensen explained on the southeast corner of Lincoln Street and 9th South this church owns, in addition to the church building and the vacant lot to the south, the next home to the south as well. They are requesting permission to construct a parking lot in the area between the church building and the home and in the rear yard of the home, with the entrance from Lincoln Street and the exit into the alley to the east. The pastor noted eventually they will tear down that house and use the land for an expanded parking area. He was informed when the house is removed, he will have to present a new plan for the extension of the parking lot. The plan submitted with the case shows a 30' driveway with the parking all the way to the sidewalk. Under the parking lot regulations, even in a business zone, there are setback requirements of the average of the homes in the block. The actual church as it now exists is closer to Lincoln Street than a new one could be. The applicant's plan shows a 3' sidewalk north of the home to the south of the proposed lot and they want to park to the sidewalk. Since this is to be only temporary there need not be a side yard there but there should be a landscaped buffer in the back next to the other people's property and there should be enough setback in the front so the cars will not back out over the sidewalk, which would probably eliminate two or three stalls. The Planning Commission recommended that the Board approve this parking lot subject to certain modifications. When the pastor inquired about the location of a new church, he was informed that the average setback on both 9th South and Lincoln Street must be maintained, but if the average is less than 15', a minimum setback of 15' from the property line must be maintained. There was then a question as to where the property line is located in relation to the sidewalk.

There were no protests. The Chairman ordered the matter taken under advisement. In the executive session the various aspects of the case were reviewed.

At the conclusion of the executive session Mr. Langton moved that an exception to th

ordinance be permitted to allow the proposed parking lot provided the first stall on the north and the first two stalls on the south next to Lincoln Street are deleted, that area to be landscaped, provided there is an 8' landscaped buffer to the south in back of the existing dwelling, that the driveway be reduced in width and centered on the property, the parking lot and buffer areas to be defined by 6" concrete curbs, the lot drained and hardsurfaced in accordance with the requirements of the City Engineer's office, and further provided that the lot meets all other requirements under the ordinance for parking lots in residential districts, with final plans to be subject to approval by a Committee of the Board, a copy of the finally approved plan to be filed with the case, seconded by Mr. Sorensen, all voting "Aye".

Case No. 5100 at 1165 Douglas Street in re-application of Lee Hansen for a permit to erect a duplex which would not maintain the required side yards in a Residential "R-2" District.

Mr. Hansen was present. There were also present S. G. Paxman of 1155 Douglas Street, Junius Romney of 1169 Douglas Street and Junius S. Romney of 1010 Douglas Street. Mr. Jorgensen explained the plan submitted with the case shows a 30' house on a 50' lot. The lot, however, is not 50' wide because the former owner retained 8" of the land because of an existing fence. Another problem is an entry way in the 12' side yard so actually the side yards would be 7.2' and 4' instead of the required 8' and 12', which under the ordinance are to be open and unobstructed. The applicant stated he was under the impression that the sidewalk and entry way would be allowed in the side yard if it is maintained on grade; however, if he were to maintain it on grade, he could not have a window well deep enough for a window in the downstairs part of the dwelling. He felt the slope of the lot is ideally situated to have the basement floor at ground level at the front and the upper floor at ground level at the back of the structure. The Board asked if there were not some other plan which would fit the lot without violating the side yards, to which the applicant stated he prefers this one, which he had designed, with a balcony on the front. With the side entrance he has only a normal number of steps for entrance into the dwelling, and to put the entry way anywhere else would break up the interior floor plan considerably. When questioned about the size of the two dwelling units, the applicant stated the structure will be used as a duplex until his family is large enough to require the entire house, at which time the basement will be used for a recreation area and bedrooms. They are building this home where they want to spend the rest of their lives. When the Board asked what the justification was for reducing the other side yard, it was noted it would be a problem to move the existing fence and everyone is agreeable to its remaining where it is now located.

The Messrs. Romney were in favor of the variance being granted, they would like to see Mr. Hansen put up a nice home there. The Board noted there is nothing wrong with selling less than a 50' lot but a person who buys less than a 50' lot should design a house to fit the size of the lot. In order for the Board to grant a variance, there must be some hardship, some unusual condition attached to a property, some reason this is different from any other 50' lot. Mr. Junius Romney gave a brief history of these properties. To Mr. Paxman it was explained that the stairway, with no cover, would be 4' from his south property line. This would be the only entrance to the house and would be on grade to where the steps are located. Mr. Paxman could not see that it would hurt anything, although 4' did seem quite near. (Mr. Paxman returned during the executive session and stated that he had no objection at all.) The Romneys explained there was formerly a poor home on this property which has since been torn down and they would recommend anything that could be done to improve the situation and make this a suitable neighborhood in which to live. The Chairman explained the purpose of

May 10, 1965

Bethel Baptist Church
952 East 9th South
Salt Lake City, Utah

Attention: M. J. Hiltsley, Pastor

Gentlemen:

Enclosed are the Findings and Order in Case No. 5099 before the Board of Adjustment.

Please note that said order is to expire six months from the dating of this order, and also the provisions by which your variance was granted.

Sincerely,

BOARD OF ADJUSTMENT

Mildred G. Snider

(Mrs. Ernest L. Snider)
Secretary

enc.

BEFORE THE BOARD OF ADJUSTMENT, SALT LAKE CITY, UTAH

FINDINGS AND ORDER, CASE NO. 5099

REPORT OF THE COMMISSION:

This is an appeal by the Bethel Baptist Church for an exception to the ordinance to permit a parking lot at the southeast corner of Lincoln Street and 9th South Street partially in a Residential "R-4" District which requires Board of Adjustment and Planning Commission approval.

M. J. Hiltsley, Pastor, was present. Mr. Jorgensen explained on the southeast corner of Lincoln Street and 9th South this church owns, in addition to the church building and the vacant lot to the south, the next home to the south as well. They are requesting permission to construct a parking lot in the area between the church building and the home and in the rear yard of the home, with the entrance from Lincoln Street and the exit into the alley to the east. The pastor noted eventually they will tear down that house and use the land for an expanded parking area. He was informed when the house is removed, he will have to present a new plan for the extension of the parking lot. The plan submitted with the case shows a 30' driveway with the parking all the way to the sidewalk. Under the parking lot regulations, even in a business zone, there are setback requirements of the average of the homes in the block. The actual church as it now exists is closer to Lincoln Street than a new one could be. The applicant's plan shows a 3' sidewalk north of the home to the south of the proposed lot and they want to park to the sidewalk. Since this is to be only temporary, there need not be a side yard there but there should be a landscaped buffer in the back next to the other people's property and there should be enough setback in the front so the cars will not back out over the sidewalk, which would probably eliminate two or three stalls. The Planning Commission recommended that the Board approve this parking lot subject to certain modifications. When the pastor inquired about the location of a new church, he was informed that the average setback on both 9th South and Lincoln Street must be maintained, but if the average is less than 15', a minimum setback of 15' from the property line must be maintained. There was then a question as to where the property line is located in relation to the sidewalk. There were no protests. The Chairman ordered the matter taken under advisement. In the executive session the various aspects of the case were reviewed.

From the evidence before it, the Board is of the opinion that the petitioner would suffer an unnecessary hardship from a denial of the variance; that the spirit and intent of the Zoning Ordinance will be upheld and substantial justice done in the granting of the variance.

IT IS THEREFORE ORDERED that an exception to the ordinance be permitted to allow the proposed parking lot provided the first stall on the north and the first two stalls on the south next to Lincoln Street are deleted, that area to be landscaped, provided there is an 8' landscaped buffer to the south in back of the existing dwelling, that the driveway be reduced in width and centered on the property, the parking lot and buffer areas to be defined by 6" concrete curbs, the lot drained and hardsurfaced in accordance with the requirements of the City Engineer's office, and further provided that the lot meets all other requirements under the ordinance for parking lots in residential districts, with final plans to be subject to approval by a Committee of the Board, a copy of the finally approved plan to be filed with the case. Provided these

Case No. 5099

restrictions are complied with, a permit may be issued in accordance with the order and decision of the Board provided that the construction plans show conformity to the requirements of the Uniform Building Code and all other City ordinances applicable thereto; and provided such reduction or addition does not conflict with any private covenants or easements which may be attached to or apply to the property, said order to expire within six months from the dating of this order. This variance expires if work has not been started within six months.

THE FAILURE OF THE APPLICANT TO ABIDE BY THE CONDITIONS OF THIS VARIANCE SHALL CAUSE IT TO BECOME NULL AND VOID, WHICH IN EFFECT IS THE SAME AS THE VARIANCE HAVING BEEN DENIED.

Action taken by the Board of Adjustment at its meeting held Monday, April 26, 1965.

Dated at Salt Lake City, Utah, this 10th day of May, 1965.

Chairman

Secretary

that time the petitioner indicated there was a life estate on some of the property east of them and that they did desire to extend the lot eastward when it was possible. That is what they are requesting now. The petitioner owns two lots to the east for a total of 74.25'. While the store and the existing parking are in the "B-3" zone, the new parking would be in a residential district. The apartment building to the east would be the nearest neighbor. When the Board viewed the property, they asked about some landscaping down the new east property line. The staff has indicated by realigning the parking they could maintain a 4' landscaped buffer there. If this parking lot is permitted the Board felt there should be a masonry wall, like the one east of the existing parking lot to keep the lights from shining onto residential properties. Mr. Wirick stated they would like to put up a decorative wall but they would like to not be required to put in a 4' buffer strip because of the size of the property. For the proposed additional 21 stalls, the 4' would cut down the turning radius on the east and make one row of stalls very difficult to get into and would cause a hazard. The existing landscaping would be extended to the new property, and the parking area would be in grass. There would be a new sidewalk and a new fence.

There were no protests. The Chairman ordered the matter taken under advisement. In the executive session the various aspects of the case were reviewed. In a closer examination of the plot plan, the Board noted the applicant is proposing the right of way north of the proposed lot for access, which they should not do. This right of way serves the homes in the area. Trees along the east were suggested but 4' is not wide enough for trees. Actually the ordinance calls for a 10' side yard. A discussion of the possible solutions to the problem followed.

At the conclusion of the executive session, Mr. Sorensen moved that the request in its present form be denied. The motion was seconded by Mr. West, all voting "Aye".

Case No. 6872 at the rear of 932 East 9th South Street in application of Hanson Securities Corporation, Cliff Hanson, agent, for a permit to construct a storage garage for a retail business in the abutting residential district, and for permission to alter the existing parking lot without the required design standards for parking lots which requires Board of Adjustment approval in a Residential "R-4" District.

Mr. Hanson was present. Mr. Barney explained the proposal is to place a 40' x 55' new storage garage back in the "R-4" and park between it and Lincoln Street to the east. The "B-3" zoning goes back 125' from 9th South and beyond that is the "R-4". There have been variances before on this property, the most recent one in October of 1974 when the Board granted a variance for an addition to the east without the required setbacks and a detached garage in the "R-4" with a list of ten restrictions to be complied with. These have not been complied with to this point, nor has the addition been built. According to Mr. Hanson he did not build the addition because of the cost. That variance is to expire on April 1st. He felt his present proposal would improve the property and would keep cars from driving through his property and prevent the high school students from leaving their beer cans on the property. Mr. Barney noted one of the Board's previous requirements was a certification that this is a retail operation. When Mr. Hanson was asked if this is a retail operation, he stated they are both retail and wholesale, retail at the front. He was informed the wholesale at this location is a violation. The problem the Board has is if there is an operation that is in violation, granting a variance would not make that legal. Mr. Hanson mentioned other beauty supply houses in downtown areas where the semi-trailers unload on the sidewalk, while here he has

plenty of room. Even though those companies may be zoned for wholesale, for fifty years they have blocked the traffic. Mr. Hanson stated he realizes today's request might jeopardize his approval for an addition on the east side of the building but he is willing to waive that construction. He now wants a storage garage for his vehicles and his three antique cars which are used in parades. He noted again this would be an improvement to his property.

There were no protests. The Chairman ordered the matter taken under advisement. In the executive session the various aspects of the case were reviewed.

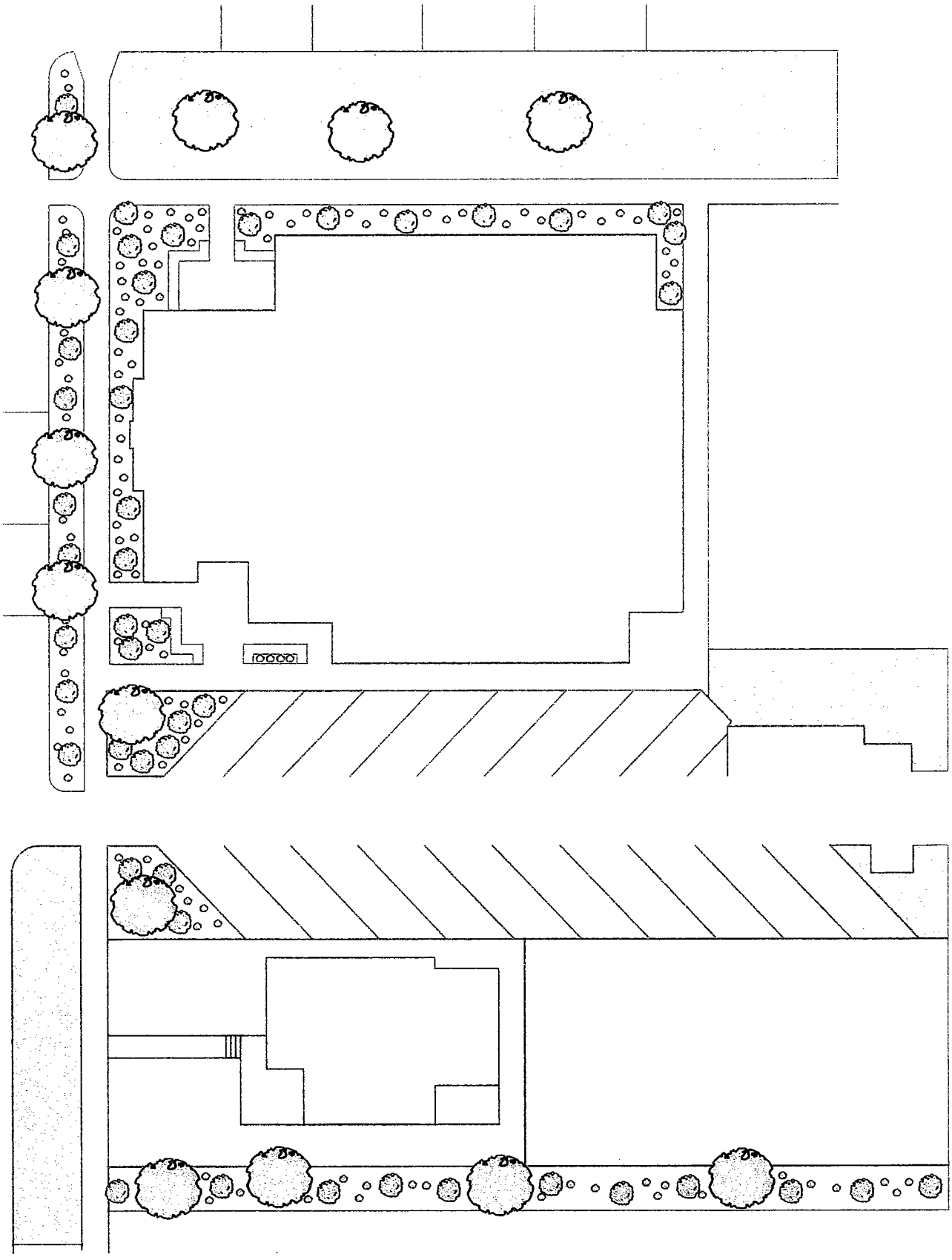
At the conclusion of the executive session a motion to deny the application with various conditions was made and withdrawn. Following considerable discussion, Mr. Sorensen moved that a variance be granted to permit the proposed 40' x 55' storage garage across the west end of the "R-4" property, with the following provisions:

1. that a 10' landscaped buffer defined by a 6" poured concrete control curb be maintained along the complete south property line including south of the storage garage
2. that a 10" high poured concrete control curb be installed 15' inside the property line along Lincoln Street to keep the trucks from overrunning the curb
3. that the existing curb cut on Lincoln Street about 60' back from 9th South be removed and the curb be replaced
4. that the setback from Lincoln Street, the area between property line and sidewalk and between sidewalk and curb and the 10' buffer along the south property line be completely landscaped
5. that sprinkling systems be installed in all landscaped areas to insure proper maintenance
6. that the parking areas be hardsurfaced to meet all requirements of the City Engineer's office
7. that all drainage be handled on the applicant's own property
8. that there be no warehousing in this storage garage, that it be used for vehicles
9. that the house trailers on the property be removed
10. that the business be a retail operation only, with the Board requiring a certified statement that this will be a retail operation only
11. that there be no rental for parking on this property
12. that all of these requirements be complied with before a permit can be issued for this storage garage.

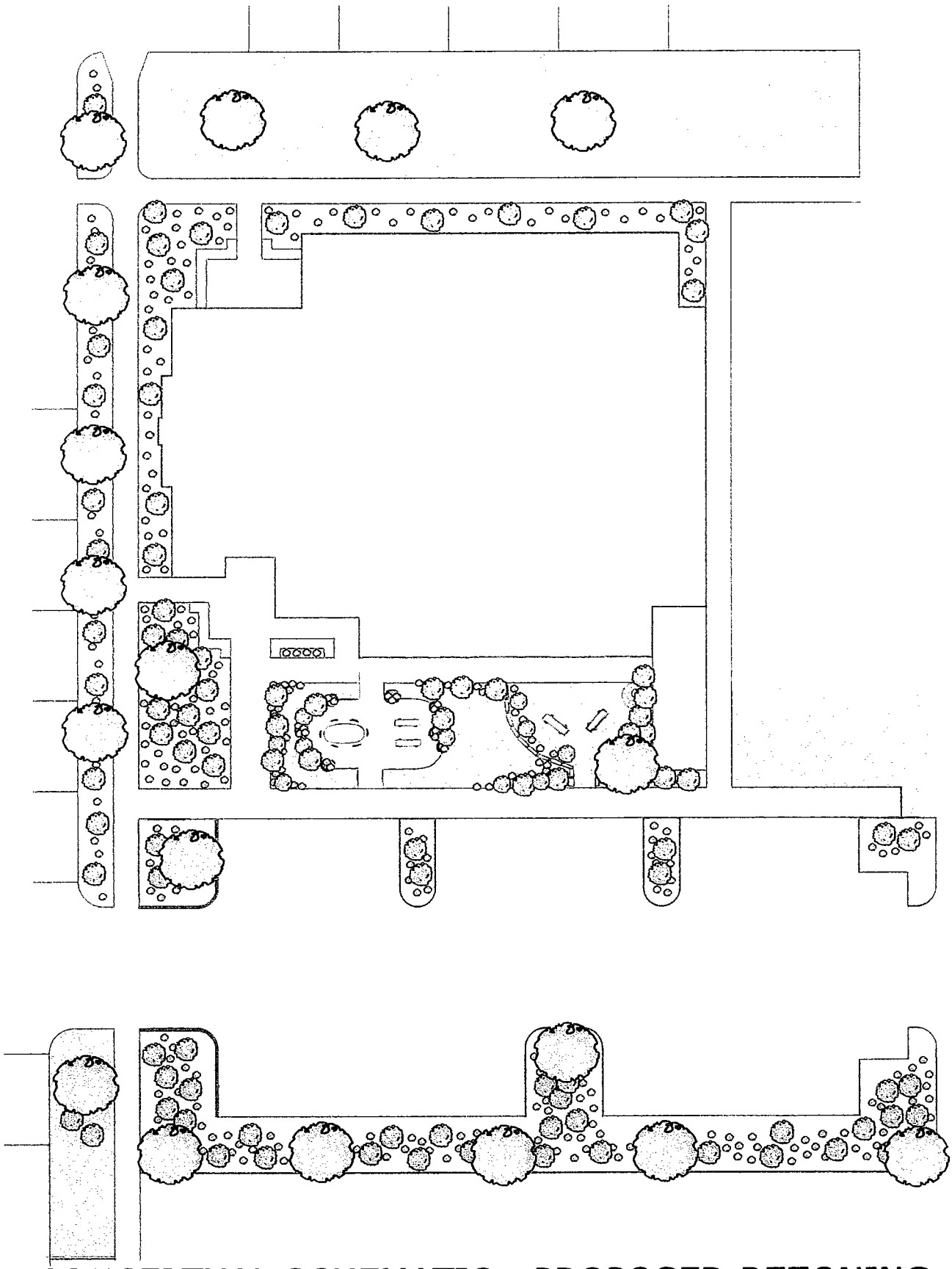
The motion was seconded by Mr. Kelly and passed with Mr. West voting "No".

Case No. 6873 at 258 Vine Street in application of Thomas J. Miller for a special exception to the ordinance to permit a parking lot which would not maintain the required design standards and requires Board of Adjustment approval in a Residential "R-6" District.

Mr. Miller was present. Also present were Melissa M. Sieg of 1135 South 17th East and Hermoine Jex of 272 Wall Street. Mr. Barney explained this would be for guest parking for Trevi Towers across Vine Street to the west. A structure which formerly occupied this site has been removed but there are structures on either side. The lot has been cut down to the grade of Vine Street while the properties on either side and in the back are considerably higher. The plan shows nine stalls but it is just not feasible to get them in there even without a landscaped setback; also any vehicle would have to back out. Trevi Towers has three levels of parking



SCHEMATIC OF APPROVED PLAN



CONCEPTUAL SCHEMATIC - PROPOSED REZONING

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

April 28, 2005

Jim Ack
UPC Holdings LC and McAck Holdings LLC; TC
965 E 900 South
Salt Lake City, UT 84105-1430

RE: Zoning of property at approximately 919 S Lincoln and 952 East 900 South, Salt Lake City

Dear Mr. Ack,

This letter is to request input from you relating to a proposed rezoning of the above referenced property. You are listed in the Salt Lake County Recorder's records as the owner of the property at approximately 919 S Lincoln and 952 East 900 South in Salt Lake City. It has come to the Planning Division's attention that this lot, which was established in 1991, has two different zoning classifications. The southernmost portion of the property that includes an existing vacant structure and landscaped yard area is zoned R-1/5,000 (Single-Family Residential) with the majority of the lot zoned Community Business (CB). The Planning Commission has requested that Staff analyze the appropriateness of rezoning the property to CB, consistent with the rest of your commercial property to the north. Staff is also looking at three other similar cases affecting other businesses near your property. I have enclosed a map identifying the properties subject to the rezoning.

In 1995 the entire City zoning ordinance was rewritten and all of the properties in the City were zoned with the new zoning designations. Although most of the approximate 50,000 properties in the City were zoned consistent with planning policies and existing land uses, we have found that some properties were zoned incorrectly. The Planning Staff believes that the residential zoning of the lot is in error and supports rezoning that portion of the property to CB. Prior to beginning the formal review process, staff would like to know whether you support the proposed rezoning.

The formal rezoning review process includes a presentation and input from the affected community council, a public hearing and recommendation from the Planning Commission, and a public hearing and decision by the City Council. You will be notified 14 days prior to both the Planning Commission and City Council public hearings.

Please send a written response to my office by Friday May 13, 2005 to express whether you are in support of the proposed rezoning. If you have any questions you may contact me at (801)535-6188 or at cheri.coffey@ci.slc.ut.us. Please direct any questions you have of the Planning Division related to this project to me.

Sincerely,

Cheri Coffey

Cheri Coffey, AICP
Deputy Director

Cc: Louis Zunguze, Planning Director
File

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

April 28, 2005

Bruce and Thomas Daniger
PO Box 1442
Palm Springs, CA 92263

RE: Zoning of property at 916 South 900 East, Salt Lake City

Dear Mr.s Daniger,

This letter is to request input from you relating to a proposed rezoning of the above referenced property. You are listed in the Salt Lake County Recorder's records as the owner of the property at 916 South 900 East in Salt Lake City. The property is currently used as a parking lot for the businesses located directly north at approximately 878 E 900 South. It has come to the Planning Division's attention that although the property to the north is zoned CB (Community Business), the lot on which the parking lot is located is actually zoned R-1/5,000 (Single-Family Residential). The Planning Commission has requested that Staff analyze the appropriateness of rezoning the property to CB, consistent with the rest of your commercial property to the north. Staff is also looking at three other similar cases affecting other businesses near your property. I have enclosed a map identifying the properties subject to the rezoning.

In 1995 the entire City zoning ordinance was rewritten and all of the properties in the City were zoned with the new zoning designations. Although most of the approximate 50,000 properties in the City were zoned consistent with planning policies and existing land uses, we have found that some properties were zoned incorrectly. The Planning Staff believes that the residential zoning of the parking lot is in error and supports rezoning the parking lot property to CB. Prior to beginning the formal review process, staff would like to know whether you support the proposed rezoning.

The formal rezoning review process includes a presentation and input from the affected community council, a public hearing and recommendation from the Planning Commission, and a public hearing and decision by the City Council. You will be notified 14 days prior to both the Planning Commission and City Council public hearings.

Please send a written response to my office by Friday May 13, 2005 to express whether you are in support of the proposed rezoning. If you have any questions you may contact me at (801)535-6188 or at cheri.coffey@ci.slc.ut.us.

Sincerely,

Cheri Coffey

Cheri Coffey, AICP
Deputy Director

Cc: D&S Family Enterp. LLC
Louis Zunguze, Planning Director
File

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

April 28, 2005

Reeda Schmidt
287 E 4600 South
Murray, UT 84107-3821

RE: Zoning of property at 909 South 900 East, Salt Lake City

Dear Ms Schmidt,

This letter is to request input from you relating to a proposed rezoning of the above referenced property. You are listed in the Salt Lake County Recorder's records as the owner of the property at 909 South 900 East in Salt Lake City. The property is currently used as a parking lot for the businesses located directly north at approximately 902 East 900 South. It has come to the Planning Division's attention that although the property to the north is zoned CB (Community Business), the lot on which the parking lot is located is actually zoned CB and R-1/5,000 (Single-Family Residential). The Planning Commission has requested that Staff analyze the appropriateness of rezoning the property to CB, consistent with the rest of your commercial property to the north. Staff is also looking at three other similar cases affecting other businesses near your property. I have enclosed a map identifying the properties subject to the rezoning.

In 1995 the entire City zoning ordinance was rewritten and all of the properties in the City were zoned with the new zoning designations. Although most of the approximate 50,000 properties in the City were zoned consistent with planning policies and existing land uses, we have found that some properties were zoned incorrectly. The Planning Staff believes that the residential zoning of the parking lot is in error and supports rezoning the parking lot property to CB. Prior to beginning the formal review process, staff would like to know whether you support the proposed rezoning.

The formal rezoning review process includes a presentation and input from the affected community council, a public hearing and recommendation from the Planning Commission, and a public hearing and decision by the City Council. You will be notified 14 days prior to both the Planning Commission and City Council public hearings.

Please send a written response to my office by Friday May 13, 2005 to express whether you are in support of the proposed rezoning. If you have any questions you may contact me at (801)535-6188 or at cheri.coffey@ci.slc.ut.us.

Sincerely,

Cheri Coffey

Cheri Coffey, AICP
Deputy Director

Cc: Louis Zunguze, Planning Director
File

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

April 28, 2005

Hanson Securities Co
13263 South 1162 East
Draper UT 84020-9373

RE: Zoning of property at 932 East 900 South, Salt Lake City

Dear Sirs,

This letter is to request input from you relating to a proposed rezoning of the above referenced property. Your company is listed in the Salt Lake County Recorder's records as the owner of the property at approximately 932 South 900 East in Salt Lake City. The property is currently used as a parking lot for the businesses located directly north on the southwest corner of 900 South and Lincoln Street. It has come to the Planning Division's attention that although the property to the north is zoned CB (Community Business), the southern portion of the parking lot is actually zoned R-1/5,000 (Single-Family Residential). The Planning Commission has requested that Staff analyze the appropriateness of rezoning the property to CB, consistent with the rest of your commercial property to the north. Staff is also looking at three other similar cases affecting other businesses near your property. I have enclosed a map identifying the properties subject to the rezoning.

In 1995 the entire City zoning ordinance was rewritten and all of the properties in the City were zoned with the new zoning designations. Although most of the approximate 50,000 properties in the City were zoned consistent with planning policies and existing land uses, we have found that some properties were zoned incorrectly. The Planning Staff believes that the residential zoning of the parking lot is in error and supports rezoning the parking lot property to CB. Prior to beginning the formal review process, staff would like to know whether you support the proposed rezoning.

The formal rezoning review process includes a presentation and input from the affected community council, a public hearing and recommendation from the Planning Commission, and a public hearing and decision by the City Council. You will be notified 14 days prior to both the Planning Commission and City Council public hearings.

Please send a written response to my office by Friday May 13, 2005 to express whether you are in support of the proposed rezoning. If you have any questions you may contact me at (801)535-6188 or at cheri.coffey@ci.slc.ut.us.

Sincerely,

Cheri Coffey

Cheri Coffey, AICP
Deputy Director

Cc: Louis Zunguze, Planning Director
File

Lynn A. McCarron, DVM, Dipl. ABVP
James J. Ack, DVM
Valerie Kastens Archibald, DVM, Dipl. ABVP
Magali Lequient, DVM
Kate W. Bjordahl, DVM

May 8, 2005

Cheri Coffey, AICP
Deputy Planning Director
Salt Lake City Corporation
451 S. State
Room 406
Salt Lake City, UT 84111

Re: April 28, 2005 Correspondence

Dear Ms. Coffey:

Thank you for your letter of April 28, 2005. We wholeheartedly support the Planning Department's efforts to resolve the zoning dilemma on our 919 S. Lincoln parcel, and on the other affected 900 South properties, as well.

With regard to our property, we acquired the parcel in August 2004: A single parcel, split with two zoning designations. We recently received a building permit for redevelopment of the commercially zoned portion of the parcel. Our business has been located in the area for 13 years, during which time we have tried to be model neighbors. Reflecting our commitment to the area and our desire for a new structure of high quality and appeal, we went to considerable length and expense to design a Prairie style building that will complement and integrate well with the surrounding area. A less aesthetic, less complicated building would have been easier and less expensive, but also less attractive, and less compatible with its surroundings.

Resolution of the zoning dilemma creates an opportunity for us to take a situation on the ground and make it considerably better for the surrounding neighborhood and for us. And we are willing to make the investment to do so. Compared to the plans currently approved by the City, the expanded commercial site would have considerably more landscaping between the building and parking lot, as well as in and around the parking lot itself. In fact, there is very likely to be a net reduction in asphalt and pavement on the site as a whole (versus the current plan), owing to the fact that the current residentially zoned ground is nearly half asphalt and concrete surfaced. Although the structure currently on the residentially zoned ground still carries a nonconforming use as an adult education center (it was effectively lost as a residence in 1965), it is a hazard and an

Lynn A. McCarron, DVM, Dipl. ABVP
James J. Ack, DVM
Valerie Kastens Archibald, DVM, Dipl. ABVP
Magali Lequient, DVM
Kate W. Bjordahl, DVM

eyesore, as it has been poorly maintained through decades of prior ownership. It is truly a liability to us and to the neighborhood. In summary, resolution of the zoning issue represents a solution to a burdensome split zoning issue and also creates an opportunity for a dramatic improvement in aesthetics at the site.

With regard to the other affected 900 South properties, we also favor rezoning of the land to reflect its current use. It would seem that the affected sites could not sustain businesses without the use of the errantly zoned land. Additionally, commercial use of the land preceded the 1995 zoning rewrite, as it did in our case.

Best,

James J. Ack, DVM

Lynn A. McCarron, DVM, DABVP

University Pet Clinic
965 East 900 South • Salt Lake City, UT 84105 • (801) 596-9005

May 5, 2005

Salt Lake City Corporation
Cheri Coffey, AICP
491 South State Street
Room 406
Salt Lake City, Utah 84111

Dear Ms. Coffey

I am in receipt of your letter dated April 28th concerning the Zoning of the properties along 900 South.

I am in complete support of the rezoning of all of the properties. Parking is a premium in this area, and all properties improperly zoned during the change are used for parking. It is to the benefit of the community to have these parking areas for the retail establishments and so the local residence won't have congested parking along the side streets.

I am further hoping that the city will continue with plans to develop angled parking in this area. The Ninth and Ninth area is a unique asset to the community, and unique boutique shopping areas becoming fewer and fewer.

I appreciate your letter and hope the city rezones these to Community Business. If any further follow up letters are needed, or if a meeting is planned I want to be contacted.

Sincerely,

Bruce T. Daniger
916 South 900 East property owner

received
5/16/05

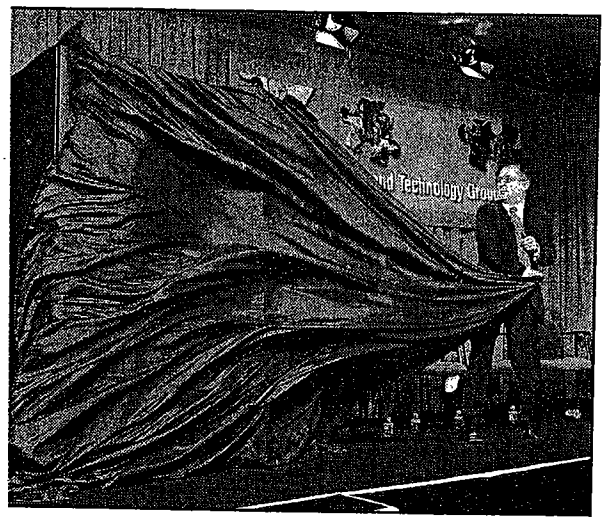
Salt Lake City Corporation
Planning and Zoning division
451 S. State Street 406
Salt Lake City, Utah 84111

May 2, 2005

Zoning,

I am currently in the process of purchasing the property Cahoots 878 E 900 S and parking in the back, which is currently residential on you books. I am in favor of re-zoning it to commercial.

Mike Markus
801-699-9696



RICHARD DREW, ASSOCIATED PRESS

ıti, general manager IBM Systems, unveils with a flourish /'s new z9 mainframe computer in New York on Tuesday.

M introduces w mainframe

gstein
s

RK — Trying to stay arket for corporate servers, Interna- ess Machines Corp. lucrative line of computers Tuesday system aimed at anks, government agencies and other big customers keep data secure.

IBM spent $1.2 billion over the past three years developing the new mainframe, the z9, which is twice as powerful as Big Blue's current top model. The price starts around $1 million.

Like previous mainframes — enormous, centralized computers that date to the early days of the digital era — the z9 can encrypt data. But IBM contends the new machines make encryption more of a priority by spreading that capability throughout the system instead of just in the central processor.

As a result, IBM executives said, banks and other customers that traffic in sensitive data will find it easier to encode backup tapes and other records that often are transmitted or stored in clear text. That flaw has been at the heart of some of the recent data breaches that have garnered widespread attention.

"It really does attack the practical issues with an enterprise using encryption as their standard," said George Walsh, an IBM systems vice president who led development of the z9.

Research firm IDC estimates that at least 15,000 mainframe computers are in use around the world, and that IBM sells about 2,500 annually.

While rivals have long derided mainframes as dinosaurs that lock customers into expensive service bills, mainframes remain key to IBM's computing-systems business, which accounts for about 25 percent of the company's total revenue.

In the most re sales of the z-seri the mainframe lir now lead — fell Meanwhile, impre was seen in IBM's expensive server industry-standard Intel Corp. chips IBM's own micropr

IBM, based in A blamed the z-ser

Legal Notices

naclegal@nacorp.com • 237-2720

070—Legal Notices

SALT LAKE CITY PLANNING COMMISSION PUBLIC HEARING

On Wednesday 10 August, 2005 at 5:45 P.M., the Salt Lake City Planning Commission will hold a public hearing to take public comment and consider recommending approval of an amendment to the Central Community Zoning Map and Master Plan. The proposed amendment includes identifying four properties at approximately 916 South 900 East, 909 South 900 East, 932 East 900 South and 919 South Lincoln Street as community business rather than low-density residential. The proposal also includes rezoning the properties from R-1/5000, low-density residential to CB, community business. All persons interested and present will be given an opportunity to be heard in this matter. 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, four days in advance so that an interpreter can be provided. For further information regarding this hearing, call Sarah Carroll at 535-6260.
8202TYFY

PUBLICIDAD CLASIFICADA HACE MAS COSAS PARA MAS PERSONAS QUE CUALQUIER OTRA FORMA DE PUBLICIDAD.

070—Legal Notices

Notice is hereby given that U-Stor-It located at 1740 West 6020 South; Taylorsville, Utah, 84118 will sell on August 3, 2005 at 9:00 AM the following tenants personal property at auction. Owner/Operator has the right to bid and set minimum bid or cease sale. Purchases must be paid for at time of purchase in CASH ONLY, and items must be removed.

Unit # 65 Silvia Olivas, 345 East Wilson Ave Apt#1, Salt Lake City, UT 84115. Entire Contents.
Unit # 188 Mathew Barnard, 5273 S Carpenter Cove Taylorsville, UT 84118. Entire Contents.
Unit # 221 Michael Slaughter, 6561 S Birchfield Lane Apt 8F, Murray, UT 84120. Entire Contents.
Unit # 325 Sandra Weathington, 5034 Laurel Bridge Dr, Smyrna, GA 30082. Entire Contents.
Unit # 13 Carol Francom, 767 W Two O'clock Dr, Tooele, UT 84074. Entire Contents.
Unit # 14 Jesse Bringhurst, 5572 Crosspoint Court, Salt Lake City, UT 84123. Entire Contents.
Unit # 132 Frazier Mathews III, 757 Chadford Lane, Midvale, UT 84047. Entire Contents.
Unit # 161 Katrina Salazar, 8155 S Redwood Rd #52, West Jordan, UT 84108. Entire Contents.
8202TGDF

PUBLICIDAD CLASIFICADA HACE MAS COSAS PARA MAS PERSONAS QUE CUALQUIER OTRA FORMA DE PUBLICIDAD.

070—Legal Notices

INVITATION TO BID

The University of Utah proposes to purchase the requirements as listed below.

Sealed bids for the following will be received at the Purchasing Department, 1901 E South Campus Drive, Room 151, until 2:00 P.M., Thursday, August 25, 2005

1. FURNISHINGS FOR MORAN II

BID SPECIFICATIONS MAY BE OBTAINED FROM THE PURCHASING DEPARTMENT, UNIVERSITY OF UTAH, 1901 E SOUTH CAMPUS DRIVE, ANNEX BUILDING, RM #151. THE UNIVERSITY OF UTAH RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS OR WAIVE ANY INFORMALITY OR TECHNICALITY IN THE INTEREST OF THE UNIVERSITY OF UTAH.

JAMES T. PARKER
DIRECTOR OF PURCHASING
UNIVERSITY OF UTAH
8202TYL9

MIDVALE CITY NOTICE OF PUBLIC MEETING

The public is invited to attend a public hearing before the Midvale Planning Commission on Wednesday, August 10, 2005 at 7:00 pm in the Midvale City Council Chambers located at 655 West Center Street, Midvale, Utah. The Planning Commission will be considering a Preliminary Subdivision Plat for the Wison Woods Subdivision to be located at approximately 450 East 7420 South, Jon Wiberg (Applicant).

All interested parties are invited to attend the meeting or contact Phillip Hill, City Planner in the Midvale City Planning and Zoning Department at (801) 567-7229 for more information.

Published: July 27, 2005
8202TX0X

AVOID A WAIT PLACE YOUR

070—Legal Notices

Notice to Bid

Wasatch County School District is accepting bids for the construction of the 980 South roadway from 1200 East to Cobblestone Drive (approximately 2434 lineal feet). The construction includes excavation, fill, paving, and associated curb, gutter, sidewalk, etc., associated with the roadway. Plans and specifications will be available at Sandstrom and Associates Architecture, 885 South 220 East, Orem, Utah 84058, phone 801-229-0088, Fax 801-229-0089, beginning on Friday, July 22, 2005, at 2:00 p.m. Bids are due on Thursday, August 4, 2005, no later than 2:00 p.m. at Sandstrom and Associates Architecture at which time they will be opened. Wasatch School District reserves the right to accept or reject any or all bids.
8202TW9T

LLAME AL CLASIFICADOS 237-2000

NOTICE OF TRUSTEE'S SALE

The following described real property will at public auction to the highest bidder, purchas payable in lawful money of the United States of at the time of sale, in the rotunda at the east, n trance of the Third Judicial District Courthous South State, Salt Lake City, Utah, on Tuesday, Aug 2005, at the hour of 1:00 p.m. of that day for t pose of foreclosing a deed of trust originally e by Ronald M. Yates and Natalie Yates, in favor Kent Mortgage Co., covering real property loc approximately 4105 South 1610 East, Salt Lak Salt Lake County, Utah, and more particularly de as:

LOT 19, GREEN PASTURES SUBDIVISION, ACCORDI THE OFFICIAL PLAT THEREOF, RECORDED IN BOO PLATS AT PAGE 78, RECORDS OF SALT LAKE C UTAH. 16-33-381-014

The current beneficiary of the trust deed is ington Mutual Bank, a federal association, fc known as Washington Mutual Bank, FA, succes Washington Mutual Home loans, Inc., formerly kn PNC Mortgage Corp. of America, and the record of the property as of the recording of the notice fault are Ronald M. Yates and Natalie Yates. Th tee's sale of the aforedescribed real property made without warranty as to title, possession, or brances. Bidders must be prepared to $5,000.00 in certified funds at the sale and the b of the purchase price in certified funds within 24 of the sale.

THIS IS AN ATTEMPT TO COLLECT A DEBT. AI FORMATION OBTAINED WILL BE USED FOR THAT

070—Legal Notice

MIDVALE C NOTICE C PUBLIC MEET

The public is invit tend a public hec fore the Midvale Commission on We August 10, 2005 pm in the Midv Council Chambers at 655 West Cente Midvale, Utah. T ning Commission considering a Cc Use Permit for a t to be located at mately 7229 So East, Andy McKay cant).

All interested par invited to attend t ing or contact Phi City Planner in the City Planning anc Department at (80 7229 for more infc

Published: July 27, 8202TP4L

TO PLACE YO CLASSIFIED A 237-2000

aternity ve leaves S. behind

ntinued from E1

rance, expanded maternity after World War II to fight g birthrates and encourage bearing. That argument een missing in the United s, where immigration has red population growth.

Waldfogel, also a professor lumbia, says another part e puzzle is that the Euro- and American feminist ements had differing goals. Europe, feminists empha- special treatment for moth- including maternity leave child care. "The American nist movement didn't want ar anything about moth- Waldfogel says. "They ted equal rights for women didn't emphasize special tment." The U.S. feminist ement has moved away this viewpoint, but that 't led to a change in mater- rules. One reason is that women are used to having at three months off and con- r it the norm, Waldfogel .

or many, of course, that m feels alien. To Strauss lroy in Santa Fe, those three ths certainly feel inade- te.

'I thought, being kind of a ca- woman, that I might be one ose who'd be kind of looking ward to going back, that I'd ll babied out," she says. it I'm really very apprehen- about it."

There have been several attempts at introducing paid maternity leave in the United States. The Clinton administration wanted to allow states to use unemployment funds for maternity leaves, but that was shot down by the Bush administration after opposition from business groups concerned with increased contribution to state unemployment funds.

A bill introduced in the House by Reps. Pete Stark and George Miller, both D-Calif., would establish a fund that would replace 55 percent of pay for workers on FMLA leave. Contributions to the fund would come from employers.

"There are a couple of central problems when we look at paid leave legislation. The first is: who's paying for it?" asks Michael Eastman, director of labor policy at the U.S. Chamber of Commerce.

U.S. employers already pay $21 billion a year in direct costs related to the FMLA, Eastman says.

Waldfogel agrees that it's too much to ask employers to shoulder the cost of introducing paid maternity leave.

California went a different route, and last year introduced family leave with around 50 percent pay for six weeks, paid from a fund that employees, not employers, pay into. "Once they did that, there were no longer any objections from employers," Waldfogel says. Five states — California, Hawaii, New Jersey, New York and Rhode Island — and Puerto Rico require employers to have temporary disability programs, which pay benefits if the pregnancy is defined as a disability by a doctor.

A few others have infant-care programs that pay subsidies to low-income families for up to two years.

V Guide et to receive a ajor face-lift

Continued from E1

Gemstar's CEO Rich Battista form that the digest-size magazine was sustainable," Battista said. "Any brand has to evolve in a dynamic marketplace where consumer tastes are changing rapidly."

In another cost-cutting move, *TV Guide* will also streamline how it produces the magazine, eliminating its 140 localized editions in favor of a national edition, with either an Eastern or

Legal Notices

naclegal@nacorp.com • 237-2720

070—Legal Notices

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070—Legal Notices

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8202TW9T

PUBLICIDAD CLASIFICADA HACE MAS COSAS PARA MAS PERSONAS QUE CUALQUIER OTRA FORMA DE PUBLICIDAD.

070—Legal Notices

MIDVALE CITY NOTICE OF PUBLIC MEETING

The public is invited to attend a public hearing before the Midvale Planning Commission on Wednesday, August 10, 2005 at 7:00 pm in the Midvale City Council Chambers located at 655 West Center Street, Midvale, Utah. The Planning Commission will be considering a Conditional Use Permit for a twin home to be located at approximately 7229 South 580 East, Andy McKay (Applicant).

All interested parties are invited to attend the meeting or contact Phillip Hill, City Planner in the Midvale City Planning and Zoning Department at (801) 567-7229 for more information.

Published: July 27, 2005
8202TP4L

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

In the Matter of the Adoption of Levi, a minor child. NOTICE OF ADOPTION PROCEEDING Case No. 042900528 Judge: Deno Himonas

To: Stan Carlson
Please take notice that a Petition for Adoption has been filed in the Third Judicial District Court in and for Salt Lake County, State of Utah, Case No. 042900528, in connection with the adoption of a child born on December 3, 2004 in the State of Utah.

If you object to the adoption of this child and if you intend to intervene in or contest the adoption, you must file a motion in the adoption proceeding within 30 days after this Notice is served upon you. The motion must set forth specific relief sought and must be accompanied by a memorandum specifying the factual and legal grounds upon which your motion is based. Your motion must be filed with the Third Judicial District Court in and for Salt Lake County, State of Utah. The court's mailing address is:

Third Judicial District Court
450 South State Street
P.O. Box 1860
Salt Lake City, Utah 84111

If you fail to file a motion for relief within 30 days after this notice is served upon you, you will waive any right to further notice in connection with the adoption, you will forfeit all rights in relation to the child, and you will be barred from thereafter bringing or maintaining any action to assert any interest in the child.

DATED this day of July 20th 2005.

David M. McConkie
KIRTON & McCONKIE
Attorneys for LDS Family Services
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111-1004
8202TS7W

NOTICE OF TRUSTEE'S SALE APN: 27-17-452-003 Trust No. 1073376-07 Ref: Glauser Chancie TRA: Loan No. 0015333941. IMPORTANT NOTICE TO PROPERTY OWNER: YOU ARE IN DEFAULT UNDER A DEED OF TRUST, DATED April 17, 2003. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THIS PROCEEDING, YOU SHOULD CONTACT A LAWYER. On August 24, 2005, at 11:30am, James H Woodall, as duly appointed Trustee under a Deed of Trust recorded April 18, 2003, as Instrument No. 8618298, in Book 8781, Page 147, of the Official Records in the office at the County Recorder of Salt Lake County, State of Utah, executed by Chancie Glauser, will sell at public auction to highest bidder, payable in lawful money of the United States at the time of sale. Successful bidders must tender a deposit of $5,000 in certified funds to the trustee at the time of sale, with the balance due by noon the following business day, at the office of the Trustee. Inside the rotunda at the east main entrance of the Scott M. Matheson Courthouse, 450 S. State Street Salt Lake City Utah all right, title and interest conveyed to and now held by it under

070—Legal Notices

NOTICE OF TRUSTEE'S SALE APN: 2E No. 1041812-07 Ref: Phyllis Mar: 0433375706. IMPORTANT NOTIC OWNER: YOU ARE IN DEFAULT UNDEI DATED October 30, 2001. UNLESS Y PROTECT YOUR PROPERTY, IT MAY BI SALE. IF YOU NEED AN EXPLANATION ING, YOU SHOULD CONTACT A LAW 2005, at 11:30am, James H Woodal Trustee under a Deed of Trust reco 2001, as Instrument No. 8050924, i 6886, of the Official Records in the Recorder of Salt Lake County, Stat by Phyllis Marsing, An Unmarried public auction to highest bidder, money of the United States at the tir bidders must tender a deposit of funds to the trustee at the time of sc due by noon the following business c the Trustee. Inside the rotunda at the of the Scott M. Matheson Courthouse, Salt Lake City Utah all right, title a to and now held by it under said property situated in said County and Lot 65, white city no.35, according thereofrecorded in book 77-2 of Salt Lake county, Utah. The street common designation of the real above is purported to be: 1723 Eas Ut 84092. Estimated Total Debt as is $223,234.20. The undersigned T liability for any incorrectness of the other common designation, if any, sale will be made without covenant or implied, regarding title, possessi cumbrances, including fees, charges Trustee and of the trusts created by to pay the remaining principal sum cured by said Deed of Trust. The a the Trust Deed as of the date of t Trust Company As Trustee. The re property as of the recording of t is/are: Phyllis Marsing. Dated: July Woodall 10653 River Front Parkw Jordan Ut 84095 (801)254-94 (Hotline) Hours: 9:00 A.M. – 5:00 James H. Woodall, Trustee R 07/27/05 08/03/05
8202TQSY

Notice of Trustee's

NOTICE OF TRUSTEE'S SALE The property will be sold at public a bidder, payable in lawful money of the Main Entrance, Tooele County house, 47 S Main St., Tooele, UT 8 2005 at 9:00 AM, for the purpose Deed recorded 19 January 2005, Book 997 Page 316 of Tooele Prime West Properties, LC, as Trust ance Enterprises, LLC, as Benefic property located in Utah County a lows: Beginning At a Point Which 28" West, 1323.61 Feet and No West, 400.00 Ft From Center of S South, Range 4 West, Salt Lake B Running Thence North 1429.30 Fe Deg. 53' 52" West 2563.53 1401.61 Feet; Thence South 89 2563.63 Feet To the Point of Begi 2-143-3. The current Beneficiary Alliance Enterprises, LLC, and the property as of the recording of are reported to be Prime West Pr must be prepared to tender to the the sale and the balance of the pur noon the day following the sale. B in the form of a cashier's check; cas trustee's deed will be made avail bidder within three business days the bid amount. The sale is made whatsoever, including but not limite to title, liens, possession, taxes en tion of the property. The sale is su instatement, payoff, sale cancella incorrect bidding instructions, ban circumstance of which the trustee is any of the foregoing apply, the the successful bidder's funds will be liability to the trustee or beneficia other damages. NOTICE IS HEREBY IS ATTEMPTING TO COLLECT A DEB TION OBTAINED WILL BE USED FOR JUNE 22, 2005. Signed /s/ Dane L tee Law Offices of Dane L Hines, North # 103, Provo, Utah 84601 fice Hours 9:00 am to 4:30 pm, Mo
8202TYPR

NOTICE OF TRUSTEE'S SALE APN: 2 Trust No. 1075195-07 Ref: Victor No. 0600123493. IMPORTANT N OWNER: YOU ARE IN DEFAULT UNI DATED April 20, 2001. UNLESS PROTECT YOUR PROPERTY, IT MAY SALE. IF YOU NEED AN EXPLANATI ING, YOU SHOULD CONTACT A LA 2005, at 11:30am, James H Wooc Trustee under a Deed of Trust rec

SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, August 10, 2005

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

Present from the Staff were Louis Zunguze, Community Development Director, Brent Wilde, Deputy Community Development Director, Cheri Coffey, Deputy Planning Director, Sarah Carroll, Associate Planner, Doug Dansie, Principal Planner, Neil Olsen, Principal Planner, Kevin LoPiccolo, Planning Programs Supervisor, Maggie Tow, Secretary.

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

APPROVAL OF MINUTES FOR WEDNESDAY, July 13, 2005.
(This item was heard at 5:46 P.M.)

Vice Chairperson Noda asked for a motion to approve the minutes of July 13, 2005. Commissioner Seelig asked that Petition #400-05-01 be amended to read that Commissioner Scott, and not Commissioner Seelig, made the motion that the Planning Commission transmit a positive recommendation to the Council and that Commissioner De Lay seconded that motion. This recommendation was noted, the recording of the July 13, 2005 minutes reviewed, and the minutes corrected. Commissioner Scott said she believed the minutes regarding Petition #400-05-22 should be amended to include comments made by Cheri Coffey, Deputy Planning Director. Commissioner Scott said her statement was that home owners can ascertain that their home might be a historical landmark site by calling Salt Lake City Corporation offices or the State offices. The minuts were so amended. Vice Chairperson Noda thanked Commissioner Scott and asked for a motion to approve the minutes. Commissioner De Lay moved that the minutes be approved with the noted corrections. Commissioner Seelig seconded the motion. The July 13, 2005 minutes were unanimously approved as written with one abstention from Commission McDonough. Commissioner De Lay, Commissioner Scott, Commissioner Galli, Commissioner Muir, Commissioner Seelig, and Commissioner Noda voted "Aye". Commissioner McDonough abstained. Commissioner Diamond, and Chairperson Chambless were excused. The motion passed and the minutes were approved.

REPORT OF THE CHAIR AND VICE CHAIR
(This item was heard at 5:50 P.M.)

Vice Chairperson Noda said that she and Chairperson Chambless met with the Chair of the City Council to discuss the city in-fill ordinance. The City Council passed the Yalecrest Compatibility Overlay ordinance. It was decided that before they pass any new in-fill

ordinance more community involvement and input from the City Planners is needed. Potential in-fill ordinances are being considered for other area.

The next item discussed was the Northwest Quadrant Master Plan issue. It was noted as being a high priority and will be moving along later this year. Vice Chairperson also noted that the City Council is looking for two new members for the Planning Commission. The need for two new members was stressed. There are concerns and problems regarding finding appropriate members to serve with the Planning Commission. She stated if anyone has any recommendations to please forward them to Louis Zunguze, Community Development Director.

REPORT OF THE PLANNING DIRECTOR
(This item was heard at 5:52 P.M.)

Mr. Louis Zunguze, Community Development Director, discussed two issues. 1) The Planning Commissioners were asked about their feelings regarding a change in procedure; hand delivery of Planning Commission packets or mailing the Planning Commission packets. If mailed, the packets would be mailed early enough to ensure that Commissioners would receive their packets by Friday. The Commissioners all felt that as long as they had the packets by Friday to review over the weekend, there was no problem with mailing. 2) Mr. Zunguze then discussed an important City project sponsored by the RDA located on 300 West between 500 North and 600 North. Given the magnitude of the project and the location in an historic district, it was proposed that a joint sub-committee be set up composed of Planning Commission and Historic Landmark Commission members. Times will be established to meet and discuss the issues involved. This issue also met with no negative responses. Commissioner Babs De Lay, Commission Seelig, and Vice Chairperson Noda volunteered to sit on this committee on behalf of the Planning Commission.

Mr. Zunguze informed the Planning Commission that their packets contained a priority list for Master Plan Development. They were asked to please review it and be prepared at the next meeting to discuss and finalize the list. Staff would then know how to proceed with master plan development.

Commissioner Seelig had questions regarding the phrase "never published" on the West Salt Lake Community Plan. Cheri Coffey, Deputy Planning Director, addressed that question, defining terms, guidelines, errors made and reasoning. For several reasons the project was delayed. It is now being updated and will be published in its entirety when ready. Ms. Coffey said that what was adopted in 1995 is in effect and is being used to review projects. The updated plan is not ready to for public review. Commissioner Seelig had concerns with the project being accessible. Ms. Coffey said that she would definitely have the adopted plan put on the web site. Commissioner Seelig then asked about the Central Community Master Plan, the Sugarhouse Master Plan and the Northwest Quadrant Master Plan. Mr. Zunguze said that the first three are locked into place and funding would be found for all plans.

Mr. Zunguze announced that Monday, August 15, 2005, the new Planning Director, Mr. Alexander Ikefuna will begin his job. Mr. Ikefuna will attend the Planning Commission meeting on August 24th as will Mr. Zunguze. The involvements and interactions between Mr. Ikefuna and Mr. Zunguze will be on-going and they will work together.

Mr. Zunguze then excused himself from the Planning Commission meeting due to personal matters. Cheri Coffey and Brent Wilde were still in attendance. Vice Chairperson Noda extended the thanks of the Planning Commission to Mr. Zunguze for his work and time as Planning Director.

PUBLIC NOTICE AGENDA – Salt Lake City Property Conveyance Matters. NONE

PUBLIC HEARINGS

Petition No. 400-05-10, a request by the Salt Lake City Planning Commission for zoning map and master plan amendments to correct the zoning designation of four properties in the 9th and 9th area. The petition includes the following addresses: approximately 916 South 900 East, 909 South 900 East, 932 East 900 South, and 919 South Lincoln Street. The properties are zoned R-1/5000, Single Family Residential, or R-1/5000 and CB, Community Business. The purpose of the petition is to correct zoning map errors resulting from the 1995 Zoning Rewrite by changing the zoning designations of the subject parcels to CB only.

At 5:59 P.M. Ms. Carroll, Associate Planner, gave a Power-Point presentation for this proposal. Four properties are included. Item #1 - 916 South 900 East is a parking lot behind Cahoots, and Orion Music. Item #2 - 909 South 900 East is a parking lot for various commercial uses such as Starbucks and Great Clips. Item #3 - 932 East 900 South is a parking and storage garage for Mutual Beauty Supply. Item #4 - 919 South Lincoln Street is a former residential structure with a rear-yard parking lot. Ms. Carroll then gave a history of these 4 lots.

#1 – County records show the lot has been paved since 1967, a parking lot for 38 years.

#2 – City and County records do not indicate when the lot was paved, but a viewing of the 1980 aerial maps shows the lot was paved in 1980; at least 25 years as a paved parking lot.

#3 – The Board of Adjustment approved the parking lot in 1975. Parking lots in residential districts were allowed at that time if approved by the Board of Adjustment.

#4 – This parking area, including the rear-yard parking, was approved by the Board of Adjustment in 1966. The former residential structure was used by the Bethel Baptist Church for classrooms and a recreation hall at that time.

Ms. Carroll pointed out the former residential structure has not been used for residential purposes since the 1950s and the parking on the site behind that structure has been there for 39 years.

In summary, Ms. Carroll stated that most of the properties were intended to be commercial rather than residential. The community questions what will happen to the property at 919 South Lincoln if the southern portion is rezoned to commercial. The northern portion of that property has now been approved for a new veterinary clinic. Ms. Carroll showed the area on the map and said the parking lot shown there has been approved. If the zone does not change the former residential structure would remain with a paved backyard and the parking shown would be allowed. If the zoning is changed, the property owner would like to revise the parking plan shown by Ms. Carroll. The revised plan would include the demolition of the former residential structure, a wider parking lot and more landscaping.

Questions were addressed to Ms. Carroll on alternatives and were referred to discussion with the property owner.

Ms. Carroll stated that the goals of the Small Area Plan focused on providing adequate off-street parking for commercial businesses, avoiding expansion of the core commercial district and avoiding the use of alleys for commercial purposes. The draft Central Community Master Plan focused on developing in a manner compatible with surrounding uses. Ms Carroll has determined that this rezone petition is not viewed as a commercial encroachment because all the properties have been used for non-commercial purposes for at least 25 years and many of them much longer than that. The over-all character of the existing development would remain the same. Staff also determined that due to the continuance of the uses on Items #1, #2, and #3, and the improved parking and landscaping on Item #4, the proposed amendment would not have an adverse effect on adjacent properties. The rezone will not increase the demand for services to the properties. Staff recommended that the Planning Commission transmit a favorable recommendation to the City Council.

Planning Commissioner Galli entered the meeting and was seated at 6:05 p.m.

Vice Chairperson Noda asked for comments or questions and asked for input from the Community Council Chair.

Margaret Brady, speaking for the East Liberty Park Community Organization (ELPCO) noted as a point of clarification, that the rear-yard parking at 919 Lincoln was reviewed by the Board of Adjustment two years ago and it was determined that the1966 approval for rear-yard parking did not run with the land. The current owner may not use the rear-yard for commercial parking because the land use has changed. Ms. Brady referenced a meeting held, and comments made, by various people and City staff. The East Liberty Park Community organization voted in favor of rezoning this lot. They prefer the revised parking plan to the existing plan.

Vice Chairperson Noda asked if there were other Community Council Chairs wishing to speak.

Lois Snyder stated she has lived in the neighborhood 25+ years. She stated she is very concerned about the proposal. She has no problem with the clinic building. Her concern is with the property owner's desire to add additional land to his project by rezoning property, purchasing the property and then landscaping that property. Her concern was that the code has no authority to maintain landscaping once it is installed and that a building will be torn down rather than updated to become a home that is a viable neighborhood asset.

Vice Chairperson Noda asked for any other comments.

Dennis Guysell, Chair East Central Community Council stated that this issue was debated for multiple meetings and no strong feeling one way or another was determined. They were divided. Because of where the land falls, they decided to defer the decisions to ELPCO. Mr. Guysell then spoke from a personal standpoint. He stated he had met with Dr. Ack, reviewed plans with him and has no problem with the 919 South Lincoln Street property being zoned as requested. He will defer to the preference of ELPCO on the other three parking lots.

Chris Johnson, Vice Chair East Central Community Council stated she feels that Dr. Ack is a good neighbor and has been patient and indulgent with their requests. She is personally in support of the rezoning of the properties.

Dr. Jim Ack - 965 East 900 South (business address). Dr. Ack clarified a number of points previously addressed. He stated the BOA meeting mentioned before by Margaret Brady was centered on an entirely different issue than the issue being addressed today, namely rezoning initiated by the Planning Department, not by Dr. Ack or his organization. He spoke to the serious decay of the buildings that occurred before he purchased them. He wants to aesthetically improve and beautify the community while improving his site. This improvement will include increased landscaping between the building and the parking lot and on the perimeter and within the parking lot itself. Dr. Ack does not need more space and is currently looking at reducing the foot-print of the building for budgetary reasons. He is committed to this area and will not be moving for a very long time.

Questions were asked by the Planning Commission regarding the buffer zones, over-hangs, landscaping, increasing foot-print of building, when the lot was consolidated and 2-way traffic. It was stated by Planner Sarah Carroll that all standards, criteria and zoning regulations would be required and upheld. Deputy Planning Director Cheri Coffey added that the other three parking lots would not be required to add landscaping because they already exist. Vice Chairperson Noda closed the public portion of the meeting.

Planning Commissioner Muir commented that he is against Item #4 because a house adds fabric to a neighborhood and demolishing a home takes away the neighborhood's character and distinctiveness. He can however, support Items 1-3.

Motion for Petition 400-05-10:
Regarding Petition No 400-05-10, based on the analysis and findings of fact outlined in the staff report, Commissioner De Lay moved that the Planning Commission transmit a favorable recommendation on all four items to the City Council to approve the proposed zoning map amendments and amend the East Central and Central Community Master Plan to identify the properties as community commercial land use. Commissioner De Lay, Commissioner Galli, Commissioner Seelig and Commissioner Scott voted "Aye". Commissioner Muir and Commissioner McDonough were opposed. Commissioner Diamond and Commissioner Chambless were not present. The motion passed.

Petition No. 410-754, by Dr. Nancy C. Larsen requesting conditional use approval to utilize an existing retail building, located at approximately 1441 South 1100 East Street, for the operation of a veterinary clinic that specializes in feline health. The property is zoned RB Residential Business. Veterinary Clinics may be allowed as a conditional use in this zone.

6:35 P.M. This petition was withdrawn by the petitioner, Dr. Nancy C. Larsen.

Petition No. 410-751, by the Boyer Company for a planned development for a retail/office building located at approximately 40 North 500 West (between 500 West and Rio Grande), and conditional use approval to modify building materials, setbacks, minimum height and modification to the 500 West residential requirement.

At 6:38 P.M. Vice Chairperson Noda introduced Petition No. 410-751 and Doug Dansie, Principal Planner. Mr. Dansie stated that all new construction in the G-MU Mixed-Use District is a planned development. That is the reason the petition is here. In the Gateway G-MU zone there are also design guidelines. Mr. Dansie briefly explained some of those guidelines and explained what guidelines the Planning Commission can and cannot modify or waive.

This specific project is a retail project and is generally located just northwest of the Olympic fountain at Gateway. The Planning Commission dealt with a similar petition last December, directly west of the Olympic fountain; the Apple store and the Ann Taylor Loft. They are now under construction. Mr. Dansie then gave background information for Petition No. # 410-751 and the petition approved December 2004. He used two drawings in his presentation, explaining the lay of the drawings in conjunction with directional facades, mentioning pedestrian walkways, elevation, proposed construction sites, current and completed buildings and structures and what the petitioners have agreed to continue doing.

Mr. Dansie proceeded to explain the various issues in this petition that have been a concern. Some of those issues are use of appropriate construction materials, and location and access of loading docks. Meetings have been held with Kevin Young, Deputy Transportation Director. In these meetings, and in the telephone conversations, Mr. Young reiterated his concern with the location of the loading docks.

PETITION NO. 400-05-10

PETITION CHECKLIST

Date	Initials	Action Required
5/2/05	MH	Petition delivered to Planning
5/4/05	AMP	Petition assigned to: Sarah Carroll
8/10/05	SC	Planning Staff or Planning Commission Action Date
9/7/05	SC	Return Original Letter and Yellow Petition Cover
8/23/05	SC	Chronology
9/7/05	SC	Property Description (marked with a post it note)
8/23/05	SC	Affected Sidwell Numbers Included
8/25/05	SC	Mailing List for Petition, include appropriate Community Councils
7/26/05	SC	Mailing Postmark Date Verification
8/24/05	SC	Planning Commission Minutes
8/10/05	SC	Planning Staff Report
8/23/05	SC	Cover letter outlining what the request is and a brief description of what action the Planning Commission or Staff is recommending.
8/26/05	SC	Ordinance Prepared by the Attorney's Office
9/7/05	SC	Ordinance property description is checked, dated and initialed by the Planner. Ordinance is stamped by Attorney.
Sarah Carroll		Planner responsible for taking calls on the Petition
____	____	Date Set for City Council Action ____
____	____	Petition filed with City Recorder's Office

REMARKS

Petition No. 400-05-10

By Planning Commission

Is requesting a petition to review the appropriateness of rezoning the following referenced properties from R-1/5,000 to Community Business CB. There were several zoning mapping errors that occurred during the 1995 Zoning Rewrite Project that affect these properties.
16-08-181-020-Drive and parking area for Cahoots, Orion Music Etc. Zoned R-1/5,000.
16-08-182-002-Parking area for Starbucks etc. Split zone of CB & R-1/5,000.
16-08-182-017-Part of parking lot on Lincoln Street for businesses on 900 South. Includes storage building that is split zoned. Zoned R-1/5,000.
16-08-183-001-Former CAP building and former residential structure owned by Mr. Jim Ack. Lot consolidated in 1990. Across the street (west) is a business parking lot. Split zone parcel. Former CAP building is CB, former residential structure is R-1/5,000.

*Date Filed*_____

*Address*_____

SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, April 27, 2005

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

Present from the Planning Division Staff were Doug Wheelwright, Deputy Planning Director, Cheri Coffey, Deputy Planning Director, Elizabeth Giraud, Senior Planner, Doug Dansie, Principal Planner, Joel Paterson, Senior Planner, and Deborah Martin, Acting Planning Secretary. Brent Wilde, Deputy Director of the Department of Community Development, was also in attendance.

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

APPROVAL OF MINUTES FOR WEDNESDAY, APRIL 13, 2005

(This item was heard at 5:53 P.M.)

Commissioner Scott moved for the Planning Commission to approve the minutes, as written. Commissioner Noda seconded the motion. Commissioner Diamond, Commissioner Noda, Commissioner Scott, and Commissioner Seelig voted "Aye". Commissioner McDonough and Commissioner Muir abstained. Commissioner DeLay and Commissioner Galli were not present. Chairperson Chambless did not vote. The motion passed.

REPORT OF THE CHAIR AND VICE CHAIR

(This item was heard at 5:54 P.M.)

Chairperson Chambless explained that he and Vice Chairperson Noda had no matters to report at this time other than informing the Commission that he would not be present at the meeting on May 11, 2005 and Laurie Noda would be Acting Chairperson at that meeting.

REPORT OF THE PLANNING DIRECTOR

(This item was heard at 5:55 P.M.)

Mr. Wilde announced that Mr. Zunguze was not able to attend the meeting and asked to be excused. He added that Mr. Zunguze was attending a leadership training session.

Mr. Wilde asked the Planning Commission to initiate two petitions: One in regards to signage in the Open Space (OS) Zoning District; and one in regards to split zoning on properties on 900 South east of 900 East Street.

Commissioner Seelig stated that since the memorandum regarding signage references banners, she inquired about the determinations made in the Planning Commission Committee. She recalled that the Transportation Division would implement a procedure on a trial basis. Mr. Wilde stated that this petition would be for banners on private property or in this case, a park, and not in the public way.

Mr. Paterson noted that staff is working to resolve some conflicts in developing an ordinance because there are many complex issues that need to be resolved. He indicated that staff would keep the Planning Commission informed of the proceedings.

Chairperson Chambless entertained a motion.

Motion to initiate a petition regarding signage in the Open Space (OS) Zoning District.
Commissioner Scott moved that the Planning Commission would initiate a petition regarding signage in the Open Space (OS) Zoning District for large parks. Commissioner Diamond seconded the motion. Commissioner Diamond, Commissioner McDonough, Commissioner Muir, Commissioner Noda, Commissioner Scott, and Commissioner Seelig unanimously voted "Aye". Commissioner De Lay and Commissioner Galli were not present. Chairperson Chambless did not vote. The motion passed.

Mr. Wilde stated that on the south side of 900 South Street going east from 900 East Street (Ninth and Ninth area) there are split-zoned commercial/residential properties. He pointed out that staff needs to evaluate those zoning splits and bring the results of the study back to the Planning Commission for consideration.

Chairperson Chambless entertained a motion.

Motion to initiate a petition regarding the split zoning on properties on 900 South Street east of 900 East Street.
Commissioner Diamond moved for the Planning Commission to initiate a petition for the Planning Division to evaluate the issues regarding split zoning on properties located on the south side of 900 South Street, east of 900 East Street in what is known as the Ninth and Ninth area. Commissioner McDonough seconded the motion. Commissioner Diamond, Commissioner McDonough, Commissioner Muir, Commissioner Noda, Commissioner Scott, and Commissioner Seelig unanimously voted "Aye". Commissioner De Lay and Commissioner Galli were not present. Chairperson Chambless did not vote. The motion passed.

Mr. Wilde referenced a letter from Dale Lambert, Chair of the Salt Lake City Council, in response to the master plan discussion of a few weeks ago. He said that Community Development Director, Mr. Zunguze, asked for a postponement of the discussion until he could be in attendance.

The members of the Planning Commission agreed to postpone the discussion on this issue until the May 25, 2005 meeting.