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# SALT LAKE CITY COUNCIL STAFF REPORT

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**DATE:** February 7, 2006

**SUBJECT:** Petition 400-05-06 – Mr. Richard Astle and Thaes Webb – request to:

- Rezone property generally located at 500 South, 500 East and Denver St. (440 East) from Residential Multi-Family RMF-45 and Residential Office to Residential Multi-Family RMF-75
- Amend the Central Community Master Plan Future Land Use Map

**AFFECTED COUNCIL DISTRICTS:** If the ordinance is adopted the rezoning and master plan amendment will affect Council District 4

**STAFF REPORT BY:** Janice Jardine, Land Use Policy Analyst

**ADMINISTRATIVE DEPT. AND CONTACT PERSON:** Community Development Department, Planning Division  
Janice Lew, Principal Planner

**NOTICE REQUIREMENTS:** Newspaper advertisement and written notification to surrounding property owners 14 days prior to the Public Hearing

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## KEY ELEMENTS:

- A. An ordinance has been prepared for Council consideration to:
1. Rezone property at the following addresses from Residential Multi-Family RMF-45 and Residential Office to Residential Multi-Family RMF-75.
    - Approximately 516-524 South 500 East – RMF-45 to RMF-75
    - Approximately 517-533 South Denver Street – RMF-45 to RMF-75
    - Approximately 466 East 500 South – RO to RMF-75 (approximately 25 ft. of the rear portion of the property)
  2. Amend the Central Community Master Plan Future Land Use Map.
- B. The rezoning and master plan amendment are subject to Mr. Astle and the City entering into a development agreement that would limit the maximum building height on the property to 45 feet. The RMF-75 classification is necessary to accommodate the density of the proposed development. Density will be 53 units/acre.
1. The development agreement is to be recorded against the properties and shall be binding upon all successors and assigns in the ownership or development of any portion of the property.
  2. The ordinance will take effect on the date of its first publication.
  3. The City Recorder is instructed not to publish the ordinance until the Planning Director certifies that the required condition has been met.
- C. This rezoning and master plan amendment would facilitate demolition of one residential structure (524 S. 500 E.) and construction of a 43-unit residential development. Related actions approved by the Planning Commission included a planned development conditional use and minor subdivision amendment. (Please see the Planning staff report and Planning Commission minutes for details)

- D. The Administration's transmittal notes:
1. The proposed residential development utilizes portions of seven parcels. The Webb property (6 parcels) will be reconfigured into 3 lots.
  2. Mr. Astle has a purchase contract for the undeveloped portions of Mr. Webb's property.
  3. Planning staff determined that Mr. Astle's and Mr. Webb's applications would be reviewed concurrently to avoid going through a rezone process twice.
  4. Rezoning the rear 25 feet of the property located at 466 East 500 South from Residential Office to RMF-75 is necessary to maintain a consistent zoning boundary for the proposed residential project.
  5. Amending the Central Community Master Plan Future Land Use map from Medium/High Density Residential (30-50 dwelling units/acre) to High Density Residential (50 or more dwelling units/acre) is necessary to accommodate the proposed development's density of 53 units/acre.
  6. The proposed residential development will benefit the Central City neighborhood and the City by allowing a higher density residential development near major transit systems.
  7. The proposed project will provide a distinctive type of residential development that includes a shared common area and underground parking.
  8. Restricting the maximum building height to 45 ft. (through a development agreement) is consistent with the RMF-45 zoned property to the south and maintains the 3-4 story pattern of multi-family development found in the Central City community.
  9. The Medium/High Density land use designation allows a density range of 30-50 dwelling units/acre.
  10. A land use designation of High Density Residential is necessary because the proposed 43 dwelling units equates to 53 units/acre.
- E. Surrounding land uses include:
1. Office and commercial uses to the north.
  2. Commercial and residential uses to the west.
  3. Residential use to the east and south.
- F. The purpose of the High Density Multi-Family Residential RMF-75 district is to provide an environment suitable for high-density multi-family dwellings. Commercial and office types of uses are not permitted in this zone. Maximum height in the zone is 75 feet. Maximum density in the RMF-75 zone is:
- 34.5 units/acre for multi-family developments with less than 15 units
  - 85.2 units/acre for multi-family developments over 15 units with 1 acre
  - 87.1 units/acre for multi-family developments over 15 units and above 1 acre
- G. The purpose of the Moderate/High Density Multi-Family Residential RMF-45 district is to provide for an environment suitable for multi-family dwellings of a moderate/high density. Commercial and office types of uses are not permitted in this zone. Maximum height in the zone is 45 feet. Maximum density in the RMF-75 zone is:
- 14.5 units/acre for single-family attached dwellings
  - 30.5 units/acre for multi-family developments with less than 15 units
  - 43.2 units/acre for multi-family developments over 15 units with 1 acre
  - 43.0 units/acre for multi-family developments over 15 units and above 1 acre
- H. The purpose of the Residential Office RO district is to provide for a suitable environment for existing and future mixed use areas consisting of a combination of residential dwellings and office use. This district should encourage the maintenance and rehabilitation of appropriate existing buildings and neighborhood scale. There is no maximum residential density limit in the RO district. Maximum height in the zone is 4-stories or 60 feet, whichever is less except:
- Single-family or two-family dwellings maximum height is 2 1/2-stories or 30 feet, whichever is less.

- Property abutting a zoning district with a greater maximum building height, the maximum height is be 6-stories or 90 feet, whichever is less.
- I. The public process included a presentation to the Central City Neighborhood Council and written notification of the Planning Commission hearing to surrounding property owners. The Administration's transmittal notes the Neighborhood Council was supportive of the petition and requested that the height of the project be limited to 45 feet.
  - J. The City's Fire, Police, and Public Utilities Departments and Transportation and Engineering Divisions have reviewed the request. The development proposal will be required to comply with City standards and regulations and demonstrate that there are adequate services to meet the needs of the project.
  - K. On November 30, 2005, the Planning Commission voted to forward a positive recommendation to the City Council to rezone the property and amend the Central Community Master Plan Future Land Use Map. In addition, the Planning Commission approved a planned development conditional use and minor subdivision amendment for the project subject to certain conditions. (Please see the Planning staff report or Planning Commission minutes for the specific conditions and details.)
  - L. Issues discussed at the Planning Commission hearing included:
    1. Whether or not the proposed rezoning would be considered spot zoning.
    2. The appropriate zoning classification that would accommodate the density of the proposed project.
    3. Design issues relating to height, mass, scale, buffering and architecture of the proposed development.
    4. Potential traffic and parking impacts on the surrounding area.
    5. Potential impacts on surrounding low-density single-family structures from larger structures blocking light to smaller homes, damage from heavy excavation and construction to homes with sandstone foundations and potential to discourage reinvestment in existing single-family dwellings.
    6. The lack of compatible infill standards for new residential developments in the multi-family zoning districts.

## **MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:**

- A. Council Members may wish to discuss whether it would be appropriate to request that the City Attorney's office prepare an ordinance that specifies the rezoning would not take place until development plans have been approved and a building permit issued.
  1. In the past, Planning Commission recommendations and ordinances prepared for rezoning requests that include a proposed development contain a section that specifies that the ordinance rezoning the property would not become effective until development plans have been approved and a building permit issued.
  2. This type of action has been taken to provide assurance to the community that the proposed development would occur as presented at the time of the rezoning request.
- B. Council Members may wish to discuss with the Administration whether it may be appropriate to amend the Zoning Ordinance to include a modified design review process for multi-family developments (such as the recently adopted conditional building and site design review process) that would address design and compatibility issues encountered with proposed developments in higher density residential zones. The purpose would be to ensure a consistent review process for developers that is intended to be less cumbersome and time consuming for the developer, the public and City staff.
  1. A conditional use is not required for projects that meet the minimum standards in the Residential Multi-Family, Residential Office and Residential Business zoning classifications.
  2. The conditional building and site design review is processed through the Planning Commission.

3. The conditional use process is currently used to address design and compatibility elements (such as height, mass, scale, landscaping, building materials and architectural features) and potential negative impacts on surrounding properties and neighborhoods (such as increased traffic and parking).
4. In the case of a planned development conditional use, a developer is required to meet with Planning staff and the Planning Commission Planned Development Subcommittee to discuss project and provide direction for the applicant.
5. In the recent past, the Planning Commission has held “Issues Only” hearings to review a development proposal and to identify any issues or concerns from the Planning Commission and property owners in the area.
6. Public comment provided at the Planning Commission hearing for this proposal noted the lack of compatible infill standards for new residential developments in the multi-family zoning districts.
7. Establishing this type of process would address some of the planning issues currently being considered by the State Legislature in Senate Bill 170 local government Land Use and Impact Fee Revisions sponsored by Senator Mansell.

## **MASTER PLAN AND POLICY CONSIDERATIONS:**

- A. The Administration’s transmittal and Planning staff report note:
  1. The Central Community Master Plan (November 2005) is the adopted land-use policy document that guides new development in the area surrounding the proposed rezoning and master plan amendment.
  2. The Future Land Use Map identifies this area for Medium/High Density residential uses. (As previously noted, amending the Future Land Use Map in the Central City Master Plan is part of this petition.) The Administration’s paperwork notes:
    - a. The Medium/High Density land use designation allows a density range of 30-50 dwelling units/acre.
    - b. A land use designation of High Density Residential is necessary because the proposed 43 dwelling units equates to 53 units/acre.
  3. The Transportation Master Plan recognizes the benefits of locating high density housing along major transit systems and reducing dependency on the automobile as a primary mode of transportation.
  4. The East Downtown Neighborhood Plan encourages maintaining a balance of residential development that includes low, medium and high densities.
  5. The land use designation on the subject property was updated to allow medium/high density multi-family residential development through the 1995 Zoning Rewrite project.
- B. The Central Community Master Plan residential policy statements include:
  1. Based on the Future Land Use map, use residential zoning to establish and maintain a variety of housing opportunities that meet social needs and income levels of a diverse population.
  2. Provide opportunities for medium-density housing in areas between the Central Business District and lower-density neighborhoods and in areas where small multi-family dwellings are compatible.
  3. Promote construction of a variety of housing options that are compatible with the character of neighborhoods.
  4. Encourage residential land developers to build housing that provides residential opportunities for a range of income levels, age groups and family size.
  5. Encourage a mix of affordable and market- rate housing for owner occupancy throughout the Central Community. Encourage a mix of rental properties for those who cannot afford or do not choose home ownership.
- C. The City’s Comprehensive Housing Plan policy statements address a variety of housing issues including quality design, architectural designs compatible with neighborhoods, public and neighborhood participation and interaction, accommodating different types and intensities of residential developments, transit-oriented development, encouraging mixed-use developments, housing preservation, rehabilitation

and replacement, zoning policies and programs that preserve housing opportunities as well as business opportunities.

- D. The Transportation Master Plan contains policy statements that include support of alternative forms of transportation, considering impacts on neighborhoods on at least an equal basis with impacts on transportation systems and giving all neighborhoods equal consideration in transportation decisions.
- E. The City's Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments.
- F. The Council's growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
  - 1. Is aesthetically pleasing;
  - 2. Contributes to a livable community environment;
  - 3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
  - 4. Forestalls negative impacts associated with inactivity.
- G. The City's 1990 Urban Design Element includes statements that emphasize preserving the City's image, neighborhood character and maintaining livability while being sensitive to social and economic realities.

## **CHRONOLOGY:**

The Administration's transmittal provides a chronology of events relating to the proposed rezoning and master plan amendment. Key dates are listed below. Please refer to the Administration's chronology for details.

- March 25, 2005 Webb petition submitted to Planning Division
- May 26, 2005 Astle petition submitted to Planning Division
- June 1, 2005 Central City Neighborhood Council meeting
- September 8, 2005 Planning Commission Subcommittee meeting with developer to discuss project and provide direction for the applicant
- November 30, 2005 Planning Commission hearing
- December 5, 2005 Ordinance requested from City Attorney's office and review of draft development agreement

cc: Sam Guevara, Rocky Fluhart, DJ Baxter, Ed Rutan, Lynn Pace, Louis Zunguze, Brent Wilde, Alex Ikefuna, Doug Wheelwright, Cheri Coffey, Janice Lew, Jennifer Bruno, Sylvia Jones, Gwen Springmeyer

File Location: Community Development Dept., Planning Division, Rezoning and Master Plan Amendment, Richard Astle and Thaes Webb, 516-524 South 500 East, 517-533 South Denver Street and 466 East 500 South

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:** December 23, 2005  
**FROM:** Louis Zunguze, Community Development Director *by Brent Wilde*  
**RE:** Petition No. 400-05-06: Request by Richard Astle and Thaes Webb to rezone the property located at approximately 516-524 South 500 East Street and 517-533 South Denver Street from a Moderate/High Density Multifamily Residential (RMF-45) zoning district to a High Density Multifamily (RMF-75) zoning district. The petition also includes a request to rezone approximately 25 feet (25') of the rear portion of the property located at approximately 466 East 500 South Street from Residential/Office (RO) to a High Density Multifamily (RMF-75) zoning district. Changing the zoning of the project area requires an amendment to the Future Land Use map of the Central Community Master Plan.

**STAFF CONTACT:** Janice Lew, Principal Planner, at 535-7625 or  
janice.lew@slcgov.com

**RECOMMENDATION:** That the City Council hold a briefing and schedule a public hearing

**DOCUMENT TYPE:** Ordinance

**BUDGET IMPACT:** None

**DISCUSSION:**

**Issue Origin:** The proposed residential development utilizes portions of seven parcels. The Webb property consists of six parcels with frontage on 500 South Street, Denver Street, and 500 East Street (see attached map). The property owner proposes to reconfigure these six parcels into three lots (colored portion of map). An office building is located on the northern part of the property located at 466 East 500 South Street (orange lot) in an RO zoning district. A rezone of the southern portion of the property is necessary to coordinate zoning boundary lines with the new location of the rear property line. Mr. Astel has the undeveloped portion of the Webb property (green and purple lots) under contract and proposes a rezone of the project area including his property at 524 South 500 East Street, in order to build a multi-unit (43 units) residential project. Planning Staff determined that the applications would be reviewed concurrently to avoid going through a rezone process twice.

Changing the zoning of the project area requires an amendment to the Future Land Use map of the Central Community Master Plan. The subject rezone area is located in a neighborhood designated as "Medium/High Density Residential" on the Future Land Use map. This land use designation allows a density range of 30-50 dwelling units per acre. The request to rezone the subject property to RMF-75 requires a designation of "High Density Residential" as the proposed 43 dwelling units equates to 53 units per acre.

City Council has final decision authority with respect to zoning map and Master Plan amendments. Planned development and preliminary minor subdivision requests were approved by the Planning Commission on November 30, 2005, subject to City Council approval of the zoning map and Master Plan amendment requests.

**Analysis:** The proposed zoning map and Master Plan amendments will benefit the Central City neighborhood and the City as a whole by allowing a higher density residential development near major transit systems. The proposed project will provide a distinctive type of residential development that includes a shared common area and addresses parking needs in an unobtrusive manner, since much of the required parking is underground. Additionally, the petitioner has agreed to a development agreement that limits the maximum building height to 45 feet (45'). This standard is consistent with the RMF-45 zoned property to the south and maintains the three-to four-story pattern of multi-family development found in the Central City community. Thus the proposed amendments are generally consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

**Master Plan Consideration:** The adopted land use policy documents that guide new development in this area are the Salt Lake City Housing Plan (1999), East Downtown Master Plan (1990), Central Community Master Plan (2005), and Transportation Master Plan (1996). The City's Master Plans have been prepared to ensure compatible land uses and promote good development. The proposed zoning amendment is supported by several policy elements of these plans as discussed in detail on pages 8-10 of the Planning Commission staff report.

## **PUBLIC PROCESS:**

The proposed zoning map and Master Plan amendments were presented to the applicable Community Council and considered by the Planning Commission during a Public Hearing. A summary of the public process is described below.

**Community Council:** The applicant and Planning Staff attended the June 1, 2005, Central City Neighborhood Council meeting. The organization supports the rezone request for the proposed project but requests that the height of the project be limited to that permitted in a RMF-45 zoning district.

**Planning Commission:** On November 30, 2005, the Planning Commission passed a motion to forward a favorable recommendation to the City Council to rezone the subject property to RMF-75 and facilitate the construction of a new multi-unit residential development based upon the Findings of Fact included in the staff report. The Planning Commission also passed a motion to

forward a favorable recommendation to the City Council that the Future Land Use map of the 2005 Central Community Master Plan be amended to reflect the property as high density residential. These motions are conditioned upon the property owner signing a Development Agreement to be recorded on the property that the maximum building height with the rezone area may not exceed 45 feet (45').

#### **RELEVANT ORDINANCES:**

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

A decision to amend the text of the zoning ordinance or the zoning map is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the Planning Commission and City Council must consider the following five factors:

#### **21A.50.050 Standards for General Amendments**

- A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.
- C. The extent to which the proposed amendment will adversely affect adjacent properties.
- D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.
- E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

These standards were evaluated in the Planning Commission staff report and considered by the Planning Commission. Discussion and findings for these standards are found on pages 8-11 of the staff report in Exhibit 5b (attached).



# **TABLE OF CONTENTS**

- 1. CHRONOLOGY**
- 2. PROPOSED ORDINANCE AND DEVELOPMENT AGREEMENT**
- 3. NOTICE OF CITY COUNCIL HEARING**
- 4. MAILING LABELS**
- 5. PLANNING COMMISSION**
  - a. Hearing Notice and Postmark**
  - b. Staff Report**
  - c. Agenda/Minutes**
- 6. ORIGINAL PETITION**

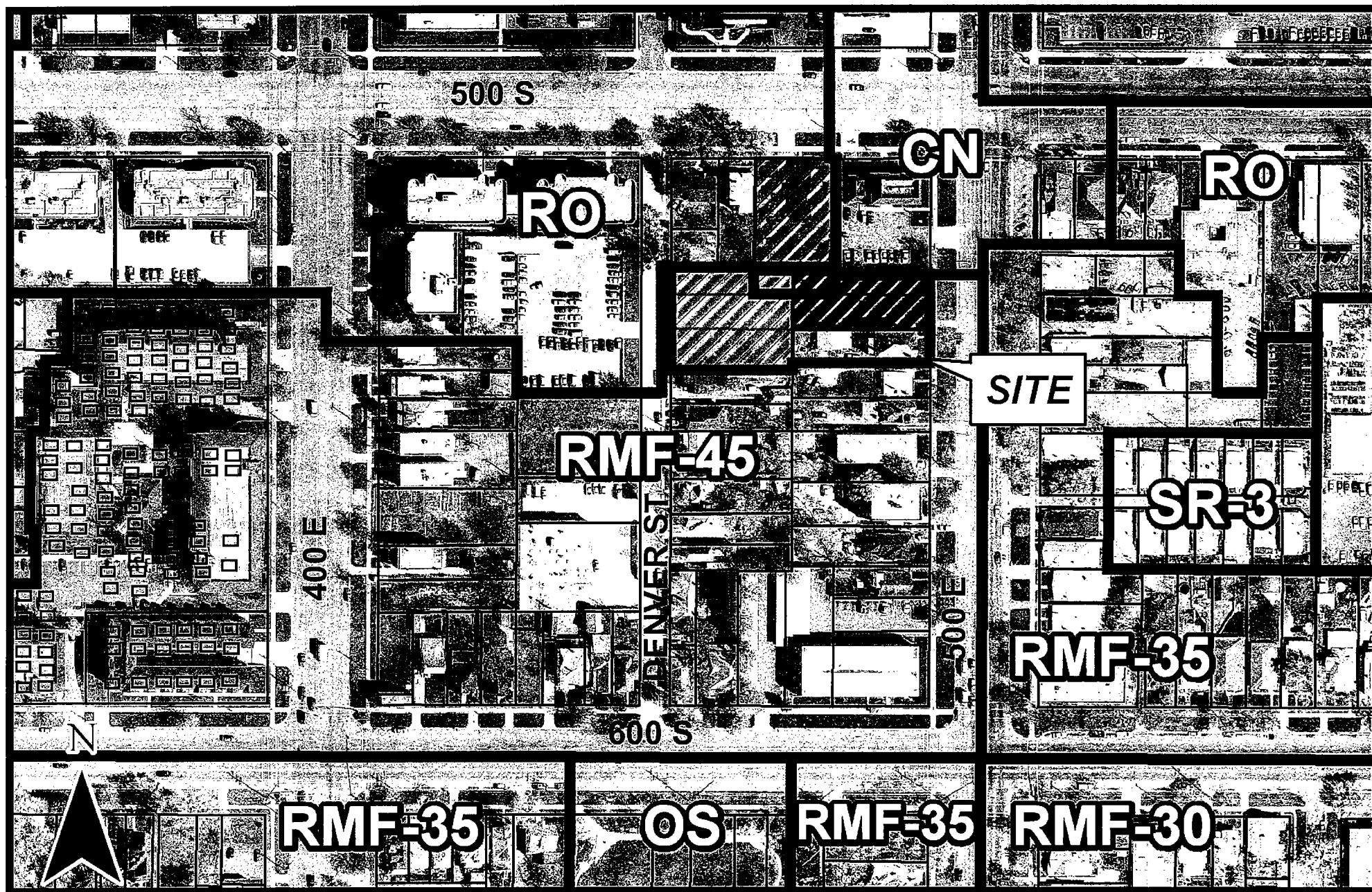
# **Exhibit 1**

## **CHRONOLOGY**

## PROJECT CHRONOLOGY

- March 25, 2005 Webb petition submitted to the Planning Division.
- March 26, 2005 Petition assigned to Janice Lew.
- May 26, 2005 Astle petition submitted to Planning Division and determined to review petitions concurrently.
- June 1, 2005 Petition presented to the Central City Neighborhood Council.
- June 3, 2005 A letter was sent to the petitioners requesting additional information be submitted to the Planning Division.
- August 15, 2005 Petitioner submitted additional information.
- September 8, 2005 Petition presented to Planning Commission Subcommittee.
- September 27, 2005 A letter was sent to petitioner requesting a response to Planning Commission Subcommittee comments.
- October 4, 2005 Applicant submitted response to Subcommittee comments.
- November 15, 2005 Notice of the Planning Commission public hearing public hearing.
- November 30, 2005 Planning Commission public hearing.
- December 5, 2005 Requested that the City Attorney's Office prepare an ordinance and review draft development agreement.
- December 14, 2005 Planning Commission ratified the minutes of the November 30, 2005 Planning Commission meeting.

**Exhibit 2**  
**ORDINANCE AND DEVELOPMENT**  
**AGREEMENT**



SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2005

(Rezoning Properties Generally Located at 466 East 500 South, 517-533 South Denver Street and 516-524 South 500 East, and Amending the Central Community Master Plan)

REZONING PROPERTIES GENERALLY LOCATED AT 466 EAST 500 SOUTH FROM RESIDENTIAL/OFFICE DISTRICT (RO) TO HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (RMF-75), 517-533 SOUTH DENVER STREET FROM MODERATE/HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (RMF-45) TO HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (RMF-75) AND 516-524 SOUTH 500 EAST FROM MODERATE/HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (RMF-45) TO HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (RMF-75), AND AMENDING THE CENTRAL COMMUNITY MASTER PLAN, PURSUANT TO PETITION NO. 400-05-06.

WHEREAS, the Planning Commission and the City Council of Salt Lake City, Utah, have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and any local master plan as part of their deliberations. Pursuant to these deliberations, the City Council has concluded that the proposed amendments to the Master Plan and change of zoning for the properties generally located at 466 East 500 South, 517-533 South Denver Street and 516-524 South 500 East is appropriate for the development of the community in that area and in the best interest of the city.

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

SECTION 1. REZONING OF PROPERTIES. The properties generally located at 466 East 500 South, which are more particularly described on Exhibit A attached hereto, shall be and

hereby are rezoned from residential/office district (RO) to high density multi-family residential district (RMF-75). That properties generally located at 517-533 South Denver Street and 516-524 South 500 East, which are more particularly described on Exhibit A attached hereto, shall be and hereby are rezoned from moderate/high density multi-family residential district (RMF-45) to high density multi-family (RMF-75).

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

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

SECTION 4. CONDITIONS. This Ordinance shall not become effective until a Development Agreement has been signed and recorded against the properties described on Exhibit A attached hereto.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective on the date of its first publication. The City Recorder is instructed not to publish this Ordinance until the Salt Lake City Planning Director certifies that the conditions identified above have been met.

SECTION 6. TIME. If the conditions identified above have not been satisfied within one year from the date of this ordinance, this ordinance shall become null, void and of no effect. The City Council may, for good cause, by resolution, extend the time period for satisfying the conditions identified above.

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

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2005.

Published: \_\_\_\_\_.

APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date December 21, 2005  
By Melanie Hey



Exhibit A  
Legal Description  
Petition 400-05-06

ZONING MAP AND MASTER PLAN AMENDMENTS:

Beginning at a point which is South  $0^{\circ}01'50''$  East 140.25 feet along the Block Line from the Northeast Corner of Lot 8, Block 23, Plat B, Salt Lake City Survey and running thence South  $0^{\circ}01'50''$  East 107.25 feet along the Block Line, thence South  $89^{\circ}57'37''$  West 165.00 feet; thence South  $0^{\circ}01'50''$  East 8.25 feet; thence South  $89^{\circ}57'37''$  West 148.50 feet to the East line of Denver Street; thence North  $0^{\circ}01'50''$  West 123.75 feet along said street; thence North  $89^{\circ}57'37''$  East 101.50 feet; thence South  $0^{\circ}01'50''$  East 8.25 feet; thence North  $89^{\circ}57'37''$  East 212.00 feet to the point of beginning, containing 35,685 square feet.

Affected Sidwell Numbers:

466 East 500 South – 16-06-455-037  
517 S. Denver St. – 16-06-455-007  
523 S. Denver St. – 16-06-455-008  
533 S. Denver St. – 16-06-45-009  
516 South 500 East – 16-06-455-018  
520 South 500 East – 16-06-455-019  
524 South 500 East – 16-06-455-020

Legal

**DEVELOPMENT AGREEMENT  
FOR THE ASTLE & COMPANY LC SITE  
SALT LAKE CITY, SALT LAKE COUNTY, UTAH**

This Development Agreement (hereinafter also referred to as "this Agreement") is entered into as of this \_\_\_\_ day of January, 2006, by and among, Astle & Company LC, a Utah limited liability company ("Astle"), and Salt Lake City Corporation, a municipality and political subdivision of the State of Utah (the "City").

**RECITALS**

A. Astle is the owner of real property located in Salt Lake City, Salt Lake County, Utah, more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Astle Property"), on which Astle proposes the development of a multi-unit (43 units) residential project.

B. The City has authorized the negotiation and adoption of a development agreement under appropriate circumstances where the proposed development contains outstanding features which advance the policies, goals and objectives of the City's General Plan and contributes to capital improvements which substantially benefit the City.

C. Astle is willing to limit the maximum building height on the Astle Property to forty-five feet (45') in order to promote the policies, goals and objectives of the City and address other issues as more fully set forth below.

D. The City, acting pursuant to its authority under Utah Code Ann. Section 10- 9a-101, et seq., and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations has made certain determinations with respect to the proposed multi-unit residential project, and in the exercise of its legislative discretion, has elected to adopt this Development Agreement.

Now, therefore, in consideration of the mutual covenants, conditions and consideration as more fully set forth below, Astle and the City hereby agree as follows:

**1. Maximum Building Height:** Notwithstanding the current or future zoning regulations pertaining to the Astle Property, the maximum building height, as defined in Title 21A. Salt Lake City Code to be established on the Astle Property shall not exceed forty-five feet (45').

**2. Reserved Legislative Powers:** Nothing in this Agreement shall limit the future exercise of the police power by the City in enacting zoning, subdivision, development, transportation, environmental, open space, and related land use plans, policies, ordinances and regulations after the date of this agreement. Provided, however, that such future legislative actions shall not alter or impair the rights and obligations set forth in this Agreement.

**3. Subdivision Plat Approval and Compliance with City Design and Construction Standards:** Astle acknowledges and agrees that nothing in this Agreement shall be deemed to relieve it from the obligation to comply with all applicable requirements of the City necessary for approval and recordation of subdivision plats for the Astle Property, including the payment of fees and compliance with all other applicable ordinances, resolutions, regulations policies and procedures of the City, including but not limited to, the City's subdivision ordinance and design and construction standards.

**5. Agreement to Run With the Land:** This Agreement shall be recorded against the Astle Property and shall be deemed to run with the land and shall be binding upon all successors and assigns in the ownership or development of any portion of the Astle Property.

**6. Assignment:** Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement and without the prior written consent of the City, which shall not be unreasonably withheld.

**7. No Joint Venture, Partnership, or Third Party Rights:** This Agreement does not create any joint venture, partnership, undertaking or business arrangement by or among any of the parties hereto, nor does it confer any rights or benefits to any third parties.

**8. Integration:** This Agreement contains the entire agreement with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature.

**9. Amendments and Modifications:** This Agreement may only be amended or modified by a subsequent writing duly executed by the parties hereto.

**10. Severability:** If any part or provision of this Agreement is determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Agreement except that specific provision determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this Agreement is deemed invalid due its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

**11. Representation Regarding Ethical Standards for City Officers and Employees and Former City Officers and Employees:** Astle represents that it has not: (1) provided an illegal gift or payoff to a City officer or employee or former City officer or employee, or his or her relative or business entity; (2) retained any person to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees or bona fide commercial selling agencies for the purpose of securing business; (3) knowingly breached any of the ethical standards set forth in the City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code; or (4) knowingly influenced, and hereby promise that they will not knowingly influence, a City officer or employee or former City officer or employee to breach any of the ethical standards set forth in the City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code.

**12. Enforcement: The City has the right to enforce this Agreement through any legal or equitable means.**

This Agreement entered into between parties the day and year first above written.

SALT LAKE CITY CORPORATION

By \_\_\_\_\_

Its \_\_\_\_\_

ATTEST AND COUNTERSIGN

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

ASTLE & COMPANY LC

By \_\_\_\_\_

Its \_\_\_\_\_

STATE OF UTAH     )  
                              : ss.  
County of Salt Lake    )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2006, before me personally appeared \_\_\_\_\_  
\_\_\_\_\_ and said person acknowledged to me that he/she voluntarily executed the  
same.

\_\_\_\_\_  
NOTARY PUBLIC  
Residing in Salt Lake County, Utah

My Commission Expires:

**Exhibit 3**  
**CITY COUNCIL HEARING NOTICE**

## **NOTICE OF PUBLIC HEARING**

The Salt Lake City Council is currently reviewing Petition No. 400-05-06 initiated by Richard Astle. The petitioner has requested that Salt Lake City rezone the properties located at approximately 516-524 South 500 East and 517-533 South Denver Street from a Moderate/High Density Multifamily Residential (RMF-45) zoning district to a High Density Multifamily (RMF-75) zoning district. The applicant is also requesting approval to rezone approximately twenty-five feet (25') of the rear portion of the property located at approximately 466 East 500 South Street from a Residential/Office (RO) zoning district to a High Density Multifamily (RMF-75) zoning district. The request also includes an amendment to the future land use map of the Central Community Master Plan to identify the properties as High Density Residential rather than Medium High Density Residential. The purpose of this request is to accommodate the construction of a 43 unit multi-family residential development.

During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

**DATE:**

**TIME:**

**PLACE:   ROOM # 315  
City & County Building  
451 South State Street  
Salt Lake City, Utah**

If you have any questions relating to this proposal, or would like to review the file, please call Janice Lew at 535-7625.

Assisted listening devices or interpreting services are available for all public meetings. Salt Lake City Corporation complies with the American Disabilities Act (ADA). For further information, contact the TDD number 535-6021.

**Exhibit 4**  
**MAILING LABELS**

HUGHES, JOYCE  
Sidwell No. 1606476035  
13798 S VESTRY RD  
DRAPER UT 84020

MCS PROPERTIES, LLC  
Sidwell No. 1606476010  
3364 E CREEK RD  
COTTONWOOD HTS UT 84121

PITTS INVESTMENT INC  
Sidwell No. 1606477013  
519 E 600 S  
SALT LAKE CITY UT 84102

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Sidwell No. 1606476004  
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DRAPER UT 84020

MCRAE, ALICE; ET AL  
Sidwell No. 1606455002  
452 E 500 S  
SALT LAKE CITY UT 84111

PHILLIPS, TODD W &  
Sidwell No. 1606476021  
1014 W 4250 S  
OGDEN UT 84405

HOWES, MARJORY  
Sidwell No. 1606477006  
1178 W PARKWAY LN  
WEST VALLEY UT 84119

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923 E EXECUTIVE PARK DR  
SALT LAKE CITY UT 84117

PEACHTREE COMPANY N V  
Sidwell No. 1606406019  
18752 EDLEEN DR  
TARZANA CA 91356

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BEACHWOOD OH 44122

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11755 S BRIARGLEN DR  
SANDY UT 84092

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FOX, J DANIEL  
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**Exhibit 5a**  
**PLANNING COMMISSION**  
**Original Notice and Postmark**  
**November 15, 2005**

AGENDA FOR THE  
SALT LAKE CITY PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building at 451 South State Street  
Wednesday, November 30, 2005, at 5:45 p.m.

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

1. **APPROVAL OF MINUTES FROM WEDNESDAY, November 9, 2005.**
2. **REPORT OF THE CHAIR AND VICE CHAIR**
3. **REPORT OF THE DIRECTOR**  
Briefing of Northwest Quadrant Master Plan Timeline and process (Everett Joyce)
4. **PUBLIC NOTICE AGENDA – Salt Lake City Property Conveyance Matters** (Karryn Greenleaf at 483-6769 or [karryn.greenleaf@slcgov.com](mailto:karryn.greenleaf@slcgov.com); Doug Wheelwright at 535-6178 or [doug.wheelwright@slcgov.com](mailto:doug.wheelwright@slcgov.com)):
  - a) Salt Lake City Public Utilities and Murray City conducting business in relation to the UTOPIA project – Murray City is requesting that Public Utilities issue standard utility permits to allow telecommunication lines to cross the City owned property of the Jordan and Salt Lake City and Canal, at two locations within the City of Murray, Utah. The locations are approximately 7200 South 500 East and 7500 South 500 East and the crossings are requested as part of the UTOPIA project and may be either underground or aerial in nature. The Public Utilities staff intends to approve the standard utility permits as requested.
  - b) Draper City and Salt Lake City Public Utilities Department – Draper City is requesting that Public Utilities issue standard utility permits allowing bridge structures over, and utilities under, the Jordan and Salt Lake City Canal at two locations. The locations are located at 13600 South Dahle Way and 12400 South 111 West. Additional permits will be issued to each utility as separate entities. The Public Utilities staff intends to approve the bridge crossing and standard utility permits as requested.
  - c) Wathen Construction and Salt Lake City Public Utilities – Wathen Construction is requesting the realignment of an existing waterline easement. The realignment of the waterline easement at 2400 East Oakcrest Lane is necessary to facilitate development of the property. The old easement will be vacated in exchange for a new easement alignment. This location is in Cottonwood Heights City. The Public Utilities staff intends to approve the requested easement realignment.
5. **PUBLIC HEARINGS**
  - a) **Petition No. 400-04-52** – Salt Lake City and the Utah Transit Authority (UTA) are jointly working to connect the existing terminus of the light rail line at the Delta Center, located at approximately 350 West South Temple, to the Intermodal Hub located at 300 South 600 West. The Salt Lake City Intermodal Hub will function as the central transit transfer point for commuter rail, light rail, UTA bus, Greyhound bus, Amtrak, and transit support services. The light rail connection is planned to be constructed by the Spring of 2008 to coincide with the opening of commuter rail service at the Intermodal Hub. The route of the light rail extension will be along 400 West, 200 South, and 600 West. The Salt Lake City Planning Commission will hold a public hearing regarding the number and location of stations along that route with the intent of providing a recommendation to the City Council. (Staff – Doug Dansie 535-6182 or [doug.dansie@slcgov.com](mailto:doug.dansie@slcgov.com))
  - b)
    - 1) **Petition No. 400-05-06** – A request by Richard Astel for approval to rezone the properties located at approximately 516-524 South 500 East Street and 517-533 South Denver Street from a Moderate/High Density Multifamily Residential (RMF-45) zoning district to a High Density Multifamily (RMF-75) zoning district. The applicant is also requesting approval to rezone approximately twenty-five feet (25') of the rear portion of the property located at approximately 466 East 500 South Street from a Residential/Office (RO) zoning district to the same zoning district as the Planning Commission recommends for the 516-524 South 500 East and 517-533 South Denver Street properties; preferably RMF-75. The request also includes an amendment to the future land use map of the Central Community Master Plan to identify the properties as High Density Residential rather than Medium High Density Residential. The purpose of this request is to accommodate the construction of a 43 unit multi-family residential development. (Staff – Janice Lew at 535-7625 or [janice.lew@slcgov.com](mailto:janice.lew@slcgov.com))
    - 2) **Petition No. 410-748** – A request by Richard Astel for planned development approval for a 43 unit multi-family housing development located at approximately 516-524 East and 517-533 South Denver Street. Included is a request to modify provisions of the zoning ordinance including but not limited to:
      - a. Allowing grade changes in excess of two feet (2') to accommodate driveway entrances to a subterranean parking structure;
      - b. Allowing multiple buildings with a shared common area over an underground parking structure on a single lot;
      - c. Modifying minimum yard standards to allow an encroachment of the subterranean parking structure; and
      - d. Modifying minimum yard standards such that the RMF-45 standards would be applied to the proposed development etc.The parcels are currently zoned RMF-45. (Staff – Janice Lew at 535-7625 or [janice.lew@slcgov.com](mailto:janice.lew@slcgov.com))
    - 3) **Petition No. 490-05-23** – Theas Webb requesting preliminary subdivision approval to reconfigure several existing parcels located at approximately 466 East 500 South Street, 516-520 South 500 East Street, and 517-533 South Denver Street into three parcels to accommodate the construction of a 43 unit multi-family residential structure. The parcels are currently within the RO and RMF-45 zoning districts. (Staff – Janice Lew at 535-7625 or [janice.lew@slcgov.com](mailto:janice.lew@slcgov.com))
  - c) **Petition No. 400-05-08 and Petition No. 400-05-09** – Rowland Hall, St Mark's School requesting to amend the East Bench Community Master Plan Future Land Use Map to identify the property located at approximately 1443 East Sunnyside Avenue as Institutional rather than Open Space and to rezone the property from an Open Space to an Institutional zoning classification. This is a 13-acre portion of the Mt. Olivet Cemetery property. (Staff – Everett Joyce at 535-7930 or [everett.joyce@slcgov.com](mailto:everett.joyce@slcgov.com))
6. **UNFINISHED BUSINESS**

# NOTICE OF A HEARING

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

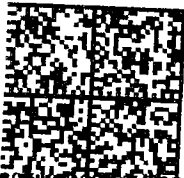
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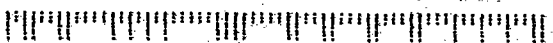
Fill out registration card and indicate if you wish to speak and which agenda item you will address.

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



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## PROOF OF PUBLICATION

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
PLANNING DIVISION 451 SOUTH STATE STREET #406 SALT LAKE CITY UT 84111	P5356188L-07	11/15/05

ACCOUNT NAME	
PLANNING DIVISION	
TELEPHONE	INVOICE NUMBER
801-535-6188	TL8202WVGN1
SCHEDULE	
START 11/15/05	END 11/15/05
CUST. REF. NO.	
CAPTION	
SALT LAKE CITY PLANNING COMMIS	
SIZE	
48 LINES	1.00 COLUMN
TIMES	RATE
1	1.68
MISC. CHARGES	AD CHARGES
.00	85.64
TOTAL COST	
85.64	

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

On Wednesday, November 30, 2005 at 5:45 PM, the Salt Lake City Planning Commission will hold a hearing to take comment on Petition 400-05-06 requesting an amendment to the Central Community Master Plan's Future Land Use map (2005) and rezoning 82 acres located at approximately 450 East 500 South Street, 514-524 South 500 East Street and 517-533 South 500 East Street. The proposed amendment is to change land use and zoning designations from RMD-45 to RMF-75. Anyone desiring to address the Planning Commission on these issues will be given the opportunity.

The hearing will be held in Room 326 of the Salt Lake City and County Building, 451 South State Street. Accessible parking and entrance is located on the east side of the building. Hearing-impaired individuals who wish to attend this meeting should contact our 100% service number, 833-6021, four days in advance for further information regarding this hearing. call Janice Lew at 333-7625. 8202WVGN

## AFFIDAVIT OF PUBLICATION

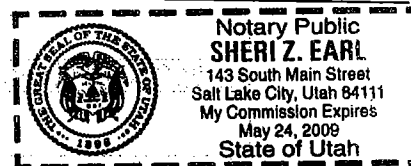
AS NEWSPAPER AGENCY CORPORATION LEGAL BOOKKEEPER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF SALT LAKE CITY PLANNING COMMIS FOR PLANNING DIVISION WAS PUBLISHED BY THE NEWSPAPER AGENCY CORPORATION, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH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

PUBLISHED ON START 11/15/05 END 11/15/05

SIGNATURE

*Sherry East*

DATE 11/15/05



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

**Exhibit 5b**  
**PLANNING COMMISSION**  
**November 30, 2005 Staff Report**

**DATE:** November 23, 2005

**TO:** Salt Lake City Planning Commission

**FROM:** Janice Lew, Principal Planner  
Telephone: 801.535.7625  
Email: janice.lew@slcgov.com

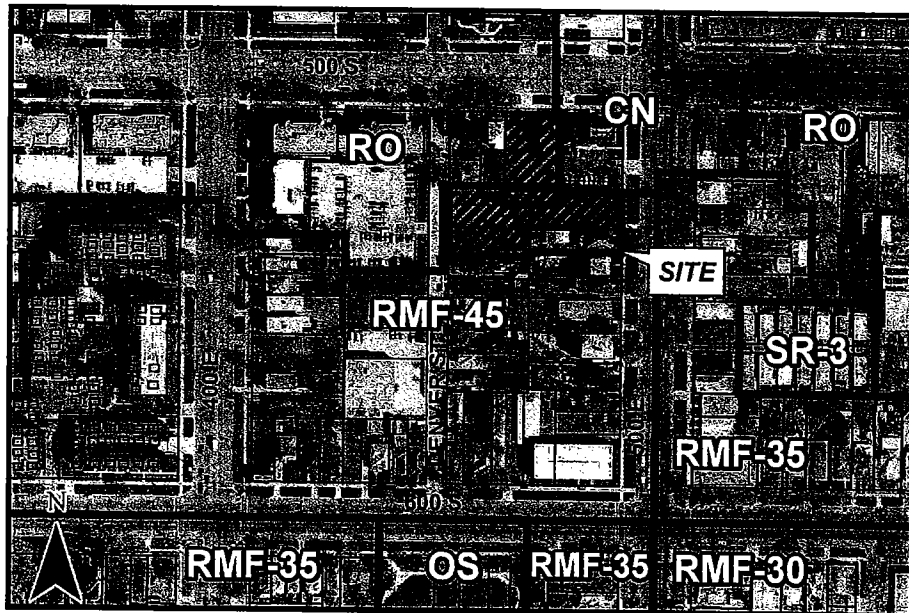
**RE: STAFF REPORT FOR THE November 30, 2005 MEETING**

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**CASE NUMBER:** Zoning Map Amendment – 400-05-06  
Planned Development – 410-748  
Minor Subdivision - 490-05-23

**APPLICANT/STATUS:** Richard Astle, Developer  
Thaes Webb, Property owner

**PROJECT LOCATION:** 466 East 500 South – 16-06-455-037  
517 S. Denver St. – 16-06-455-007  
523 S. Denver St. – 16-06-455-008  
533 S. Denver St. – 16-06-45-009  
516 South 500 East – 16-06-455-018  
520 South 500 East – 16-06-455-019  
524 South 500 East – 16-06-455-020



**PROJECT/PROPERTY SIZE:** .82 Acres

**COUNCIL DISTRICT:** District 4, Council Member Nancy Saxton

**SURROUNDING ZONING DISTRICTS:**

**North** – Residential/ Office (RO) and Neighborhood Commercial (CN)  
**South** – Moderate/High Density Multifamily Residential (RMF-45)  
**East** – Moderate Density Multifamily Residential (RMF-35)  
**West** – Residential/Office (RO) and Moderate/High Density Multifamily Residential (RMF-45)

**SURROUNDING LAND USES:**

**North** – Office and commercial  
**South** – Residential  
**East** – Residential  
**West** – Commercial and residential

**REQUESTED ACTION:**

Property owner, Thaes Webb, is requesting preliminary minor subdivision approval to reconfigure multiple parcels under single ownership into three lots. Lot one of the proposed subdivision is currently developed as an office building with access and frontage on 500 South Street. Richard Astle, the developer, has the undeveloped portion of the Webb property under contract and is requesting a zoning change of a portion of the property located at 466 East 500 South from RO to RMF-75 and the property generally located between 517-533 S. Denver St. and 516-524 South 500 East from RMF- 45 to RMF-75. Changing the zoning of the project area requires an amendment to the Future Land Use map of the Central Community Master Plan. In addition, the developer has submitted a planned development request to modify provisions of the Zoning Ordinance.

**PROPOSED USE(S):**

The developer intends to build a multi-unit residential development (43 units) on the subject property which includes proposed Lots 2 and 3 of the Webb subdivision proposal.

**APPLICABLE LAND USE REGULATIONS:**

The proposed zone change is subject to the Salt Lake City Code, Chapter 21A.50 – Amendments and Special Approvals. The proposed master plan amendment is subject to the Utah Code Annotated (10-9-302) which identifies procedures for adopting and amending general plans. The proposed planned development is subject to Salt Lake City Code, Section 21.54.080 – Conditional Use and Section 21.54.150 – Planned Development. Finally, the proposed subdivision approval is subject to Title 20

Subdivisions of the Salt Lake City Code and the Site Development Ordinance, Chapter 18.28.

**MASTER PLAN SPECIFICATIONS:**

The adopted land use policy documents that guide new development in this area are the Salt Lake City Housing Plan (1999), East Downtown Master Plan (1990), Central Community Master Plan (2005), and Transportation Master Plan (1996). A description of the pertinent information in these documents is provided below under the **Analysis and Findings** section of this staff report.

**SUBJECT PROPERTY HISTORY:**

The bulk of the subject property is currently vacant. A residential structure located at 524 South 500 East Street will be razed. An office building is located at 466 East 500 South Street, but is not part of the Astel residential development proposal.

**ACCESS:**

The building at 466 East 500 South Street is accessible from 500 South Street. The proposed multi-unit project is accessible from Denver Street on the west side and 500 East Street on the east side.

**PROJECT DESCRIPTION:**

The Webb property consists of six property parcels with frontage on 500 South Street, Denver Street and 500 East Street. The property owner is proposing a minor subdivision to reconfigure the parcels into three lots. For clarification purposes, Staff notes that the property owner originally proposed a rezone of the southern portion of the property located at 466 East 500 South Street from a RO zoning district to a RMF-45 zoning district. The Planning Division considered this necessary to coordinate zoning boundary lines with the new location of the rear property line. An office building is located on the greater part of this parcel. Since the Astel rezone proposal includes the undeveloped portion of the Webb property, staff determined that the applications could be reviewed concurrently to avoid going through a rezone process twice.

The developer is proposing to rezone the subject property in order to build a multi-unit residential project. The rear of the parcel located at 466 East 500 South Street is currently zoned "RO" (Residential/Office) which is intended to provide a suitable environment for existing and future mixed use areas consisting of a combination of residential dwellings and office use. The remainder of the subject property is zoned "RMF-45" (Moderate/High Density Multifamily Residential) which is intended to provide an environment suitable for multi-family dwellings of a moderate/high density. The maximum building height in the RMF-45 zoning district is forty-five feet (45'), and establishes a residential density of forty-three (43) dwelling units per acre. The applicant is proposing a RMF-75 zoning district which allows for a maximum building height of seventy-five feet (75'), and establishes a residential density of eighty-five (85) dwelling units per acre.

Changing the zoning of the project area also requires an amendment to the Future Land Use map of the Central Community Master Plan. The subject rezone area is located in a neighborhood designated as "Medium/High Density Residential" on the Future Land Use map. This land use designation allows a density range of 30-50 dwelling units per acre. The request to rezone the subject property to RMF-75 would require a designation of "High Density Residential" as the proposed forty-three (43) dwelling units equates to fifty-three (53) units per acre.

The subdivision, rezone, master plan amendment, and planned development applications are the first steps in the City's review process. Should the applicants receive approval for these requests, building permits would be required prior to construction. All lots comprising the residential use would then need to be consolidated into one lot before building permits could be issued. A future condominium plat may be required if individual transfer of ownership of the units is desired. The first part of this staff report focuses on the Rezone and Planned Development requests. The proposed planned development was reviewed by the Planning Commission Subcommittee on September 8, 2005. Issues discussed by the subcommittee are provided below under the **Comments** section of this staff report. The second part of the report focuses on the Subdivision process.

## **COMMENTS, ANALYSIS AND FINDINGS:**

### **1. COMMENTS**

The comments received from pertinent City Departments/Divisions and the Community Council are attached to this staff report. Many of the comments will be addressed at the time of application for building permit issuance. The following is a summary of the comments and concerns received:

- a) **Public Utilities Division:** Public Utilities found the proposed project approvable if the following issues are addressed:
  1. All future design and construction must conform to State, County, City and Public Utilities standards and ordinances and Salt Lake City Public Utilities General Notes. These subject properties would be serviced from six-inch water mains and eight-inch sanitary sewer mains located in the surrounding streets. Numerous water and sewer services are connected to this property. These services will be used or disconnected at the main as determined by Public Utilities. Utility and grading and drainage plans must be submitted for review and approval at the time of the proposed construction. At the time of proposed construction the water and sewer mains in the street must be blue staked and surveyed. If any of these mains are within ten-feet of the subject properties, then additional easements may be required to be dedicated to Salt Lake City Corporation for the operation, and maintenance of these mains.
  2. Salt Lake City Fire Department approval is required prior to Public Utilities. All hydrant locations, fire flow requirements and access issues must be approved by the Fire Department.

3. All environmental and wetland issues must be approved by the appropriate governing agency prior to Public Utilities approval. The developer must provide written documentation to Public Utilities showing these conditions have been met.
  4. All existing and new easements must be clearly shown and described on the plat prior to final plat recordation. If a sewer lateral or water service crosses through an adjacent property, an easement for that utility must be provided. If power lines, gas lines, communication conduits, etc. exist within the property, any relocation of these utilities and related easements must be approved by Public Utilities. No buildings, structures, trees, islands, etc. may be constructed within easements dedicated to Salt Lake City Public Utilities.
  5. Service connection agreements must be entered into between the developer and Public Utilities for all water, fire and sewer mains and services. The agreement will outline developer and Public Utilities' responsibilities related to construction, maintenance and warranty of these services. Prior to construction plan set approval all utility and impact fees must be paid in full. A \$343 per quarter acre drainage impact fee will be assessed on the new hard surface introduced by this development.
  6. The engineer for these developments will need to provide sanitary sewer calculations and fire flow data for determination if the existing water and sewer facilities are adequate to service these proposed developments or if upgrades to the existing utility infrastructure will be needed. Final property and building layouts will determine how water, fire, sanitary sewer, and storm drainage services can be designed and installed to service each portion of these proposed developments.
  7. High groundwater tables are possible in this area. A geotechnical engineer must submit for review and approval a study to determine the highest expected groundwater table in these proposed properties. The study must refer to historical well records and boring logs in this area and any other pertinent information or data. No ground water will be allowed to be pumped into the City's storm drainage system from this proposed development. This will dictate that the underground parking structure be above this highest expected groundwater elevation or protected from high groundwater conditions.
- b) **Division of Transportation:** The division review comments and recommendations are as follows:
1. For the DRT review on June 8, 2005 of the proposed 43 unit apartment/condo with 84 parking stalls and the subdivision to combine lots and a rear portion of 466 E 500 S. issue with reduction of rear lot line. One issue was for parking compliance and landscape buffers to remain as needed for a legal lot function. Rough calculations indicate 14 stalls needed by Alan Michelson and 16 stalls were shown on the plan and 18 in the aerial photos. It was determined that the city needed documentation and provision for the 7' rear yard buffer to maintain legalization of the proposed lot change.

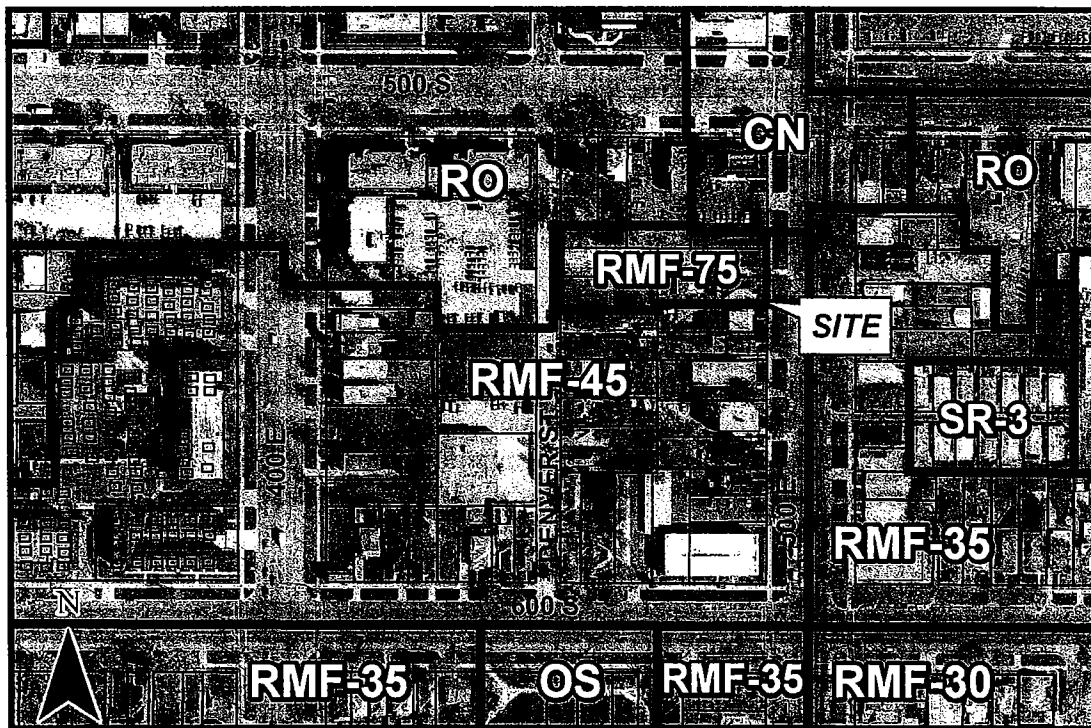
2. The preliminary review of the building proposal in a RMF-75 zone required a subdivision to combine the lots to include the issue with the cross easement with the property to the south. Some items needed for PUD exceptions were front and side yard building and landscaping widths, parking setbacks and grade changes etc.
  3. The transportation divisions comments was for early submittal of the parking structure drawings for review of the bldg grid spacing, driveway ramps, and various elevations, etc. We also needed public way improvement drawings showing removal of existing driveways and new driveways, sidewalks and trees. Final plans need parking dimensions, ADA stall and 5% bike parking shown with details. For the secured parking structure access notice is required on 500 E and "No parking will be allowed on Denver Street frontage.
- c) **Salt Lake City Engineering:** City Engineering review comments are as follows:
1. Curb, gutter, sidewalk, and a drive approach for the adjacent property exist in 500 East Street along the frontage of the proposed plat. The curb & gutter is badly cracked (weeds are growing in it) in many places and must be replaced. Approximately three sidewalk panels and the drive approach are cracked and must be replaced. When the drive approach is replaced, it should be engineered to raise the deep gutter so that cars do not drag. The proposed new drive approach must be installed in conformance with APWA Std. Plan 225. Curb, gutter, sidewalk and a drive approach also exist in Denver Street along the frontage of the proposed project. The drive approach, which also acts as a sidewalk, causes the sidewalk cross slope to exceed 4% and should be replaced with a drive approach in conformance with APWA Std. Plan 215. The proposed new drive approach must be installed in conformance with APWA Std. Plan 215.
  2. Prior to performing the work described above, a "Permit to Work in the Public Way" must be obtained from SLC Engineering.
  3. The proposed 43 unit residential development will require more land than is shown the Webb survey. A plat is recommended to combine Parcels 2 and 3 with the property to the south of Parcel 2. The plat must conform to the requirements of the Subdivision Plat Checklist. A plat should be submitted as soon as possible to allow the SLC Surveyor to begin his review.
- d) **Fire:** The Fire Department had no objections to the proposed project if the following issues are addressed prior to finalization of the plans:
1. Due to the lack of full FD vehicle access on all sides, the Salt Lake City Fire Department will require that the project include total fire sprinkler protection and a building standpipe system, as required by the code for this occupancy type. In addition, a fire flow (water supply) analysis conducted by the Salt Lake City Public Utilities Department is required to ensure an adequate water supply, and fire hydrant(s) are provided for the proposed project
  2. Additional building code issues may need to be addressed, as full plans, drawings and specifications are presented for review.
- e) **Police:** The department submitted the following CPTED concerns:



1. The garage entries should have a card key or similar type of access system due to the high probability of extensive car break-ins under the present design configuration. This also lessens the probability of access by unwanted persons through the elevator system to unit floors.
  2. Shrubbery should be installed with a maximum growing height of 24-30 inches and that all planted trees have limbs capable of being trimmed at a 6-7 foot height. These CPTED concepts increase the visibility and security of the complex and its residents.
- f) **Property Management:** The department has no objections to the proposed project.
  - g) **Building Services:** Building Services reviewed the proposed project as part of the Development Review Team (DRT) review held on June 8, 2005. A list of their comments is attached to this staff report.
  - h) **Planning Commission Subcommittee:** The Subcommittee discussed alternative zoning designations for the subject property. The Subcommittee also expressed concerns about the compatibility of the proposed project with the low density older residential character of the existing development along Denver Street.
  - i) **Community Council:** The developer and planning staff attended Central City Neighborhood Council meetings on June 1, 2005. The organization supports the rezone request for the proposed project, but requests that the height of the project be limited to that permitted in a RMF-45 zoning district.

## 2. ANALYSIS AND FINDINGS:

### Zoning Map and Master Plan Amendments



## **Chapter 21A.50 of the Salt Lake City Code**

The City Council has final decision authority with respect to text or zoning map amendments. Chapter 21A.50 of the Salt Lake City Code, entitled “Amendments and Special Approvals” addresses changes to the text of the zoning code and associated maps. Section 21A.50.050 outlines standards the City Council should consider when making a decision regarding a rezone. The standards for general amendments are as follows:

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

**Discussion:** A description of the pertinent policy documents is provided below.

### **Salt Lake City Housing Plan**

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

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

The request supports the *Salt Lake City Housing Plan* policies in that it provides a diverse housing stock, shared common area, and it addresses parking needs in a non-obtrusive manner by placing much of the required parking underground.

### **East Downtown Neighborhood Plan**

The plan identifies the majority of the site within Sub Area 6: Sumner Residential which encourages maintaining a balance of residential development that includes low, medium, and high density. The land use designation on the subject property was updated to allow medium/high density multi-family residential development at a forty-five foot (45') height as part of the 1995 zoning rewrite project (Ordinance 26, 1995).

A way to maintain a consistent building height in the area, while providing high-density housing is to rezone the property to the requested high density multi-family zoning district, but limit the maximum building height permitted on the subject property through a **development agreement**. Limiting the maximum building height to forty five feet (45') which is consistent with the RMF-45

zoning district would maintain the three to four story pattern of multi-family development found in the Central City community.

*Central Community Master Plan*

A new master plan for the Central Community was adopted by the City Council on November 1, 2005. The Future Land Use map of the master plan recommends medium/high density residential (30-50 dwelling units/acre) land uses for this site. Medium/high-density residential areas typically have multi-story residential structures comprising three to four stories. The following is a table showing the density potential of the subject property based upon a RMF-45 zoning designation:

<b>RMF-45 Minimum Lot Area</b>	<b>Subject Rezone Area Size</b>	<b>Potential Number of Units</b>	<b>Overall Density Potential</b>
21,000 sf for 15 units, plus 800 sf for each additional dwelling unit	.82 acres or 35,685 square feet	43 units	43.2 dwelling units/acre

The high-density residential land use designation of the Central Community Master Plan allows high-density residential structures including mid and high-rise townhouses, condominiums, and apartments as the dominant land use. The following is a table showing the density potential of the subject property based upon a RMF-75 zoning designation:

<b>RMF-75 Minimum Lot Area</b>	<b>Subject Rezone Area Size</b>	<b>Potential Number of Units</b>	<b>Overall Density Potential</b>
19,000 sf for 15 units, plus 350 sf for each additional dwelling unit	.82 acres or 35,685 square feet	63 units	85.2 dwelling units/acre

Staff is of the opinion that the proposed density of forty-three (43) dwelling units for this site (53 units per acre) is comparable to the medium/high residential density classification **recommended** by the Future Land Use map of the *Central Community Master Plan*. The request could further support the *Central Community Master Plan* if the Future Land Use map were amended to reflect the requested RMF-75 multi-family zoning district.

*Transportation Master Plan*

The Transportation Master Plan recognizes the benefits of locating high density housing along major transit systems. Higher density development accessible to

transit stations provides greater opportunities for ridesharing which in turn implements one of the “Guiding Principles” of the plan to reduce dependency on the automobile as primary mode of transportation.

Rezoning the subject property to RMF-75 will allow higher density residential development near major bus and rail lines (University Trax Light Rail) where residences can rely less on private automobiles and take advantage of the close proximity of other modes of transportation for meeting their needs.

**Finding:** The proposed zoning amendment is supported by several policy elements of the *Salt Lake City Housing Plan*, *East Downtown Master Plan*, *Central Community Master Plan*, and *Transportation Master Plan*. Furthermore, a development agreement limiting future development of the subject property to a maximum building height of forty-five feet (45’) is consistent with the RMF-45 zoned properties to the south within this block and encourages compatible development that complements the character of the established neighborhood.

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

**Discussion:** The East Downtown neighborhood is the designated high-density neighborhood of Salt Lake City. Apartments are common on 300 South and 500 and 600 East Streets although densities generally decrease the further east one gets from the Downtown core. Development in the immediate vicinity includes a mixture of office, commercial, and residential development. The character of this residential neighborhood is consistent with that of the general pattern of development in the city. The area is defined by mostly older single-family homes and a few apartment complexes within a large city block divided by an inner-block street. The typical building height on the block is between one and two stories for low density residential buildings, although taller buildings in the area exist.

The applicant has designed the project to reflect the residential character and lower scale of the residential development to the south and Denver Street streetscape. Architectural details such as porches, awnings, materials, and cornices help the proposed building relate to its context. The perceived mass of the proposed building is visually divided into small modules by stepping the wall plane. This stepped effect is also expressed in building materials, cornices and other façade treatments. Along with a similarity with the building height permitted in the area (45’), the façade variation treatment contributes to the visual continuity of the neighborhood.

Although not required by the Zoning Ordinance, the seven foot (7’) landscaped area on the north side of the parking area also helps to mitigate any potential negative impacts on adjacent or neighboring properties. As such, a rezone of the

subject property to RMF-75 that includes a development agreement to limit maximum building height would be consistent with adjacent zoning and land use.

**Finding:** The proposed multi-family residential development is harmonious with the existing development in the immediate vicinity of the subject property.

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

**Discussion:** The proposed development should have a positive impact on surrounding properties. The majority of the site is undeveloped and a sensitively designed high quality housing project would increase the residential population base, enhance the character of the area, and should have a positive affect on adjacent properties.

**Finding:** In general, the proposed rezone will not have a negative impact on adjacent properties. The applicant has agreed to a development agreement that would limit the maximum building height on the subject property to forty-five feet (45').

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

**Discussion:** The subject property is located within the Secondary Recharge Area boundary lines. Public Utilities indicated that high groundwater tables are possible in this area and a geotechnical engineer must submit for review and approval a study to determine the highest expected groundwater table on the subject property.

**Finding:** The Secondary Recharge Area overly zoning district does not impose any additional standards for regulating a residential use at the subject location.

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

**Discussion:** City divisions and departments responded with comments as noted above under the **Comments** section of this staff report. The applicant will be required to meet City standards for public utilities and services prior to issuance of a building permit.

**Finding:** The subject property is in a developed area of the City. No comments were received indicating that public facilities and services are completely inadequate to support the subject property and proposed project, however there may be challenges.

### **RECOMMENDATION:**

Based upon the comments, analysis and findings in this report, Planning Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to rezone the subject property to RMF-75 and facilitate the construction of a new multi-unit residential development. Staff further recommends that the Planning Commission favorably recommend to the City Council that the Future Land Use map of the 2005 Central Community Master Plan be amended to reflect the property as high density residential. Planning Staff's recommendation is contingent upon the following:

1. The property owner signs a Development Agreement to be recorded on the property that the maximum building height with the rezone area may not exceed forty-five feet (45').

If the Planning Commission decides to forward an unfavorable recommendation regarding the RMF-75 rezone request, staff recommends that the Planning Commission forward a favorable recommendation to the City Council to rezone the southern portion of the property located at 466 East 500 South from a RO zoning district to a RMF-45 zoning district. This rezone would coordinate zoning boundary lines with the proposed new location of the rear property line.

### **Planned Development**

To provide adequate flexibility in design and land utilization of the subject property, staff determined that it would be best to review the proposed multi-family residential development through the planned development process. This would allow the entire site to be considered as a cohesive development and treated, as such, with respect to site plan layout. The applicant is requesting that the Planning Commission modify several provisions of the Zoning Ordinance including:

1. Allow grade changes in excess of two feet (2') to accommodate driveway entrances to a subterranean parking structure;
2. Allow multiple buildings with a shared common area over an underground parking structure on a single lot;
3. Modify minimum yard standards to allow an encroachment of the subterranean parking structure; and
4. Modify minimum yard standards of the RMF-75 zoning district such that the RMF-45 standards would be applied to the proposed development.

Planning Commission has final decision authority with respect to the City's conditional use and planned development standards. In order to make its decision, the Commission must use the following standards.

### **21.54.080 Standards for Conditional Use.**

- A. **The proposed development is one of the conditional uses specifically listed in the Zoning Ordinance.**

**Discussion:** Table 21A.54.150.E.2 allows the planned development conditional use process in the RMF-45 and RMF-75 zoning districts for parcels greater than 20,000 square feet. The total acreage of the site for the proposed project is 35,685 square feet.

**Finding:** The proposed development meets the minimum planned development size requirement in both the RMF-45 and RMF-75 zoning districts.

**B. The proposed development is in harmony with the general purposes and intent of this title, is compatible with, and implements the planning goals and objectives of the City, including applicable City Master plans.**

**Discussion:** As discussed above under General Amendment Standard A, the proposed development is consistent with and implements certain planning goals and objectives of the *Salt Lake City Housing Plan, East Downtown Master Plan, Central Community Master Plan, and Transportation Master Plan*. Even with the proposed modifications of zoning ordinance requirements, the proposed development is generally in harmony with the intent of the Salt Lake City Code. The ordinance modifications allow the applicant to provide higher density housing with parking in an unobtrusive manner with a shared common area.

**Finding:** The proposed development is in harmony with the general purposes and intent of this title, is compatible with, and implements the planning goals and objectives of the City, including applicable City Master Plans.

**C. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and not materially degrade the service level on the adjacent streets.**

**Discussion:** The proposed development has frontage on 500 East Street which is a collector street and Denver Street which is a local class street. The Transportation Division reviewed this request as part of the Development Review Team meeting on June 8, 2005. The Division of Transportation did not identify any issues that the streets are not suitable or adequate to carry anticipated traffic as a result of the proposed development.

**Finding:** Streets are adequate to carry the demand created by the proposed development. Public way improvements, as identified by Salt Lake City Engineering Division and the Division of Transportation, (see pages 5-6 of staff report) must be addressed prior to building permit issuance.

**D. The internal circulation system of the proposed development is properly designed.**

**Discussion:** A preliminary site plan has been reviewed by the Division of Transportation. The Division of Transportation did not identify any issues that would jeopardize the development proposal in terms of the design of the internal

circulation system. The minimum off-street parking requirement for multi-family dwellings (Table 21A.44.060F) is two spaces for each dwelling unit containing two or more bedrooms and one space for one bedroom and efficiency dwelling. Eighty-four (84) parking spaces are required for this development and the site plan shows this number of parking spaces. The plans also show that the subterranean parking structure encroaches into the required yard area. Staff is in favor of a modification of the minimum yard requirements to allow this encroachment. The parking structure is totally underground with no visual evidence that such an encroachment exists. The Division of Transportation shall review and approve the final plans for the parking structure.

**Finding:** The proposed development shall be properly designed for internal circulation. Final plan approval should be delegated to the Planning Director after receiving input from the Division of Transportation.

**E. Existing or proposed utility services are adequate for the proposed development.**

**Discussion:** Public Utilities reviewed the submitted preliminary site development drawings and their comments are attached to this staff report. Prior to building permit issuance, construction plans must be approved by Public Utilities and the construction plans must conform to the City's construction standards and policies.

**Finding:** The applicant must meet all Public Utility requirements prior to the issuance of a building permit. Existing and proposed utilities shall be adequate for the proposed development and will not have an adverse impact on adjacent land uses or resources.

**F. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts.**

**Discussion:** As per Chapter 21A.48 of the Zoning Ordinance, landscape buffers are required only if a property abuts a lot in a single-family or two-family residential district. The project is oriented toward land uses that are predominantly business and residential in nature. However, the site does not abut a lot in a single-family or two-family residential district, therefore buffering is not required by the Zoning Ordinance.

**Finding:** This finding does not apply since buffering is not required along the subject property boundaries because the site does not abut a lot in a single-family or two-family residential district.

**G. Architecture and building materials are consistent with the development and compatible with surrounding areas.**



**Discussion:** As mentioned above under Zoning Map Amendment Standard B, the character of this neighborhood is consistent with that of the general pattern of development in the city. The area is defined by mostly older single-family homes and a few apartment complexes within a large city block divided by an inner-block street. The Planning Commission Subcommittee expressed concerns about the compatibility of the proposed development with the low density residential character of the existing development along Denver Street. Thus the proposed design takes into consideration this historic context while recognizing that the southern portion of the block is currently zoned RMF-45 with a forty-five foot (45') maximum building height development standard. Subdividing a façade into smaller portions as shown on the submitted plans minimizes its width, and should be a consistent treatment applied throughout the design of the building. The plans also show awnings, balconies and porches that have an active function and provide a benefit to the streetscape.

In the Central City neighborhood, brick, stucco and painted wood are typical primary building materials. The applicant proposes to side the building with stucco and brick which are materials consistent and compatible to those used historically in the area.

**Finding:** The architecture and building materials are consistent and compatible with the surrounding area.

**H. Landscaping is appropriate for the scale of the development.**

**Discussion:** Staff supports utilization of the following minimum yard requirements of the RMF-45 zoning district in this case since a forty-five foot (45') maximum building height will be maintained.

	Front Yard	Interior Side Yard	Rear Yard
Minimum Yard Requirements	20% of lot depth, but need not exceed 25'	8' provided no principal building is within 10' of a building on an adjacent lot	25% of the lot depth, but not exceed 30'

The preliminary plans submitted is consistent for a development of this size. No specific improvements are required within landscape yards, except that all landscape areas not planted with trees and shrubs shall be maintained in turf or other approved groundcover. Additional landscaping will be provided to buffer the surface parking lot that fronts Denver Street. Parking is generally permitted within a side yard, except when abutting a single- or two-family district. Park strips should be landscaped in conformance with the provisions of Section 21A.48.

**Finding:** In this case, the minimum yard requirements of the RMF-45 zoning district is appropriate for this type of development since the forty-five foot (45') maximum building height requirement of the RMF-45 zoning district will be maintained. Landscaping is appropriate for the scale of the proposed development. Prior to the issuance of a building permit, the final landscape plan shall be approved by the Planning Director or designee after receiving input from the Development Review Planner.

**I. The proposed development preserves historical, architectural and environmental features of the property.**

**Discussion:** The site is not located within a historic district and there are no significant architectural features on the property. Public Utilities indicated that high groundwater tables are possible in this area and a geotechnical engineer must submit for review and approval a study to determine the highest expected groundwater table on the subject property. Any environmental and/or wetland issues must be reviewed and approved by the appropriate governing agency.

**Finding:** There are not any historical or architectural structures on this site that require preservation.

**J. Operating and delivery hours are compatible with adjacent land uses.**

**Discussion:** The proposed multi-family development is similar to neighboring land uses which are mostly residential.

**Finding:** The operating and delivery hours are compatible with neighboring land uses.

**K. The proposed conditional use, or in the case of a planned development, the permitted and conditional uses contained therein, are compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the area or the City as a whole.**

**Discussion:** Abutting land uses include businesses and residential. The adjacent zoning is RO and RMF-45. The parcel has been vacant for a long period of time. The type of development proposed, multi-family residential is comparable to the Zoning Ordinance designations and the proposed design of the project is compatible with other multi-family structures in the immediate vicinity.

**Finding:** The development will have a positive effect on the City by replacing existing vacant land with residential development. The proposed residential development is compatible with the surrounding neighborhood surrounding and will not have a material net cumulative adverse impact on the area or the City as a whole.

- L. **The proposed development complies with all other applicable codes and ordinances.**

**Discussion:** Approval of the planned development request will be subject to meeting all applicable City departmental requirements. Except for the zoning ordinance modifications requested by the applicant, the proposed development will comply with all other applicable codes and ordinances.

**Finding:** The proposed development will be required to meet all applicable City, County and State Codes and Ordinances that relate to the proposed use at the subject location.

#### **21A.54.150 Purpose Statement for Planned Developments.**

As stated in Section 21.54.150 of the Zoning Ordinance, a planned development is a distinct category of conditional use. Its intent is to encourage the efficient use of land and resources, while promoting greater efficiency in public and utility services and encouraging innovative planning and building of all types of development. The following purpose statements are listed in the ordinance for which the City seeks to achieve:

1. **Creation of a more desirable environment than would be possible through strict application of other City land use regulations.**
2. **Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities.**
3. **Combination and coordination of architectural styles, building forms and building relationships.**
4. **Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion.**
5. **Preservation of buildings, which are architecturally or historically significant or contribute to the character of the City.**
6. **Use of design, landscape or architectural features to create a pleasing environment.**
7. **Inclusion of special development amenities.**
8. **Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.**

**Discussion:** Applying the planned development approach to the subject property will allow for a flexible site plan that encourages an integrated design concept. This project is being reviewed as a planned development because the applicant requested modifications as outlined on page 12 of this staff report.

Allowing the proposed modifications to the standards of the Zoning Ordinance will facilitate a more desirable site configuration. This design environment is

conducive to an efficient use of the land with internal circulation connections, shared common area, and addresses parking needs in a non-obtrusive manner. The parking structure is totally underground with no visual evidence that such an encroachment exists. Additionally, the minimum yard requirements of the RMF-45 zoning district is appropriate for this type of development since the proposed project would be required to adhere to the forty-five foot (45') maximum building height requirement of the RMF-45 zoning district.

**Finding:** The proposed modifications to the standards of the Zoning Ordinance will provide for a more integrated residential project than generally possible through the strict application of the Zoning Ordinance. The proposed development will result in a better physical layout and consistent design concept within the proposed development. The proposed project complies with objectives 1, 2, 3, 6, 7 and 8 of Section 21A.54.150 noted above.

#### **21A.54.150.E. Other Planned Development Standards.**

- 1. Minimum Area.** A planned development proposed for any parcel or tract of land under single ownership or control shall have a minimum net lot area for each zoning district.

**Discussion:** The proposed development consists of several lots which together total .82 acres. The minimum planned development size in both the RMF-45 and RMF-75 zoning districts is 20,000 square feet.

**Finding:** The proposed multi-unit residential development meets the 20,000 square foot minimum lot area requirement for planned developments located in a RMF-45 or RMF-75 zoning district.

- 2. Density Limitations.** Residential planned developments shall not exceed the density limitations of the zoning district where the planned development is proposed.

**Discussion:** This application includes a request to rezone the subject property preferably to RMF-75. Density limitations of the current zoning district will not be an issue if the applicant successfully obtains a rezone of the subject property.

**Finding:** This standard is not an issue for the proposed planned development if the subject property is successfully rezoned.

- 3. Consideration of Reduced Width Public Street Dedication.** A residential planned development application may include a request to dedicate the street to Salt Lake City for perpetual use by the public.

**Discussion:** The proposed residential planned development does not include a request to dedicate streets.

**Finding:** This standard is not an issue for the proposed planned development.

4. **Perimeter Setback.** The perimeter side yard and rear yard building setback shall be the greater of the required setbacks of the lot or adjoining lot unless modified by the planning commission.

**Discussion:** A request to modify the minimum yard standards of the RMF-75 zoning district (15' interior side yard), such that the RMF-45 standards (8' interior side yard) would be applied as part of this development proposal. Staff considers the minimum yard requirements of the RMF-45 zoning district appropriate in this case since the proposed project would be required to adhere to the forty-five foot (45') maximum building height requirement of the RMF-45 zoning district as well.

**Finding:** This standard is not an issue for the proposed planned development because the proposal includes a request to modify the required setbacks of the property.

5. **Topographic Change.** The planning commission may increase or decrease the side or rear yard setback where there is a topographic change between lots.

**Discussion:** The submitted site plan shows no significant changes in topography between lots that would warrant an increase or decrease in a side or rear yard setback.

**Finding:** This standard is not an issue for the proposed project.

#### **RECOMMENDATION:**

Based upon the analysis and findings in this report, the Planning Staff recommends that the Planning Commission approve the proposed planned development, subject to the following conditions:

1. The Planning Commission allows grade changes in excess of two feet (2') to accommodate driveway entrances to a subterranean parking structure.
2. The Planning Commission allows multiple buildings with a shared common area over an underground parking structure on a single lot.
3. The Planning Commission allows a modification to the minimum yard standards to allow an encroachment of the subterranean parking structure.
4. The Planning Commission allows a modification to the minimum yard standards of the RMF-75 zoning district such that the RMF-45 standards would be applied to the proposed development.

5. Approval is conditioned upon compliance with departmental comments as outlined in this staff report.
6. Subdivision approval shall be obtained in conformance with Salt Lake City and State of Utah laws, ordinances, and policies.
7. If individual transfer of ownership of the residential units is desired, condominium approval must be obtained in conformance with Salt Lake City and State of Utah laws, ordinances, and policies.

## **PRELIMINARY MINOR SUBDIVISION**

### **OVERVIEW:**

The Planning Director, or designee, may at an administrative hearing, approve a preliminary subdivision if it meets the requirements specified in Section 20.31.090 of the Salt Lake City Code. Planning Staff elected to refer this subdivision request to the Planning Commission along with the proposed planned development, rather than holding a separate administrative hearing.

The Webb property consists of several property parcels with frontage on 500 South Street, Denver Street and 500 East Street. The property owner is proposing a minor subdivision to reconfigure the parcels into three lots. Each proposed lot has the following dimensions:

<b>Lot #</b>	<b>Width (feet)</b>	<b>Area (square feet)</b>
<b>Lot 1</b>	96.5	13,534
<b>Lot 2</b>	66	10,890
<b>Lot 3</b>	123.75	17,989

### **DEPARTMENTAL COMMENTS:**

Staff routed the proposed subdivision with the planned development request; see comments, analysis and findings section of this staff report.

### **STANDARDS FOR APPROVAL:**

A minor subdivision petition may be approved only if it meets the requirements specified in Section 20.20.020 of the Salt Lake City Code. The requirements are as follows:

- A. The general character of the surrounding area shall be well defined, and the minor subdivision shall conform to this general character;**

**Analysis:** Staff finds that the request complies with this standard because:

- o It supports residential base in an undeveloped portion of the community;

- A multi-family residential development is compatible with the general character of the surrounding neighborhood; and
- It promotes a building design and orientation that enhances the neighborhood and its pedestrian environment.

**B. Lots created shall conform to the applicable requirements of the zoning ordinances of the city;**

**Analysis:** All lots will comply with the applicable requirements of the applicable zoning district unless otherwise modified by the planned development process.

**C. Utility easements shall be offered for dedication as necessary;**

**Analysis:** This is a condition of final plat approval.

**D. Water supply and sewage disposal shall be satisfactory to the city engineer.**

**Analysis:** The proposed preliminary plat has been reviewed by the pertinent City Departments as to applicable laws and regulations. All design and construction must conform to State, County, City and Public Utilities standards and ordinances.

**E. Public improvements shall be satisfactory to the Planning Director and City Engineer.**

**Analysis:** All plans for required public improvements must be submitted and approved prior to approval of the final plat.

**RECOMMENDATION:**

Planning Staff recommends that the Planning Commission grant preliminary approval for the requested subdivision based on the following findings:

1. All applicable City Departments have consented to the proposed minor subdivision as long as final plans comply with applicable City codes and policies.
2. The newly created parcels will comply with all applicable zoning standards.
3. The proposed subdivision will be compatible with surrounding development.
4. The request complies with the general standards of review for a minor subdivision.
5. The minor subdivision will be in the best interest of the City.

6. All necessary provisions for the construction of any required public improvements and utility easements shall be required prior to the building permit process and final plat approval.

**CONDITIONS OF APPROVAL:**

1. Approval is conditioned upon compliance with departmental comments as outlined in this staff report.
2. Any future development activity associated with the properties will require that all substandard or absent public improvements be installed in accordance with the departmental comments noted in this staff report. Additionally, any future redevelopment will be subject to the requirements of the zoning ordinance.
3. Installation of public way improvements (curb, gutter and driveway approaches) as required by Salt Lake City Engineering.
4. Final subdivision approval and final plat recordation prior to the issuance of a building permit.

Janice Lew  
Principal Planner  
November 23, 2005

**Attachments:**

Exhibit 1 - Departmental Comments  
Exhibit 2 - Site Plan and Elevations  
Exhibit 3 - Context  
Exhibit 4 - Subdivision Plat



# **Exhibit 1**

## **Departmental Comments**

TO: JANICE LEW, PLANNING

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

DATE: OCTOBER 27, 2005

SUBJECT: **Theas Webb Minor Subdivision: Petition 490-05-23**  
**Astel Master Plan Amendment and Rezone Petition: 400-05-08**  
**Astel 43 Residential Unit PUD: Petition 410-748**  
466 East 500 South

City Engineering review comments, dated May 23, 2005, are *updated* as follows:

1. *It is unclear if a plat is being submitted for the minor subdivision proposal. If a plat is required, it must meet the requirements on the attached plat checklist. Curb, gutter, sidewalk, an active drive approach and a dead drive approach exist in 500 South Street along the frontage of the proposed Parcel 1. The dead drive approach must be replaced with approx. 24' of curb & gutter and landscaping as a condition of approval. Curb, gutter, sidewalk and a drive approach also exist in Denver Street along the frontage of the proposed Parcel 3. The drive approach has a steep cross slope and must be replaced with a drive approach in conformance with APWA Std. Plan 215 as part of the Astel development. Curb, gutter, sidewalk and a drive approach also exist in 500 East along the frontage of the proposed Parcel 2. The existing curb & gutter and drive approach must be replaced with curb & gutter. The cracked existing sidewalk must be replaced and the sidewalk at the proposed drive approach must be replaced with 6" thick sidewalk. Prior to performing the work described above, a "Permit to Work in the Public Way" must be obtained from SLC Engineering.*
2. *The proposed 43 unit residential development will require more land than is shown on the Webb survey. A plat is recommended to combine Parcels 2 and 3 with the property to the south of Parcel 2. The plat must conform to the requirements on the attached checklist. A plat should be submitted as soon as possible to allow the SLC Surveyor to begin his review.*

cc: Craig Smith  
Ken Taylor  
Brad Stewart  
Barry Walsh  
Vault

**Lew, Janice**

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**From:** Walsh, Barry  
**Sent:** Thursday, June 09, 2005 5:02 PM  
**To:** Lew, Janice  
**Cc:** Young, Kevin; Weiler, Scott; Stewart, Brad; Larson, Bradley; Michelsen, Alan  
**Subject:** Webb/Astel proj  
**Categories:** Program/Policy

June 9, 2005

Janice Lew, Planning

Re: Huntington Downtown Condominium proposal at 500 E 520 So to Denver St.

The transportation review comment notes and recommendations are as follows;

For the DRT review on June 8, 2005 of the proposed 42 unit apts/condo with 84 parking stalls and the subdivision to combine lots and a rear portion of 466 E 500 So issue with reduction of rear lot line. One issue was for parking compliance and landscape buffers to remain as needed for a legal lot function. Rough calculation's indicate 14 stalls needed by Alan Michelson and 16 stalls were shown on the plan and 18 in the aerial photos. It was determined that the city needed documentation and provision for the 7' rear yard buffer to maintain legalization of the proposed lot change.

The preliminary review of the building proposal in a RMF-75 zone required a subdivision to combine the lots to include the issue with the cross easement with the property to the south. Some items needed for PUD exceptions were front & side yard bldg & landscaping widths. Parking setbacks and grade change etc.

The transportation divisions comments was for early submittal of the parking structure drawings for review of the bldg grid spacing, driveway ramps, and various elevation's etc. We also needed public way improvement drawings showing removal of existing driveways and new driveways, sidewalks and trees. Final plans need parking dimensions, ADA stall and 5% bike parking shown with details. For the secured parking structure access notice is required on 500 E and "No parking will be allowed on Denver Street frontage.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.  
Scott Weiler, P.E.  
Brad Stewart, Utilities  
Brad Larson, Fire  
Alan Michelson, Permits  
File

6/10/2005

**Lew, Janice**

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**From:** Leydsman, Wayne  
**Sent:** Tuesday, June 21, 2005 2:41 PM  
**To:** Lew, Janice  
**Subject:** Rezone Classification 466 East 500 South. SLCFD #275/05  
**Categories:** Confidential

I have reviewed the proposed zoning change for this project and have no objections to the change in zoning classification.

Due to lack of full FD vehicle access on all sides, the Salt Lake City Fire Department will require that this proposed project be totally fire sprinklered and provided with a building standpipe system, as required by the code for this occupancy type. In addition, we will require that a fire flow (water supply) analysis be conducted by the Salt Lake City Public Utilities Department to ensure that an adequate water supply and fire hydrant(s) are provided for this proposed project.

Additional building code issues, may also may need to a addressed, as full plans, drawings and specifications are presented for review.

Wayne Leydsman  
Assistant Plans Examiner  
Salt Lake City Fire Dept

7/6/2005

**Lew, Janice**

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**From:** Larson, Bradley  
**Sent:** Wednesday, November 16, 2005 2:48 PM  
**To:** Lew, Janice  
**Subject:** Petitions 490-05-23, 400-05-08, 410-748 // Webb property

Janice,

The Fire Department is not opposed to the above named petitions; however, a complete site plan showing the footprint of the building with relation to property lines and access roads, fire hydrants, etc., should be submitted for a preliminary evaluation prior to submittal for a building permit. There appear to be issues regarding required fire apparatus access that need to be evaluated for code compliance.

Please notify the applicants of this concern and have them contact Wayne Leydsman or myself.

Thank you.

Brad Larson  
Deputy Fire Marshal  
Salt Lake City Fire Department  
801-799-4162 office  
801-550-0147 cell  
[bradley.larson@slcgov.com](mailto:bradley.larson@slcgov.com)

11/16/2005

## Lew, Janice

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**From:** Smith, JR  
**Sent:** Wednesday, June 15, 2005 12:54 PM  
**To:** Lew, Janice  
**Cc:** Erickson, Janell  
**Subject:** Re: 466 East 500 South

**Categories:** Program/Policy

Janice,

In reviewing the supplied plans I have the following CPTED concerns:

Garage entries: that these entries have a card key or similar type access system due to the high probability of extensive car break ins under the present design configuration. This also lessens the probability of access by unwanted persons through the elevator system to unit floors.

Landscaping: that shrubbery be installed with a maximum growing height of 24-30 inches and that all planted trees have limbs capable of being trimmed at a 6-7 foot height. These CPTED concepts increase the visibility and security of the complex and it's residents.

Thanks,

J.R. Smith  
SLCPD  
Community Action Team

**Lew, Janice**

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**From:** Snelling, Jeff  
**Sent:** Tuesday, June 14, 2005 1:51 PM  
**To:** Lew, Janice  
**Cc:** Niermeyer, Jeff; Stewart, Brad; Garcia, Peggy; Greenleaf, Karryn  
**Subject:** Update for Astel proposal at Theas Webb property at 466 East 500 South. (43 plus units)  
**Categories:** Program/Policy

Janice,

The attached e-mail, sent in response to the initial Webb proposal, describes the water and sewer utilities available to service this proposed development. The engineer for these developments will need to provide sanitary sewer calculations and fire flow data for determination if the existing water and sewer facilities are adequate to service these proposed developments or if upgrades to the existing utility infrastructure will be needed. Final property and building layouts will determine how water, fire, sanitary sewer, and storm drainage services can be designed and installed to service each portion of these proposed developments.

High groundwater tables are possible in this area. A geotechnical engineer must submit for review and approval a study to determine the highest expected groundwater table in these proposed properties. The study must refer to historical well records and boring logs in this area and any other pertinent information or data. No ground water will be allowed to be pumped into the City's storm drainage system from this proposed development. The will dictate that the underground parking structure be above this highest expected groundwater elevation or protected from high groundwater conditions.

All other issues as outlined the attached e-mail are pertinent. Please call Jeff Snelling at 483-6889 if you have any questions or comments.

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**From:** Garcia, Peggy  
**Sent:** Friday, May 13, 2005 3:37 PM  
**To:** Lew, Janice  
**Cc:** Niermeyer, Jeff; Greenleaf, Karryn; Stewart, Brad; Snelling, Jeff  
**Subject:** FW: Thaes Webb at 466 East 500 South - Proposed rezone from Residential Office (RO) to Moderate/ high Density Multifamily Residential (RMF-45)

Janice,

An update for clarification.

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

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**From:** Garcia, Peggy  
**Sent:** Friday, May 13, 2005 3:16 PM  
**To:** Lew, Janice  
**Cc:** Niermeyer, Jeff; Greenleaf, Karryn; Stewart, Brad; Snelling, Jeff  
**Subject:** Thaes Webb at 466 East 500 South - Proposed rezone from Residential Office (RO) to Moderate/ high Density Multifamily Residential (RMF-45)

Janice,

7/6/2005

All future design and construction must conform to State, County, City and Public Utilities standards and ordinances and Salt Lake City Public Utilities General Notes. These subject properties would be serviced from six-inch water mains and eight-inch sanitary sewer mains located in the surrounding streets. Numerous water and sewer services are connected to this property. These services will be used or disconnected at the main as determined by Public Utilities. Utility and grading and drainage plans must be submitted for review and approval at the time of the proposed construction. At the time of proposed construction the water and sewer mains in the street must be blue staked and surveyed. If any of these mains are within ten-feet of the subject properties, then additional easements may be required to be dedicated to Salt Lake City Corporation for the operation, and maintenance of these mains.

Salt Lake City Fire Department approval is required prior to Public Utilities. All hydrant locations, fire flow requirements and access issues must be approved by the Fire Department.

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

All existing and new easements must be clearly shown and described on the plat prior to final plat recordation. If a sewer lateral or water service crosses through an adjacent property, an easement for that utility must be provided. If power lines, gas lines, communication conduits, etc. exist within this the property, any relocation of these utilities and related easements must be approved by Public Utilities. No buildings, structures, trees, islands, etc. may be constructed within easements dedicated to Salt Lake City Public Utilities.

#### *Agreements and Fees:*

Service connection agreements must be entered into between the developer and Public Utilities for all water, fire and sewer mains and services. The agreement will outline developer and Public Utilities' responsibilities related to construction, maintenance and warranty of these services. Prior to construction plan set approval all utility and impact fees must be paid in full. A \$343 per quarter acre drainage impact fee will be assessed on the new hard surface introduced by this development.

Public Utilities will approve this proposed rezone request and plat if all the above-mentioned issues are addressed during the time of proposed construction. If you should need further assistance with this matter, please contact Peggy Garcia at 483-6727.

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



# MEMORANDUM

---

**DATE:** June 13, 2005  
**TO:** Janice Lew, Planning Division  
**FROM:** Alan R. Michelsen, Building Services Division  
**SUBJECT:** Webb Minor Subdivision and Rezoning and the Astel Planned Development and Rezoning Proposals—466 East 500 South

---

I have reviewed the proposal for the Webb minor subdivision and zoning map amendment for an RMF-45 or RMF-75 zoning district classification. Please note the following issues.

- 1) As proposed the property identified as parcel #1 would become noncomplying as to perimeter parking lot landscaping along the south property line. Currently the parking lot is located greater than 20 feet from the property line. Parking lots located less than twenty feet from a property line normally require a 7 foot landscape buffer.
  - 2) As proposed parcel #2 meets the minimum lot area of 9,000 square feet, but lacks the required 80 linear feet of frontage as required for 3 to 14 multi-family dwellings units in the RMF45 and/or RMF-75 zones.
  - 3) As proposed parcel #3 meets the minimum lot area of 9,000 square feet and 80 linear feet of frontage as required for 3 to 14 multi-family dwellings units in the RMF45 and/or RMF-75 zones.
  - 4) There is an error in the lot area of parcel #3. It should read 17,989 sq ft instead of 17,489 sq ft.
  - 5) If parcels #2 and #3 are combined into one 28,879 square foot parcel it will support 24 units in the RMF- 45 zone and 43 units in the RMF-75 zone.
- 

The following are zoning issues to be considered for Astel Planned Development with Rezoning to RMF-75.

- 1) Proposed parcels #2 and #3 will need to be combined to support 43 dwelling units.
- 2) Proposal does not meet the front and side yard setback or landscaping requirements.
- 3) Proposal shows a parking lot encroaching into a required front yard along Denver Street.
- 4) Site plan is not to scale. Unable to verify compliance with parking dimensions.
- 5) Unable to verify that the maximum building coverage is less than 60% lot area.
- 6) For building permit issuance a site plan is required with a minimum scale of 1"=20' showing all existing and proposed conditions including public way improvements, parkway trees and landscaping.
- 7) Dumpster location and solid screen enclosure is not shown.
- 8) Grade changes for driveways exceed two feet in the required front yards.

Alan R. Michelsen  
Development Review Planner  
Building Services & Licensing  
(801) 535-7142  
[Alan.michelsen@slcgov.com](mailto:Alan.michelsen@slcgov.com)

ROCKY J. FLUHART  
CHIEF ADMINISTRATIVE OFFICER

**SALT LAKE CITY CORPORATION**  
DEPARTMENT OF MANAGEMENT SERVICES  
PURCHASING, CONTRACTS AND PROPERTY MANAGEMENT DIVISION

ROSS C. ANDERSON  
MAYOR

**INTEROFFICE MEMORANDUM**  
**Property Management**  
**Room 225**

8 June 2005

**TO:** Janice Lew  
Planning

**FROM:** Linda Cordova *Lpc*  
Property Manager

**REF:** Petition Submitted by Richard Astel for Multi-family Development

Property Management has no objective to the above referenced petition.

Thank you.

## CENTRAL CITY NEIGHBORHOOD COUNCIL

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

### AGENDA

Wednesday June 1, 2005

- |         |   |
|---------|---|
| 6:00 pm | Welcome   |
| 6:02 pm | Police Report   |
| 6:07 pm | City Council Member: District 4 - Nancy Saxton<br>Mayors Rep.: District 4 - Gwen Springmeyer  |
| 6:21 pm | Stephanie Duer with the SLC Dept. of Public Utilities to discuss water issues   |
| 6:35 pm | Planning Dept. will be in with an applicant requesting conditional use for a private club at the Stoneground bldg across from the new Library. The Applicant is the owner of Juniors tavern. This is the Applicants 2 <sup>nd</sup> appearance  |
| 6:53 pm | Planning Dept. will be in with an applicant requesting a portion of the property located at 466 East 500 South be rezoned from Residential/Office(RO) to Moderate High Density Multi Family Residential(RMF-45). There is also a request to reconfigure the property. Applicants name is Theas Webb Jr. |
| 7:10 pm | Chris Crowley the Director of Community Services for the County will be present to discuss parks, open space, and rec. centers.   |
| 7:29 pm | Adjourn   |

Every year the Mayor likes to attend Community Council meetings with his Entourage. He has not been invited to attend one of our CCNC meetings yet and I am wondering if you would like the Mayor and his Team to take over one of our meetings and field questions on issues facing Central City. If you are interested then please start coming up with questions and concerns that can be fielded by the Mayor or someone from his Staff and we will discuss this at the next meeting.

## CENTRAL CITY NEIGHBORHOOD COUNCIL

Salt Lake City, Utah

Date: July 11<sup>th</sup>, 2005

To: Janice Lew - Salt Lake City Planning Dept.

Re: Proposed development at approx. 466 East 500 South

Central City Neighborhood Council(CCNC) has heard the Re-zone and Re-configure request proposed by Richard Astle and Mr Webb for a Condo development on the ½ block bordered by 500 and 600 South and 500 East and Denver St. In general all were in favor of supporting this project and it was reflected in a vote taken. There is one concern we have and that is the 75 foot height restriction for this re-zone to RMF-75. We have been assured by the developer that although he is seeking an RMF-75 he is only doing so for density reasons and does not want to go the max. height. We asked that a letter be drafted by the City Planning Dept stating that this project would be built to an RMF-45 height even though it may be in an RMF-75 zone and that the re-zone only apply to this project. We were told that the letter could not be drafted yet because Mr. Astle's project is bound to Mr. Webbs request. We voted for Mr. Webbs request and all were in favor. We will still be looking forward to getting that letter from the City regarding the restriction to Mr. Astle's project. We liked the parking provided for this project. We liked the general look (though this could change)of the project. Thank you

Thomas Mutter  
Chair CCNC

## **Planning Commission Subcommittee:**

The Subcommittee discussed alternative zoning designations for the subject property. The Subcommittee also expressed concerns about the compatibility of the proposed project with the low density older residential character of the existing development along Denver Street.

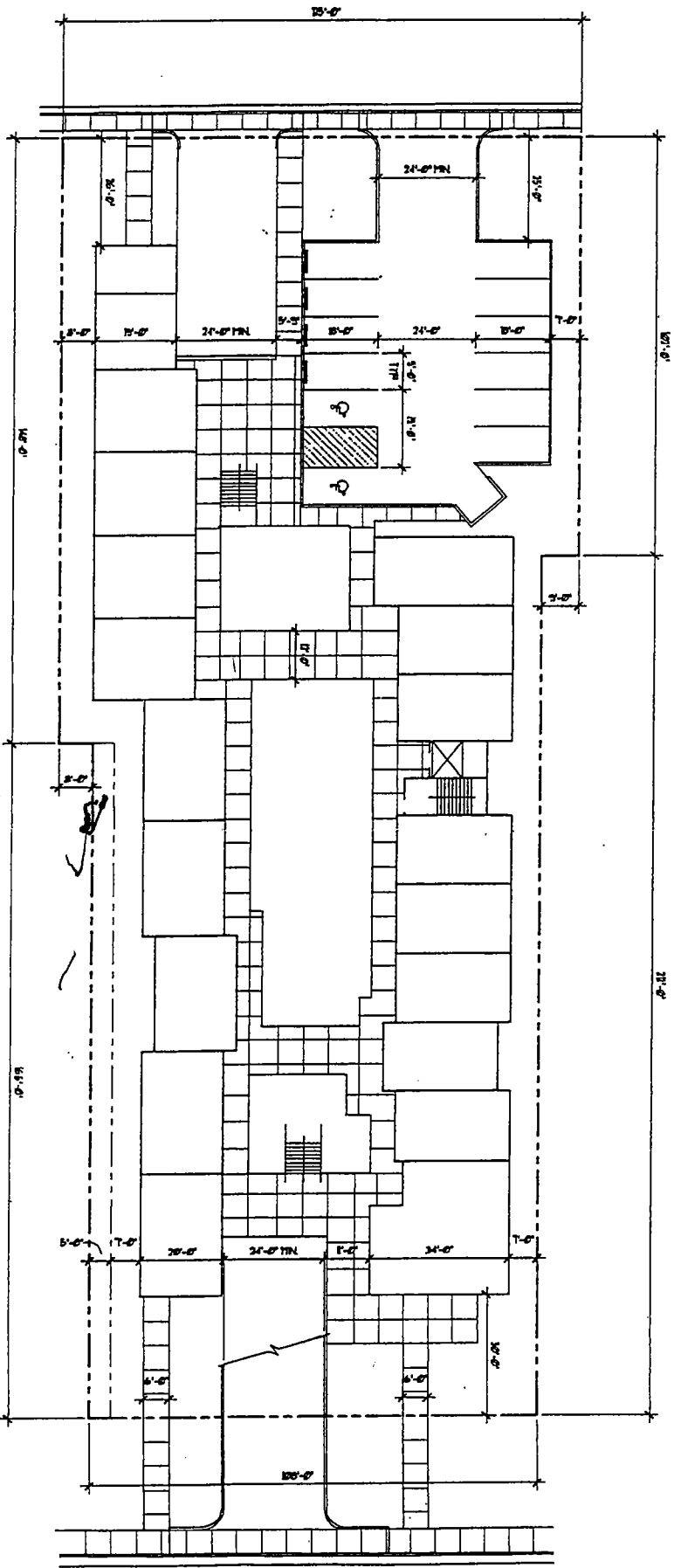
# **Exhibit 2**

## **Site Plan and Elevations**

Staff Report, Petitions, 400-05-06, 410-748 and 490-05-23  
by the Salt Lake City Planning Commission

November 30, 2005

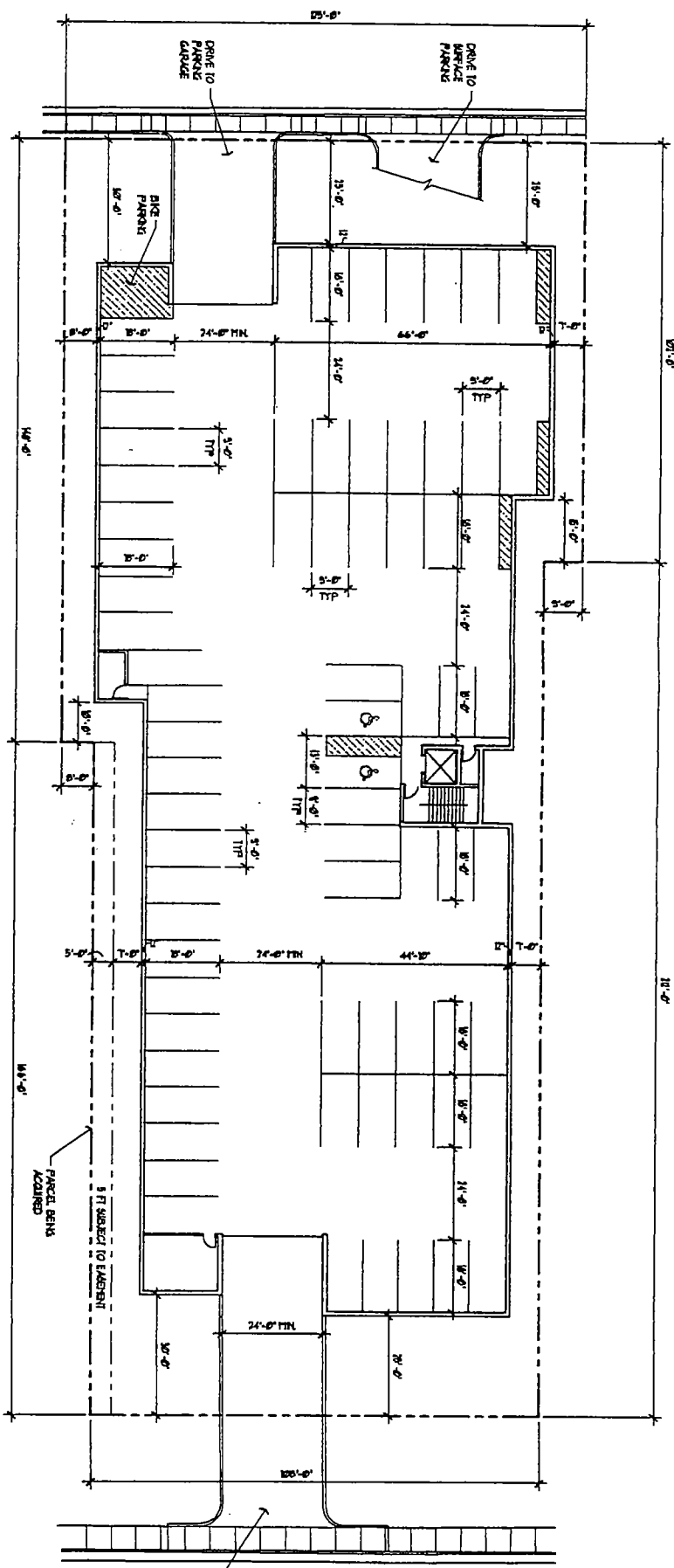
denver st.



500 east

2 MAIN LEVEL SITE AND PARKING PLAN

denver st.

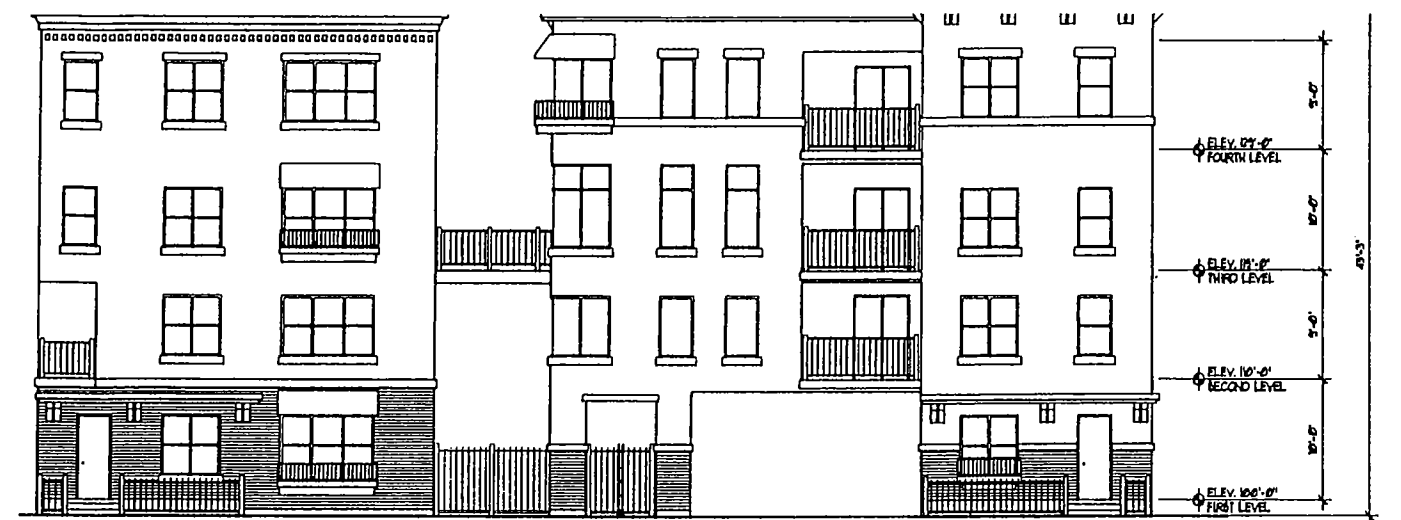


500 east

1 UNDERGROUND PARKING PLAN



1 EAST ELEVATION



2 WEST ELEVATION



3 NORTH ELEVATION





## **Exhibit 3**

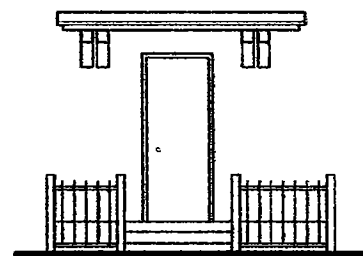
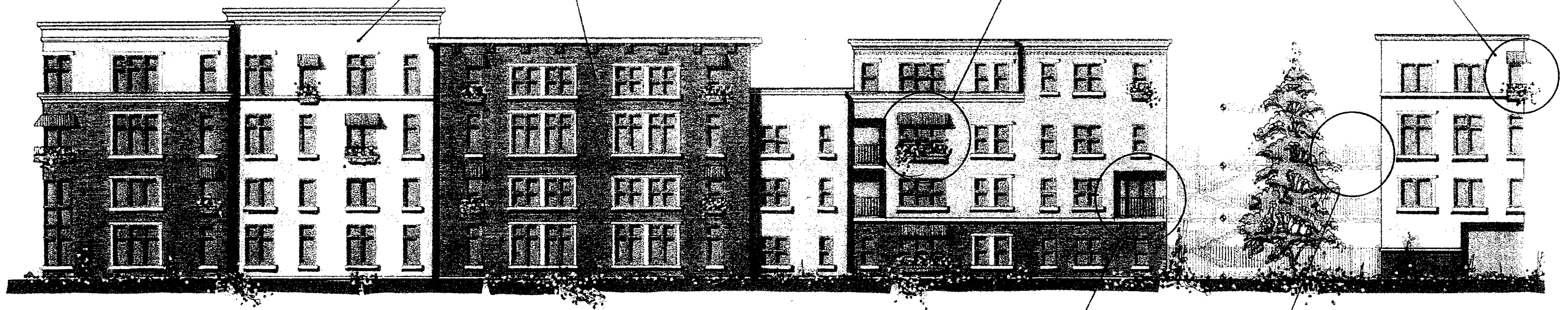
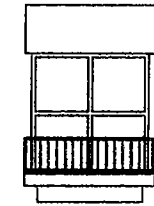
### **Context**



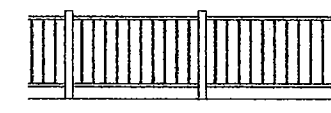
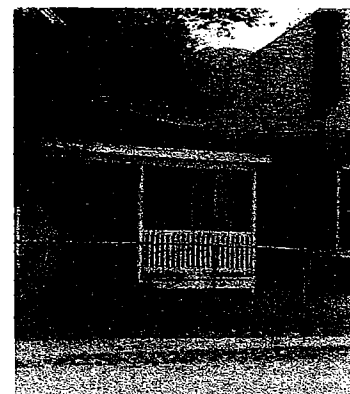
BRICK / STUCCO



CANOPY / AWNINGS



COVERED ENTRY



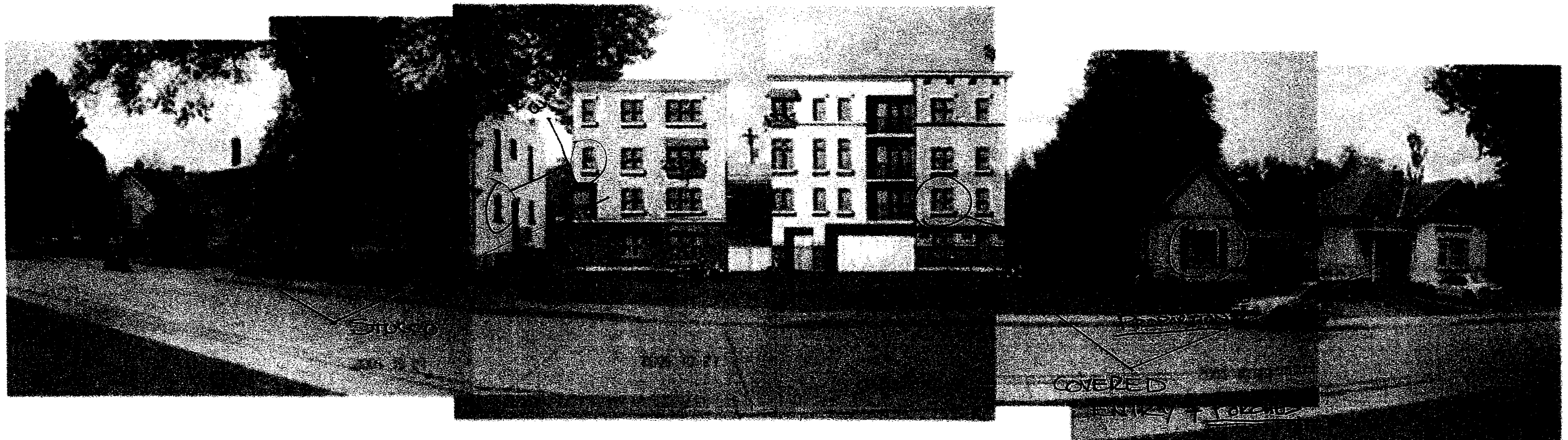
RAILINGS





EAST ELEVATION

THE EAST & WEST ELEVATIONS WILL BE  
CONSISTENT WITH EXISTING CONDITIONS  
BY UTILIZING BRICK & STUCCO SYSTEMS, HAVING  
COVERED ENTRIES, AWNINGS OVER WINDOWS.

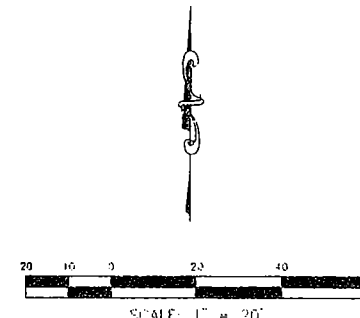


WEST ELEVATION

MASS PROPORTIONS  
SIMILAR

# **Exhibit 4**

## **Subdivision Plat**



**Exhibit 5c**  
**PLANNING COMMISSION**  
**November 30, 2005 Agenda/Minutes**

**AGENDA FOR THE  
SALT LAKE CITY PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building at 451 South State Street  
Wednesday, November 30, 2005, at 5:45 p.m.**

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

- 1. APPROVAL OF MINUTES FROM WEDNESDAY, November 9, 2005.**
- 2. REPORT OF THE CHAIR AND VICE CHAIR**
- 3. REPORT OF THE DIRECTOR**  
Briefing of Northwest Quadrant Master Plan Timeline and process (*Everett Joyce*)
- 4. PUBLIC NOTICE AGENDA – Salt Lake City Property Conveyance Matters (Karryn Greenleaf at 483-6769 or [karryn.greenleaf@slcgov.com](mailto:karryn.greenleaf@slcgov.com); Doug Wheelwright at 535-6178 or [doug.wheelwright@slcgov.com](mailto:doug.wheelwright@slcgov.com)):**
  - a) Salt Lake City Public Utilities and Murray City conducting business in relation to the UTOPIA project – Murray City is requesting that Public Utilities issue standard utility permits to allow telecommunication lines to cross the City owned property of the Jordan and Salt Lake City and Canal, at two locations within the City of Murray, Utah. The locations are approximately 7200 South 500 East and 7500 South 500 East and the crossings are requested as part of the UTOPIA project and may be either underground or aerial in nature. The Public Utilities staff intends to approve the standard utility permits as requested.
  - b) Draper City and Salt Lake City Public Utilities Department – Draper City is requesting that Public Utilities issue standard utility permits allowing bridge structures over, and utilities under, the Jordan and Salt Lake City Canal at two locations. The locations are located at 13600 South Dahle Way and 12400 South 111 West. Additional permits will be issued to each utility as separate entities. The Public Utilities staff intends to approve the bridge crossing and standard utility permits as requested.
  - c) Wathen Construction and Salt Lake City Public Utilities – Wathen Construction is requesting the realignment of an existing waterline easement. The realignment of the waterline easement at 2400 East Oakcrest Lane is necessary to facilitate development of the property. The old easement will be vacated in exchange for a new easement alignment. This location is in Cottonwood Heights City. The Public Utilities staff intends to approve the requested easement realignment.
- 5. PUBLIC HEARINGS**
  - a) **Petition No. 400-04-52** – Salt Lake City and the Utah Transit Authority (UTA) are jointly working to connect the existing terminus of the light rail line at the Delta Center, located at approximately 350 West South Temple, to the Intermodal Hub located at 300 South 600 West. The Salt Lake City Intermodal Hub will function as the central transit transfer point for commuter rail, light rail, UTA bus, Greyhound bus, Amtrak, and transit support services. The light rail connection is planned to be constructed by the Spring of 2008 to coincide with the opening of commuter rail service at the Intermodal Hub. The route of the light rail extension will be along 400 West, 200 South, and 600 West. The Salt Lake City Planning Commission will hold a public hearing regarding the number and location of stations along that route with the intent of providing a recommendation to the City Council. (*Staff – Doug Dansie 535-6182 or [doug.dansie@slcgov.com](mailto:doug.dansie@slcgov.com)*)
  - b) **1) Petition No. 400-05-06** – A request by **Richard Astel** for approval to rezone the properties located at approximately 516-524 South 500 East Street and 517-533 South Denver Street from a Moderate/High Density Multifamily Residential (RMF-45) zoning district to a High Density Multifamily (RMF-75) zoning district. The applicant is also requesting approval to rezone approximately twenty-five feet (25') of the rear portion of the property located at approximately 466 East 500 South Street from a Residential/Office (RO) zoning district to the same zoning district as the Planning Commission recommends for the 516-524 South 500 East and 517-533 South Denver Street properties; preferably RMF-75. The request also includes an amendment to the future land use map of the Central Community Master Plan to identify the properties as High Density Residential rather than Medium High Density Residential. The purpose of this request is to accommodate the construction of a 43 unit multi-family residential development. (*Staff – Janice Lew at 535-7625 or [janice.lew@slcgov.com](mailto:janice.lew@slcgov.com)*)  
**2) Petition No. 410-748** – A request by **Richard Astel** for planned development approval for a 43 unit multi-family housing development located at approximately 516-524 East and 517-533 South Denver Street. Included is a request to modify provisions of the zoning ordinance including but not limited to:
    - a. Allowing grade changes in excess of two feet (2') to accommodate driveway entrances to a subterranean parking structure;
    - b. Allowing multiple buildings with a shared common area over an underground parking structure on a single lot;
    - c. Modifying minimum yard standards to allow an encroachment of the subterranean parking structure; and
    - d. Modifying minimum yard standards such that the RMF-45 standards would be applied to the proposed development etc.The parcels are currently zoned RMF-45. (*Staff – Janice Lew at 535-7625 or [janice.lew@slcgov.com](mailto:janice.lew@slcgov.com)*)
  - 3) Petition No. 490-05-23** – **Theas Webb** requesting preliminary subdivision approval to reconfigure several existing parcels located at approximately 466 East 500 South Street, 516-520 South 500 East Street, and 517-533 South Denver Street into three parcels to accommodate the construction of a 43 unit multi-family residential structure. The parcels are currently within the RO and RMF-45 zoning districts. (*Staff – Janice Lew at 535-7625 or [janice.lew@slcgov.com](mailto:janice.lew@slcgov.com)*)
- 6. UNFINISHED BUSINESS**
  - c) **Petition No. 400-05-08 and Petition No. 400-05-09** – Rowland Hall, St Mark's School requesting to amend the East Bench Community Master Plan Future Land Use Map to identify the property located at approximately 1443 East Sunnyside Avenue as Institutional rather than Open Space and to rezone the property from an Open Space to an Institutional zoning classification. This is a 13-acre portion of the Mt. Olivet Cemetery property. (*Staff – Everett Joyce at 535-7930 or [everett.joyce@slcgov.com](mailto:everett.joyce@slcgov.com)*)

**SALT LAKE CITY  
PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building  
451 South State Street, Salt Lake City, Utah  
Wednesday, November 30, 2005**

Present for the Planning Commission were Laurie Noda (Chairperson), Tim Chambless, Babs De Lay, John Diamond, Robert Forbis Jr., Peggy McDonough (Vice Chairperson), Prescott Muir, Kathy Scott and Jennifer Seelig. Craig Galli was unable to attend.

Present from the Planning Division were Alexander Ikefuna (Planning Director), Cheri Coffey (Deputy Planning Director), Douglas Wheelwright (Deputy Planning Director), Everett Joyce (Senior Planner), Doug Dansie (Principal Planner), Janice Lew (Principal Planner), Cindy Rockwood (Acting Planning Commission Secretary) and Deborah Martin (Senior Planning Secretary).

A roll is being kept of all who attended the Planning Commission Meeting. 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. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were Chairperson Laurie Noda, Tim Chambless, Kathy Scott, Jennifer Seelig and Robert Forbis. Planning Division Staff present were Doug Dansie, Everett Joyce and Janice Lew.

**Petition No. 400-05-06** – A request by Richard Astle for approval to rezone the properties located at approximately 516-524 South 500 East Street and 517-533 South Denver Street from a Moderate/High Density Multifamily Residential (RMF-45) zoning district to a High Density Multifamily (RMF-75) zoning district. The applicant is also requesting approval to rezone approximately twenty-five feet (25') of the rear portion of the property located at approximately 466 East 500 South Street from a Residential/Office (RO) zoning district to the same zoning district as the Planning Commission recommends for the 516-524 South 500 East and 517-533 South Denver Street properties; preferably RMF-75. The request also includes an amendment to the future land use map of the Central Community Master Plan to identify the properties as High Density Residential rather than Medium High Density Residential. The purpose of this request is to accommodate the construction of a 43-unit multi-family residential development.

**Petition No. 410-748** – A request by Richard Astle for planned development approval for a 43-unit multi-family housing development located at approximately 516-524 East and 517-533 South Denver Street. Included is a request to modify provisions of the zoning ordinance including but not limited to:

- a. Allowing grade changes in excess of two feet (2') to accommodate driveway entrances to a subterranean parking structure;
- b. Allowing multiple buildings with a shared common area over an underground parking structure on a single lot;
- c. Modifying minimum yard standards to allow an encroachment of the subterranean parking structure; and



d. Modifying minimum yard standards such that the RMF-45 standards would be applied to the proposed development etc.

The parcels are currently zoned RMF-45.

(Items heard at 8:26 P.M.)

At 8:26 p.m., Chairperson Noda introduced Petitions 400-05-06 and 410-748 and Staff, Janice Lew. Richard Astle (Developer) and Kent Walker (Architect with WPA Architecture) were present.

Ms. Lew explained that Theas Webb (property owner and applicant for Petition 490-05-23) is requesting preliminary minor subdivision approval to reconfigure multiple parcels in the area of 500 South and 500 East into three lots. Lot 1 (466 East 500 South) of the proposed subdivision is currently developed as an office building with access and frontage on 500 South. Richard Astle, the Developer, has the undeveloped portion of the Webb property (Proposed Lots 2 and 3) under contract, and he is proposing to rezone the subject property to accommodate a 43-unit residential project. The bulk of the property to be rezoned is vacant with the exception of a residential structure (524 South 500 East) that will be demolished. The office building is not part of the residential development proposal. Ms. Lew then explained that the rear portion of Lot 1 is zoned Residential Office (RO) and the remainder parcels are zoned Residential Multi-Family (RMF)-45. The RMF-45 Zone limits building heights to 45 feet and establishes a residential density of 43 dwelling units per acre. The applicant is proposing a RMF-75 zoning district which allows a maximum building height of 75 feet and establishes a residential density of 85 dwelling units per acre. Ms. Lew further explained that the rezoning from RMF-45 to RMF-75 also requires an amendment to the future land use map for the Central Community Master Plan. The proposed rezone is located in a neighborhood designated for medium/high density residential, and the proposed RMF-75 would require a designation of high density residential.

Ms. Lew explained that the Planning Commission Subcommittee reviewed the proposal on September 8, 2005 and discussed alternative zoning designations for the subject property. The Subcommittee also expressed concerns about the compatibility of the proposed project with the low density residential character of the existing development along Denver Street. The Central City Neighborhood Council indicated their support of the rezone; however, they requested that the height of the project be limited to that of which is permitted in the RMF-45 zoning district. Staff recommends that the Planning Commission forward a favorable recommendation to the City Council as the rezoning would facilitate the construction of a new multi-unit residential development. Staff also recommends that the Planning Commission forward a favorable recommendation to the City Council to amend the land use map for the Central Community Master Plan. Ms. Lew noted that the favorable recommendations are contingent upon the property owner signing a development agreement to be recorded on the property that would set a maximum building height of 45 feet consistent with adjacent zoning and land uses.

Referring to elevation and site plans, Ms. Lew reviewed the planned development request (Petition 410-748) explaining that the applicant is proposing a four-story structure with a subterranean parking structure. The applicant is requesting that the Planning Commission allow grade changes in excess of two feet to accommodate driveway entrances to the underground parking and to allow multiple buildings with shared common area over the underground parking on a single lot. In addition, the applicant is requesting modifications to the minimum yard requirements to allow an encroachment of the subterranean parking lot, and modifications to the

RMF-75 yard requirements to be consistent with the RMF-45 standards. Ms. Lew summarized that the project would be more consistent with RMF-45 standards, but simply allowing an increase in density. Staff is recommending that the Planning Commission approve the planned development with the conditions as outlined in the Staff Report.

Commissioner Muir noted the Subcommittee determined that the RO zoning designation would be more appropriate for the project. The RO designation would allow the density that Mr. Astle requested and would still be consistent with the adjacent zoning designation (RO) to the north and west. The Subcommittee concluded that rezoning to RMF-75 suggested spot-zoning, and Mr. Muir questioned why Staff did not consider their recommendation.

Ms. Lew explained that the RO zoning district requires a commercial component and Staff found that the RMF-75 zoning district would more appropriately accommodate the residential development.

Ms. Coffey acknowledged that the RO zoning district allows a limited commercial component and if the property were rezoned RO the commercial component could be built mid-block adjacent to low density residential uses. In addition, Staff did not view the request as spot-zoning in that the Housing Plan calls for higher density residential development near light-rail stations. The project is within one block of a TRAX station. Mr. Ikefuna added that the RO zoning district does not have density limitations.

Mr. Astle, representing the proposed Huntington Downtown Condominiums, explained that the development does not need more than the allowances of the RMF-45 zoning district, but they needed a slightly higher density to make the project economically feasible. The RMF-45 zoning district would limit them to 32 units, and the RMF-75 would allow 43 units based on their lot area of 0.82 acres. It has been their idea from the beginning to produce a project that would enhance the concept of a walkable community in that area. Mr. Astle acknowledged that the RO zoning district was discussed at the Subcommittee meeting, but he was not under the impression that the RO zoning district would be the final decision. He said that he believes the RMF-75 rezoning accomplishes their goal and meets the spirit and general plan to create more residential neighborhoods in the Downtown area. Mr. Astle noted the single-story home adjacent to the subject property explaining that they were sensitive to surrounding development and the design reflects the residential character of the neighborhood. The condo units would be moderately priced from \$165,000 to \$185,000.

Commissioner Diamond noted that the Subcommittee discussed, along with density issues, blending the project with the scale of Denver Street. It appeared to him that none of their concerns and suggestions relating to scale were taken into account and the plan presented to the Commission as a whole is the same plan that was presented to the Subcommittee.

Mr. Walker explained that they have visited the neighborhood several times and they submitted a streetscape plan that they thought would mitigate the scale impact on Denver Street. Noting the streetscape rendition accompanying the Staff Report, Mr. Walker explained that the parking lot has been proposed to be located on the north side of the property and the fourth story of the building on the south end has been stepped back.

Ms. Lew added that the building has been shifted farther away from Denver Street and a seven-foot buffer and additional landscaping will be provided on the north side of the parking. Ms. Lew noted that the buffer is not required in that area. The applicants have also added cornices at different levels and changing materials which would interrupt any monolithic appearance of the façade. Flower boxes and porch elements on the Denver Street frontage have also been added which would further reduce the mass and scale of the building.

Ricky Manchego, 537 South Denver Street, explained that he and his relatives, including his parents, grew up in the neighborhood and they are opposed to the project for several reasons. Denver Street is narrow and does not adequately handle the traffic that already exists on it and the parking situation for the neighborhood is a problem with every available stall on commercial properties filled throughout the entire day. Most of the dwellings in the immediate area are older, some historic, one-story homes with sandstone foundations. He and his family believe that the project is too massive overshadowing and blocking light to the smaller homes. Mr. Manchego explained that he has seen several homes demolished for massive structures and he feels the multi-unit apartments are chasing out real families who want to live in a home in the City. Mr. Manchego then noted that no one from his neighborhood was present at the meeting and he expressed concerns that the poor may be manipulated into oppression. The controversial TRAX issue came before this issue crushing any hope for anyone to speak out against massive projects in the neighborhood. Mr. Manchego added that he works with Building Craft Construction and he specializes in restoring historic homes. The remaining homes could be fixed preserving the quaint nature of the neighborhood which would be a pleasing presence in the downtown area.

Rocky Manchego, 539 South Denver Street, also noted that their families have lived in the neighborhood all their lives and he too is concerned about the proposed building blocking sunlight to his home. He is also concerned that the older sandstone foundations of the homes immediately adjacent to the property may be undermined by heavy excavation and construction. Mr. Manchego agreed that traffic is a problem and he sees no solution unless the residents of the proposed building use 500 East and 500 South staying completely away from Denver Street.

Steve Alder, owner of the office building located at 466 East 500 South, said that it is important the Planning Commission realizes that parking in the neighborhood is a problem and Denver Street is extremely narrow. The street may need to be widened or perhaps condemned because it will not be able to accommodate additional traffic. Mr. Alder then said that he believes increasing the density is not the intent of the Central Community Master Plan and sets an unfavorable precedence. Adding 11 more units seems to be an incremental step in changing the nature of the neighborhood and the direction of the intent. He explained patrons who come to his office building express their attractiveness to the relatively low-density neighborhood surrounding their office space. Mr. Alder said that he agrees the neighborhood needs to be improved and housing needs to be provided in the downtown area, but he does not agree that it should be super-high density.

Cindy Cromer noted that the Planning Commission declined discussing compatible infill housing in multiple-unit zoning districts during discussions relating to the new Transit Corridor zoning designation, and she believes that now more than ever the issue needs to be discussed. Ms. Cromer explained that adjacent to this area is the Bryant Neighborhood which is a national

registered historic district and most buildings along the Transit Corridor are one- and two-story buildings. Just north of the Corridor are several homes that have been lovingly restored by owners who occupy them. She urged the Planning Commission to consider infill housing impact issues in these areas. Ms. Cromer noted that the City Council will vote on the Transit Corridor zoning designation on December 6, and it was forwarded to the Council without any compatibility components.

Mr. Astle concluded by saying that the project is a collaborated effort with the City and they strived to find the best way to make the project work for the neighborhood.

Ms. Lew added that the project has frontage on both 500 East and Denver Street and the Transportation Engineer recommended approval with the condition that no parking be allowed on Denver Street.

Receiving no further comments, Chairperson Noda closed the meeting to public comment and the Commission went into executive order.

The Commissioners questioned and talked through design elements. Two on-site parking stalls will be provided for each unit, and enforcement of no parking on Denver Street would be achieved through a signed agreement, street signs and ticketing. Eliminating access from Denver Street would cause a dead-end situation for the underground parking. Some Commissioners still found that the request is for spot-zoning and sets an unfavorable precedence.

#### Motion for Petition 400-05-06

**Based upon analyses and findings in the Staff Report, Commissioner Muir moved for the Planning Commission to forward a favorable recommendation to the City Council to rezone the subject property to an RMF-75 zoning district to facilitate the construction of a new multi-unit residential development with the recommendation that the future land use map of the 2005 Center Community Master Plan be amended to reflect the property as high density residential.**

#### **Condition of Approval:**

- 1. The Property Owner must sign a development agreement to be recorded on the property that the maximum building height with the rezone may not exceed 45 feet.**

**Commissioner Chambless seconded the motion. Commissioner Muir, Commissioner Chambless, Commissioner Diamond and Commissioner Scott voted "Aye"; Commissioner Forbis and Commissioner Seelig were opposed; and Commissioner De Lay abstained from voting. Commissioner Galli was not present. As Chair, Chairperson Noda did not vote. The motion passed.**

#### Motion for Petition 410-748

Based upon analyses and findings in the Staff Report, Commissioner Muir moved for the Planning Commission to recommend approval for the proposed planned development subject to the following conditions:

1. The Planning Commission allows grade changes in excess of two feet (2') to accommodate driveway entrances to a subterranean parking structure.
2. The Planning Commission allows multiple buildings with a shared common area over an underground parking structure on a single lot.
3. The Planning Commission allows a modification to the minimum yard standards to allow an encroachment of the subterranean parking structure.
4. The Planning Commission allows a modification to the minimum yard standards of the RMF-75 zoning district such that the RMF-45 standards would be applied to the proposed development.
5. Conditioned upon compliance with departmental comments as outlined in the Staff report.
6. Subdivision approval shall be obtained in conformance with Salt Lake City and State of Utah laws, ordinances and policies.
7. If individual transfer of ownership of the residential units is desired, condominium approval must be obtained in conformance with Salt Lake City and State of Utah laws, ordinances and policies.

Commissioner Chambless seconded the motion. Commissioner Muir, Commissioner Chambless, and Commissioner Scott voted "Aye". Commissioner Diamond, Commissioner Forbis and Commissioner Seelig were opposed. Commissioner De Lay abstained from voting. Chairperson Noda broke the tie by voting "Aye". The motion passed.

At 8:42 p.m., Commissioner McDonough was excused from the meeting.

**Petition No. 490-05-23** – Theas Webb requesting preliminary subdivision approval to reconfigure several existing parcels located at approximately 466 East 500 South Street, 516-520 South 500 East Street, and 517-533 South Denver Street into three parcels to accommodate the construction of a 43-unit multi-family residential structure. The parcels are currently within the RO and RMF-45 zoning districts.

At 9:18 p.m., Chairperson Noda introduced Petition 490-05-23 and Staff, Janice Lew. Ms. Lew explained that the Webb property consists of several parcels with frontage on 500 South, Denver Street and 500 East. The applicant is proposing to subdivide the parcels into three lots which would create a property line that would be consistent with the zoning line. Ms. Lew noted that Staff recommended approval with the findings and conditions outlined in the Staff Report.

Mr. Webb explained that they owned the office building and the ground behind it. They sold the office building, which is zoned RO, and would like to include the rear 25 feet of the office building parcel into the adjoining parcels, and then rezone it the same as the new development.

Lincoln Hobbs explained that he is a co-owner of the office building on Lot 1. His co-owners and he purchased the property in April or May 2005. Prior to closing, they discovered the

boundary issue that Mr. Webb is addressing. They entered into an easement agreement with Mr. Webb; whereby, they would own Lot 1 and Mr. Webb would own the easement should the City approve the new lot line. They are not concerned about the new boundary line itself, but they are concerned about losing two parking stalls and causing the existing parking lot to become non-complying. Mr. Hobbs further explained that the memorandum dated October 27, includes a condition of approval that would cause a dead-end approach that is required to be removed. The approach provides another parking stall at the front of their building. Mr. Hobbs said that the mere boundary change is being conditioned to the point that it eliminates three parking stalls which they purchased with the property. He is requesting that the City allow the subdivision with the existing two stalls. He believes that all adjoining property owners would not be opposed because parking is a premium in the neighborhood. He also does not see any justification for the Planning Commission to take the position that the dead-end drive approach must be removed as a condition for the change in the back of the property.

Responding to Mr. Hobbs' concerns, Ms. Lew explained that Planning Staff ensures that parking requirements would be met upon review of subdivision requests. The parking lot provides 15 spaces and exceeds the minimum parking requirement. The landscape buffer is a requirement of the subdivision approval. Based on review of the plans, she found that the lot could accommodate those requirements and Staff is recommending approval based on meeting code requirements whether or not excess parking spaces would be lost. Loss of parking spaces, in this case, would need to be resolved between the two owners.

The Commissioners and Mr. Hobbs discussed the situation and options. Mr. Hobbs explained that they assessed their needs and purchased the property based on their assessments. He was aware of the boundary change, but he was not aware of the conditions of approval that would cause loss of parking, and losing three parking stalls would greatly impact his office building and the neighborhood. Since the condition of a landscaped buffer actually eliminates the two stalls, Mr. Hobbs explained that the residential development provides a seven-foot buffer between the properties which is not required. A buffer would exist, but on the other side of the property line. Mr. Hobbs added that he had the lot re-striped as part of the remodeling and the great irony is that upon obtaining the building permit, he was required to provide ADA accommodations which eliminated another stall.

Commissioner Diamond questioned whether or not the landscaping requirement could be satisfied if provided on the abutting property. Mr. Wheelwright explained that the buffer is required to be on the subject lot. One of the requirements for subdivision approval is that lots created must comply with the Zoning Ordinance. Therefore, Staff would insist on compliance or they could not recommend approval.

Mr. Webb added that the existing parking spaces are very much needed, and he noted that the abutting commercial properties do not provide buffers.

Receiving no further comments, Chairperson Noda closed the hearing to public comment.

The Planning Commission discussed whether or not the request should be tabled to give the Property Owners an opportunity to resolve the parking stall issue. They further discussed denying the request based on the lot becoming non-conforming with the approval of the subdivision.

Ms. Lew explained that the buffer can be provided as well as required parking, even with the loss of two parking stalls.

**Motion for Petition 490-05-23**

**Based on the analyses and findings outlined in the Staff Report, Commissioner Scott moved for the Planning Commission to grant preliminary approval for the requested subdivision subject to the following conditions:**

- 1. Approval is conditioned upon compliance with departmental comments as outlined in the staff report.**
- 2. Any future development activity associated with the properties will require that all substandard or absent public improvements be installed in accordance with the departmental comments noted in the Staff report. Additionally, any future redevelopment will be subject to the requirements of the zoning ordinance.**
- 3. Installation of public way improvements (curb, gutter and driveway approaches) as required by Salt Lake City Engineering.**
- 4. Final subdivision approval and final plat recordation prior to the issuance of a building permit.**

**Commissioner Muir seconded the motion. Commissioner Diamond, Commissioner Muir, Commissioner Scott, Commissioner Seelig and Commissioner Forbis voted “Aye”. Commissioner Chambless was opposed. Commissioner De Lay abstained from voting. Commissioner Galli and Commissioner McDonough were not present. As Chair, Chairperson Noda did not vote. The motion passed.**

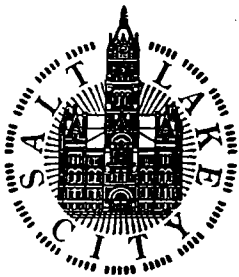
**Exhibit 6**  
**ORIGINAL PETITION**



PETITION NO. 100-05-06

### PETITION CHECKLIST

<u>Date</u>	<u>Initials</u>	<u>Action Required</u>
<u>5/26/05</u>	<u>NH</u>	Petition delivered to Planning
<u>5/26/05</u>	<u>NH</u>	Petition assigned to: <u>Janice Lew</u>
<u>11/30/05</u>	<u>JL</u>	Planning Staff or Planning Commission Action Date
<u>          </u>	<u>          </u>	Return Original Letter and Yellow Petition Cover
<u>12/9/05</u>	<u>JL</u>	Chronology
<u>12/10/05</u>	<u>JL</u>	Property Description (marked with a post it note)
<u>11/30/05</u>	<u>JL</u>	Affected Sidwell Numbers Included <u>staff report</u>
<u>12/13/05</u>	<u>JL</u>	Mailing List for Petition, include appropriate Community Councils
<u>12/13/05</u>	<u>JL</u>	Mailing Postmark Date Verification
<u>12/20/05</u>	<u>JL</u>	Planning Commission Minutes
<u>12/13/05</u>	<u>JL</u>	Planning Staff Report
<u>12/13/05</u>	<u>JL</u>	Cover letter outlining what the request is and a brief description of what action the Planning Commission or Staff is recommending.
<u>12/9/05</u>	<u>JL</u>	Ordinance Prepared by the Attorney's Office
<u>12/13/05</u>	<u>JL</u>	Ordinance property description is checked, dated and initialed by the Planner. Ordinance is stamped by Attorney.
<u>Janice Lew</u>	<u>          </u>	Planner responsible for taking calls on the Petition
<u>          </u>	<u>          </u>	Date Set for City Council Action <u>          </u>
<u>          </u>	<u>          </u>	Petition filed with City Recorder's Office



# Zoning Amendment

FOR OFFICE USE ONLY

Petition No. 400-25-06

Receipt No. \_\_\_\_\_ Amount \$ 500

Date Received 5/26/05

Reviewed by [Signature]

Address of Subject Property 520-524 S 500 E, SLC 84111

Name of Applicant ASTLE & COMPANY LC Phone (801) 636-3660

Address of Applicant 1071 E WINDSOR DR

E-mail address of Applicant RICHARD.ASTLE@COMCAST.NET Cell / Fax (801) 636-3660 FAX (801) 226-8266

Applicant's Interest in Subject Property DEVELOPER

Name of Property Owner ASTLE & COMPANY LC Phone (801) 636-3660

County Tax Parcel # (Sidwell #) 16-06-455-020, 019, 018 Zoning of Property RMF-45

Existing Use of Property RESIDENTIAL 07, 08, 09

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

☒ Amend the Zoning Map by reclassifying the following property: 520-524 S 500 E TO DENVER

From a RMF-45 classification to a RMF-75 classification.

## Please include with the application:

1. A statement of the text amendment or map amendment describing the purpose for the amendment and the exact language, boundaries and zoning district.
  2. A complete description of the proposed use of the property where appropriate.
  3. Reasons why the present zoning may not be appropriate for the area.
  4. The names and addresses of all property owners within four-hundred fifty (450) feet of the subject parcel. The name, address and Sidwell number of each property owner must be typed or clearly printed on gummed mailing labels. Please include yourself and the appropriate Community Council Chair. **The cost of first class postage for each address is due at time of application. Please do not provide postage stamps.**
  5. Legal description of the property.
  6. Ten (10) copies of site plans drawn to scale.
  7. A signed statement that the petitioner has met with and explained the proposal to the appropriate Community Council.
  8. Related materials or data supporting the application as may be determined by the Zoning Administrator.
- Filing fee of \$500.00 plus \$100 for each acre over one acre is due at the time of application.**

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

## Sidwell maps and names of property owners are available at:

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

## File the complete application at:

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

Signature of Applicant  
or authorized agent

[Signature] owner/manager

Title of agent

# **ZONING AMENDMENT PROCESS**

## **WHAT IS A ZONING AMENDMENT?**

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

## **WHO CAN INITIATE THE PROCESS:**

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

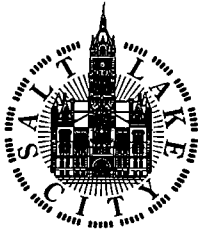
## **STANDARDS FOR ZONING AMENDMENTS**

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

## **PROCESS**

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

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



## Salt Lake City Corporation

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

**OPEN**

**Invoice#: 062005271**

**Date: 5/26/2005**

**Received From:**

Astle & Company  
 1071 East Windsor Drive  
 Provo, Ut 84604  
 801-636-3660

**Prepared by:**

Diana Hansen

Description	No	C. Center	Object	Project	Activity	Amount
Zoning Amendment to reclassify the property located at 520-524 South 500 East from a RMF-45 classification to a RMF-75 classication. Ck. #2216	1	0600100	125111	-	-	\$500.00

**TOTAL AMOUNT**                      **\$500.00**  
**PAYMENT TYPE**                      **CHECK**

May 26, 2005

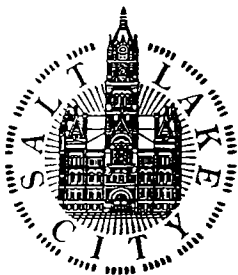
TO: Salt Lake City Planning

FROM: Richard Astle, Astle & Company, LC  
Applicant for Zoning Amendment for "Huntington Downtown", a  
residential condominium project.

RE: Statement of the map amendment describing its purpose (to accompany  
the application)

STATEMENT:

This is an application to change the zone from RMF-45, to RMF-75. A Planned Development application is also attached. This development uses the building height and set-back requirements of the current RMF-45 zone, but raises slightly the density allowed. This is in keeping with the general plan and city policy to bring residential living to the downtown area. All parking requirements have been met. This building and project fits well into the surrounding neighborhood, and will have a positive impact on the city goals and plans to have a walkable community. This will be an upgraded project with high quality materials in and out. This project fits into the Envision Utah and New Urbanism mold.



# Zoning Amendment

FOR OFFICE USE ONLY

Petition No. 400-05-06 522.70  
Receipt No. \_\_\_\_\_ Amount \$ 500.00  
Date Received 4/25/05  
Reviewed by E. Strand

SALT LAKE CITY PLANNING

Address of Subject Property 466 EAST 500 South  
Name of Applicant Thaes Webb Jr. Phone 801-322-1004 <sup>597-0338 Cell</sup>  
Address of Applicant 466 EAST 500 South SLC UT 84111  
E-mail address of Applicant Thaes@MSN.COM Cell/Fax 801-322-0515  
Applicant's Interest in Subject Property OWNER  
Name of Property Owner Thaes Webb Jr. Phone 801-322-1004  
County Tax Parcel # (Sidwell #) 16-06-455-037-0000 Zoning of Property R0  
Existing Use of Property offr. ~~R~~ NONE - REAR PROPERTY 0.0548 ACRES  
☐ Amend the text of the Zoning Ordinance by amending Section: (attach map or legal description).  
☐ Amend the Zoning Map by reclassifying the following property: UNUSED PROPERTY  
From a R0 classification to a RMF-45 classification.

## Please include with the application:

1. A statement of the text amendment or map amendment describing the purpose for the amendment and the exact language, boundaries and zoning district.
  2. A complete description of the proposed use of the property where appropriate.
  3. Reasons why the present zoning may not be appropriate for the area.
  4. The names and addresses of all property owners within four-hundred fifty (450) feet of the subject parcel. The name, address and Sidwell number of each property owner must be typed or clearly printed on gummed mailing labels. Please include yourself and the appropriate Community Council Chair. **The cost of first class postage for each address is due at time of application. Please do not provide postage stamps.**
  5. Legal description of the property.
  6. Ten (10) copies of site plans drawn to scale.
  7. A signed statement that the petitioner has met with and explained the proposal to the appropriate Community Council.
  8. Related materials or data supporting the application as may be determined by the Zoning Administrator.
- Filing fee of \$500.00 plus \$100 for each acre over one acre is due at the time of application.**

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

Signature of Applicant

or authorized agent

Title of agent

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## **WHO CAN INITIATE THE PROCESS:**

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## **STANDARDS FOR ZONING AMENDMENTS**

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

## **PROCESS**

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

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

**Petition No.** 400-05-06*By* Astle & Company LC

Is requesting for approval to rezone the properties located at approximately 516-524 South 500 East Street and 517-533 South Denver Street from a Moderate/High Density Multifamily Residential (RMF-45) zoning district to a High Density Multifamily (RMF-75) zoning district. The applicant is also requesting approval to rezone approximately twenty-five feet (25') of the rear portion of the property located at approximately 466 East 500 South Street from a Residential/Office (RO) zoning district to the same zoning district as the Planning Commission recommends for the 516-524 South 500 East and 517-533 South Denver Street properties; preferably RMF-75. The request also includes an amendment to the future land use map of the Central Community Master Plan to identify the properties as High Density Residential rather than Medium High Density Residential. The purpose of this request is to accommodate the construction of a 43 unit multi-family residential development.

*Date Filed* \_\_\_\_\_*Address* \_\_\_\_\_