
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: July 7, 2006

SUBJECT: Petition 400-05-40 – HOWA Capital, LLC – request to:

- Rezone properties generally located on the east and west sides of 300 West between 500 and 600 North from a variety of zoning classifications to Residential/Mixed Use RMU
- Amend the Capitol Hill 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 3

STAFF REPORT BY: Janice Jardine, Land Use Policy Analyst
ADMINISTRATIVE DEPT. AND CONTACT PERSON: Community Development Department, Planning Division
Sara Carroll, Principal Planner

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

Due to the Council's summer meeting schedule and the approaching expiration of a 6-month extension of the exclusive negotiation period with the Redevelopment Agency approved in January 2006, Council staff has identified the following schedule should the Council choose to move this item forward to a public hearing after the briefing from the Administration. RDA staff indicated to Council staff that they anticipate a development agreement, purchase and sale term documents or another extension to be presented at the August RDA Board meeting. (The Administration's transmittal was received in the Council office on June 26, 2006.)

- July 11 Council briefing
- July 11 Set hearing date
- August 8 Council hearing

KEY ELEMENTS:

- A. An ordinance has been prepared for Council consideration to:
1. Rezone properties generally located on the east and west sides of 300 West between 500 and 600 North from Special Development Pattern Residential SR-I, Community Shopping CS, Moderate/High Density Multi-family Residential RMF-45, Moderate Density Multi-Family Residential RMF-35, and Mixed Use MU to Residential/Mixed Use RMU. (Please see the attached map for reference.)
 2. Amend the Capitol Hill Community Master Plan Future Land Use Map designation for the properties on the east side of 300 West from general commercial to high density mixed use land uses.
- B. The rezoning and master plan amendment would facilitate a mixed-use planned development that includes residential, retail and office uses. The Administration's transmittal notes:
1. On May 30, 2006, following additional due diligence work on the site, representatives of the developer contacted Planning staff to discuss proposed changes to the approved Planned

Development site plan. The changes were driven by a geotechnical report which identified high ground water levels. The high ground water levels result in poor soil quality for foundation loading and would be cost prohibitive for site and structure de-watering, as well as require a change in the foundation design. De-watering and foundation design changes to address the poor soil quality would result in construction costs potentially exceeding \$45,000 per stall in the underground parking structures.

2. The revised plan includes: 9 town homes, 85 residential condominiums, 11,000 sq. ft., for a grocery store, 39,315 sq. ft. of retail space, and 14,820 sq. ft. of office space. The changes also include the addition of a pedestrian walkway through the town homes
3. Because the proposed project is located in the Capitol Hill Historic District, the plan requires a review by the Historic Landmark Commission. The Landmark Commission review was completed on June 7, 2006.
4. Given the magnitude of the changes, the revised plan will also require another review by the Planning Commission. The Planning Commission review is tentatively scheduled for July 12, 2006.
5. The Planning Division has determined that the revisions to the Planned Development site plan have enhanced features, such as the addition of pedestrian walkway, which will add to the quality of life in the West Capitol Hill Community.
6. The Planning Division sees no reason to delay the transmittal relative to the rezone request because the proposed development will still occur under the approved Residential/Mixed Use RMU zoning.
7. Amending the Capitol Hill Community Master Plan Future Land Use map designating the properties on the east side of 300 West from General Commercial to High Density Mixed Use land uses is necessary to provide consistency with the proposed Residential/Mixed Use zoning designation and the proposed mixed-use planned development.

C. The Planning staff report notes surrounding land uses include the following zoning classifications and existing land uses. (Please see attached map for details).

	Surrounding Zoning Classification	Surrounding existing land uses
North	Mixed Use "MU", Moderate Density Multi-Family "RMF-35", and Special Development Pattern Residential "SR-1"	Service garage, convenience store, single family homes
South	Family "RMF-35" and, Community Special Development Pattern Residential "SR-1", Moderate Density Multi Shopping "CS"	Convenience store, service garage, single family homes, church
East	Special Development Pattern Residential "SR-1" and Moderate/High Density Multi-family Residential "RMF-45"	Apartment complex, single family homes
West	Special Development Pattern Residential "SR-1" and Moderate Density Multi-Family "RMF-35"	Single family homes

D. The purpose of the Residential/Mixed Use RMU zoning district is to implement the objectives of the adopted East Downtown Master Plan through district regulations that reinforce the residential character of the area and encourage the development of areas as high density residential urban neighborhoods containing supportive retail, service commercial and small scale office uses. Maximum height for mixed-use buildings in the zone is 75 feet or 125 ft. through the conditional use process. Maximum height for non-residential buildings is 3-stories or 45 ft. whichever is less. Maximum floor area for nonresidential uses in mixed-use buildings is limited to 3 floors. Minimum open space required is not less than 20% of the lot area.

E. The public process included a presentation of the rezoning request and development proposal to the Capitol Hill Community Council and written notification of the Planning Commission hearing to

surrounding property owners. The Administration's transmittal and Planning staff report note there was general support for the project by members of the Community Council but also a concern relating to the proposed height for some of the buildings.

- F. On December 16, 2005, January 18 and March 29, 2006, the rezoning request and development proposal was evaluated by the Planning Commission Planned Development Subcommittee. The meetings were attended by the developer and representatives of the Planning Commission, Historic Landmark Commission, RDA and Planning staff.
- G. 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.
- H. On April 26, 2006, the Planning Commission voted to forward a positive recommendation to the City Council to rezone the properties and amend the Capitol Hill Community Master Plan Future Land Use Map. Issues discussed at the Planning Commission hearing focused primarily on the design elements of the proposed development. In addition, the Planning Commission approved:
 - 1. A planned development conditional use subject to several conditions and waivers to the Zoning Ordinance with the direction to staff to modify other provisions of the Zoning Ordinance if necessary to implement the development plans approved by the Planning Commission.
 - 2. Preliminary condominium and subdivision plats subject to specific conditions.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

- A. Council Members may wish to discuss with the Administration the rationale for applying the Residential/Mixed Use RMU zoning classification on the properties rather the Mixed Use MU zoning classification. (Due to time constraints in preparing this staff report, Council staff is unable to provide a detailed analysis of the differences and similarities of these two zoning classifications.)
 - 1. The Residential/Mixed Use RMU zoning classification was created during the 1995 Zoning Rewrite project for application to properties in the East Downtown planning area.
 - 2. Creation of the Residential/Mixed Use RMU zoning classification and application to properties in the East Downtown planning area is identified as a specific implementation action item in the adopted East Downtown Master Plan.
 - 3. Language in the Zoning Ordinance, Sec. 21A.24.17 Residential/Mixed Use District RMU, refers specifically to the adopted East Downtown Master Plan. For example:
 - a. Sec. 21A.24.17.A. **Purpose Statement.** The purpose of the Residential/Mixed Use RMU zoning district is to **implement the objectives of the adopted East Downtown Master Plan** through district regulations that reinforce the residential character of the area and encourage the development of areas as high density residential urban neighborhoods containing supportive retail, service commercial and small scale office uses.
 - b. Sec. 21A.24.17.E. **Maximum Building Height.** The maximum building height shall not exceed 75 ft., except that nonresidential buildings and uses shall be limited by subsections E1 and E2 of this section. Buildings taller than 75 ft., up to a maximum of 125 ft., may be authorized as a conditional use, subject to the requirements of part V, Chapter 21A.54, of this title; and **provided that the proposed conditional use is located within the 125 ft. height zone of the height map of the East Downtown Master Plan.**
 - 4. The Mixed Use MU zoning classification was created and applied to properties in the West Capitol Hill area shortly after the Council adopted the updated Capitol Hill Master Plan in 1999.
 - 5. Creation of the Mixed Use MU zoning classification and application to properties in the West Capitol Hill planning area is identified as a specific implementation action item in the adopted Capitol Hill Master Plan.

6. The Capitol Hill Master Plan is not specifically mentioned in the text of the Mixed Use MU zoning district regulations in the Zoning Ordinance.
7. One option the Council may wish to consider is to request that the Administration process a petition to update the language in the RMU zoning district and remove reference the East Downtown Master Plan. This would allow the RMU zoning classification to be used citywide and eliminate any confusion that may be caused by reference to the East Downtown Master Plan.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Capitol Hill Community Master Plan (1999) is the adopted land-use policy document that guides new development in the area surrounding the proposed rezoning and master plan amendment. The Future Land Use Map identifies this area for High Density Mixed Use and General Commercial land uses. (As previously noted, amending the Future Land Use Map in the Capitol Hill Community Master Plan is part of this petition.)
- B. The Planning staff report notes a section of the Capitol Hill Community Master Plan focuses specifically on commercial development and implementation of a neighborhood shopping node in the West Capitol Hill Neighborhood, on 300 West, and states the following:

1. Commercial:

- a. The lack of neighborhood oriented retail services is a major concern voiced by citizens of the community during the public input process of the development of this master plan.
- b. As identified in the West Capitol Hill Neighborhood Plan (1996), the best location for commercial retail venture to service the residents of the community is 300 West. With commercial and mixed use zoning districts in place, a neighborhood scale commercial nucleus should be developed along the 300 West corridor. Steps should be taken to entice new retail services to this area as well as providing incentives for existing businesses to upgrade their properties. In addition, the mixed use zoning districts will provide opportunities for additional commercial or commercial/residential land uses to develop. A primary goal is to encourage community oriented businesses that will provide a high level of visual quality and proper maintenance.

2. Neighborhood Shopping Node:

- a. The West Capitol Hill Neighborhood Plan encourages neighborhood shops to locate on the east side of 300 West Street between 500-600 North Streets to provide a nucleus of neighborhood oriented commercial uses for the Capitol Hill Community. The neighborhood shopping node should be developed with sensitivity to the historic architecture of the neighborhood. Retail uses built to front the property line are typical. Height of one or two stories is compatible. Uses which are appropriate in the shopping node include a small grocery or drug store, neighborhood oriented retail, restaurants, and services and/or mixed use development with commercial uses on the ground floor and residential uses above or below the ground floor.
- b. The shopping node should be designed in a way to minimize impacts to the existing historic neighborhood to the east including orienting the commercial development to 300 West, limiting delivery and principal accesses to 300 West, prohibiting access, for the commercial uses, from Arctic Court, strongly encouraging the reuse of existing historic structures, and providing adequate buffering between the commercial and residential land uses. The feasibility of creating a mixed use development with residential on the top floor should also be analyzed. The shopping center will hopefully become a catalyst for to encourage more neighborhood retail oriented commercial reinvestment.

3. Policies:

- a. If an appropriate commercial or mixed use development is proposed for the commercial node at 500 North and 1300 West, which requires additional property, the western properties along Arctic Court may be rezoned to commercial shopping.
- b. Development of the commercial node mixed use area should include the following design features to ensure compatibility with the residential development to the east:
 - o Orientation of the commercial development to 300 West
 - o Deliveries and principal access to the commercial development from 300 West
 - o Prohibiting access for commercial uses from Arctic Court
 - o Strongly encouraging the reuse of existing historic structures within the new commercial development
 - o Providing adequate buffering of residential properties to the east
 - o Prohibiting access to the commercial use within 150 feet of Arctic Court.
- c. Ensure new commercial development along 300 West is sensitive to pedestrian oriented access and is sensitive to the historic character of the neighborhood.
- d. Encourage community oriented businesses that will provide a high level of visual quality and property maintenance.

4. Action Items:

- a. Encourage nonconforming retail commercial uses to relocate to the neighborhood shopping node where appropriate.
 - b. Provide a commercial retail nucleus and/or mixed use area for the Capitol Hill Community on the east side of 300 West between 500 and 600 North.
 - c. Take proactive steps to entice new retail services into appropriate segments of this area.
- C. The Administration's transmittal notes the City Redevelopment Agency designated the West Capitol Hill Neighborhood a redevelopment target area in 1996. Since that time, the focus of the RDA has been to revitalize the West Capitol Hill area and particularly to facilitate a new neighborhood commercial development on the east side of 300 West between 500 and 600 North. The RDA focused on this area with the intent of creating a mixed use, commercial/residential node that would revitalize and stabilize the area, allow for private reinvestment and provide a comprehensive approach to achieve the goals outlined in the Capitol Hill Community Master Plan.
- D. 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-income and mixed-use developments, housing preservation, rehabilitation and replacement, zoning policies and programs that preserve housing opportunities as well as business opportunities.
- E. 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. The 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.
- F. 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.

- G. 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.
- H. 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.

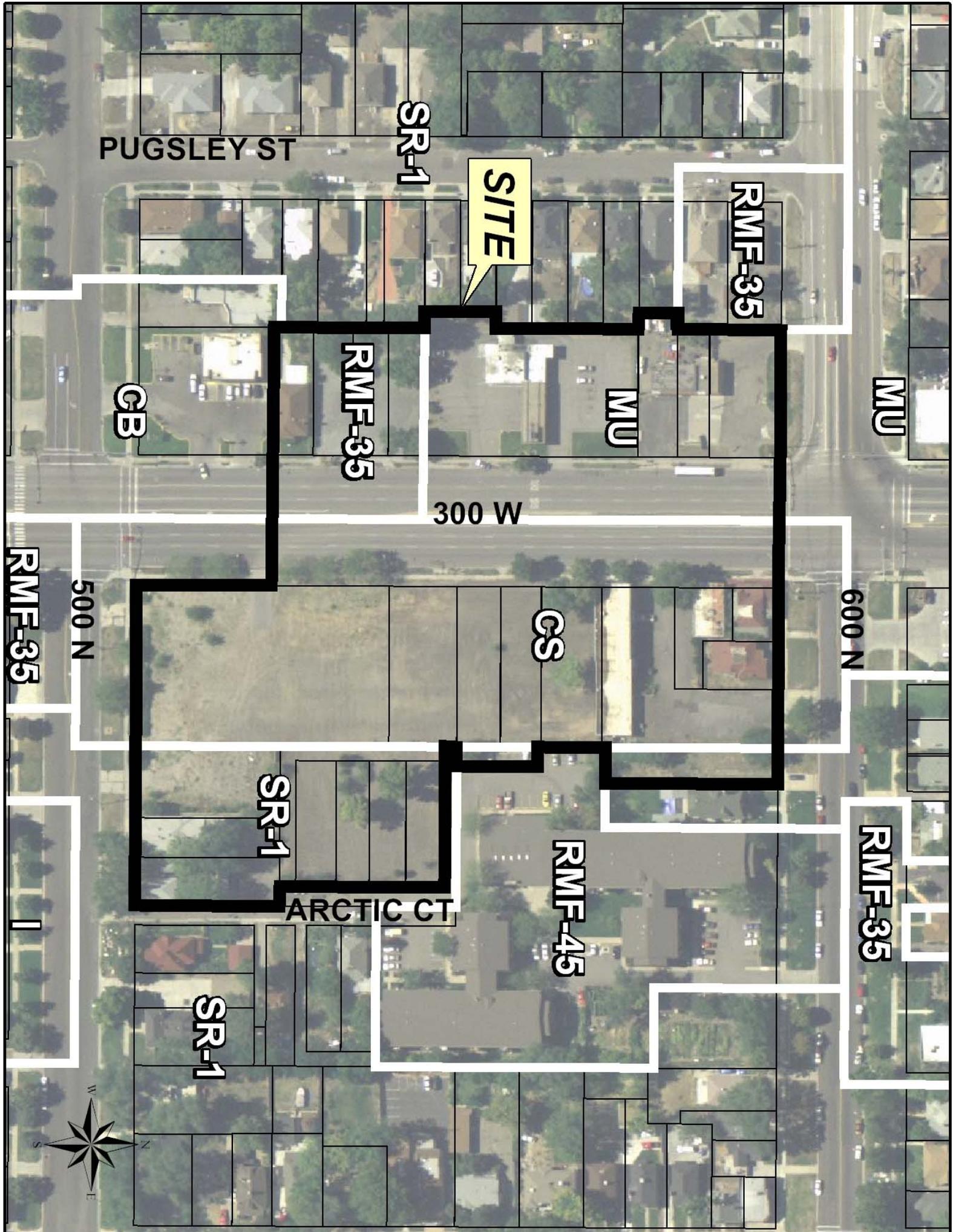
CHRONOLOGY:

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.

- November 18, 2005 Rezoning and development requests initiated
- November 21, 2005 Petition received in Planning Division
- January 18, 2006 Capitol Hill Community Council presentation
- December 16, 2005, January 18 & March 29, 2006
Planning Commission Planned Development Subcommittee meetings
- April 26, 2006 Planning Commission hearing
- April 28, 2006 Ordinance requested from City Attorney's office
- May 19, 2006 Ordinance received from City Attorney's office

cc: Sam Guevara, Rocky Fluhart, DJ Baxter, Ed Rutan, Lynn Pace, Melanie Reif, Dave Oka, Valda Tarbet, Mack McDonald, Louis Zunguze, Brent Wilde, Alex Ikefuna, Doug Wheelwright, Cheri Coffey, Sarah Carroll, Jennifer Bruno, Marge Harvey, Gwen Springmeyer

File Location: Community Development Dept., Planning Division, Rezoning and Master Plan Amendment, HOWA Capital LLC, properties located on the east and west sides of 300 West between 500 and 600 North



PUGSLEY ST

SR-1

SITE

RMF-35

CB

RMF-35

MU

MU

300 W

RMF-35

500 N

CS

600 N

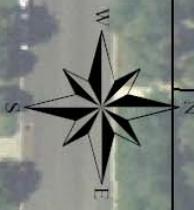
SR-1

ARCTIC CT

RMF-45

RMF-35

SR-1



A. LOUIS ZUNGUZE
DIRECTOR

BRENT B. WILDE
DEPUTY DIRECTOR

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

ROSS C. "ROCKY" ANDERSON
MAYOR



CITY COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer **DATE:** June 15, 2006

FROM: Louis Zunguze, Community Development Director



RE: Petition #400-05-40 by HOWA Capital is a request to amend the Capitol Hill Master Plan and Zoning Map for properties generally located on the east and west sides of 300 West Street between 500 and 600 North Streets from a variety of zoning designations to Residential/Mixed Use (R-MU) zoning

STAFF CONTACTS: Sarah Carroll, Principal Planner, at 535-6260 or sarah.carroll@slcgov.com

RECOMMENDATION: That the City Council hold a briefing and schedule a Public Hearing

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: Petition 400-05-40, initiated by HOWA Capital, is a request to rezone the properties generally located on the east and west sides of 300 West Street between 500 and 600 North Streets from a variety of zoning designations to Residential Mixed Use (R-MU) zoning in order to facilitate the construction of a mixed use development that will include residential, retail and office uses for the West Capitol Hill Neighborhood. The current zoning on the subject property includes: Special Development Pattern Residential (SR-1), Community Shopping (CS), Moderate/High Density Multi-family Residential (RMF-45), Moderate Density Multi-Family Residential (RMF-35), and Mixed Use (MU) zoning. The applicant is requesting to rezone the entire property to Residential Mixed Use (R-MU).

Applications for the requested rezone, planned development, subdivision, and preliminary condominium were heard by the Planning Commission during a Public Hearing on April 26, 2006. At that time, the Planning Commission approved all of the above noted requests. The major highlights of the Planned Development Site Plan that was approved by the Planning Commission included two levels of underground parking under the north and south mixed use buildings, 11 town homes, 77 residential condominiums, 15, 000 sq. ft. for a grocery store,

39,075 square feet of additional retail space, and 14,820 sq. ft. of office space to be completed in three phases.

However, on May 30, 2006, following additional due diligence work on the site, representatives of the developer contacted City Planning Staff to discuss proposed changes to the approved Planned Development Site Plan. These changes were driven by a geotechnical report which identified high ground water levels. The high ground water levels result in poor soil quality for foundation loading and would be cost prohibitive for site and structure de-watering, as well as require a change in the foundation design. De-watering and foundation design changes to address the poor soil quality would result in parking stall construction costs potentially exceeding \$45,000 per stall in the underground parking structures.

The revised plan includes: 9 town homes, 85 residential condominiums, 11,000 sq.ft. for a grocery store, 39,315 sq.ft of retail space, and 14,820 sq.ft of office space. The changes also include the addition of a pedestrian walkway through the town homes (refer to attached letter and revised site plan, Exhibit 6). Because the proposed project is located in the Capitol Hill Historic District, the plan requires a review by the Historic Landmark Commission (HLC). The review by HLC was completed on June 7, 2006. Given the magnitude of the changes, the revised plan will also require another review by the Planning Commission. The Planning Commission review is tentatively set for July 12, 2006.

The Planning Division has determined that the revisions to the Planned Development Site Plan have enhanced features, such as the addition of pedestrian walkway, which will add to the quality of life in the West Capitol Hill Community. As such, the Planning Division sees no reason to delay the transmittal relative to the rezone request; as all of the proposed development will still occur under the approved Residential Mixed Use (R-MU) zoning.

Analysis: The Salt Lake City Redevelopment Agency (RDA) designated the West Capitol Hill Neighborhood as a redevelopment target area in 1996. Since that time, the focus of the RDA has been to revitalize the West Capitol Hill area and particularly to facilitate a new neighborhood commercial development on the east side of 300 West Street between 500 and 600 North Streets. The RDA focused on this area with the intent of creating a mixed use, commercial/residential node that would revitalize and stabilize the area and allow for private reinvestment. The RDA selected HOWA Capital to develop the subject property due to HOWA Capital's comprehensive approach to the goals for this area, as outlined in the Capitol Hill Community Master Plan.

Master Plan Considerations: The Capitol Hill Community Future Land Use Map designates the west side of the subject property for "High Density Mixed Use" and designates the east side of the subject property for "General Commercial" use. The Master Plan will need to be amended so that both the east and west sides of the subject property reflect "High Density Mixed Use" designations. Notice of the requested zoning and Master Plan amendments were published in the newspaper on April 12, 2006, meeting State Code noticing requirements.

PUBLIC PROCESS:

The request for rezone, along with the development proposal, was evaluated at the Planning Commission Planned Development Subcommittee Meeting on December 16, 2005; January 18, 2006; and March 29, 2006 (see Exhibit 5D for meeting notes). The meetings were attended by representatives of the Planning Commission, Historic Landmark Commission, RDA Staff, and Planning Division Staff. The rezone request and the development proposal were presented to the Capitol Hill Community Council on January 18, 2006. Members of the Community Council were generally in support of the project.

At the April 26, 2006, meeting following a Public Hearing the Planning Commission voted to recommend approval of the requested Master Plan and Zoning Map Amendments (Petition No. 400-05-40) by the City Council.

RELEVANT ORDINANCES:

Salt Lake City Zoning Ordinance Section 21A.50 - Amendments

Amendments to the Zoning Ordinance and Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 21A.50.050: "A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard." It does, however, list five standards which should be analyzed prior to rezoning property (Section 21A.50.050 A-E). The five standards are discussed in detail starting on page 4 of the Planning Commission Staff Report (see Attachment 5B).

Utah Code Title 10, Chapter 9a - Municipal Land Use, Development, and Management

Sections 10-9a-204 and -205 regulate the requirements for noticing a general plan amendment and land use ordinance amendment.

Table of Contents

1. Chronology
2. Proposed Ordinance
3. City Council Hearing Notice
4. Mailing Labels
5. Planning Commission
 - A. Public Hearing Notice and Postmark for the April 26, 2006 Planning Commission meeting
 - B. Planning Commissions Staff Report with Attachments
 - Site Plan, Elevations and Floor Plans
 - Department/Division Comments
 - Community Council Comments
 - Newspaper Legal Notices, Published on April 12, 2006
 - C. Planning Commission agenda and minutes for April 26, 2006
 - D. Planned Development Subcommittee Notes for December 16, 2005, January 18, 2006 and March 29, 2006
6. Letter and Revised Site Plan from Howa Capitol, dated June 2, 2006
7. Original Petition

1. CHRONOLOGY

PROJECT CHRONOLOGY

- November 18, 2005 The applicant initiated a request for a zoning amendment.
- November 21, 2005 The Planning Division received the petition request.
- December 16, 2006 Project reviewed by the Planned Development Subcommittee. The meeting was attended by representatives of the Planning Commission, Historic Landmarks Commission, Redevelopment Agency Staff and Planning Division Staff.
- January 18, 2006 Project reviewed again, by the Planned Development Subcommittee, to address comments made on December 16, 2006. The meeting was attended by representatives of the Planning Commission, Historic Landmarks Commission, Redevelopment Agency Staff and Planning Division Staff.
- January 18, 2006 Rezone and development proposal presented to the Capitol Hill Community Council.
- March 29, 2006 Project reviewed again, by the Planned Development Subcommittee, due to changes to the project. The meeting was attended by representatives of the Planning Commission, Historic Landmarks Commission, Redevelopment Agency Staff and Planning Division Staff.
- April 11, 2006 Planning Commission public hearing notice mailed.
- April 12, 2006 Legal notice regarding Zoning Map and Master Plan amendment published in the Salt Lake Tribune and Deseret News.
- April 26, 2006 Planning Commission public hearing held. The Planning Commission approved the Planned Development, Subdivision and Preliminary Phase 1 Condo requests. They also forwarded a positive recommendation to the City Council regarding the rezone request.
- April 28, 2006 Ordinance request sent to City Attorney.
- May 10, 2006 Planning Commission ratified minutes of April 26, 2006 meeting.
- May 19, 2006 Received ordinance from the City attorney.
- May 24, 2006 Submitted transmittal to the Community Development office for review.
- June 2, 2006 Received notice of revisions to the site plan from Howa Capital.
- June 14, 2006 Submitted revised transmittal to the Community Development office.

2. PROPOSED ORDINANCE

SALT LAKE CITY ORDINANCE

No. _____ of 2006

(Rezoning Properties on the East and West Sides of 300 West Street, Between 500 North Street and 600 North Street, and Amending the Capitol Hill Master Plan)

REZONING PROPERTIES GENERALLY LOCATED ON THE EAST AND WEST SIDES OF 300 WEST STREET, BETWEEN 500 NORTH STREET AND 600 NORTH STREET, FROM THEIR RESPECTIVE ZONING DESIGNATIONS, INCLUDING SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT (SR-1), COMMUNITY SHOPPING DISTRICT (CS), MODERATE/HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (RMF-45), MODERATE DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (RMF-35), AND MIXED USE DISTRICT (MU), TO RESIDENTIAL/MIXED USE DISTRICT (R-MU), AND AMENDING THE CAPITOL HILL MASTER PLAN, PURSUANT TO PETITION NO. 400-05-40.

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 on the East and West sides of 300 West Street, between 500 North Street and 600 North Street, 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 on the East and West sides of 300 West Street, between 500 North Street and 600 North Street, which

are more particularly described on Exhibit "A" attached hereto and identified therein as the "East Parcel" and "West Parcel," shall be and hereby are rezoned from their respective zoning designations, including: 1) Special Development Pattern Residential District (SR-1), 2) Community Shopping District (CS), 3) Moderate/High Density Multi-Family Residential District (RMF-45), 4) Moderate Density Multi-Family Residential District (RMF-35), and 5) Mixed Use District (MU), to Residential/Mixed Use District (R-MU).

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 Capitol Hill Master Plan, as previously adopted by the Salt Lake City Council, shall be, and hereby is amended consistent with the rezoning set forth herein and shall be further amended to reflect "high density mixed use" rather than "general commercial" for the properties located on the East side of 300 West Street, between 500 North Street and 600 North Street, which are more particularly described on Exhibit "A" attached hereto and identified therein as the "East Parcel."

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2006.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorneys Office
Date May 22, 2006
By Melanie Heif

(SEAL)

Bill No. _____ of 2006.

Published: _____.

3. CITY COUNCIL HEARING NOTICE

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is currently reviewing Petition No. 400-05-40, initiated by Howa Capital and the Salt Lake City Redevelopment Agency, requesting a Zoning Map and Master Plan amendment in order to rezone the property generally located along the east and west sides of 300 West Street, between 500 and 600 North Streets from a variety of zoning designations to Residential Mixed Use (R-MU) zoning in order to facilitate the construction of a mixed use development that will include town homes, condominiums, retail and office space. Current zoning of the subject property includes: Special Development Pattern Residential (SR-1), Community Shopping (CS), Moderate/High Density Multi-family Residential (RMF-45), Moderate Density Multi-Family (RMF-35) and Mixed Use (MU) zoning.

This request involves amending the Capitol Hill Community Master Plan Future Land Use Map for the east side of the project area. The Master Plan currently designates the east side of the project area for "General Commercial" use and will need to be amended to reflect "High Density Mixed Use." The west side of the project area is already designated for "High Density Mixed Use."

As part of the Zoning Map and Master Plan amendment process the City Council is holding an advertised public hearing to receive comments regarding this petition request. During this hearing, the Planning staff may present information on the petition and anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME: 7:00 p.m.

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

If you have any questions relating to this proposal, please attend the meeting or call Sarah Carroll at 535-6260 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Salt Lake City complies with ADA guidelines. Assistive listening devices and interpretive services will be provided upon a 24-hour advance request.

Exhibit "A"
Boundary Descriptions

Approximate Location:

Both Sides of 300 West Street, between 500 and 600 North Streets

Affected Sidwell Numbers:

East side: 08-36-205-001, -005, -006, -007, -008, -010, -012, -019, -020, -021, -022,
-026, -027, -028, -031, -033, -035

West side: 08-36-204-019, -020, -022, -027, -028, -029, -030, -032

EAST PARCEL

BEGINNING AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 132, PLAT A, SALT LAKE CITY SURVEY, AND RUNNING THENCE NORTH 00°01'28" EAST ALONG THE WESTERLY LINE OF SAID BLOCK 132, 660.24 FEET TO THE NORTHWEST CORNER OF LOT 5 OF SAID BLOCK 132; THENCE NORTH 89°59'33" EAST ALONG THE NORTHERLY LINE OF SAID BLOCK 132, 201.92 FEET; THENCE SOUTH 00°01'15" WEST 177.50 FEET; THENCE SOUTH 89°59'33" WEST 37.00 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 5; THENCE SOUTH 00°01'15" WEST ALONG SAID EASTERLY LINE 70.14 FEET; THENCE NORTH 89°59'33" EAST 20.00 FEET; THENCE SOUTH 00°01'15" WEST 82.50 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 3 OF SAID BLOCK 132; THENCE NORTH 89°59'59" EAST ALONG SAID NORTHERLY LINE 144.94 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 00°01'02" WEST ALONG THE EASTERLY LINE OF SAID LOT 3, 330.16 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE NORTH 89°59'35" WEST ALONG THE SOUTHERLY LINE OF SAID BLOCK 132, 329.92 FEET TO THE POINT OF BEGINNING.

CONTAINS: 171,579 SQ.FT. OR 3.939 ACRES

WEST PARCEL

BEGINNING AT THE NORTHEAST CORNER BLOCK 133, PLAT A, SALT LAKE CITY SURVEY, AND RUNNING THENCE SOUTH 00°02'52" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 133, 521.82 FEET TO A POINT SOUTH 00°02'52" WEST ALONG SAID EASTERLY LINE 26.64 FEET FROM THE SOUTHEAST CORNER OF LOT 8 OF SAID BLOCK 133; THENCE NORTH 89°54'03" WEST 131.66; THENCE NORTH 00°02'45" EAST 155.06 FEET; THENCE NORTH 89°53'28" WEST 16.83 FEET; THENCE NORTH 00°02'45" EAST 73.33 FEET; THENCE SOUTH 89°53'28" EAST 16.83 FEET; THENCE NORTH 00°02'45" EAST 146.80 FEET; THENCE NORTH 89°53'11" WEST 16.52 FEET; THENCE NORTH 00°02'45" EAST 40.35 FEET; THENCE SOUTH 89°53'11" EAST 16.32 FEET; THENCE NORTH 00°02'45" EAST 106.33 FEET TO A POINT ON THE NORTHERLY LINE OF SAID BLOCK 133; THENCE SOUTH 89°52'54" EAST ALONG SAID NORTHERLY LINE 131.68 FEET TO THE POINT OF BEGINNING.

CONTAINS: 70,604 SQ.FT. OR 1.621 ACRES

SC 5/11/06

4. MAILING LABELS

08361270020000 HAMMOND LEASING LLC 11199 N 5730 W HIGHLAND UT 84403	08362040150000 COVEY, ALICE N 518 N PUGSLEY ST SALT LAKE CITY UT 84103	08362040280000 REDEVELOPMENT AGENCY OF SALT 451 S STATE ST # 418 SALT LAKE CITY UT 84111
08361270030000 HAMMOND LEASING LLC 11199 N 5730 W HIGHLAND UT 84403	08362040160000 BAKER, WILLIAM R & LILIA 336 W 500 N SALT LAKE CITY UT 84103	08362040290000 REDEVELOPMENT AGENCY OF SALT 451 S STATE ST # 418 SALT LAKE CITY UT 84111
08362040060000 LLR MANAGEMENT CORP PO BOX 540757 NORTH SALT LAKE UT 84054	08362040170000 BEGLARIAN, ROBIN L & ANN MARIE 332 W 500 N SALT LAKE CITY UT 84103	08362040300000 REDEVELOPMENT AGENCY OF 451 S STATE ST # 418 SALT LAKE CITY UT 84111
08362040070000 BINGHAM, ANNIE & 552 N PUGSLEY ST SALT LAKE CITY UT 84103	08362040180000 PARTINGTON, JACK K & 480 N 300 W SALT LAKE CITY UT 84103	08362040310000 SHAARAY PROPERTIES LLC PO BOX 711 DALLAD TX 75221
08362040080000 HILL, MIMI E 548 N PUGSLEY ST SALT LAKE CITY UT 84103	08362040190000 JUNIPER HOLDINGS LLC 663 W 100 S SALT LAKE CITY UT 84104	08362040320000 REDEVELOPMENT AGENCY OF 451 S STATE ST # 418 SALT LAKE CITY UT 84111
08362040090000 ALBA, MATTHEW L 542 N PUGSLEY ST SALT LAKE CITY UT 84103	08362040200000 JUNIPER HOLDINGS LLC 663 W 100 S SALT LAKE CITY UT 84104	08362040330000 MCCORMICK, RONALD G 534 N PUGSLEY ST SALT LAKE CITY UT 84103
08362040100000 JORDAN, KRISTIN A & 540 N PUGSLEY ST SALT LAKE CITY UT 84103	08362040210000 JUNIPER HOLDINGS LLC 663 W 100 S SALT LAKE CITY UT 84104	08362040340000 JOHNSON, ERIC & 526 N PUGSLEY ST SALT LAKE CITY UT 84103
08362040120000 MCCORMICK, RONALD G 534 N PUGSLEY ST SALT LAKE CITY UT 84103	08362040220000 JUNIPER HOLDINGS, LLC 663 W 100 S SALT LAKE CITY UT 84104	08362040350000 COCA, JOSE C & 584 N PUGSLEY ST SALT LAKE CITY UT 84103
08362040140000 CHYDER, MATTHEW L & 520 N PUGSLEY ST SALT LAKE CITY UT 84103	08362040270000 REDEVELOPMENT AGENCY OF SALT 451 S STATE ST # 418 SALT LAKE CITY UT 84111	08362040360000 BUSBY, COBY C 574 N PUGSLEY ST SALT LAKE CITY UT 84103

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Howa 1 of 8



08362050010000 REDEVELOPMENT AGENCY OF 451 S STATE ST # 418 SALT LAKE CITY UT 84111	08362050200000 REDEVELOPMENT AGENCY OF SALT 451 S STATE ST # 418 SALT LAKE CITY UT 84111	08362050350000 REDEVELOPMENT AGENCY OF 451 S STATE ST # 418 SALT LAKE CITY UT 84111
08362050050000 REDEVELOPMENT AGENCY OF SLC 451 S STATE ST # 418 SALT LAKE CITY UT 84111	08362050210000 REDEVELOPMENT AGENCY OF SALT 451 S STATE ST # 418 SALT LAKE CITY UT 84111	08362060100000 SELIN, HENRY D & 2329 S LAKE ST SALT LAKE CITY UT 84106
08362050060000 REDEVELOPMENT AGENCY OF SALT 451 S STATE ST # 418 SALT LAKE CITY UT 84111	08362050220000 REDEVELOPMENT AGENCY OF 451 S STATE ST # 418 SALT LAKE CITY UT 84111	08362060110000 SELIN, PHYLLIS R & HENRY D; 2329 S LAKE ST SALT LAKE CITY UT 84106
08362050070000 REDEVELOPMENT AGENCY OF SLC 451 S STATE ST # 418 SALT LAKE CITY UT 84111	08362050260000 REDEVELOPMENT AGENCY OF SALT 451 S STATE ST # 418 SALT LAKE CITY UT 84111	08362060120000 MILLER, LORRAINE 520 N ARCTIC CT SALT LAKE CITY UT 84103
08362050080000 REDEVELOPMENT AGENCY OF SLC 451 S STATE ST # 418 SALT LAKE CITY UT 84111	08362050270000 REDEVELOPMENT AGENCY OF SLC 451 S STATE ST # 418 SALT LAKE CITY UT 84111	08362060130000 WERNER, NANCY 236 W 500 N SALT LAKE CITY UT 84103
08362050100000 REDEVELOPMENT AGENCY OF 451 S STATE ST # 418 SALT LAKE CITY UT 84111	08362050280000 REDEVELOPMENT AGENCY OF SLC 451 S STATE ST # 418 SALT LAKE CITY UT 84111	08362060140000 MURPHY, PAUL C & 1498 MAPLE HILLS DR BOUNTIFUL UT 84010
08362050120000 JUNIPER HOLDINGS LLC 633 W 100 S SALT LAKE CITY UT 84104	08362050310000 REDEVELOPMENT AGENCY OF 451 S STATE ST # 418 SALT LAKE CITY UT 84111	08362060160000 MILLER, LORRAINE 520 N ARCTIC CT SALT LAKE CITY UT 84103
08362050130000 CARRILLO, BEN & ANGIE; 253 W 600 N SALT LAKE CITY UT 84103	08362050330000 REDEVELOPMENT AGENCY OF 451 S STATE ST # 418 SALT LAKE CITY UT 84111	08362060170000 MURPHY, PAUL C & 1498 MAPLE HILLS DR BOUNTIFUL UT 84010
08362050190000 REDEVELOPMENT AGENCY OF SALT 451 S STATE ST # 418 SALT LAKE CITY UT 84111	08362050340000 REDEVELOPMENT AGENCY OF 451 S STATE ST # 418 SALT LAKE CITY UT 84111	08362060180000 COMMUNITY HOUSING SERVICES - 1059 E 900 S # 100 SALT LAKE CITY UT 84105

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Howa 2 of 8

Address	City	Zip	Address	City	Zip	Address	City	Zip
08362070010000 COMOLLO, ADRIANO F & 217 W 600 N SALT LAKE CITY UT		84103	08362070210000 POWELSON, ARTHUR T 515 N 200 W SALT LAKE CITY UT		84103	ALL UNITS - NOTICE 08362090280000 MARMALADE SQUARE CONDOMINIUM PO BOX 510006 SALT LAKE CITY UT		84151
08362070020000 JOHNSON, TREVOR 213 W 600 N SALT LAKE CITY UT		84103	08362070230000 ALLMAN, QUINN S 501 N 200 W SALT LAKE CITY UT		84103	08362090290000 MARMALADE SQUARE CONDOMINIUM PO BOX 510006 SALT LAKE CITY UT		84151
08362070030000 DHINDSA, HARINDAR K 211 W 600 N SALT LAKE CITY UT		84103	08362070240000 SUMNER, GREG & 507 N 200 W SALT LAKE CITY UT		84103	08362090300000 MARMALADE SQUARE CONDOMINIUM PO BOX 510006 SALT LAKE CITY UT		84151
08362070070000 CHUNG, BENJAMIN B & 560 E SOUTHTEMPLE ST #401 SALT LAKE CITY UT		84102	08362070250000 STEEP AND DEEP CONSULTING 2782 S LAKEVIEW DR SALT LAKE CITY UT		84109	08362090310000 MARMALADE SQUARE CONDOMINIUM PO BOX 510006 SALT LAKE CITY UT		84151
08362070080000 VAN TUSSENBROOK, KARA 575 N 200 W SALT LAKE CITY UT		84103	08362070260000 BYBEE, LYNN D & 523 N 200 W SALT LAKE CITY UT		84103	08362090320000 MARMALADE SQUARE CONDOMINIUM PO BOX 510006 SALT LAKE CITY UT		84151
08362070120000 GILES, RUSSELL S & 918 E 100 S SALT LAKE CITY UT		84102	08362070270000 ZAMORA, ROBERT & 214 W 500 N SALT LAKE CITY UT		84103	08362090330000 MARMALADE SQUARE CONDOMINIUM PO BOX 510006 SALT LAKE CITY UT		84151
08362070130000 HEYWOOD, ROXIE J 541 N 200 W SALT LAKE CITY UT		84103	08362070280000 LATTER, JOHN R 571 N 200 W SALT LAKE CITY UT		84103	08362090340000 MARMALADE SQUARE CONDOMINIUM PO BOX 510006 SALT LAKE CITY UT		84151
08362070190000 BRUNER, JAMES A & 527 N 200 W SALT LAKE CITY UT		84103	08362070300000 MICHELSEN, ALAN R 565 N 200 W SALT LAKE CITY UT		84103	08362090350000 MARMALADE SQUARE CONDOMINIUM PO BOX 510006 SALT LAKE CITY UT		84151
08362070200000 BYBEE, LYNN D & 523 N 200 W SALT LAKE CITY UT		84103	08362070310000 MICHELSEN, ALAN R 565 N 200 W SALT LAKE CITY UT		84103	08362090360000 MARMALADE SQUARE CONDOMINIUM PO BOX 510006 SALT LAKE CITY UT		84151

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How-A 3 of 8

08362090830000 MARMALADE SQUARE CONDOMINIUM PO BOX 510006 SALT LAKE CITY UT 84151	08362510030000 HEDEGAARD, VERN & 464 N PUGSLEY ST SALT LAKE CITY UT 84103	08362540040000 BRISCOE, NORMA S & 2681 E CASTO LN HOLLADAY UT 84117
08362090840000 MARMALADE SQUARE CONDOMINIUM PO BOX 510006 SALT LAKE CITY UT 84151	08362510060000 STEWART, JAMES A 1006 S OAK HILLS WY SALT LAKE CITY UT 84108	08362540050000 BRISCOE, NORMA S & 2681 E CASTO LN HOLLADAY UT 84117
08362090970000 MARMALADE SQUARE CONDOMINIUM PO BOX 510006 SALT LAKE CITY UT 84151	08362510070000 SWANER PROPERTIES LLC; ET AL 3459 S FLEETWOOD DR SALT LAKE CITY UT 84109	08362540070000 FURGIS, GEORGE C & ELLEN V 31 N 'M' ST # 304 SALT LAKE CITY UT 84103
08362090980000 MARMALADE SQUARE CONDOMINIUM PO BOX 510006 SALT LAKE CITY UT 84151	08362510080000 HEATH, JOHN E 457 N 300 W SALT LAKE CITY UT 84103	08362540140000 MEAHAN, DONNA P 12358 S RELATION ST DRAPER UT 84020
08362090990000 MARMALADE SQUARE CONDOMINIUM PO BOX 510006 SALT LAKE CITY UT 84151	08362510090000 MILLS, CATHERINE K & 2014 S 865 W WOODS CROSS UT 84087	08362540150000 KURZ, DAVID M 257 W 500 N SALT LAKE CITY UT 84103
08362091000000 MARMALADE SQUARE CONDOMINIUM PO BOX 510006 SALT LAKE CITY UT 84151	08362510100000 ZUZO, DZEMAL; ET AL 443 N 300 W SALT LAKE CITY UT 84103	08362540160000 CORP OF PRES BISHOP OF CH OF 50 E NORTHTEMPLE ST SALT LAKE CITY UT 84150
08362091010000 MARMALADE SQUARE CONDOMINIUM PO BOX 510006 SALT LAKE CITY UT 84151	08362540010000 PARTINGTON, MILDRED V. 480 N 300 W SALT LAKE CITY UT 84103	08362540280000 MARTY, JOSEPH E PO BOX 11822 SALT LAKE CITY UT 84147
08362510010000 MOORE, JAYDA & 329 W 500 N SALT LAKE CITY UT 84103	08362540020000 PARTINGTON, JACK K & 480 N 300 W SALT LAKE CITY UT 84103	08362540290000 BOWES, JASEN A 1030 NW 12TH AVE #414 PORTLAND OR 97209
08362510020000 FREEMAN, ANGELA J & 468 N PUGSLEY ST SALT LAKE CITY UT 84103	08362540030000 BRISCOE, ROSCOE 244 W 400 N SALT LAKE CITY UT 84103	08362540300000 PRATT, ANDREW L 469 N 200 W SALT LAKE CITY UT 84103

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08362540310000 REMAL, LISA J 465 N 200 W SALT LAKE CITY UT	84103	08361270110000 NIELSEN, J LESLIE & 358 W 600 N SALT LAKE CITY UT	84103	08361290080000 JONES, WHITNEY & KAREN; JT 540 N 400 W SALT LAKE CITY UT	84103
08362540320000 GARZARELLI, GEORGE 461 N 200 W SALT LAKE CITY UT	84103	08361270120000 SCHOLLE, BRIAN C PO BOX 8113 MIDVALE UT	84047	08361290090000 MUNGUIA, ADRIAN & 534 N 400 W SALT LAKE CITY UT	84103
08362540330000 BAUM, DAVID L. & MARY M. 453 N 200 W SALT LAKE CITY UT	84103	08361290010000 MARTINEZ, JOHN M; TR ET AL 3859 W SUGAR BEET DR WEST VALLEY UT	84120	08361290100000 HALSTEAD, EMMA & 524 N 400 W SALT LAKE CITY UT	84103
08362540340000 NOD ASSOCIATES LLC & PO BOX 510507 SALT LAKE CITY UT	84151	08361290020000 POWELL, HELEN M 5373 S RIDGECREST DR TAYLORSVILLE UT	84118	08361290110000 CARD, JAMES R & 1035 ARLINGTON WAY BOUNTIFUL UT	84010
08362540350000 SORENSEN, BETTY JO 449 N 200 W SALT LAKE CITY UT	84103	08361290030000 MARTINEZ, JOHN M; TR ET AL 3859 W SUGAR BEET DR WEST VALLEY UT	84120	08361290120000 DAVIS, STEPHEN L & 376 W 500 N SALT LAKE CITY UT	84103
08362540570000 MCKEOWN, TERRY 452 N 300 W SALT LAKE CITY UT	84103	08361290040000 AGRICOLA, CHRISTINA 562 N 400 W SALT LAKE CITY UT	84103	08361290130000 DAVIS, DUANE R & 364 W 500 N SALT LAKE CITY UT	84103
08362540580000 FURGIS, GEORGE C & ELLEN V 31 N 'M' ST # 304 SALT LAKE CITY UT	84103	08361290050000 VALDEZ, CELIA 558 N 400 W SALT LAKE CITY UT	84103	08361290140000 TAN, RAY NINO 358 W 500 N SALT LAKE CITY UT	84103
08361270090000 REX INDUSTRIES INC 630 N 400 W SALT LAKE CITY UT	84103	08361290060000 HEINTZ, NICHOLAS G 554 N 400 W SALT LAKE CITY UT	84103	08361290150000 TAN, RAY NINO 356 W 500 N SALT LAKE CITY UT	84103
08361270100000 DEVENPORT, JEFFREY W & 358 W 600 N SALT LAKE CITY UT	84103	08361290070000 OVERSON, DARWIN 1366 E MURRAY HOLLADAY RD HOLLADAY UT	84117	08361290160000 JOAB, ROSE E 371 W 600 N SALT LAKE CITY UT	84103

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Howe S of B

08361290170000 EVANS, ROMA 365 W 600 N SALT LAKE CITY UT	84103	08361290340000 MIJANGOS, KENT D 545 N PUGSLEY ST SALT LAKE CITY UT	84103	08361770260000 MATTS, RUTH A 467 N PUGSLEY ST SALT LAKE CITY UT	84103
08361290180000 LAMBROSE, JOYCE 359 W 600 N SALT LAKE CITY UT	84103	08361290350000 BINGHAM, SHERRIE & 4055 W 3830 S WEST VALLEY UT	84120	08362010040000 CARMAN, RICHARD E; ET AL 637 N 300 W SALT LAKE CITY UT	84103
08361290210000 OLVERA, VALENTIN 575 N PUGSLEY ST SALT LAKE CITY UT	84103	08361290360000 OBRADOVIC, ILIJA & 539 N PUGSLEY ST SALT LAKE CITY UT	84103	08362010050000 CARMAN, RICHARD E & 614 S EMERY ST SALT LAKE CITY UT	84104
08361290220000 COWDRICK, TIMOTHY L 571 N PUGSLEY ST SALT LAKE CITY UT	84103	08361290370000 PELL, ANTHONY A & 535 N PUGSLEY ST SALT LAKE CITY UT	84103	08362010060000 LISKA, MICHAEL 6861 S VIRGINIA HILLS DR COTTONWOOD HTS UT	84121
08361290230000 MAESTAS, MICHAEL PO BOX 734 SALT LAKE CITY UT	84110	08361290380000 MAJSTOROVIC, BRANISLAV & 529 N PUGSLEY ST SALT LAKE CITY UT	84103	08362010070000 CHAINED, M R BEAU 620 N PUGSLEY ST SALT LAKE CITY UT	84103
08361290240000 LAMBROSE, JOYCE 1283 E 970 N TOOELE UT	84074	08361770220000 DILLMAN, DAVID; TR 753 E NORTHCREST DR SALT LAKE CITY UT	84103	08362010080000 GUSTASON, CARL W & 334 W 600 N SALT LAKE CITY UT	84103
08361290250000 WADDELL, JEFFERY B & 563 N PUGSLEY ST SALT LAKE CITY UT	84103	08361770230000 BUSH, DANIEL W & 7740 S KESWICK RD COTTONWOOD HTS UT	84093	08362010090000 KEMMETHMUELLER, NEPHI & 328 W 600 N SALT LAKE CITY UT	84103
08361290300000 SUVAK, MIRKO & 521 N PUGSLEY ST SALT LAKE CITY UT	84103	08361770240000 THOMAS, LYONA A 347 W 500 N SALT LAKE CITY UT	84103	08362010100000 KEMMETHMUELLER, NEPHI & 328 W 600 N SALT LAKE CITY UT	84103
08361290310000 ARMASO, EMMANUEL 511 N PUGSLEY ST SALT LAKE CITY UT	84103	08361770250000 SALT LAKE CITY CORP 451 S STATE ST # 225 SALT LAKE CITY UT	84111	08362010110000 RACKHAM, GARY R 318 W 600 N SALT LAKE CITY UT	84103

Page 6 of 8

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08362010160000 CARMAN, RICHARD E & 614 S EMERY ST SALT LAKE CITY UT 84104	08362020030000 M S C INC PO BOX 65644 SALT LAKE CITY UT 84165	08362020240000 BROOKS, JASON L & 214 W 600 N SALT LAKE CITY UT 84103
08362010170000 NOD ASSOCIATES LC PO BOX 510507 SALT LAKE CITY UT 84151	08362020040000 SUDHAN TRADING INC 4123 W CHESTNUT VIEW DR SOUTH JORDAN UT 84095	08362020250000 JOHNSON, DAVID M 208 W 600 N SALT LAKE CITY UT 84103
08362010180000 PETERSEN, MICHAEL P & 629 N 300 W SALT LAKE CITY UT 84103	08362020140000 MONGER, VANESSA C 613 N 200 W BOUNTIFUL UT 84010	08362020260000 LINDSAY, RHONDA W 204 W 600 N SALT LAKE CITY UT 84103
08362010190000 ERB, JEFFREY 613 N 300 W SALT LAKE CITY UT 84103	08362020150000 SUDHAN TRADING INC 4123 W CHESTNUT VIEW DR SOUTH JORDAN UT 84095	08362020280000 DESERT REGIONAL INC 238 W 600 N SALT LAKE CITY UT 84103
08362010200000 ALEX CONLAN LLC 605 N 300 W SALT LAKE CITY UT 84103	08362020160000 SUDHAN TRADING INC 4123 W CHESTNUT VIEW DR SOUTH JORDAN UT 84095	08362020290000 H BOYD AND ASSOCIATES, LLC 667 N CORTEZ ST SALT LAKE CITY UT 84103
08362010220000 CARMAN, RICHARD E & 614 S EMERY ST SALT LAKE CITY UT 84104	08362020170000 EGE, JUDITH G 264 W 600 N SALT LAKE CITY UT 84103	08362040040000 PICKETT, TIM M & 225 W 700 N SALT LAKE CITY UT 84103
08362010240000 MULLANEY, MATTHEW E 640 N PUGSLEY ST SALT LAKE CITY UT 84103	08362020180000 EVANS, PEARL H 2635 STRINGHAM AVE # 217C SALT LAKE CITY UT 84109	08362040050000 WILSON, CHERYL J 562 N PUGSLEY ST SALT LAKE CITY UT 84103
08362010250000 CARMAN, KATHERINE G; ET AL 637 N 300 W SALT LAKE CITY UT 84103	08362020190000 MASTER PLATINUME INVESTMENTS 524 E FOURTH AVE SALT LAKE CITY UT 84103	Don THOMAS 447 N. 200 W. SALT LAKE CITY, UTAH 84103
08362020020000 M S C INC 5675 S VALLEY VIEW LAS VEGAS NV 89118	08362020200000 RUESCH, BRENT W 250 W 600 N SALT LAKE CITY UT 84103	STEVE FISCHER 443 N. 200 W. SALT LAKE CITY, UTAH 84103

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HAMMOND LEASING LLC 1199 W. 5730 W. HIGHLAND, UTAH 84403	08362020290000 H BOYD AND ASSOCIATES, LLC 667 N CORTEZ ST SALT LAKE CITY UT 84103	08362010170000 ENGEL, TIMOTHY L & 631 N 300 W SALT LAKE CITY UT 84103
Tim Pickett 225 W. 700 N. SALT LAKE CITY, UTAH 84103	08362040340000 NIELSON, MARY ANN; TR 526 N PUGSLEY ST SALT LAKE CITY UT 84103	
Cheryl Wilson 562 N. Pugsley St. S.L.C., Utah 84103	08362510040000 WHITEMAN, STEVE & 450 N PUGSLEY ST SALT LAKE CITY UT 84103	
DAVID Bolinder 2045 E. 6060 S. Holladay, Utah 84121	08362510050000 SCORESBY, TRAVIS J & 446 N PUGSLEY ST SALT LAKE CITY UT 84103	
STEVE Whiteman 450 N. Pugsley St. Salt Lake City Utah 84103	08361770210000 ANTIQUÉ HOUSE LLP 358 S 700 E # 430 SALT LAKE CITY UT 84102	
Peter von Sivers Cucc 223 West 400 North Salt Lake City, Utah 84103	08361770220000 ROSS, K RICHARD, ET AL 9085 S TREASURE WY COTTONWOOD HTS UT 84093	
HOWA Capital/Dallis Nordstrom 663 West 100 South Salt Lake City, Utah. 84104	08361770400000 SCHNELLER, MARK G; ET AL 451 N PUGSLEY ST SALT LAKE CITY UT 84103	
Salt Lake City Planning ATTN: Ray McCandless 451 S. State Room 406 S.L.C. Utah 84111	08361770410000 BOLINDER, DAVID PO BOX 391 MIDVALE UT 84047	
Salt Lake City Planning ATTN: Doug Wheelwright 451 S. State Room 406 S.L.C. Utah 84111	08361770420000 BOLINDER, DAVID V 2045 E 6060 S HOLLADAY UT 84121	
Salt Lake City Planning ATTN: Sarah Carroll 451 S. State Room 406 S.C.C. Utah 84111	08361770300000 FOCANTI, LUIGI & 447 N PUGSLEY ST SALT LAKE CITY UT 84103	

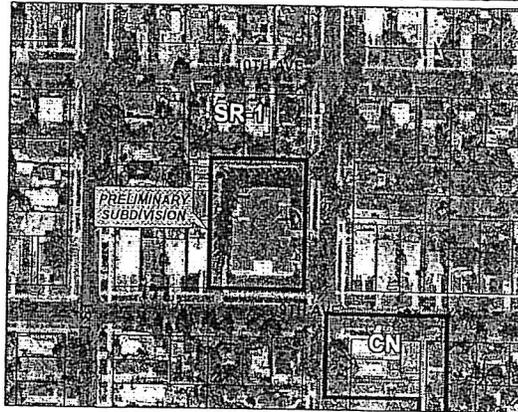
HOWA 2 of 2

**5A. PLANNING COMMISSION
Public Hearing Notice and Postmark
for the April 26, 2006 meeting**

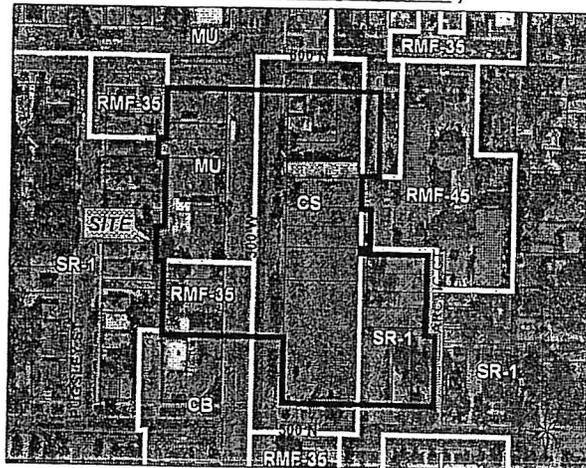
AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, April 26, 2006, at 5:45 p.m.

Dinner will be served to the Planning Commissioners and Staff 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, April 12, 2006.
2. REPORT OF THE CHAIR AND VICE CHAIR
3. REPORT OF THE DIRECTOR
 - a. University of Utah Student Presentation — Downtown Land Use Analysis
4. PUBLIC NOTICE AGENDA
5. PUBLIC HEARINGS
 - a. Petition 490-05-64 — The Northeast Avenues Subdivision, a request by Pinnacle Building Group for a minor subdivision to create a new five-lot residential subdivision located at approximately 465 North "K" Street in an SR-1 (Special Development Residential) Zoning District in Council District Three. (Staff — Jackie Gasparik at 535-6354 or jackie.gasparik@slcgov.com.)



- * b. A request by the Salt Lake City Redevelopment Agency/ Howa Capital for approval to develop a residential mixed-use project with approximately 88 dwelling units and approximately 67,295 square feet of retail office. The property is approximately located on the east and west sides of 300 West Street between 500 and 600 North Streets.
 - a. Petition No. 400-05-40 — A request by Howa Capital to amend the Capitol Hill Community Zoning Map to rezone the property currently zoned SR-1, CS, RMF-45, RMF-35 and MU to Residential Mixed Use (R-MU). The project also requires amending the future land use map of the Capitol Hill Community Mater Plan to identify the properties as high-density, mixed-use rather than general commercial. (Staff — Sarah Carroll at 535-6260 or sarah.carroll@slcgov.com.)
 - b. Petition 410-06-09 — Conditional Use, Planned Development
 - c. Petition 480-06-04 — Preliminary Condominium Approval
 - d. Petition 490-06-19 — Preliminary Subdivision Approval (Staff — Ray McCandless at 535-6282 or ray.mccandless@slcgov.com.)



6. OTHER BUSINESS
 - a. Downtown Master Plan Update

The next scheduled Planning Commission meeting will be May 10, 2006. This information can be accessed at www.slcgov.com/CED/planning.

Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at (801) 535-7757 or TOD (801) 535-6021.

Salt Lake City Planning

NOTICE OF HEARING

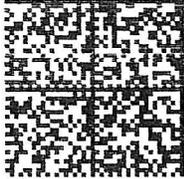
US POSTAGE
Mailed From 84111

04/11/2006

\$00.390

016H16501573

Hasler



Salt Lake City Planning Division
451 South State Street
Salt Lake City, UT 84111 SC

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

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

451 S. State Room 406
S.L.C. Utah 84111

5B. PLANNING COMMISSION
Planning Commission Staff Report
with Attachments

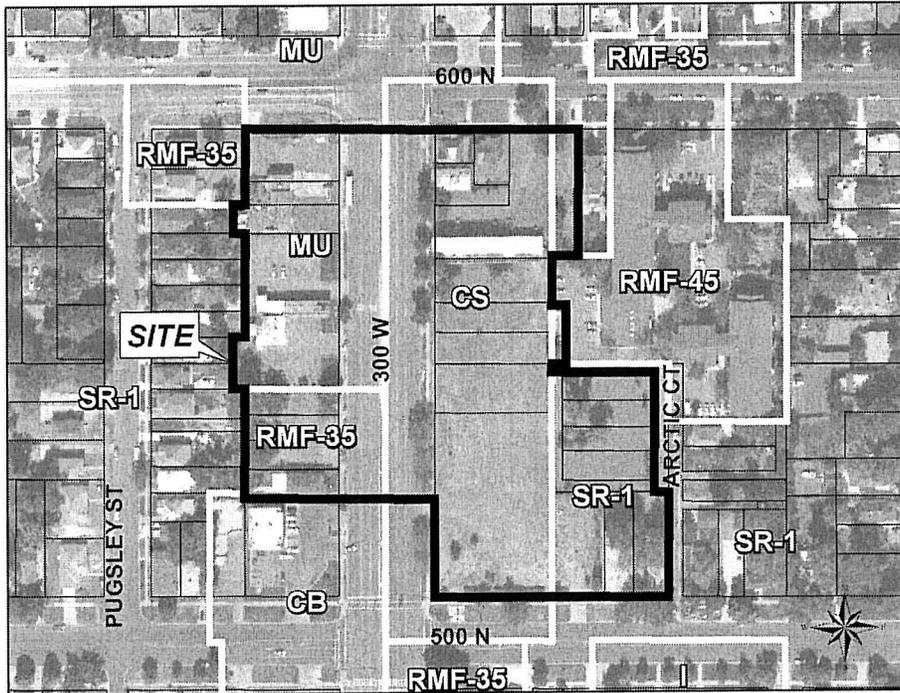
DATE: April 5, 2006
TO: Salt Lake City Planning Commission
FROM: Sarah Carroll, Principal Planner
RE: Staff Report for the April 26, 2006 Planning Commission Meeting:
Petition No. 400-05-40, by Howa Capital, a request to amend the
Zoning Map and Master Plan for property located along both sides of
300 West between 500 North and 600 North (approximate).

CASE NUMBER: 400-05-40: Request to amend the zoning map and master plan

APPLICANT: Property Owner: Salt Lake City
Redevelopment Agency
Applicant: Howa Capital

STATUS OF APPLICANT: Developer

PROJECT LOCATION: The East and West Sides of 300 West Street
Between 500 and 600 North (approximate)



PROJECT/PROPERTY SIZE: Approximately 5.98 acres

COUNCIL DISTRICT: District 3, Councilmember Eric Jergensen

REQUESTED ACTION:

Howa Capital is requesting to rezone the property located on the east and west side of 300 West, between 500 North and 600 North from a variety of zoning designations to Residential/Mixed Use (R-MU) zoning in order to facilitate the construction of a mixed use development that will include office, retail and residential uses. The current zoning on the subject property includes: Special Development Pattern Residential (SR-1), Community Shopping (CS), Moderate/High Density Multi-family Residential (RMF-45), Moderate Density Multi-Family (RMF-35) and Mixed Use (MU) zoning. The Capitol Hill Master Plan designates the West side of the project area for "High Density Mixed Use" and designates the East side of the project area for "General Commercial." The Master Plan will need to be amended to reflect "High Density Mixed Use" rather than "General Commercial" for the east side of the project area.

PROPOSED USE(S): Mixed Use - Retail / Office / Residential

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 (10-9a-204) which identifies procedures for adopting and amending general plans. The following will also be considered in evaluating this request:

- The Capitol Hill Zoning Map (1995)
- The Capitol Hill Community Master Plan (1999)
- The Salt Lake City Community Housing Plan (2000)
- The Final Report of the Salt Lake City Futures Commission, Creating Tomorrow Together, (1998)
- The City Vision and Strategic Plan for Salt Lake City, (1993)

SURROUNDING ZONING DISTRICTS:

- North** - Mixed Use "MU", Moderate Density Multi-Family "RMF-35", and Special Development Pattern Residential "SR-1"
- South** - Special Development Pattern Residential "SR-1", Moderate Density Multi-Family "RMF-35" and, Community Shopping "CS"
- East** - Special Development Pattern Residential "SR-1" and Moderate/High Density Multi-family Residential "RMF-45"

West - Special Development Pattern
Residential "SR-1" and Moderate
Density Multi-Family "RMF-35"

SURROUNDING LAND USES:

North – Service garage, convenience store,
single family homes

South – Convenience store, service garage,
single family homes, church

East – Apartment complex, single family
homes

West – Single family homes

MASTER PLAN SPECIFICATIONS:

The Capitol Hill Master Plan was adopted November 9, 1999. The Capitol Hill Community Future Land Use Map designates the west side of the subject property for "High Density Mixed Use" and designates the east side of the subject property for "General Commercial" use. The Master Plan will need to be amended so that both the east and west sides of the subject property reflect "High Density Mixed Use."

HISTORY OF SUBJECT PROPERTY:

The Salt Lake City Redevelopment Agency designated the West Capitol Hill Neighborhood as a redevelopment target area in 1996. Since that time, the focus of the Redevelopment Agency has been to revitalize the area specifically located on the east side of 300 West Street between 500-600 North using urban design methods to create an attractive commercial node that would eliminate the 300 West Street barrier of residential and commercial land uses in a controlled approach. The Redevelopment Agency focused on this area with the intent of creating a mixed use, commercial/residential node that would revitalize and stabilize the area and allow for private reinvestment.

The development proposal is being evaluated through the Planned Development, Subdivision and Condominium processes and was reviewed at the Planning Commission Planned Development Subcommittee Meeting on December 16, 2005, January 18, 2006 and March 29, 2006. The meetings were attended by representatives of the Planning Commission, Historic Landmarks Commission, Redevelopment Agency Staff and Planning Division Staff.

ACCESS:

Access to the property is provided from 500 North Street, Arctic Court (Private Street) 600 North and 300 West Streets.

PROJECT DESCRIPTION:

The subject property consists of eight parcels on the west side of 300 West Street and 17 parcels on the east side of 300 West Street. (West side: 08-36-204-019, -020, -022, -027, -028, -029, -030, -032, East side: 08-36-205-001, -005, -006, -007, -008, -010, -012, -019, -020, -021, -022, -026, -027, -028, -031, -033, -035). The project area currently contains several different zoning designations, including SR-1, CS, RMF-45, RMF-35

and MU zoning. The applicant would like to unify the zoning and is requesting R-MU zoning to accommodate the proposed development which is a mixed use project that will incorporate office, retail and residential uses. For residential and mixed use developments the R-MU zone allows a maximum building height of 75 feet as a permitted use or up to 125 feet as a conditional use. For nonresidential uses, 45 feet or 3 stories (whichever is less) is a permitted use. The proposed buildings range in height from approximately 22 feet tall to approximately 57.5 feet tall.

COMMENTS, ANALYSIS AND FINDINGS

COMMENTS

Comments from pertinent City departments/divisions and the Community Council have been attached and are summarized below (Exhibits 2 and 3).

- **Public Utilities:** Public Utilities has no objections to the proposed rezoning.
- **Permits Office (Building Services and Licensing):** Building Services had no objections to the proposed rezoning. Landscape buffers will be required between the R-MU and single or two family residential districts. New office buildings are subject to the conditional use process, per 21A.24.190 footnote #9.
- **Transportation:** The Division of Transportation recommends approval of the rezone and notes the following: Any revisions to access circulation or road side elements on 300 West and 600 North (west of 300 West) will require UDOT approval and any revisions to 500 North and 600 North (east of 300 West) will require Salt Lake City Transportation Division approval.
- **Police Department:** The Police Department does not see any problems with the requested rezone and notes that the Capitol Hill community is anxious to have something in place on those vacant lots.
- **Engineering:** Salt Lake City Engineering has no objections to the proposed rezone.
- **Fire Department:** The Fire Department has no objections to the proposed rezone.
- **Community Council:** The request for rezone and the proposed development were presented at the Capitol Hill Community Council meeting on January 18, 2006. Those in attendance generally expressed acceptance of the proposal and excitement about the revitalization of this area (see exhibit 3). Those few who were opposed were concerned with the height of the proposed structures.

GENERAL ANALYSIS AND FINDINGS

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

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not

controlled by any one standard. However, in making its decision concerning a proposed amendment, the city council should consider the following factors:

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

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

- The Capitol Hill Zoning Map (1995)
- The Capitol Hill Community Master Plan (1999)
- The Salt Lake City Community Housing Plan (2000)
- The Final Report of the Salt Lake City Futures Commission, Creating Tomorrow Together, (1998)
- The City Vision and Strategic Plan for Salt Lake City, (1993)

Capitol Hill Zoning Map: This request involves amending the zoning map to unify the zoning for the project area. The existing zoning consists of several different zones including: Special Development Pattern Residential (SR-1), Community Shopping (CS), Moderate/High Density Multi-family Residential (RMF-45), Moderate Density Multi-Family (RMF-35) and Mixed Use (MU) zoning. The requested Residential/Mixed Use (R-MU) zoning would allow the entire project to be developed under one zoning classification and will allow for a variety of uses including office, commercial and residential.

Capitol Hill Community Master Plan: A section of this Master Plan focuses specifically on commercial development and implementation of a neighborhood shopping node in the West Capitol Hill Neighborhood, on 300 West, and states the following:

Commercial:

The lack of neighborhood oriented retail services is a major concern voiced by citizens of the community during the public input process of the development of this master plan.

As identified in the West Capitol Hill Neighborhood Plan (1996), the best location for commercial retail venture to service the residents of the community is 300 West. With commercial and mixed use zoning districts in place, a neighborhood scale commercial nucleus should be developed along the 300 West corridor. Steps should be taken to entice new retail services to this area as well as providing incentives for existing businesses to upgrade their properties. In addition, the mixed use zoning districts will provide opportunities for additional commercial or commercial/residential land uses to develop. A primary goal is to encourage community oriented businesses that will provide a high level of visual quality and proper maintenance.

Neighborhood Shopping Node:

The West Capitol Hill Neighborhood Plan encourages neighborhood shops to locate on the east side of 300 West Street between 500-600 North Streets to provide a nucleus of neighborhood oriented commercial uses for the Capitol Hill Community. The neighborhood shopping node should be developed with sensitivity to the historic architecture of the neighborhood. Retail uses built to front the property line are typical. Height of one or two stories is compatible. Uses which are appropriate in the shopping node include a small grocery or drug store, neighborhood oriented retail, restaurants, and services and/or mixed use development with commercial uses on the ground floor and residential uses above or below the ground floor.

The shopping node should be designed in a way to minimize impacts to the existing historic neighborhood to the east including orienting the commercial development to 300 West, limiting delivery and principal accesses to 300 West, prohibiting access, for the commercial uses, from Arctic Court, strongly encouraging the reuse of existing historic structures, and providing adequate buffering between the commercial and residential land uses. The feasibility of creating a mixed use development with residential on the top floor should also be analyzed. The shopping center will hopefully become a catalyst for to encourage more neighborhood retail oriented commercial reinvestment.

Policies:

- If an appropriate commercial or mixed use development is proposed for the commercial node at 500 North and 1300 West, which requires additional property, the western properties along Arctic Court may be rezoned to commercial shopping.
- Development of the commercial node mixed use area should include the following design features to ensure compatibility with the residential development to the east:
 - Orientation of the commercial development to 300 West
 - Deliveries and principal access to the commercial development from 300 West
 - Prohibiting access for commercial uses from Arctic Court
 - Strongly encouraging the reuse of existing historic structures within the new commercial development
 - Providing adequate buffering of residential properties to the east
 - Prohibiting access to the commercial use within 150 feet of Arctic Court.
- Ensure new commercial development along 300 West is sensitive to pedestrian oriented access and is sensitive to the historic character of the neighborhood.
- Encourage community oriented businesses that will provide a high level of visual quality and property maintenance.

Action Items:

- Encourage nonconforming retail commercial uses to relocate to the neighborhood shopping node where appropriate.
- Provide a commercial retail nucleus and/or mixed use area for the Capitol Hill Community on the east side of 300 West between 500 and 600 North.
- Take proactive steps to entice new retail services into appropriate segments of this area.

Salt Lake City Community Housing Plan: The goal of this Plan is to enhance, maintain and sustain a livable community that includes a vibrant downtown integrated with surrounding neighborhoods that offer a wide range of housing choices, mixed uses, and transit oriented design. This Plan focuses on concepts for creating a wide variety of housing types across the City and encouraging mixed use and mixed income housing.

In regards to mixed use development this plan states that the City Council supports mixed use projects that achieve vibrant, safe, integrated, walkable neighborhoods through a diverse mix of uses.

Final Report of the Salt Lake City Futures Commission: In its Executive summary this report states that “Salt Lake City Neighborhoods are diverse, exciting, safe, well maintained, and supportive of families and young people. Vibrant neighborhoods are fundamental to the health and vitality of the city and citizens, business owners, and local government each have a role to play in creating and sustaining ideal neighborhoods.”

City Vision and Strategic Plan: Three objectives of this plan are outlined below:

- The City will include a wide variety of affordable housing opportunities in attractive, friendly neighborhoods that provide a safe environment for families.
- The City will sustain world class businesses that capitalize on its geographic and labor market competitive advantages and offer a wide variety of career path choices for its residents.
- The City will recognize and protect neighborhood identity through neighborhood involvement in plans and public and private investment.

Finding: The Capital Hill Master Plan specifically addresses the development of a neighborhood shopping node on 300 West, between 500 North and 600 North. In reviewing the goals of the Master Plan and the project that is being proposed for this location it is evident that the goals of the Master Plan are coming to fruition. Rezoning the project area will result in an encompassing recognition of the Master Plan goals. Staff finds that the requested rezone is appropriate for this location and would enhance the goals of the Plans and Reports discussed above.

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

Discussion: The subject property is surrounded by a variety of uses such as service stations, convenience stores, and single family residences. The subject property was

identified by the Master Plan as an area that should be revitalized with community oriented businesses that will provide a high level of visual quality and proper maintenance. The proposed development is not yet typical of the surrounding area but will become the catalyst for development of similar projects along 300 West.

Finding: Staff finds that the Capitol Hill Master Plan identifies this area for a neighborhood commercial node that will provide retail services, as requested by the community, which have been lacking in this area. Community members have reviewed the proposed development and many have stated that the surrounding neighborhoods will greatly benefit from the proposed mixed use node.

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

Discussion: At the Community Council meeting there was overwhelming support for the project. However, those few who did not support the project were concerned about the height of the proposed structures. In order to address concerns about height, the project architect has provided building elevations along with elevations of existing surrounding buildings so that the proposed structures could be reviewed in context. The subcommittee members reviewed the proposed structures in relation to surrounding properties and the width of 300 West and discussed the effect of the proposed height on the surrounding properties. The majority of the subcommittee members agreed that the height was appropriate for the location.

Finding: Staff finds that the proposed amendment will positively affect adjacent properties as it will allow for a mixed use neighborhood shopping node, as outlined in the Master Plan.

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

Discussion: The east side of the subject project area is located within the Capital Hill Historic District. All new construction in the Capital Hill Historic District is subject to design review by the Historic Landmark Commission.

Finding: Staff finds that all new construction in the Capital Hill Historic District is subject to design review by the Historic Landmark Commission.

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

Discussion: Staff requested comments from City Departments/Divisions; including Transportation, Engineering, the Fire Department, Public Utilities, Police, and Building

Services. These departments/divisions did not have any objections to the proposed zoning amendment. The proposed development must comply with City regulations.

Findings: Staff finds that public facilities and services intended to serve the subject property must meet all City regulations upon further development.

MASTER PLAN AMENDMENT:

The Capitol Hill Community Future Land Use Map designates the west side of the subject property for "High Density Mixed Use" and designates the east side of the subject property for "General Commercial" use. The Master Plan specifically discusses a neighborhood shopping node on the east side of 300 West, between 500 North and 600 North and encourages a mixed use development with retail on the ground level and residential units above. The proposed development will comply with the goals outlined in the Master Plan. The Capitol Hill Community Future Land Use Map will need to be amended to reflect "High Density Mixed Use," rather than "General Commercial," for the east side of the project area.

State Law, Section 10-9a-204, Notice of Public Hearings and Public Meetings to Consider General Plan or Modifications, outlines the criteria for noticing an amendment. A notice for the Master Plan amendment was published in the Salt Lake Tribune and Deseret News on April 12, 2006 (Exhibit 4). A notice was also mailed to affected property owners and posted, meeting State Law requirements for Master Plan amendments.

RECOMMENDATION:

Based on the Findings of Fact identified in this report, staff recommends that the Planning Commission transmit a favorable recommendation to the City Council, to approve the proposed zoning map and master plan amendments, to identify the subject property as Residential/Mixed Use (R-MU) zoning.

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

Exhibits:

1. Site Plan, Elevations and Floor Plans
2. Department/Division Comments
3. Community Council Comments
4. Newspaper Legal Notices, Published on April 12, 2006

Exhibit 1
Site Plan, Elevations and Floor Plans

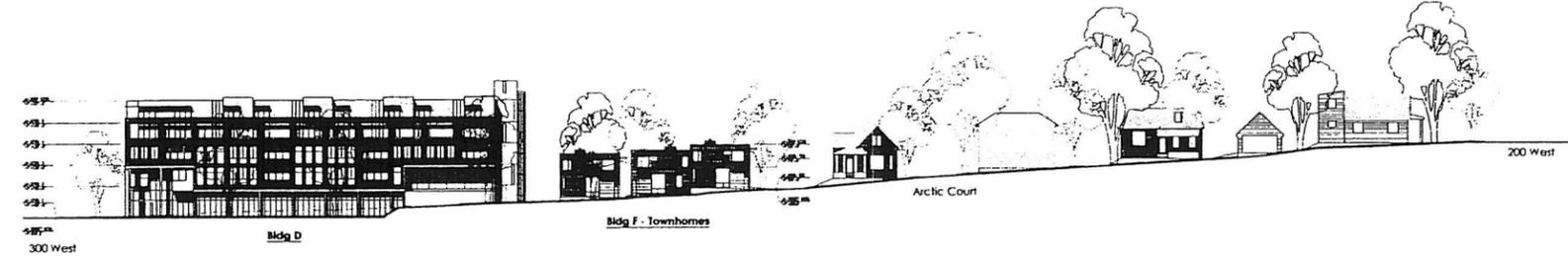


Bldg F - Townhomes

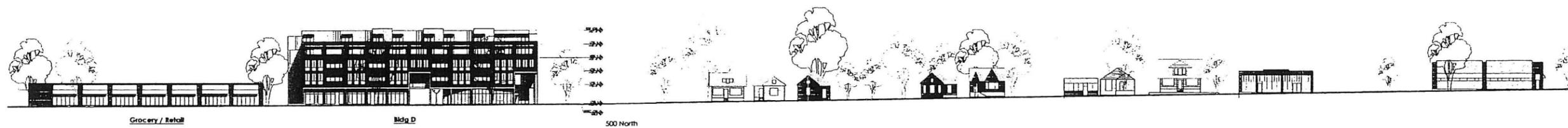
East Elevation at Arctic Court



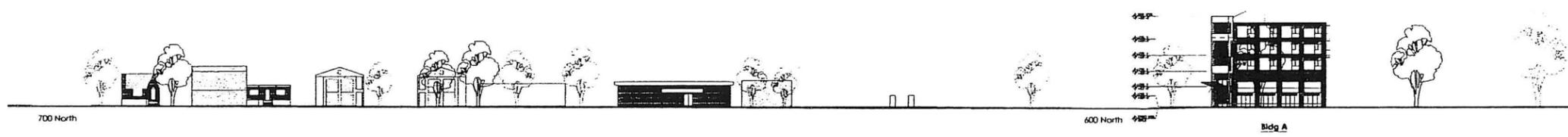
West Elevation at Arctic Court



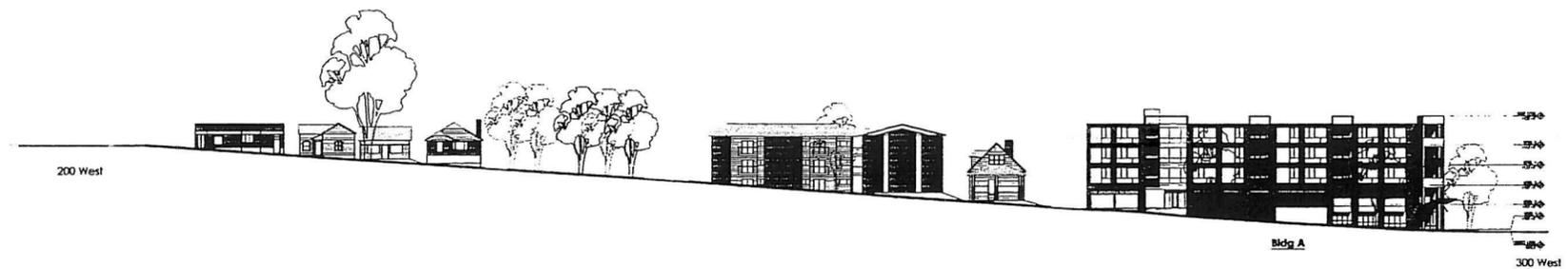
South Elevation at 500 North



West Elevation at 300 West [South End]

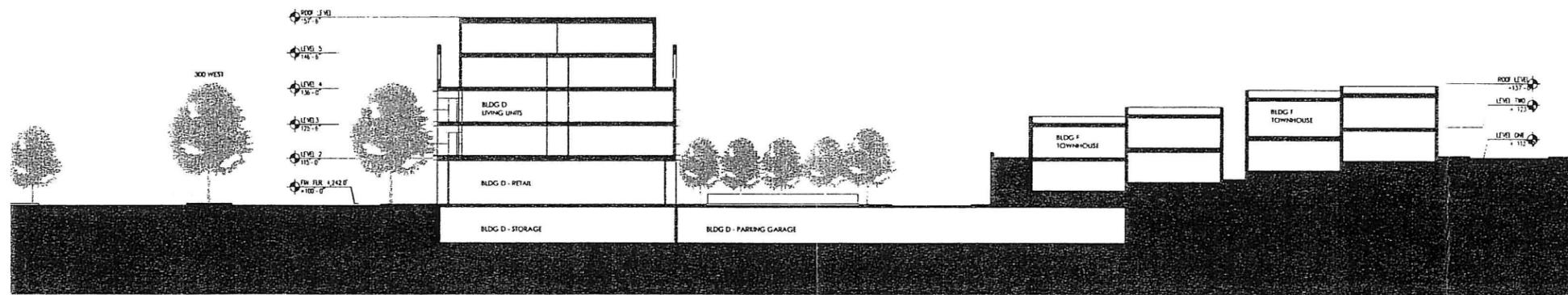


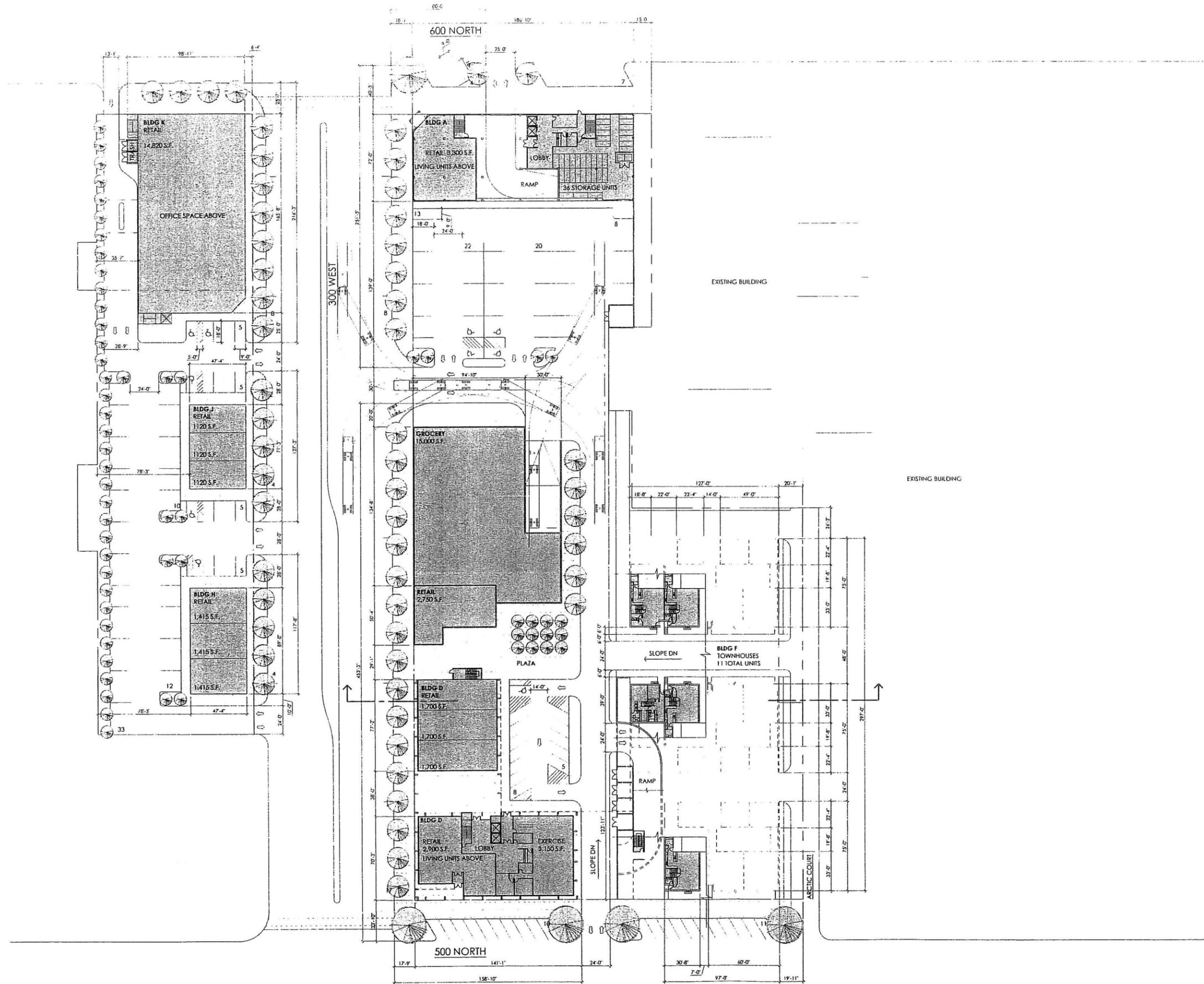
West Elevation at 300 West [North End]



North Elevation at 600 North

LEGEND	
	Metal Panel
	Brick Veneer
	Stucco [E.J.S. at Bldg F Garage]
	Metal Railing
	Aluminum Frame Window





DEVELOPMENT SUMMARY

PARKING SUMMARY

COMMERCIAL - EAST SIDE

PARKING PROVIDED
CHUTE PARKING = 76 STALLS
OFFSITE PARKING = 57 STALLS
TOTAL PARKING PROVIDED = 133 STALLS

COMMERCIAL - WEST SIDE

PARKING PROVIDED
CHUTE PARKING = 75 STALLS
OFFSITE PARKING = 18 STALLS
TOTAL PARKING PROVIDED = 93 STALLS

RESIDENTIAL

BLDG A
36 UNITS TOTAL
PARKING PROVIDED = 37 STALLS

BLDG D
41 UNITS TOTAL
PARKING PROVIDED = 77 STALLS

BLDG F - TOWN HOMES
11 UNITS TOTAL
PARKING PROVIDED = 10 STALLS

SQUARE FOOTAGE

COMMERCIAL

GROCERY = 15,000 S.F.
RETAIL
EAST = 14,000 S.F.
WEST = 37,245 S.F.
TOTAL = 52,245 S.F.
TOTAL COMMERCIAL = 67,245 S.F.

RESIDENTIAL

BLDG A - TOTAL UNITS = 36
PARKING GARAGE = 20,870 S.F.
LEVEL 1 (LOBBY) = 1,400 S.F.
(STORAGE UNIT AREA) = 3,600 S.F.
LEVEL 2 = 13,400 S.F.
LEVEL 3 = 13,400 S.F.
LEVEL 4 = 13,400 S.F.
LEVEL 5 = 13,400 S.F.
TOTAL = 66,470 S.F.

BLDG D - TOTAL UNITS = 41
PARKING GARAGE = 33,400 S.F.
LEVEL 1 (LOBBY) = 2,000 S.F.
(EXERCISE AREA) = 3,150 S.F.
(STORAGE UNIT AREA) = 4,350 S.F.
LEVEL 2 (CONDO/PHASES) = 20,500 S.F.
LEVEL 3 (CONDO/PHASES) = 22,200 S.F.
LEVEL 4,5 (RETIRES) = 44,150 S.F.
TOTAL = 130,000 S.F.

BLDG F
11 TOWNHOME UNITS (UNITS VARY)

LIVING AREA = 24,235 S.F.
GARAGE = 10,040 S.F.
TOTAL = 34,275 S.F.

TOTAL RESIDENTIAL = 245,745 S.F.

RESIDENTIAL UNIT TYPE RATIO

TOTAL LIVING UNITS = 88 UNITS

1 - BEDROOM
BLDG A = 24 UNITS
BLDG D = 14 UNITS
TOTAL = 40 UNITS
1 - BEDROOM RATIO = 40 / 88 BEDROOM UNITS / 88 TOTAL UNITS = 45%

2 - BEDROOM
BLDG A = 17 UNITS
BLDG D = 20 UNITS
TOTAL = 37 UNITS
2 - BEDROOM RATIO = 37 / 88 BEDROOM UNITS / 88 TOTAL UNITS = 42%

3 - BEDROOM
BLDG D = 0 UNITS
BLDG F = 11 UNITS
TOTAL = 11 UNITS
3 - BEDROOM RATIO = 11 / 88 BEDROOM UNITS / 88 TOTAL UNITS = 12.5%

PLAZA & LANDSCAPE PERCENTAGE

TARGET

TOTAL PLAZA & LANDSCAPE AREA / TOTAL PROPERTY AREA ≥ 3%

ACTUAL

TOTAL PLAZA & LANDSCAPE AREA = 48,422 S.F.
TOTAL PROPERTY AREA = 238,926 S.F.
TOTAL PLAZA & LANDSCAPE AREA / TOTAL PROPERTY AREA = 19.5%

PHASING SCHEDULE

PHASE 1

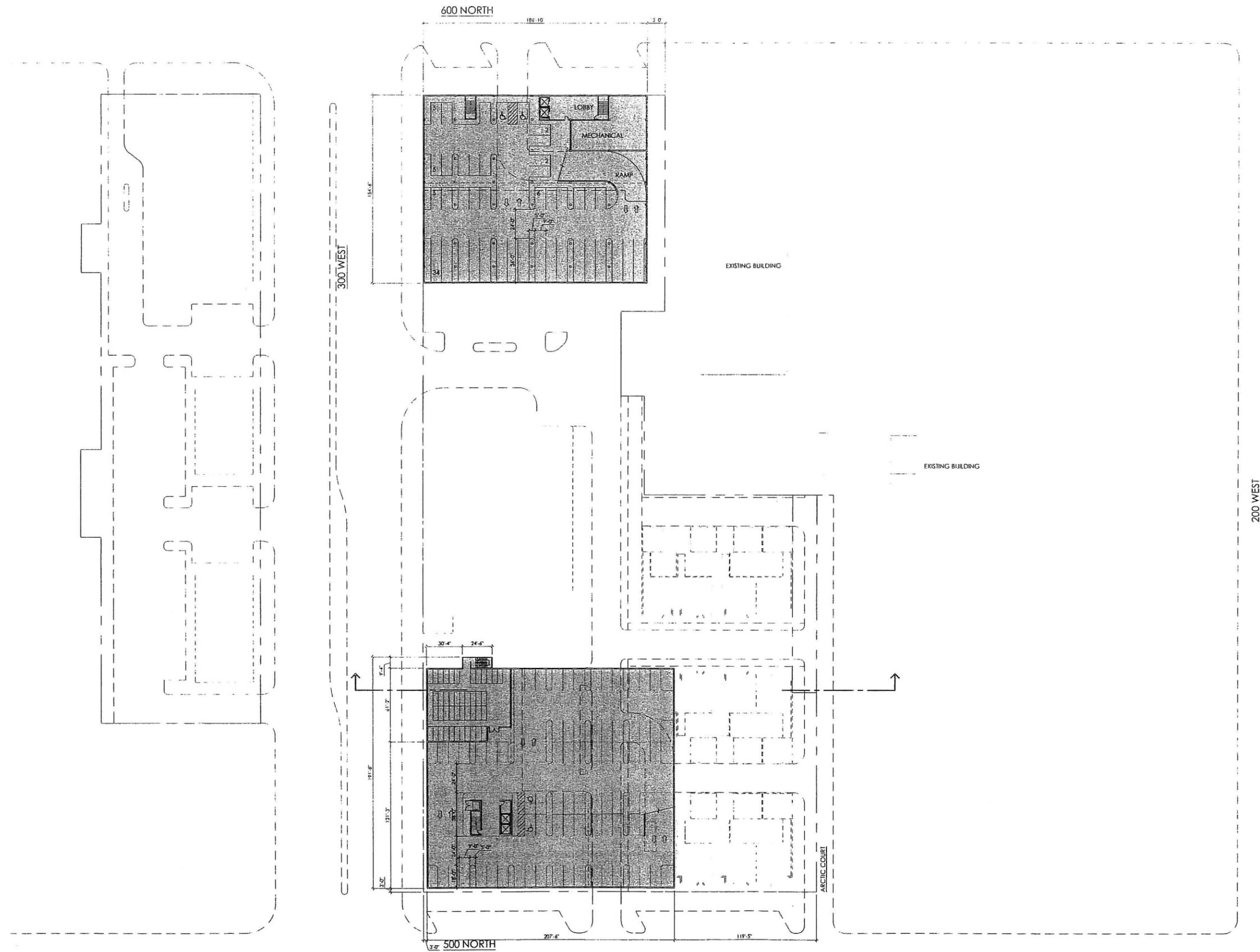
BUILDING 'D' AND TOWNHOMES
CONSTRUCTION BEGINS SEPTEMBER 1, 2004 - CONSTRUCTION COMPLETES ON JANUARY 1, 2006 (18 MONTHS)

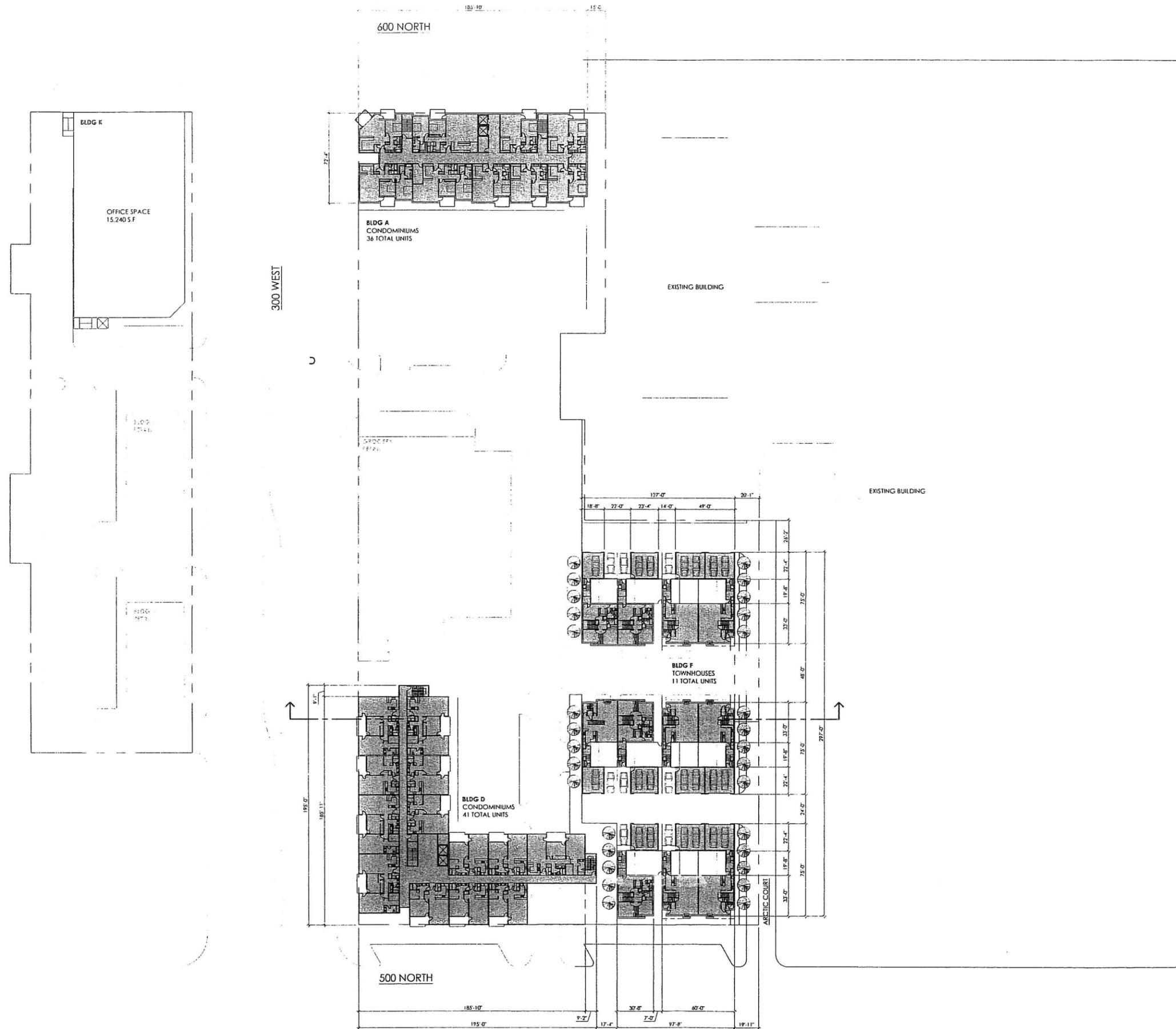
PHASE 2

BUILDING 'A' AND DETACHED RETAIL INCLUDING GROCERY
CONSTRUCTION BEGINS JANUARY 1, 2007 - CONSTRUCTION COMPLETES ON SEPTEMBER 1, 2008 (21 MONTHS)

PHASE 3

BUILDINGS WEST OF 300 WEST
CONSTRUCTION BEGINS JANUARY 1, 2007 - CONSTRUCTION COMPLETES ON SEPTEMBER 1, 2008 (21 MONTHS)

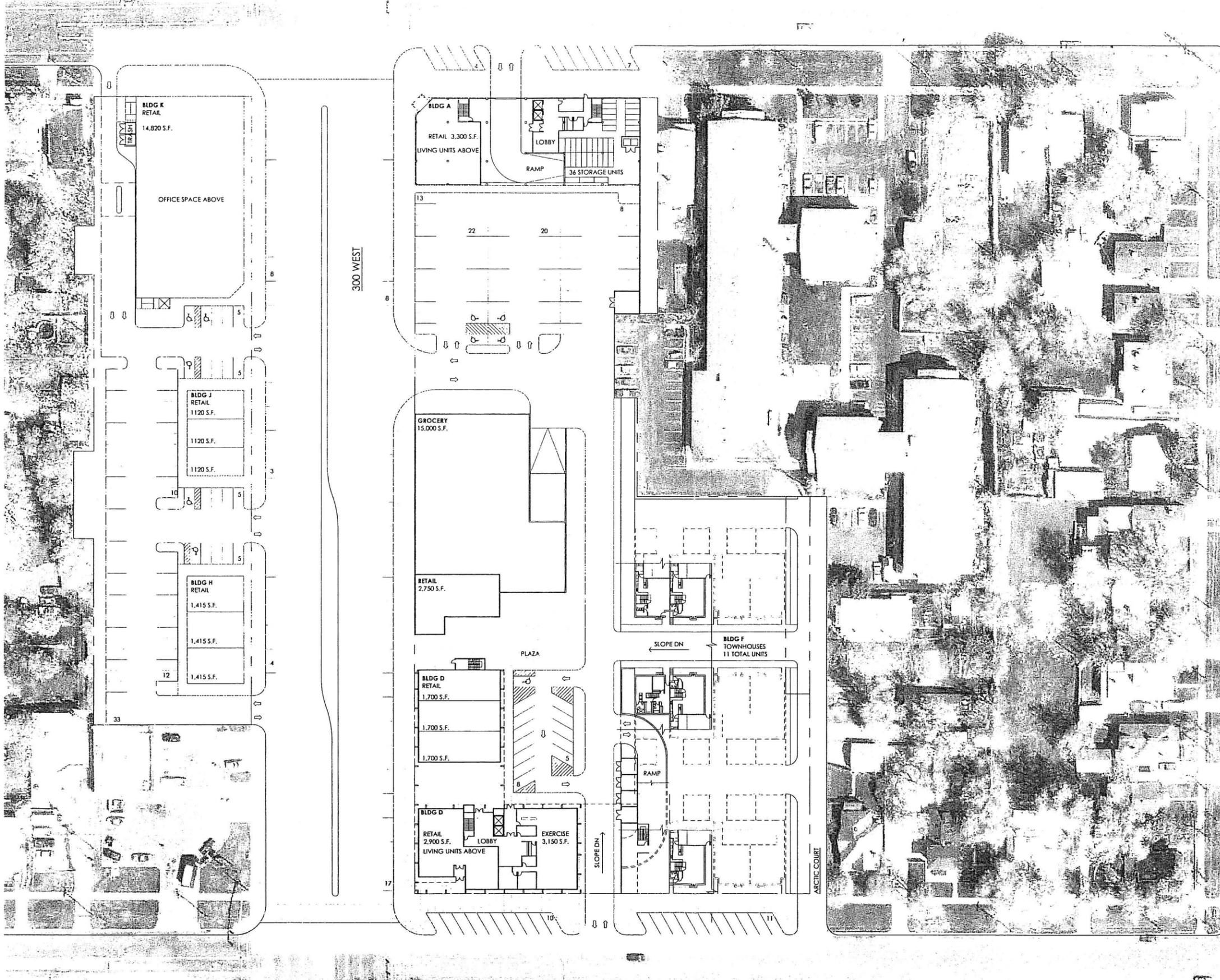




200 WEST



600 NORTH



300 WEST

200 WEST

500 NORTH

Exhibit 2
Department/Division Comments

PUBLIC UTILITIES

From: Stewart, Brad

Sent: Wednesday, March 15, 2006 2:35 PM

To: Carroll, Sarah; Walsh, Barry; Johnson, Linda; Smith, Craig; Butcher, Larry; Leydsman, Wayne; Wheelwright, Doug

Cc: Boskoff, Nancy; Campbell, Tim; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Oka, Dave; Querry, Chuck; Rutan, Ed; Zunguze, Louis; Garcia, Peggy

Subject: RE: Request for comments by March 22, 2006

Categories: Program/Policy

Attachments: image001.png

Sarah,

Salt Lake City Public Utilities has no objection to the proposed re-zoning. We are currently working with HOWA representatives on the design, no plans have been submitted yet for review. This proposal may require the up-sizing of water and sewer mains. We will know more as plans solidify and are submitted.

Brad

BUILDING SERVICES

From: Brown, Ken
Sent: Thursday, March 16, 2006 9:46 AM
To: Carroll, Sarah
Cc: Butcher, Larry
Subject: RE: Request for comments Petition No. 400-05-40

Categories: Program/Policy
Sarah,

I have no issue with this proposed zoning map amendment to accommodate a mixed use development which includes retail, office and residential. The applicant will need to understand, however, that new office building construction is subject to the conditional use process per 21A.24.190 footnote #9 and that landscape buffers will be required between the R-MU zone and any single or two family residential districts.

Ken Brown
Senior Development Review Planner
451 S. State St. Rm #215
Salt Lake City, UT 84111
(801) 535-6179

BUILDING SERVICES

From: Butcher, Larry
Sent: Monday, March 20, 2006 1:46 PM
To: Carroll, Sarah
Cc: Goff, Orion
Subject: RE: Request for comments by March 22, 2006

Categories: Program/Policy
Sarah:

The rezone of this property will result in a 10' buffer requirement next to the abutting single and two family dwelling districts. I assume you have the DRT notes and we will of course provide more specific development comments when the planned development is submitted.

Larry



BUILDING SERVICES, DRT NOTES

Preliminary Development Review Team

The Development Review Team (DRT) is designed to provide **PRELIMINARY** review to assist in the design of the complete site plan. A complete review of the site plan will take place upon submittal of the completed site plan to the Permits Counter.

Project Address: **300 West 500 North to 600 North** Certified Address: Yes No

Project Name: **Howa Mixed Use Development**

Contact Person **Sarah Carroll** Telephone: **535-6260**

Project Desc.: **Mixed development on both sides of the street – rezone the area to RMU zoning, residential condos, all properties will be combined on each side of the street. Attendees: Aaron Hansen, Elizabeth Giraud, Dru Damico, Prescott Muir, Sarah Carroll**

Reviewed by: Ken Brown, Zoning, Multiple zones. Will need to obtain separate demo permits for each of the existing buildings after the replacement use permits is issued. A new certified address will need to be obtained for each structure from the Engineering Dept. Historic Landmarks approval required for all demo and new construction east of 300 West. Retail and residential uses are allowed in the R-MU zone but office use may be a conditional use per 21A.24.190 footnote #9. Proposal needs to meet setback requirements, park way strip, yard and parking lot landscaping requirements, building height, etc. Surface parking lots and parking structures may be causing this proposal to be processed as a planned development. 20% open space required. Landscape buffers required. 40% first floor glass required. Need to look at side entry issues, front façade controls, etc. Subdivision review screening checklist to be obtained from the Planning Dept. if combined lots are not recorded prior to permit issuance. Any encroachments into the public way will need to be reviewed with SLC Property Management.

Reviewed by Barry Walsh, Transportation. P.U.D. sub, combining lots, condo, apt, office, parking lot buffers, setbacks, etc. 83 dwelling units; 36,000 sqft retail east, 22,000 sqft retail west. 15,000 sqft grocery. 15,000 sqft office. Issue with city street, 600 north and 500 north. Private, Arctic Court and UDOT roadway, 300 West. Check TI revision of Arctic Court, 8 existing s/f, 3 ex and 12 new. Info for public way impact, street lights, driveways, etc. bonds.

Reviewed by Brad Stewart, Public Utilities. Multiple level parking, 12ft deep. McNeil Engineering, civil. Arctic is private. Wants multiple meters for each use, a couple of meters, on single lot, ex: condo, HOA separate from grocery store. Max. 60ft height. Need to get started now with civil to meet time frame of starting Phase I in early summer 2006. All other previous comments apply. Wants to review master plan for entire site, not just Phase I. Mentioned 300 West 6 inch water line. Will excavate and shore along edge of Arctic Court. Watch soil nails and sewer and other utilities.

Reviewed by Scott Weiler, Engineering. It appears a subdivision improvement construction agreement will be required in order to address the need to bond for the reconstruction of Arctic Court, as well as street lights and possible utilities. A plat will be required for the condos. UDOT must approve the access from 300 West and any other work in 300 West.

Reviewed by Wayne Leydsman, Fire Dept. Rezoning request to RMU. 83 dwelling units, mercantile, offices and assembly, restaurants, etc. RDA project. Numerous issues – PUD? The Fire Dept will require more detailed review regarding vehicle access, fire hydrants, water mains, etc. As project progresses, submit plans for review by Brad Larson at 799-4162 or myself at 799-4164. This is just a preliminary overview.

SALT LAKE CITY CORPORATION

TRANSPORTATION

From: Walsh, Barry
Sent: Thursday, March 16, 2006 10:02 AM
To: Carroll, Sarah
Cc: Young, Kevin; Smith, Craig; Weiler, Scott; Barry, Michael; Stewart, Brad; Butcher, Larry; Leydsman, Wayne; Wheelwright, Doug
Subject: RE: Request for comments by March 22, 2006

Categories: Program/Policy
March 16, 2006

Sarah Carroll, Planning

Re: Pet 400-05-40 for rezoning application for the HOWA/RDA Project on 300 West from 500 North to 600 North.

The division of transportation review comments and recommendations are for approval of the rezone as follows:

300 West (highway 89) is a major arterial class UDOT roadway with restricted left turn access due to the raised median. Any revisions to access circulations or road side elements need to be reviewed by UDOT for their comment and approvals.

600 North – west of 300 West, is also a UDOT roadway subject to their review.

600 North – east of 300 West and 500 North are Salt Lake City Public roadways with a local roadway classification subject to our review per current development and usage standards.

Artic Court is a private roadway easement subject to coordination with abutting property interest for minimum development standards as approved by Salt Lake City Corporation.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Craig Smith, Engineering
Scott Weiler, P.E.
Mike Barry, P.E.
Brad Stewart, Utilities
Larry Butcher, Permits
Wayne Leydsman, Fire
Doug Wheelwright, Planning
File

POLICE DEPT.

From: Johnson, Linda

Sent: Wednesday, March 15, 2006 3:58 PM

To: Carroll, Sarah

Subject: RE: Request for comments by March 22, 2006

Sarah,

I don't see any problems with the rezoning of this area to an R-MU status at this time. I know the Capitol Hill community is anxious to have something in place on those vacant areas. I look forward to seeing additional information regarding plans for this area.

Linda

ENGINEERING (p.1)

TO: SARAH CARROLL, PLANNING

FROM: SCOTT WEILER, P.E., ENGINEERING

DATE: MARCH 21, 2006

SUBJECT: **Petition #400-05-40**
a.k.a. Marmalade Subdivision
500 N. to 600 N. 300 West

City Engineering review comments are as follows:

1. We have no objection to the proposed zone change.
2. 300 West is a State road. Any ingress or egress from the site from 300 West must be approved by UDOT. The plan also shows a landscaped median and appears to show brick paver cross walks across 300 West. Those also require UDOT approval. Salt Lake City has not had good experience with brick paver crosswalks on heavy traffic arterials (So. Temple, 400 South). Who will maintain the crosswalks and the landscaped median?
3. It is our understanding that Arctic Court (240 W.), a private street, will be impacted by this development. Assuming the impact is significant, the developer must enter into a subdivision improvement construction agreement. This agreement requires the payment of a stepped fee based on the estimated cost of constructing the roadway improvements. The developer should contact Joel Harrison (535-6234) to discuss insurance requirements for the project.
4. Design drawings for the proposed reconstruction of Arctic Court and the onsite driveways required for site circulation must comply with the following design standards. Some of the significant requirements are as follows:
 - The engineering drawings must show a profile view for the new roads.
 - Driveways may be designed on a grading plan or plan & profile sheet.
 - The horizontal scale for the drawings shall be 1" = 20', 1"=30' or 1"= 40'.
 - The vertical scale shall be one tenth of the horizontal scale.
 - The minimum size lettering shall be 1/10" and capital letters shall be used.
 - The text shall be readable from one of two directions on a given sheet.
 - The north arrow shall point toward the top or left of the sheet with stationing progressing from west to east or from north to south.

ENGINEERING (p.2)

Marmalade Subdivision
Sarah Carroll
March 21, 2006

5. SLC Transportation must review and approve street geometrics, sidewalk locations and street lighting.
6. The developer must enter into agreements required by the SLC Public Utility Department and pay the required fees.
7. The subdivision plat must conform to the requirements on the attached plat checklist. A plat should be submitted as soon as possible to allow the SLC Surveyor to begin his review. Alice Montoya (535-7248) will assign addresses to the proposed lots when a plat is submitted. A certified address is required prior to obtaining a building permit.
8. At least one member of the concrete finishing crew must be ACI certified. The name of the ACI certified finisher must be provided at the pre-construction meeting for the subdivision.
9. The construction contractor must file a Notice of Intent with the State of Utah, Department of Environmental Quality, Division of Water Quality, to comply with the NPDES permitting process. A copy of the pollution prevention plan must also be submitted to Randy Peterson at SLC Public Utilities.

cc: Rick Johnston
Brad Stewart
Barry Walsh
Vault

FIRE DEPT.

From: Leydsman, Wayne
Sent: Friday, March 17, 2006 11:24 AM
To: Carroll, Sarah
Cc: Larson, Bradley
Subject: Petitiion #400-05-40 Howa/RDA 300 West 500 N to 600 N. Rezone Request

Categories: Program/Policy
The fire department has no objections to this rezoning request.

Wayne Leydsman
Assistant Plans Examiner
SLCFD

Exhibit 3
Community Council Comments

COMMUNITY COUNCIL

Capitol Hill Com Council 3-15-06

From: pv4910@xmission.com
Sent: Wednesday, March 15, 2006 4:43 PM
To: Carroll, Sarah
Subject: Re: HOWA project on 300 west, between 500 and 600 North

Sarah,

I sent the following email to Mack McDonald on Feb. 19, 2006:

"With a vote of 15:5 the Council decided to support the Marmalade Project by Howa Capital Co., including all required zoning changes and provided the project includes space for a branch library."

Best, Peter

Quoting "Carroll, Sarah" <Sarah.Carroll@slcgov.com>:

> Peter von Sivers:

>

>

>

> I am requesting a copy of the resolution regarding the HOWA/RDA
> project, located on 300 west, from 500 North to 600 North. This item
> was discussed at the Capitol Hill Community Council meeting on January
> 18, 2006.

>

>

>

> Thank you,

>

> Sarah Carroll

> Associate Planner

> 801-535-6260

> sarah.carroll@slcgov.com

>

>

>

>

* Zoning Map Amendment
Community Council / Citizen Group Input

TO: Peter von Sivers, Chair Capitol Hill Community Council (CHCC)

FROM: _____, Planning Division Staff

DATE: _____

RE: Marmalade Development

Applicant _____, represented by _____, is requesting the Salt Lake City Council approve a Zoning Map Amendment for the property at _____ . The request includes rezoning the property from _____ to _____ to allow the development of a _____ .

As part of this process, the applicant is required to solicit comments from the CH Community Council. The purpose of the Community Council review is to inform the community of the project and solicit comments / concerns they have with the project. The Community Council may also take a vote to determine whether there is support for the project, but this is not required. (Please note that the vote in favor or against is not as important to the Planning Commission as relevant issues that are raised by the Community Council for their review.) I have enclosed information submitted by the applicant relating to the project to facilitate your review. The applicant will also present information at the meeting.

If the Community Council chooses to have a project presented to them, the applicant will only be required to meet with the Community Council once before the Planning Staff will begin processing the application. The Community Council should submit its comments to me, as soon as possible, after the Community Council meeting to ensure there is time to incorporate the comments into the staff report to the Planning Commission. Comments submitted too late to be incorporated into the staff report, can be submitted directly to the Planning Commission, via the Planning Division, for their review prior to the Planning Commission Public Hearing.. I will also attend the meeting to answer any questions and listen to the comments made by the Community Council members.

Following are City adopted criteria that the Planning Commission will use to make their decision. The City's technical staff will review the project to ensure it complies with adopted policies and regulations. Input from the Community Council / citizen groups can be more general in nature and focus on issues of impacts to abutting properties and compatibility with the neighborhood. Staff is not looking for you to make comments on each of the below listed criteria, but general comments should pertain to the criteria listed below.

- A. Consistency with the master plan policies of the CH Master Plan;
- B. Harmony with the overall character of existing development in the immediate vicinity of the subject property;
- C. Extent to which adjacent properties will be adversely affected;
- D. Consistency with applicable overlay zoning districts (such as Historic Preservation, Ground Water Protection and Stream / River Corridors. The Project Planner can inform you of whether the property is within an overlay zoning district.); and
- E. Adequacy of public facilities and services intended to serve the subject property (such as roads, parks, police and fire protection, schools etc.)

Other topic for comments may include;

1. Adequacy of circulation including access to property, traffic congestion, parking, circulation (both vehicular and non-vehicular including pedestrian) and design issues such as safe and accessible sidewalks, pedestrian friendly emphasis and enhancements that encourage walking, street design and interconnections for pedestrians and cyclists, crosswalks, park strip landscaping, and traffic calming solutions;

2. Appropriateness of design to prevent or minimize crime and/or undesirable activities and promote natural surveillance;
3. Recommend public way improvements adjacent to the subject property.

Please submit your written comments to the Planning Division by mail at Salt Lake City Planning Division, 451 South State Street, Room 406, SLC, UT 84111; by Fax at (801) 535-6174 or via e-mail to me at _____@slcgov.com.

If you have any questions, please call me at _____ or via e-mail.

COMMUNITY COUNCIL COMMENTS:

The above referenced applicant met with the

Jan. 18, 2006 CH Community / Neighborhood Council on
attended the meeting. Those in attendance made the following comments relating to the project.

Positive: infusion of new urbanism into rebounding neighborhood; revitalization of a neglected part of Salt Lake, close to downtown; addition of quality residences and commercial enterprises.

Negative: a few people concerned about height; about ingress + egress; about view from backyards on Pugsley St. and from 200 West; about neighboring residences being dwarfed

In general, was the group supportive of the project?

Overwhelmingly positive

Signature of the Chair or Group Representative

Raoul Rindy

Exhibit 4
Newspaper Legal Notices,
Published on April 12, 2006

UTAH BUSINESS

In brief

of the Senate subcommittee with jurisdiction over financial institutions.

"Senator Bennett opposes additional regulation of the ILCs because it is unnecessary," said spokeswoman Mary Jane Collipriest. "The FDIC gives completely adequate regulation to the ILCs as evidenced in part by the fact that there's never been a failure of an ILC in Utah. Why cut down the players in the marketplace when there's not a risk to safety and soundness in the industry?"

And in a letter last week, Rep. Jim Matheson, D-Utah, argued that industrial banks are well-regulated by states and the FDIC.

The industrial banks have become an enormous business in Utah. Since 1997, when the state removed a moratorium on chartering industrial banks, the number in Utah has more than doubled to 33, the most anywhere in the country, with assets of \$120 billion.

In a letter in January, departing Federal Reserve Chairman Alan Greenspan cautioned against the potential impact of the growth of the industrial banks.

"I urge Congress to review the ILC exemption and the potential that it will further undermine the policies Congress has established to govern the banking system generally and

The threat is particularly severe given Wal-Mart's enormous size and ability to move quickly into retail banking.

Former U.S. Sen. Jake Garn of Utah, argued that attacks on industrial loan banks generally are "misleading, poorly reasoned and politically motivated." He said the Utah ILCs are on better financial footing than the traditional banks subject to Federal Reserve oversight.

Rep. Jim Leach, R-Iowa, has been pushing legislation that would require industrial banks to be treated the same as traditional banks, subjecting them to the Bank Holding Company Act and the oversight of the Federal Reserve.

Rep. Barney Frank, D-Mass., proposed legislation that would limit industrial banks' operations to the border of the state in which they are chartered. A version of his language was included in a banking bill that has passed the House, but it is in Bennett's committee, and supporters do not expect it to survive.

A House Financial Services subcommittee plans to conduct hearings on the industrial banks later this year. Matheson, who sits on the committee, said he believes the hearings "will demonstrate the benefits that these institutions provide for millions of consumers and businesses every day."

Legal Notices



UPAZLP

naclegal@nacorp.com • 237-2720

burns in the Midvale City Planning and Zoning Department at (801) 567-7231 for more information.

Published: April 12, 2006
8203027W

INVITATION TO BID CITY LIBRARY

HVAC Units for The City Library. The Salt Lake City Public Library System seeks bids on replacing certain existing Lennox HVAC units at three of its libraries: Chapman, Day-Riverside, and Sprague. Copies of the scope of work may be obtained from the 5th Floor Reception Desk of the Main Library-Downtown, 210 East 400 South. A prebid conference is scheduled at 9:00 a.m. on Thursday, 13 April 2006. All contractors who intend to submit a bid are to meet at the 5th Floor Reception Desk. Use the glass elevators to get to the meeting venue. Sealed bids will be accepted until 3:00 p.m. on Monday, 24 April 2006. Questions may be referred to Frans Berghoff (801-524-8245, fberghoff@slcpl.org). 8202Z ZXC

MIDVALE CITY NOTICE OF PUBLIC MEETING

The public is invited to attend a public hearing before the Midvale City Planning Commission on Wednesday, April 26, 2006 at 7:00 pm in the Midvale City Council Chambers located at 655 West Center Street, Midvale, Utah. The Planning Commission will be considering a conditional use permit request by Rolf Burns to create a duplex residential structure at 848 E. Newbold Circle.

All interested parties are invited to attend the meeting or contact Lesley Burns in the Midvale City Planning and Zoning Department at (801) 567-7231 for more information.

Published: April 12, 2006
8203027X

MIDVALE CITY NOTICE OF PUBLIC MEETING

The public is invited to attend a public hearing before the Midvale City Planning Commission on Wednesday, April 26, at 7:00 pm in the Midvale City Council Chambers located at 655 West Center Street, Midvale, Utah. The Planning Commission will be considering a Conditional Use Permit request by Albertos Inc. for a drive up window and 24-hour restaurant use at 265 W. 7200 S.

Published: April 12, 2006
8203027Y

SALT LAKE CITY PLANNING COMMISSION PUBLIC HEARING

On Wednesday April 26, 2006 at 5:45 P.M., the Salt Lake City Planning Commission will hold a public hearing to take public comment and consider recommending approval of an amendment to the Capitol Hill Community Zoning Map and Master Plan. The proposed amendment is a request by Howa Capital and the Salt Lake City Redevelopment Agency to rezone property located approximately along both sides of 300 West Street, between 500 and 600 North Streets to Residential/ Mixed Use (R-MU) zoning for purposes of facilitating the construction of a mixed use development that will include office, retail and residential land uses. The subject property currently contains several zones including: Special Development Pattern Residential (SR-1), Mixed Use (MU), Community Business (CB), Moderate Density Multi-Family Residential (RMF-35) and Moderate/High Density Multi-Family Residential (RMF-45).

The hearing will be held in Room 326 of the Salt Lake City and County Building, 451 South State Street. All persons interested and present will be given an opportunity to be heard in this matter. For further information regarding this hearing, call Sarah Carroll at 535-6260. Accessible parking and entrance are located on the east side of the building. People with disabilities may make requests for reasonable accommodations no later than 48 hours in advance in order to attend this public hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. For questions, requests, or additional information, please contact Sarah Carroll at 535-6260; TDD 535-6021. 360301ND

NOTICE OF TRUSTEE'S SALE APN: 28-28-130-016 Trust No. 1080556-07 Ref: Joel B Nielsen TRA: Loan No. XXXXX9550. IMPORTANT NOTICE TO PROPERTY OWNER: YOU ARE IN DEFAULT UNDER A DEED OF TRUST, DATED June 21, 2005. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THIS PROCEEDING, YOU SHOULD CONTACT A LAWYER. On May 10, 2006, at 11:30am, James H. Woodall, as duly appointed Trustee under a Deed of Trust recorded June 24, 2005, as Instrument No. 9414658, in Book 9150, Page 654, of the Official Records in the office of the County Recorder of Salt Lake County, State of Utah, executed by Joel B Nielsen, A Married Man, will sell at public auction to highest bidder, payable in lawful money of the United States at the time of sale. Successful bidders must tender a deposit of \$5,000 in certified funds to the trustee at the time of sale, with the balance due by noon the following business day, at the office of the Trustee. Inside the rotunda at the East main entrance of the Scott M. Matheson Courthouse, 450 S. State Street Salt Lake City Utah all right, title and interest conveyed to and now held by it under said Deed of Trust in the property situated in said County and State described as: All of Lot 30, Hidden Valley Country Club Estates, according to the official plat thereof, recorded in the office of the County Recorder of Salt Lake County, state of Utah. The street address and other common designation of the real property described above is purported to be: 1639 East Pebble Beach Circle Sandy Ut 84092. Estimated Total Debt as of May 10, 2006 is \$230,218.04. The undersigned Trustee disclaims any liability for any inaccuracy of the street address and other common designation, if any, shown herein. Said sale will be made without covenant or warranty, express or implied, regarding title, possession, condition or encumbrances, including fees, charges and expenses of the Trustee and of the trusts created by said Deed of Trust, to pay the remaining principal sums of the note(s) secured by said Deed of Trust. The current beneficiary of the Trust Deed as of the date of this notice is: Mortgage Electronic Registration Systems, Inc. The record owner of the property as of the recording of the Notice of Default is/are: Joel B Nielsen. Dated: April 12, 2006. James H. Woodall 10653 River Front Parkway, Suite 290 South Jordan UT 84095 (801)254-9450 (800)245-1886 (Hotline) Hours: 9:00 A.M. - 5:00 P.M. Signature by: James H. Woodall, Trustee R-126467 04/12/06 04/19/06 04/26/06 8202Z ZGZ

NOTICE OF TRUSTEE'S SALE APN: 14-34-231-051 Trust No. 1042684-07 Ref: Troy David Olsen TRA: Loan No. XXXXX2388. IMPORTANT NOTICE TO PROPERTY OWNER: YOU ARE IN DEFAULT UNDER A DEED OF TRUST, DATED May 22, 2001. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THIS PROCEEDING, YOU SHOULD CONTACT A LAWYER. On May 03, 2006, at 11:30am, James H. Woodall, as duly appointed Trustee under a Deed of Trust re-

shown herein. Said: nant or warranty, ex possession, condition charges and expense created by said Deed principal sums of the Trust. The current by the date of this noti tration Systems, Inc. erty as of the rec is/are: David M. S Dated: March 20, River Front Parkwa 84095 (801)254- Hours: 9:00 A.M. - Woodall, Trustee I 04/12/06 8202ZLN0T

NOTICE OF TRUSTE 0000 Trust No. 10 TRA: Loan No. XXX PROPERTY OWNER: DEED OF TRUST DA TAKE ACTION TO PR SOLD AT A PUBLIC TION OF THIS PRO LAWYER. On May Woodall, as duly a Trust recorded Ap 9360128, in Book Records in the offi Lake County, Stat Lockhart and Stac As Joint Tenants, w Bidder, payable in at the time of sale deposit of \$5,000 the time of sale, following business Inside the rotunda Scott m. Matheson Salt Lake City Utc veyed to and now in the property sit scribed as: Lot 76 to Glendale park, southwest quarter 11, township 1 soia n, together with The street address the real property be: 910 South 12 Estimated Total \$79,415.62. The liability for any and other common Said sale will be i express or implic tion or encumbran penses of the Tru sums of the note(The current benef date of this notic tion Systems, Inc. as of the recordi John C Lockhart c 05, 2006. Jame Parkway, Suite (801)254-9450 9:00 A.M. - 5: Woodall, Trustee 04/19/06 8202ZSKS

NOTI

The public action di trance, Weber C nee, Ogden, Utat of said day, f due originally e Brenda M. Brigh Electronic Regist Sun Valley Mortc assigns, covering porfed to be loo Street, Ogden, L liability for any ticularly describe All of Lots 47 at LAND ADDITION, according to the

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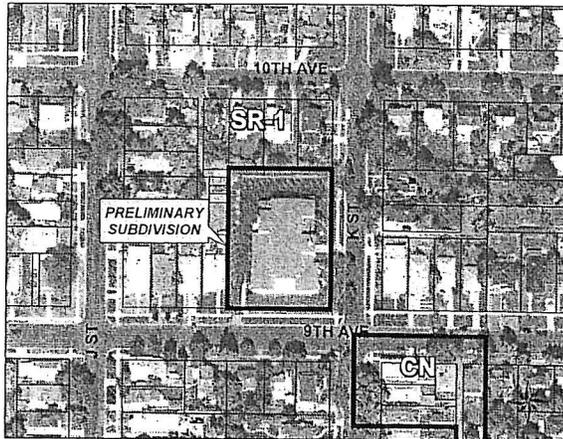
TALK TO A MODEL \$10-\$17-15 min. 24 hr

5C. PLANNING COMMISSION
Agenda and Minutes from April 26, 2006

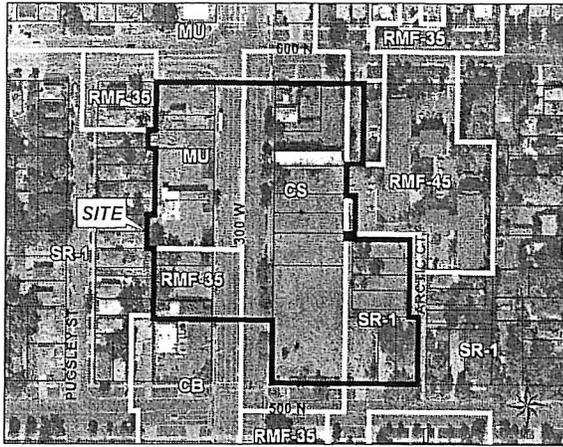
**AMENDED
AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, April 26, 2006, at 5:45 p.m.**

Dinner will be served to the Planning Commissioners and Staff 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, April 12, 2006.
2. REPORT OF THE CHAIR AND VICE CHAIR
3. REPORT OF THE DIRECTOR
 - a. University of Utah Student Presentation — Downtown Land Use Analysis
4. PUBLIC NOTICE AGENDA
5. PUBLIC HEARINGS
 - a. **Petition 490-05-64** — The Northeast Avenues Subdivision, a request by Pinnacle Building Group for a minor subdivision to create a new five-lot residential subdivision located at approximately 465 North "K" Street in an SR-1 (Special Development Residential) Zoning District in Council District Three. (Staff – Jackie Gasparik at 535-6354 or jackie_gasparik@slcgov.com.)



- b. A request by the Salt Lake City Redevelopment Agency/ Howa Capital for approval to develop a residential mixed-use project with approximately 88 dwelling units and approximately 67,295 square feet of retail office. The property is approximately located on the east and west sides of 300 West Street between 500 and 600 North Streets.
 - a. **Petition No. 400-05-40** — A request by Howa Capital to amend the Capitol Hill Community Zoning Map to rezone the property currently zoned SR-1, CS, RMF-45, RMF-35 and MU to Residential Mixed Use (R-MU). The project also requires amending the future land use map of the Capitol Hill Community Mater Plan to identify the properties as high-density, mixed-use rather than general commercial. (Staff – Sarah Carroll at 535-6260 or sarah.carroll@slcgov.com.)
 - b. **Petition 410-06-09** — Conditional Use, Planned Development
 - c. **Petition 480-06-04** — Preliminary Condominium Approval
 - d. **Petition 490-06-19** — Preliminary Subdivision Approval
(Staff – Ray McCandless at 535-6282 or ray.mccandless@slcgov.com.)



- c. Petition 400-06-10 – A petition initiated by Mayor Anderson requesting to amend provisions of the Salt Lake City Zoning Ordinance to clarify processes and procedures relating to the review of projects subject to the Compatible Residential Infill Development standards adopted by Ordinances 90 and 91 of 2005, and any subsequent Zoning Ordinance amendments pending the adoption of Petition 400-06-08 regarding Compatible Residential Infill Development standards in the Avenues and Capitol Hill communities. (Staff – Joel Paterson at 535-6141 or joel.paterson@slcgov.com.)

6. OTHER BUSINESS

The next scheduled Planning Commission meeting will be May 10, 2006. This information can be accessed at www.slcgov.com/CED/planning.

Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at (801) 535-7757 or TDD (801) 535-6021.

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, April 26, 2006**

Present for the Planning Commission were Peggy McDonough (Vice Chairperson), Tim Chambless, Babs De Lay, Robert Forbis Jr., Kathy Scott, Jennifer Seelig, and Matthew Wirthlin. Commissioner Diamond arrived at 6:09 p.m.

Present from the Planning Division were Alexander Ikefuna, Planning Director; Cheri Coffey, Deputy Planning Director; Doug Wheelwright, Deputy Planning Director; Joel Paterson, Planning Programs Supervisor; Sarah Carroll, Principal Planner; Jackie Gasparik, Principal Planner; Clark Labrum, Associate Planner; Ray McCandless, Principal Planner; and Cindy Rockwood, Planning Commission Secretary.

A roll is being kept of all who attended the Planning Commission Meeting. Vice Chairperson McDonough called the meeting to order at 5:46 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 Tim Chambless, Robert Forbis Jr., Peggy McDonough, Kathy Scott, Jennifer Seelig, and Matthew Wirthlin. Planning Division Staff present were Doug Wheelwright, Cheri Coffey, Sarah Carroll, Jackie Gasparik, Ray McCandless, and Clark Labrum.

PUBLIC NOTICE AGENDA

Vice Chairperson McDonough noted that there were no items to be discussed.

PUBLIC HEARINGS

A request by the Salt Lake City Redevelopment Agency/ Howa Capital for approval to develop a residential mixed-use project with approximately 88 dwellings and approximately 67,295 square feet of retail office. The property is approximately located on the east and west sides of 300 West Street between 500 and 600 North Streets.

- a. **Petition No. 400-05-40 — A request by Howa Capital to amend the Capitol Hill Community Zoning Map to rezone the property currently zoned SR-1, CS, RMF-45, RMF-35 and MU to Residential Mixed Use (R-MU). The project also requires amending the future land use map of the Capitol Hill Community Mater Plan to identify the properties as high-density, mixed-use rather than general commercial.**
- b. **Petition 410-06-09 — Conditional Use, Planned Development**
- c. **Petition 480-06-04 — Preliminary Condominium Approval**
- d. **Petition 490-06-19 — Preliminary Subdivision Approval**

(This item was heard at 7:03 p.m.)

Commissioner De Lay disclosed that she had met with the applicants regarding the comparable sales in the neighborhoods, and stated that she felt capable to discuss the request without bias. The Commissioners agreed that Commissioner De Lay could hear the case fairly.

Mr. Ikefuna also noted that Commissioner Muir would not be representing the Commission due to his relationship with the development.

Vice Chairperson McDonough recognized Sarah Carroll; Principal Planner and Ray McCandless; Principal Planner as Staff representatives. Vice Chairperson McDonough also noted that the petitions would be heard and voted upon as an all-inclusive matter.

Ms. Carroll provided a brief introduction to the rezone request, and stated that the rezone was to facilitate the development of the proposed mixed-use project. She also noted that the petitions have been reviewed at three Planning Commission Planned Development Subcommittee meetings; therefore, based on the findings listed in the Rezoning and Master Plan Amendment Staff Report, Staff recommends the Planning Commission transmit a favorable recommendation to the City Council.

Mr. McCandless presented an overview of the development. He stated that the property is located between 600 and 500 North Streets and on the east and west sides of 300 West. He noted that 300 West is a State-owned road. The surrounding uses are a mix of uses, including single-family residential, apartment complexes, and existing convenience stores. Mr. McCandless proceeded to explain the phases of development:

Phase 1

Building D; a five-story, mixed-use building: The first floor of the building will have 8,000 square feet of retail space with 41 dwelling units on levels two through five. The dwelling units are being considered as condominiums. Underground parking will be provided for the residents.

Building F; eleven townhomes: These buildings will be accessed through Arctic Court (private street), and be two-story townhomes.

Phase 2

Building A; a five-story, mixed-use building: The first floor of the building will have retail space, with 36 dwellings on levels two through five. Underground parking will be provided for the residents. Due to the grade of the slope on the property, the height of the building on the western edge is 58 feet while the eastern edge is 45 feet 6 inches.

Grocery/Retail Building: The grocery store will contain 15,000 square feet with an additional 2,750 square feet of retail space. Parking will be located on the north side of the building.

Phase 3

Building H; Retail Building: A single-story, retail building consisting of 4,245 square feet.

Building J; Retail Building: A single-story, retail building consisting of 3,360 square feet of retail space.

Building K; Retail Building: A two-story, mixed-use building, with retail space on the first floor and office space above.

Mr. McCandless noted that the Community Council had expressed concern relating to the height of the structure; although the Community Council was strongly supportive of the revitalization of the area.

Mr. McCandless stated that Staff is recommending conditions of approval as follows:

1) Conditional Use/ Planned Development approval subject to:

- a. Granting the following waivers to the Zoning Ordinance with the direction to Staff to modify other provisions of the zoning ordinance if necessary to implement the development plans as approved by the Planning Commission:

i) Proposed Lot 1 - Buildings H, J and K

- A. Reduction in the required landscaped setback for the interior side yard setback from 30 feet to approximately 6 feet on the east side of the lots between the buildings.
- B. Reduction of the required 10 foot landscaped buffer from 10 feet to approximately 4 feet along the west property line.
- C. Reduction of the required perimeter landscaping from 7 feet to approximately 1 foot along the south property line.

ii) Proposed Lot 2 - Building A and parking lot for the grocery store

- A. Modifying the rear yard buffer from 10 feet to the varying dimensions as shown on the east property line.
- B. Reducing the perimeter landscaping requirement around the parking lot to the varying dimensions shown on the proposed site plan.

- C. Reduction in the required 1st floor glass requirement from 40% to approximately 28% on the 600 North building elevation.

iii) Proposed Lot 3 - Grocery Store / Retail Space

- A. No modifications are required.

iv) Proposed Lot 4 – Building D

- A. Reducing the required setback for a parking structure in a corner side yard from 45 feet to approximately 20 feet.
- B. Reducing the 20% open space requirement to approximately 17%.

v) Proposed Lot 5 – Townhouses (7 units)

- A. Reducing the required rear yard setback from 30 feet to approximately 22 feet.
- B. Reducing the required 10 foot yard buffer on the east property line to 0 feet.
- C. Reducing the required 40% 1st floor glass requirement to approximately 23%.

vi) Proposed Lot 6 – Townhouses (4 units)

- A. Increasing the maximum front yard setback from 15 feet to approximately 19 feet.
- B. Reducing the required rear yard setback from 30 feet to approximately 12 feet.
- C. Reducing the required 10 foot yard buffer on the east property line to 0 feet.
- D. Reducing the required 40% 1st floor glass requirement to approximately 5%.
- E. Waiver of the lot frontage on a public street requirement (Section 21A.36.010C. Frontage of Lot On Public Street).

- b. Conditional use approval of the proposed off-site parking and office space.
- c. Deferral of the architectural review of buildings on the east side of 300 West Street to Salt Lake City Historic Landmark Commission.
- d. All outdoor lighting should be directed downward and designed to not adversely affect any adjoining property.
- e. Limiting the delivery hours of all commercial businesses from 8:00 a.m. to 5:00 p.m., limiting the grocery store hours from 8:00 a.m. to 8:00 p.m. and allowing the restaurants and coffee shop will be open until midnight or as approved by the Planning Director.
- f. The proposed development must meet all applicable City, County, State and Federal requirements.
- g. Providing significant landscaping including trees along in the 15' 0" wide area on east side of Building A where it abuts the SR-1 zoned property as approved by the Planning Director.
- h. Park strip landscaping as required by the Zoning Ordinance should be installed instead of 100% pavers as shown on the site plan.
- i. Any encroachments into the public way will need to be approved by the Salt Lake City Property Management Division.
- j. Conditional use approval of the second floor office space on the north building on Lot 1
- k. Providing a screening fence along the property zoned SR-1 as approved by the Planning Director.
- l. Approval of the tree selection and planting plans in the public way by the City Urban Forester.
- m. Planning Director approval of the final landscaping plans and number of parking spaces.
- n. Approval of the proposed rezoning and master plan amendment (Petition 400-05-40).

- 2) **Preliminary Condominium approval of Building D on Lot two and the townhouses on lots five and six subject to:**
 - a. Recordation of the necessary condominium plats and supporting documentation.
 - b. Meeting all applicable City Departmental and State Code requirements specific to condominium approval.

- 3) **Preliminary Subdivision approval of the proposed six-lot minor subdivision as modified by the Planning Commission subject to:**
 - a. Recordation of a final subdivision plat including necessary cross-access easements and utility easement dedications.
 - b. Meeting all City Departmental requirements including resolving any sewer, water and storm drainage issues with the Public Utilities Department.
 - c. Implementation of an Owners Association that addresses the maintenance of driveways, sidewalks, entry features, utilities etc.

Commissioner Scott requested further background information relating to condition 1) a) i) B) which states, reduction of the required 10 foot landscaped buffer from 10 feet to approximately 4 feet along the west property line.

Mr. McCandless noted that the four feet request is only along a portion of the west property line, and overall the 10 foot buffer is being met.

Commissioner Scott also requested further information regarding the underground parking. Mr. McCandless stated that there will be two access points with two areas of underground parking for resident access.

Commissioner Scott also requested the reasoning behind condition 1) a) ii) C) which states, a reduction in the required first floor glass requirement from 40 percent to approximately 28 percent on the 600 North building elevation.

Mr. McCandless noted that the requirement is requested to be waived because of the design of the building; as it is affected by the slope of the property.

Discussion commenced between the Commissioners regarding some of the design concepts of the proposed development, but it was determined that much of the design could change. It was noted that the design changed several times during subcommittee meeting as a result of the requests of the Commissioners and the community.

Commissioner Scott requested clarification regarding the access to the townhomes. She stated that it seems Arctic Court will be an option, but asked whether or not it would be an option for the retail space. She also noted concern regarding the amount of public usage on Arctic Court, considering it is a private street.

Mr. McCandless clarified that an exit/entry way on 300 West is the location the public is anticipated to use for retail access. He stated that a ramp will be accessible between the residential and commercial areas, but will not be the main access area. Ms. Carroll stated also that the access from Arctic Court is particularly for fire access. Mr. Wheelwright stated that there will be a certain level of upgrade for the west side of Arctic Court, and it is not considered the main access to the townhomes.

Discussion commenced regarding the parking options on 300 West. It was determined that 300 West is a State road, but Kevin Young, Transportation Division, stated that meters may be placed along the road for parking purposes.

Mr. Wheelwright requested further information from Staff regarding the hours of retail and grocery shops.

Commissioners and Staff discussed the limitations of the hours and concluded to eliminate the condition listed 1) e., and allow existing regulation determine the hours of the businesses.

Dru Damico, Director of Development for Howa Capital, provided a brief summary of the project, pictures of the subject property, and a previous rendering of the proposed development. He noted that the rendering is considerably different than the proposal presented to the Commission at this time. Mr. Damico stated that maintaining the historical context, providing a shop/live location, creating an anchor, and the creation of a civic identity were key points in the design of the market-driven development. He noted that members of the community were active participants in the development process.

Mr. Damico stated that the request for continuous hardscape along 300 West is to increase the ease of pedestrian access and outside dining usage.

Aaron Hansen, architect for the project, requested that the building heights for Building A & D be modified to 60 feet, or five stories high, which is different than the height shown in the submitted site plans.

Mr. Damico requested that the road between the townhomes, become a City street with Public Utilities running through it. He anticipates that the road will become a City street, but the details have not been finalized at this time.

Prescott Muir, architect for the project, stated that the plan does state that the road is presently a private road, but research will be conducted with the City to identify cost benefit to the City of transferring it to the City at a later date.

Ms. Coffey clarified that if the intent of the applicant is to deed the privately developed street to the City, at a later date, specific requirements would have to be met.

Mr. Muir stated, in response to a question from Commissioner Chambless, that security and lighting is a concern for the development because of the concerns of the community. He stated that the lighting will be shielded, but well lit. Mr. Damico added that the underground parking would be secure and well lit.

Commissioner Seelig expressed appreciation to the petitioner for their recognition of the surrounding area, by creating an appropriate and appealing design. Discussion commenced between the Commissioners regarding the exterior design and the surrounding area.

Mr. Muir noted that the subject property exists at a lower slope when compared to the surrounding area, and as a result, facilitates the development to reach the desired capacity for residential and retail development.

Vice Chairperson McDonough commented regarding Building A and the setback when compared to the neighborhood. She requested the applicant consider staggering the eastern side of the building to create a graceful transition from the neighborhood to the commercial development. She stated that the north end of the proposed project does not seem to transition well into the neighborhood. Vice Chairperson McDonough stated that her concern was in regards to the urban pattern of the neighborhood, and a sympathetic transition to the project.

Mr. Damico stated that the request would be considered, but would require a complete redesign of the building. He stated that the neighboring single-family dwelling is a two-story home, and it is almost equal in height to the apartment complex. He stated that because of the slope of the area, an increase of 15' in height elevation is provided.

Commissioner Diamond requested further elevation drawings regarding the west side of Buildings H, J, and K. Mr. McCandless provided copies of the elevations to the Commissioners. Commissioner Diamond stated that he disagreed with Commissioner Seelig regarding the west transition to Pugsley Street, and requested additional setback for some of the buildings.

Discussion commenced regarding the maximum height for proposed Lot 1, Buildings H, J, and K. Mr. Muir commented that the height requested is two-stories; approximately 30 feet. Commissioner De Lay noted that the setback of the buildings is 30 feet from the rear yard of the homes on Pugsley Street, with an additional buffer from the rear yard of the homes. Mr. Damico stated that the residents of Pugsley Street have contacted him asking if the development will further increase their property values.

Commissioner Scott requested clarification for the west side of the buildings with the 30 foot setback requirement for Lot 1, Buildings H, J, and K will consist of 6 feet of landscape and 24 feet of pavement. Commissioner Scott referenced the Staff Report and the waivers requested.

Ms. Carroll and Mr. McCandless clarified the information that referenced the 30 foot setback as one that is from the front property line for surface parking lots located in the interior side yard. It was stated that the rear setback is 30 feet, or 25 percent of the lot depth, and that the project complies with the requirement. (Staff provided the following information for clarification regarding the setback concerns: For parking lots between Buildings H, J, and K in proposed Lot 1: A reduction in the required landscape setback for surface parking lots located in the interior side yards from 30 feet to 6 feet from the front property line.)

Commissioner Chambless requested greenery on the rooftops of the taller buildings to help create a cooler, aesthetically pleasing view.

Mr. Damico stated that the development will be addressing the rooftop, as all of the buildings will be U.S. Green Building certified. He stated that the rooftops will be "white roofs".

At 8:07 p.m., Vice Chairperson McDonough opened the hearing to Community Council members.

Nephi Kemmethmueller, 328 West 600 North, a Trustee member of the Capitol Hill Community Council stated support for the proposed development. He stated that 98 percent of the neighborhood has been supportive. He also noted that the single-family dwelling neighboring the apartment complex is a two-story home, with a roof pitch of about 8:12 and a height of 30-33' feet to the ridge.

Peter Von Sivers, Capitol Hill Community Council Chair, stated that the Community Council is supportive of the proposed development for two reasons:

1. Recognition and adaptation to the fragility of the neighborhood by the developers; and
2. Provision of an anchor to the growing community.

He provided a brief background of the area and the proposed developments. Mr. Von Sivers also noted that the diversity of the neighborhood has been increasing, and appreciated the new residential opportunities. He also stated that the request of the neighborhood is to have a grocery store of a medium-small scale responding to the needs of young, diverse professionals.

Vice Chairperson McDonough requested comments from the public.

Erlinda Davis, 270 Quince Street, was a former resident of the immediate neighborhood and stated her support for the proposed development. She stated that revitalization of the neighborhood has been a long-term goal. She stated that trees might be a good buffer between the Pugsley Street homes and the rear of the buildings.

Polly Hart, Vice Chair Capitol Hill Community Council, expressed appreciation to Howa Development for investing in the neighborhood, and to Mr. Damico for the effort he has taken to develop the project along with the community. She stated that the community is eager for the project to proceed.

Mack McDonald, Project Manager for the Redevelopment Agency (RDA), presented a brief background of the project area. He stated that numerous developers had approached the agency with proposed developments, but the proposals have not been conducive to the neighborhood and the goals of the RDA. He complimented Howa for their recognition of the proposed commercial and residential development and for meeting the goals of the RDA.

Commissioner Diamond requested additional information regarding any development agreements.

Mr. McDonald stated that Howa would be the main developer, but fine lines have not been drawn regarding the possibility of other developers. He noted that it would be his request to have Howa be the exclusive developer.

Mr. Damico concluded his presentation and made three final comments.

1. The height variation between the homes on Pugsley Street and Buildings H, J, and K is approximately 10 feet.
2. The setback concern from Vice Chairperson McDonough will be considered; if economically feasible.
3. The elevations of the buildings proposed for the property on the west side of 300 West were presented to the Commissioners.

At 8:33 p.m., Vice Chairperson McDonough closed the Public Hearing and the Planning Commission entered Executive Session.

Commissioner De Lay stated her appreciation for the immense community effort exerted in relation to the subject property. She noted that the RDA has been striving to build something to benefit the community, and the project proposed seems to work for the community.

Commissioner Diamond requested further information from Staff regarding the planned development, and the fact that the project is located on both sides of a State highway.

Mr. Wheelwright stated that there were not any special considerations required because of this fact.

Commissioner Scott desired to clarify some of the conditions, namely the condition regarding the 100 percent landscape for the park strip requirement and the condition relating to the hours of the stores.

Discussion commenced between the Commissioners and Staff regarding the hour requirements. It was determined that the hours should be regulated by existing ordinances; therefore, striking condition 1) e. entirely.

At 8:39 p.m., Vice Chairperson McDonough recognized Council member Nancy Saxton in attendance.

Vice Chairperson McDonough stated that condition 1) h. relating to the 100 percent park strip landscaping be withdrawn. She stated that the project is an urban project, with retail facing the edge of the street. She stated that if a parking strip edge was required, less dining space will be provided.

Mr. Damico was asked to clarify the desire of the developer relating to the landscape proposal. He stated that the desire is to have a South Temple, 300 West sense of a neighborhood. He stated that requiring continuous grass eliminates the option for a hardscape surface for outside dining and pedestrian walking paths.

Commissioner Chambless stated support for the development and mentioned that with this development further growth is bound to occur.

Commissioner Diamond stated that he agreed with the 100 percent requirement for park strip landscaping because of the vehicular traffic and the cooling effect landscaping can provide.

Commissioner Wirthlin requested comments from Staff regarding their reasoning for the condition. Mr. McCandless stated that the requirement was added for consistency with the existing park strip ordinance.

A straw vote was taken for the option of striking condition 1) h., with only two votes to withdraw; the option failed.

Commissioner Scott requested that a condition be added to the four foot wide area on the west side of building K on proposed Lot 1 to require trees. She noted that the condition denotes landscaping, but is not detailed enough to include trees.

Mr. Damico stated that trees will be located between Pugsley and the buildings on proposed lot 1. Ms. Coffey stated that the zoning ordinance requires a certain number of trees as a buffer to the area.

Regarding Petition No. 400-05-40 concerning the zoning for the east and west side of 300 West Street between 500 and 600 North, based on the findings of fact identified in the Staff Report, the

testimony and conversation during the Planning Commission meeting, Commissioner Seelig made a motion to transmit a favorable recommendation to the City Council to approve the proposed zoning map and master plan amendments to identify the subject property as Residential Mixed Use (R-MU) Zoning. Commissioner Wirthlin seconded the motion. All voted "Aye". The motion passed.

Regarding Petitions No. 410-06-09 (Planned Development), 480-06-04 (Preliminary Condominium Approval), and 490-06-19 (Preliminary Subdivision Approval), Commissioner Scott made a motion that the Planning Commission approve the petitions in view of the findings, staff analysis, and testimony presented at the meeting, and in accordance with the conditions listed below, withdrawing condition 1) e. Commissioner Scott also included in the motion that the maximum height for Buildings A & D be approved at 60 feet or five stories. Commissioner Chambliss seconded the motion. All voted "Aye". The motion passed with the following conditions:

1) Conditional Use/ Planned Development approval subject to:

- a. Granting the following waivers to the Zoning Ordinance with the direction to Staff to modify other provisions of the zoning ordinance if necessary to implement the development plans as approved by the Planning Commission:

i) Proposed Lot 1 - Buildings H, J and K

- A. Reduction in the required landscaped setback for the interior side yard setback from 30 feet to approximately 6 feet on the east side of the lots between the buildings.
- B. Reduction of the required 10 foot landscaped buffer from 10 feet to approximately 4 feet along the west property line.
- C. Reduction of the required perimeter landscaping from 7 feet to approximately 1 foot along the south property line.

ii) Proposed Lot 2 - Building A and parking lot for the grocery store

- A. Modifying the rear yard buffer from 10 feet to the varying dimensions as shown on the east property line.
- B. Reducing the perimeter landscaping requirement around the parking lot to the varying dimensions shown on the proposed site plan.
- C. Reduction in the required 1st floor glass requirement from 40% to approximately 28% on the 600 North building elevation.

iii) Proposed Lot 3 - Grocery Store / Retail Space

- A. No modifications are required.

iv) Proposed Lot 4 – Building D

- A. Reducing the required setback for a parking structure in a corner side yard from 45 feet to approximately 20 feet.
- B. Reducing the 20% open space requirement to approximately 17%.

v) Proposed Lot 5 – Townhouses (7 units)

- A. Reducing the required rear yard setback from 30 feet to approximately 22 feet.
- B. Reducing the required 10 foot yard buffer on the east property line to 0 feet.
- C. Reducing the required 40% 1st floor glass requirement to approximately 23%.

vi) Proposed Lot 6 – Townhouses (4 units)

- A. Increasing the maximum front yard setback from 15 feet to approximately 19 feet.
- B. Reducing the required rear yard setback from 30 feet to approximately 12 feet.

- C. Reducing the required 10 foot yard buffer on the east property line to 0 feet.
 - D. Reducing the required 40% 1st floor glass requirement to approximately 5%.
 - E. Waiver of the lot frontage on a public street requirement (Section 21A.36.010C. Frontage of Lot On Public Street).
- b. Conditional use approval of the proposed off-site parking and office space.
 - c. Deferral of the architectural review of buildings on the east side of 300 West Street to Salt Lake City Historic Landmark Commission.
 - d. All outdoor lighting should be directed downward and designed to not adversely affect any adjoining property.
 - ~~e. Limiting the delivery hours of all commercial businesses from 8:00 a.m. to 5:00 p.m., limiting the grocery store hours from 8:00 a.m. to 8:00 p.m. and allowing the restaurants and coffee shop will be open until midnight or as approved by the Planning Director.~~
 - f. The proposed development must meet all applicable City, County, State and Federal requirements.
 - g. Providing significant landscaping including trees along in the 15' 0" wide area on east side of Building A where it abuts the SR-1 zoned property as approved by the Planning Director.
 - h. Park strip landscaping as required by the Zoning Ordinance should be installed instead of 100% pavers as shown on the site plan.
 - i. Any encroachments into the public way will need to be approved by the Salt Lake City Property Management Division.
 - j. Conditional use approval of the second floor office space on the north building on Lot 1
 - k. Providing a screening fence along the property zoned SR-1 as approved by the Planning Director.
 - l. Approval of the tree selection and planting plans in the public way by the City Urban Forester.
 - m. Planning Director approval of the final landscaping plans and number of parking spaces.
 - n. Approval of the proposed rezoning and master plan amendment (Petition 400-05-40).
- 2) Preliminary Condominium approval of Building D on Lot two and the townhouses on lots five and six subject to:**
- a. Recordation of the necessary condominium plats and supporting documentation.
 - b. Meeting all applicable City Departmental and State Code requirements specific to condominium approval.
- 3) Preliminary Subdivision approval of the proposed six-lot minor subdivision as modified by the Planning Commission subject to:**
- a. Recordation of a final subdivision plat including necessary cross-access easements and utility easement dedications.
 - b. Meeting all City Departmental requirements including resolving any sewer, water and storm drainage issues with the Public Utilities Department.
 - c. Implementation of an Owners Association that addresses the maintenance of driveways, sidewalks, entry features, utilities etc.

UNFINISHED BUSINESS

There were no items of unfinished business to be heard.

The meeting was adjourned at 8:53 p.m.

**5D. PLANNING COMMISSION
Planned Development Subcommittee Notes
for December 16, 2005, January 18, 2006
and March 29, 2006**

**Planned Development Subcommittee Meeting
December 16, 2005**

Attendees:

Planning Commission: Laurie Noda, Jennifer Seelig, Babs De Lay, and Peggy McDonough

Redevelopment Agency: Mack McDonald and Valda Tarbet

Historic Landmark Commission: Pete Ashdown and David Fitzsimmons

HOWA: Dru Domico, Rick Howa, Zack Howa, and J.R. Howa

Internet Properties: Vasilios Priskos

Prescott Muir Architects: Prescott Muir and Lisa Arnett

Planning Division Staff: Cheri Coffey, Kevin LoPiccolo, Elizabeth Giraud, and Sarah Carroll

Background and Project Location:

The project is located on both sides of 300 West between 500 and 600 North. The east side of 300 West is located in the historic district, and the west side is not. The Project is within the Capitol Hill Redevelopment Agency (RDA) target area. The RDA purchased the property to implement the goals of the adopted master plan that identify the area for a commercial node. The RDA received approval from the Historic Landmark Commission (HLC) to demolish several buildings on the East side of 300 West to better market the site. One building remains, "The Store" at 242 West 500 North. An economic hardship must be proved to demolish the structure. Seven buildings will be constructed on the proposed site. Building A will be a retail grocery store with residential condos above. Building B & C will be live/work units.

The project in summary:

- 15' retaining wall to the east edge of parking lot.
- Project should comply with historical guidelines and be sensitive to theme of the neighborhood. Color scheme of the brick and architecture was created with West High

School specifically in mind. Additional colors have been selected to reflect the color of the Marmalade District, using a contemporary color palate.

- Roof of the building on the east side of the development will be slightly taller than the east neighboring apartment building.
- West side of the street setbacks were dictated by property line.
- Property density has been selected to justify the expense of underground parking.
- Townhouse and condo/apartment parking will be accommodated by a courtyard paved with asphalt in the center of the development and underground parking beneath parts of the development. Access to townhouse parking will be from Arctic Court.

Parking

- A total of 404 stalls will be developed, broken down as follows:
- 188 stalls provided for the Commercial West Side: on site 134 stalls and off site 54 stalls
- 80 stalls provided off site for the Commercial East Side
- 27 residential units / 35 stalls for building A
- 39 residential units/ 73 stalls for building D
- 17 residential units/ 34 stalls

Square footage

- Total property area 226,794.
- Project consists of 227,030 s.f. of developed construction broken down as follows:
- Commercial 65,510 s.f.
- Residential: 155,416.s.f.
- Plaza and Landscaped area: 58,764 s.f.

Building usage

- Project consists of 7 buildings, used as follows:
- 83 residential units (buildings A, D, and F)
- 2 commercial sites
- 7 residential dwellings 2 story in height (condos).
- 2 main buildings of 3 to-3.1/2 stories oriented to 300 West.

Concerns expressed by Planning Commission, Landmarks, and others:

Overall, the group was favorable to the project, but did express four concerns:

- Too much asphalt
- Future wall on the west side of development. Did not want the neighbors west of the development adjacent to a blank wall or building.
- Height incompatible with the neighborhood.
- The setbacks on the west side of the street are too shallow next to a busy street, although the development scheme encourages pedestrian activity.

Ms. Coffey explained the process that would proceed: The building known as “The Store” on 500 North would go through an economic hardship process with the HLC. She confirmed with the developer that they would be bringing in the economic hardship application soon. She also explained that the application for the rezoning would go through the Planning Commission.

Follow up:

- Planning Staff requested a visual representation of the streetscape showing existing buildings with the proposed new buildings to help commissioners to

determine the compatibility of the neighborhood including Arctic Court, 200 West, and the corners of 500 and 600 North reflecting the height of buildings.

- A decision was made by Planning Division to hold another subcommittee meeting at the first of the year (2006).

**Planned Development Subcommittee Meeting
January 18, 2006
451 South State Street Room 126**

Attendees:

Planning Commission: Laurie Noda, Peggy McDonough, Babs De Lay, and Tim Chambless.

Redevelopment Agency: Mack McDonald

Historic Landmark Commission: Paula Carl

HOWA: Dru Domico

Prescott Muir Architects: Prescott Muir and Lisa Arnett

Planning Division Staff: Alex Ikefuna, Cheri Coffey, Doug Wheelwright, and Sarah Carroll.

Background and Project Location:

The project was presented before the Subcommittee on December 16, 2006. At the previous meeting four concerns were stated by the Subcommittee:

- 1) Too much asphalt
- 2) A blank building wall on the west side of the development, causing the neighbors to be adjacent to it.
- 3) Incompatible height with the neighborhood.
- 4) Although the development encourages pedestrian activity, the setbacks on the west side of the street are too shallow next to a busy street.

Planning Staff had requested a visual representation of the streetscape showing existing buildings with the proposed new buildings to help commissioners determine the compatibility of the neighborhood including Arctic Court, 200 West, and the corners of 500 and 600 North reflecting the height of buildings.

Presentation in summary:

Mr. Muir displayed renderings of the streetscapes. The developer addressed the four concerns as follows:

Issue #1 : Asphalt was reduced by additional landscaping in the parking lot for the grocery store.

Issue #2 & 3) The neighbors to the west of the development will not see a blank building wall. The building has been reduced from four stories to two stories, bringing the building within the ordinance height. The building wall will be constructed with brick relieved by windows and other architectural elements. All rooftops will be LEED certified.

Issue #4) Setbacks have been increased to accommodate safe pedestrian traffic.

Ms. Coffey explained that the Historic Landmark Commission would deal with the economic hardship issue and the Planning Commission would deal with the planned development and the rezoning.

Mr. Ikefuna asked if further information was needed to complete the economic hardship application.

Responding, Mr. McDonald stated that he believed there was nothing further to delay pursuing an economic hardship permit and that his department would file the application for economic hardship. He hoped that the project could go through the process at the same time as the project was presented to the Planning Commission.

Mr. Ikefuna encouraged Mr. McDonald to get started on the application for the economic hardship so that the project would have no further delays.

Mr. McDonald agreed to do so.

Follow up:

Mr. Wheelwright agreed to send a written description of the economic hardship application process to

Ms. De Lay.

Planned Development Subcommittee Meeting
March 29, 2006
451 South State Street Room 126

Attendees:

Planning Commission: Laurie Noda, Peggy McDonough, Babs De Lay, and Tim Chambless.

Redevelopment Agency: Mack McDonald

Historic Landmark Commission: Paula Carl, Peter Ashdown

HOWA: Dru Domico, Dallis Nordstrom

Prescott Muir Architects: Prescott Muir, Aaron Hansen

Planning Division Staff: Cheri Coffey, Doug Wheelwright, Ray McCandless, Kevin LoPiccolo, Sarah Carroll.

Background and Project Location:

The project was presented before the Subcommittee on December 16, 2005 and on January 18, 2006.

The developer has made several modifications to the plans after consulting with an urban developer who recommended that the store be located in the center of the block and that the town homes off of arctic court be reduced to two levels rather than three levels.

Presentation in summary including changes to project:

Grocery store site has been moved from the North end of the block to the center of the block. Surface parking will be provided for the grocery store. Underground parking will be provided for the residential condominiums at the north and south ends of the project. Surface parking will be provided for all retail spaces. There will still be a Plaza near the Phase 1 retail and condominiums. The grocery store will be approximately 15,000 sq. ft (this is small for a grocery store). Underground parking will be provided for the condominiums: Parking for the residential condos on the corner of 300 West and 600 North will be underground and will be accessed from 600 North. Parking for the residential condos on the corner of 300 West and 500 North will be accessed from 500 North. Entrance to residential will be from 600 North, 500 North and Arctic Court. Entrance to retail/commercial will be from 300 West and 500 North. There

may be a commercial gym on the main floor Building D, phase 1. The number of town homes has been reduced from 21 to 11 and they will be two stories rather than three stories. Access to the town homes will be from Arctic Court and they can enter the commercial project area from the new street that is being proposed. The west side of the project does not need to be included in the Planned Development if it does not vary from the zoning ordinance requirements. The buildings on the west side of the project will be the last phase and will be approximately two stories or 30 feet in height.

Comments:

Ms. De Lay requested status on the Economic Hardship process. Ms. Coffey explained the economic hardship application process for the building called "The Store". The Economic Hardship Application will be presented to HLC on April 5, 2006 to select an ECONOMIC HARDSHIP PANEL representative.

Demolition of the store will be decided upon at a later meeting. If the Historic Landmarks Commission approves demolition of the store, the design of the entire project will be reviewed. The Economic Hardship panel will actually review it sometime in April and then go back to Landmark Commission in May. The project is scheduled to go before the Planning Commission to consider the following applications: rezone, planned development, subdivision, and preliminary condominium (for phase 1) on April 26, 2006.

The elevations are well within the height limits.

The rezone request is to rezone the property from RMF-35, RMF-45, CS, MU and SR-1 zoning to R-MU zoning so that the entire project can be developed under one zoning classification. The developer will create several different lots that will delineate phases of the development.

Concerns stated:

- Limited parking for retail space.
- Neighbor to the East, along 600 North, has been boxed in and will lose view. Mr. Ashdown asked if the neighbor had been consulted regarding the impact of this project on their property. Ms. Coffey explained that the homeowner would be notified along with the public when the public

hearing agenda is sent out. Mr. Ashdown asked the developer to make contact with the property owner and explain the impact on their property.

- Developer expressed concern with the RDA proposal which requires naming tenants. He states that the size of retail space is difficult to determine at this point, because it is based on the approval of the future tenant and the RDA. The tenants who would commit want to know what the square footage they are leasing is before making a commitment.
- Mr. Ashdown expressed a concern that the development might have elevations incompatible with the neighborhood.

Follow up:

A suggestion was made by Mr. Ashdown that the development on the northeast side could be setback an additional 20 feet to reduce the proximity to the single family home. He acknowledged that the suggested setback is not required by the ordinance. Ms. Coffey stated that the setbacks are within ordinance and if the project was required to have a greater setback, it would no longer be compatible with goals for this project.

He further suggested that the developer could approach the homeowner and propose that HOWA cover the cost of updating the façade of the house to the east of the development to match the proposed development.

Mr. Ashdown requested a height evaluation of other homes/buildings in the area so that he could compare elevations. He wanted to know if there are other buildings that are similar in height, and where there are located.

**6. LETTER AND REVISED
SITE PLAN FROM HOWA CAPITOL,
DATED JUNE 2, 2006**



June 2, 2006

Alex Ikefuna, Planning Director
Salt Lake City
451 South State Street, Room 406
Salt Lake City, Utah 84111

VIA FACSIMILE 801.535.6174

Re: Marmalade project, 300 West between 500 – 600 North

Dear Mr Ikefuna,

I am writing this letter in response to changes that HOWA has been forced to make to the design of Marmalade since we went before the Planning Commission on April 26, 2006. We are scheduled to go to the Landmarks Commission for design review on June 7, 2006, and understand that we may have to return to the Planning Commission due to the changes

Although we previously ordered a soils report, we were unable to retain someone who could complete the job for us until April 13, 2006. On that date we received the results of a geotechnical study completed by Bill Gorden of Gordon Spiker Huber Geotechnical Consultants. The following quotes are a couple significant items that required us to change the design: "conventional spread and continuous wall foundations underlain by granular structural fill are unsuitable to support these higher loaded footings because of excessive settlement," it is GSH's recommendation that "the five to six level structures be established upon a continuous mat or the underlying soils improved with Geopiers®." In addition to the enhanced footings, an area drain would need to be installed along the west property perimeter, and footing and chimney drains would need to be installed along building perimeters

Our original estimate anticipated some de-watering (footing drains) of the site and some non-engineered fill (2 feet). However, our estimate did not anticipate the quantity of water on-site, the poor quality of the soil, and the settlement potential. Even the Geotech was amazed, and found that calculating the settlement with 4 feet of engineered fill we were pulling an unacceptable settlement level of 1 inch. HOWA did not anticipate that we would need to wrap the entire site in a blanket of free draining gravel, both under and around foundations, in place of engineered fill. Up until the report was issued we intended to use soldier piles and lagging. But due to the results of the report Staker recommended a sheet pile because the soils on site – a clay layer existing on top of a sand layer – could cause the lagging to fail.

From the date the report was issued HOWA, McNeil Engineering, Dunn and Associates, and Prescott Muir worked around the clock to design a project that took into consideration the results of the soils report. During that time we were able to determine that the cost of underground parking for the residential buildings made the project unfeasible. At that point, the design team went back to the drawing board to explore alternative designs that would make an economically feasible project. In order to have an economically viable project HOWA raised the parking structures a half-level above ground because it eliminates the shoring, mitigates the de-watering and creates a more efficient parking structure.

The above-ground parking structures force a change to the Development Plan submitted on March 20, 2006 to Salt Lake City Planning & Zoning. The following changes have been made (Please see attached Site Plan (06 01.06) and Development Summary for specific details of the changes)

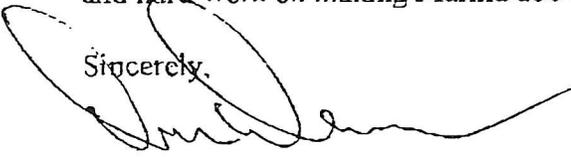
- Reorientation of Building A with structured parking with a roof top plaza for residents on the parking structure
- Reoriented commercial surface parking.
- Moved and aligned 600 North access approximately 75 feet east
- Created an additional buffer between neighboring residential on 600 North and Building A
- Changed the potential grocery site from 1 to 2 stories because we want to retain the height if a grocer does not locate here and chooses the West side of the street. If there is a grocer in that site the building will remain 1 story
- Added an additional landscaped plaza
- Building D parking structure raised above grade two levels with residential roof top plaza.
- Moved 500 North access road 39.5 feet east

HOWA's expectation is to be under construction in early September, whatever the City can do to help us meet that goal will be appreciated. It is my understanding that these are the next steps

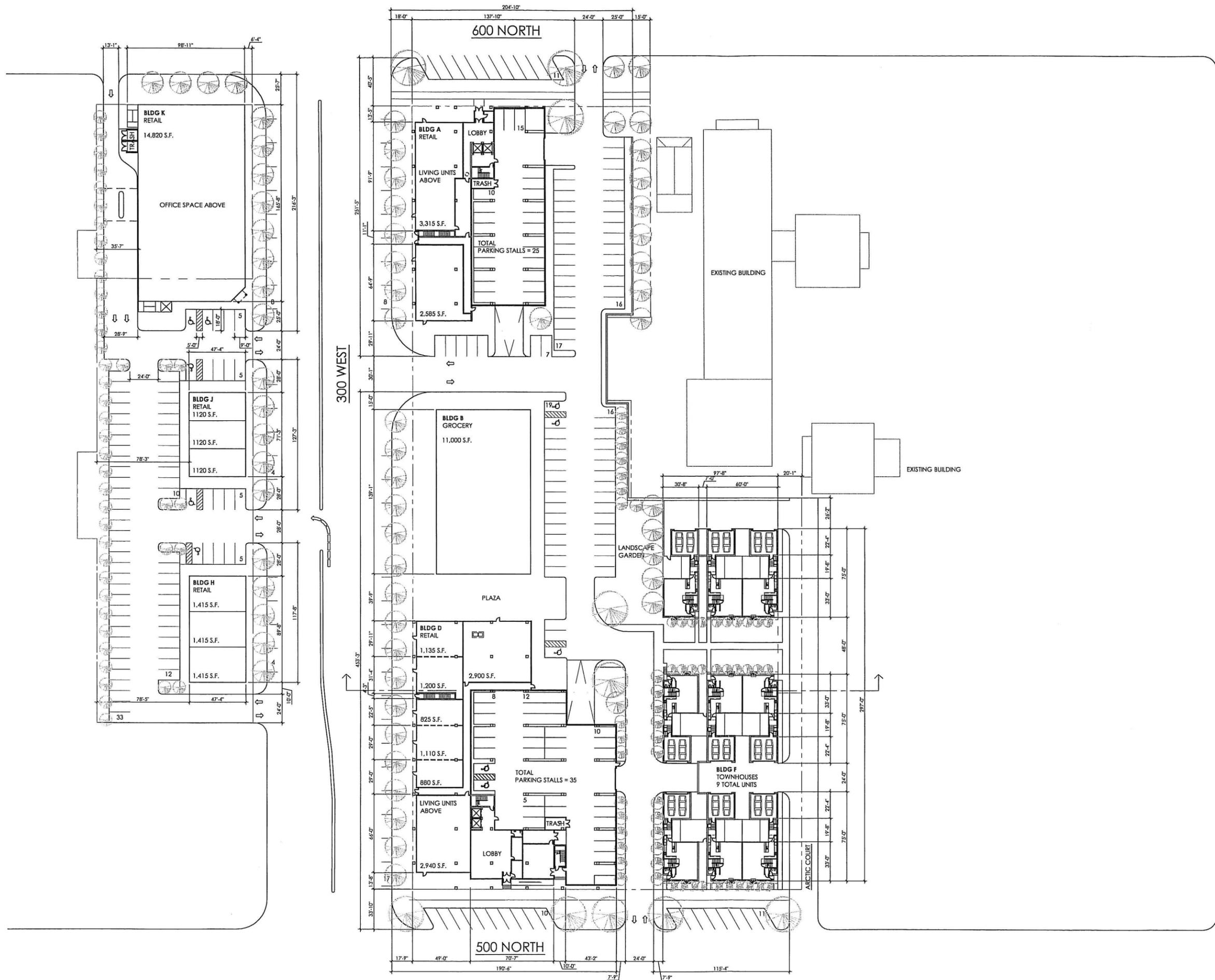
1. Landmarks review and approval of the Design on June 7, 2006
2. PUD Changes submitted to the Planning Commission either for special session, or during the scheduled meeting the end of June.
 - a. Included in this is a potential Master plan amendment for Arctic Court
3. The Re-Zone will continue to move forward to the City Council

Please contact me with any questions or concerns. We appreciate all of your continued support and hard work on making Marmalade a reality.

Sincerely,



Dru Damico



Site Plan - Level 1 80'

Marmalade Mixed Use Development
 Prescott Muir Architects
 06.02.06

7. ORIGINAL PETITION

PETITION CHECKLIST

<u>Date</u>	<u>Initials</u>	<u>Action Required</u>
<u>11/21/05</u>	<u>NDH</u>	Petition delivered to Planning
<u>11/23/05</u>	<u>SC</u>	Petition assigned to: <u>Sarah Carroll</u>
<u>4/26/06</u>	<u>SC</u>	Planning Staff or Planning Commission Action Date
<u>4/26/06</u>	<u>SC</u>	Return Original Letter and Yellow Petition Cover
<u>5/11/06</u>	<u>SC</u>	Chronology
<u>5/11/06</u>	<u>SC</u>	Property Description (marked with a post it note)
<u>5/11/06</u>	<u>SC</u>	Affected Sidwell Numbers Included
<u>5/11/06</u>	<u>SC</u>	Mailing List for Petition, include appropriate Community Councils
<u>5/11/06</u>	<u>SC</u>	Mailing Postmark Date Verification
<u>5/11/06</u>	<u>SC</u>	Planning Commission Minutes
<u>5/11/06</u>	<u>SC</u>	Planning Staff Report
<u>5/11/06</u>	<u>SC</u>	Cover letter outlining what the request is and a brief description of what action the Planning Commission or Staff is recommending.
<u>5/22/06</u>	<u>SC</u>	Ordinance Prepared by the Attorney's Office
<u>5/22/06</u>	<u>SC</u>	Ordinance property description is checked, dated and initialed by the Planner. Ordinance is stamped by Attorney.
<u>Sarah Carroll</u>		Planner responsible for taking calls on the Petition
_____	_____	Date Set for City Council Action _____
_____	_____	Petition filed with City Recorder's Office