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## **SALT LAKE CITY COUNCIL STAFF REPORT**

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**DATE:** March 3, 2006

**SUBJECT:** Petitions 400-05-08 & 400-05-09 – Roland Hall–St. Mark’s School request to:

- Rezone property located at approximately 1443 East Sunnyside Avenue from Open Space OS to Institutional I
- Amend the East Bench Community Master Plan

**AFFECTED COUNCIL DISTRICTS:** If the ordinance is adopted the rezoning and master plan amendment will affect Council District 6

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

**ADMINISTRATIVE DEPT. AND CONTACT PERSON:** Community Development Department, Planning Division  
Everett Joyce, Senior Planner

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

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### **KEY ELEMENTS:**

- A. An ordinance has been prepared for Council consideration to:
1. Rezone approximately 13 acres of property at approximately 1443 E. Sunnyside Avenue (currently owned by Mt. Olivet Cemetery) from Open Space OS to Institutional I. (Note: The property is within the Groundwater Source Protection Overlay District. The overlay district requirements and standards would still apply with the proposed rezoning.)
  2. Amend the East Bench Community Master Plan.
- B. Prior to adoption of the 1995 city-wide Zoning Rewrite, the East Bench Master Plan identified this property for institutional land uses and the property was zoned Residential R-2. The R-2 zoning accommodated a variety of institutional and open space uses such as schools (public & private), churches, public parks, libraries, recreational areas and cemeteries. The City did not have a specific zoning classification for institutional and open space uses.
- C. Between 1874 and 1909 through acts of Congress the Mt. Olivet Cemetery was established. Land was conveyed to the Mt. Olivet Cemetery Association and rules and regulations for the cemetery were established specifically noting that the subject property is to be used permanently as a cemetery. The written documentation from this time period indicates that if the land ceases to be used as a cemetery the property will revert to the United States. In actuality this can be changed through an act of Congress. (Please see Attachment A for additional information.)

- D. The ordinance adopted in 1995 that enacted the city-wide Zoning Rewrite project rezoned property throughout the City and amended the adopted community master plans to maintain consistency with the new zoning. The zoning on this property was changed to Open Space and the East Bench Plan was considered updated consistent with the zoning. (The Institutional Zoning District does not allow cemeteries as a permitted or conditional use. The Open Space Zoning District does allow cemeteries as a permitted use.)
- E. The requested rezoning and master plan amendment would facilitate development of a future private middle and upper school for Rowland Hall-St. Mark's with a soccer field and open space area on the southern two-thirds of the 13-acre parcel and school buildings and parking areas on the northern one-third of the property. The property is currently undeveloped. The Planning staff report notes that the property, if developed as proposed, would have access from Sunnyside Avenue and Guardsman Way through the adjacent property. The adjacent property immediately east of the Mt. Olivet property is the Rowland Hall-St. Mark's McCarthy Lower/Beginning School campus. Surrounding land uses include the Mt. Olivet Cemetery to the north, single-family residences to the south, the East High football field (on property leased from Mt. Olivet to the west), the McCarthy Lower/Beginning School campus and the Carmen Pingree School. (Please see attached maps for details.)
- F. Information submitted by Rowland Hall-St. Mark's notes:
1. On April 10, 2003, Rowland Hall-St. Mark's entered into a contract with the Mt. Olivet Cemetery Association to purchase approximately 13 acres of cemetery property fronting on Sunnyside Avenue.
  2. The Mt. Olivet Association needs to sell the property to have sufficient funds to make needed capital improvements and perpetually maintain the cemetery.
  3. The contract between Rowland Hall-St. Mark's and the Mt. Olivet Cemetery Association is subject to a number of conditions including rezoning the property from Open Space OS to Institutional I zoning classification and removal of the reversionary clause established by the Federal government in the deed held by the Association.
  4. Release of reversionary interest includes Congressional consideration of the following:
    - a. The property is not used for the purpose specified in the reversionary clause.
    - b. The owner of the property no longer needs the property.
    - c. The property is inconvenient or inappropriate for the owner's use.
    - d. The property is needed by another entity that provides some public benefit.
    - e. The U.S. Government does not need the property.
    - f. There would be no significant costs to Federal, State or local governments from a release of the reversionary interest
  5. As part of Rowland Hall-St. Mark's efforts to secure the removal of the reversionary interest and to ensure the support of Utah's congressional representatives and senators, Rowland Hall-St. Mark's needs the support of the City and, if at all possible, the surrounding community.
  6. Rowland Hall-St. Mark's needs to obtain the release of the reversionary interest by early 2007 in order to complete the purchase of the property within the terms of the contract.
  7. Rowland Hall-St. Mark's believes that its ownership of the property will deliver a net benefit to the City and the surrounding community, both in the immediate neighborhood and more broadly.
  8. It may be many years before Rowland Hall-St. Mark's could raise the money needed to build a new campus on the property.
  9. It is possible that Rowland Hall-St. Mark's could take the interim step of developing the playing fields in the near term, in a way not to interfere with construction at the north end of the property (proposed school site).

- G. The public process included:
1. Presentation to the Yalecrest Community Council and written notification of the Planning Commission hearing to surrounding property owners. The Administration's transmittal notes the Yalecrest Community Council opposed the proposed master plan and zone change. In addition, other Community Councils - East Central, Bonneville Hills, and Wasatch Hollow - submitted letters regarding the proposal. None of the Community Councils supported the request. (Please see the Planning staff report pgs 6-9 for details.)
  2. The proposal was also presented to and discussed by the Open Space Lands Advisory Board on November 2, 8, and 16, 2005. The Open Space Lands Advisory Board recommended against the request to rezone the Mt. Olivet property from Open Space to Institutional.
- H. The City's Fire, Police, Public Services and Public Utilities Departments and Transportation and Engineering Divisions have reviewed the request. (Please see the Planning staff report pgs. 3-5 for specific comments and detailed discussion.) 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 such as, but not limited to, a detailed traffic and parking impact study, adequate infrastructure (water/sewer) capacity, geotechnical report relating to inferred fault line location is at the northwest corner of the property. In addition, the petitioner will be required to apply for subdivision approval from the City.
- I. On November 30, 2005, based on the Planning staff report findings and public hearing input, the Planning Commission voted to forward a recommendation to the City Council to deny the request to rezone the property and amend the East Bench Community Master Plan. (Please see the Planning staff report and Planning Commission minutes for details.)
- J. Issues discussed at the Planning Commission hearing included the following. The Planning Commission minutes note that due to amount of public interest regarding the proposed petition, the general public comments were summarized.
1. Information provided from the Community Councils and the Open Space Lands Advisory Board.
  2. Whether the rezoning and master plan amendment should be considered before the reversionary clause on the property is removed by Congress.
  3. Specific uses and requirements in the Open Space and Institutional zones.
  4. Discussion of specific details of the development plan proposed by Rowland Hall-St. Mark's.
  5. Potential inconsistencies of the City's open space policies, specifically the City's position on the North Salt Lake property and preservation of the Mt. Olivet property.
  6. Those in support of the petition stated the following reasons:
    - Open Space should be defined as a livable area, rather than a field with trash and a barbed wire fence.
    - Care of the land would be maintained in a manner to make the City proud, as Rowland Hall has previously proved itself in the Avenues area.
    - The desire of Rowland Hall for the proposed petition is not to ask for an increase in school population, but rather a request for more space.
    - Many other options could be considered by the Mt. Olivet Association to sell the property for financial gain, including federal or state government who are exempt from specific zoning requirements; while Rowland Hall is proposing a petition to enhance the City within the guidelines.
    - An assurance for the land to be maintained as a mechanism for public use will be considered in a deed restriction.
    - Only four of thirteen acres will be used for buildings, lending the remainder to the community.

- Open Space is a rhetorical term in Utah; given the many options for a specific definition and should consider the terms of being a usable and livable place for the public.
  - The present lease on Mt. Olivet has more impervious area than the proposed petition.
  - Traffic will be decreased as the proposed plan will create a unified school area. (Families with students attending schools on this campus can make single trips to this site, rather than trips to various sites.)
7. Those in opposition of the petition stated the following reasons:
- Open Space is a natural area of land and should be preserved as a legacy.
  - Traffic in the area will increase—reducing the safety of the surrounding area.
  - Mt. Olivet Association has not found enough resources to financially sustain itself, and more time should be allowed for tools to be provided to the association and for the preservation of Open Space.
  - The value of an area of land for the earth to recharge itself is immeasurable and should be considered a premium space for the community.
  - Open Space is found less often as city growth continues.
  - Tools for rating the degree of importance of Open Space are being researched, and given time, will be considered as possible trading options. (This was taken directly from the Planning Commission minutes. Council staff does not have additional information that would clarify the intent of this statement.)
  - The land is irreplaceable.

#### K. Planning Staff Findings and Recommendation

1. The Planning staff report provides the following findings for the Zoning Ordinance Section 21A.50.050 - Standards for General Amendments. The standards were evaluated in the Planning staff report and considered by the Planning Commission. (Please see pgs. 13-17 in the Planning staff report for additional details.)
  - a. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.
 

**Findings:** Land use designations in the adopted master plans identify the City’s policy for future land uses. Properties that do not conform to the master plan objectives are either, developed with a nonconforming use or undeveloped. Undeveloped properties do not conflict with the Future Land Use Plan. A zoning amendment to an Institutional zoning classification does not ensure continued open space use of the property. The proposed amendment is not consistent with the purposes, goals, objectives and policies of the adopted general plan of Salt Lake City. Modification of the Open Space zoning boundaries for a portion of the Mt. Olivet Cemetery property would set precedent for removal of additional properties within the Mt. Olivet Cemetery Association boundaries not actively used for burial purposes from the Open Space designation.
  - b. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.
 

**Findings:** The proposed development plan presented by Rowland Hall St. Mark’s is harmonious with the overall character of existing development. However, the Institutional zoning classification allows development intensification that would not be harmonious with the character of existing development.

- c. The extent to which the proposed amendment will adversely affect adjacent properties.  
**Findings:** Rezoning the Mt Olivet parcel to Institutional would permit more intensive development than allowed within the existing Open Space Zoning District. The increased level of potential development could increase traffic generation levels and impact adjacent properties. The traffic generated by the proposed uses of an upper and middle school, soccer field and open space would not adversely affect adjacent properties.
  - d. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.  
**Findings:** The proposed development concept plans through implementation of any necessary site design modifications and operational controls can be consistent with applicable zoning overlay districts.
  - 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.  
**Findings:** The public facility services and utilities are in place to serve the subject 13-acre parcel. The final intensity of development and needs that the future development would place on services and utilities is unknown. If a specific developments demand exceeds service capacity, then the developer would be required to make system improvements as part of obtaining a building permit. The adjacent arterial streets can absorb the traffic generated by the proposed uses.
2. The Planning staff report provides the following findings for the requested master plan amendment.
- a. Land use designations in master plans identify the City's policy for future land uses. Developed properties that do not conform to the master plan objectives and existing zoning are nonconforming. Properties that lie in an undeveloped state do not conflict with the Future Land Use Plans. The amended East Bench Community Master Plan land use designation for the Mt. Olivet property is for open space uses.
  - b. Operational financing difficulties could be alleviated by lease or sale of property to land uses that are consistent with the East Bench Master Plan Future Land Use designation and existing Open Space Zoning classification.
3. **Recommendation:**
- a. The findings of fact show that the requested master plan amendment and rezoning of the Mt. Olivet property is not consistent with the East Bench Community Master Plan. Rezoning the property from open space to institutional land uses is not consistent with the intent and purpose of the Open Space Zoning District. This purpose is to preserve and protect areas of public and private open space and exert a greater level of control over any potential redevelopment of existing open space areas.
  - b. Potential development intensities of the Institutional Zoning District are greater than permitted uses within the Open Space Zoning District and have potential conflicts with the overall character of development in the immediate vicinity. Minimizing potential intensities and conflicts could occur through restrictive covenants or modification of the zoning request to ensure that the proposed open space areas would remain open in the future.
  - c. Based on the findings of fact, staff recommends that the Planning Commission forward a recommendation to the City Council to deny the requests of Petition 400-05-08 and Petition 400-05-09, to amend the East Bench Master Plan and rezone the 13 acres portion of Mt. Olivet Cemetery property from Open Space to Institutional land use and zoning classifications.

## L. Zoning Information

1. The purpose of the Open Space Zoning District is to preserve and protect areas of public and private open space and exert a greater level of control over any potential redevelopment of existing open space areas.
  - a. Area requirements:
    - Minimum lot size: 10,000 sq. ft.
    - Maximum building height: 35 ft. provided that for each foot of height over 20 ft. each yard and landscaped yard requirement shall be increased 1 ft.
    - Minimum yard requirements: front – 30 ft., side – 20 ft., rear – 30 ft.
    - Landscaped yard requirements: front – 20 ft., side (interior) – 10 ft., rear – 10 ft.
    - Landscape buffer required when abutting a residential district
  - b. Special conditional use controls over communications towers are required.
  - c. Permitted and conditional uses:
    - cemeteries and accessory crematoriums, community/recreation centers, pet cemetery, country clubs, golf courses, natural open space, conservation areas, public/private nature preserves/conservation areas, public parks, private recreational facilities, zoological park, accessory uses, public/private utility buildings/transmission wires/poles/pipes, transportation terminals – bus/rail/trucking
  
2. The purpose of the Institutional Zoning District is to regulate the development of larger public and semi-public uses in a manner harmonious with surrounding uses. The uses regulated by this district are generally those having multiple buildings on a campus-like site.
  - a. Area requirements:
    - Minimum lot size: 2 acres for places of worship and 20,000 sq. ft. for other uses
    - Maximum building height: 35 ft. and 75 ft. through conditional use provided that for each foot of height over 35 ft. each yard requirement shall be increased 1 ft.
    - Minimum yard requirements: front – 20 ft., side – 20 ft., rear – 25 ft.
    - Landscaped yard requirements: front – 20 ft., side (interior) – 8 ft., rear – 8 ft.
    - Landscape buffer required when abutting a residential district
  - b. Traffic and parking study required. New or expansion of institutional uses shall not be permitted unless the traffic and parking study provides clear and convincing evidence that no significant impacts will occur. The Zoning Administrator may waive this requirement
  - c. Lighting – all uses shall provide adequate lighting to assure safety and security. Lighting installations shall not have an adverse impact on traffic safety or surrounding properties and uses and shall be shielded to minimize light spillover onto adjacent properties.
  - d. Permitted and conditional uses:
    - congregate care facility, caretaker/security guard living quarters, government offices, accessory retail sales/services within the principal building operated for employees, adult/child daycare centers, community/recreation centers, conference centers, dental/medical laboratories/research facilities/clinics/offices, medical/nursing schools, emergency response/medical service facilities, nursing care/sanitarium facilities, exhibition hall, hospitals, libraries, meeting halls for membership organizations, philanthropic uses, places of worship, religious assembly with exhibit hall, convents/monasteries, reuse of schools/churches, seminaries/religious institutes, colleges/universities, private schools K-12, professional/vocational schools, arenas, stadiums, fairgrounds, museums, private recreational facilities, heliport, accessory uses, bed and breakfast facilities, communication towers, off-site parking, park and ride parking with existing use, parking structure, public/private utility buildings/transmission wires/poles/pipes, transportation terminals – bus/rail/trucking

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

- A. Issues relating to this request have been raised in many different ways and in many different forums throughout the process. The core issues that the Council must weigh include:
1. Whether to amend the zoning and the master plan to allow this project to move forward and seek Congressional action to remove the reversionary clause from the deed and allow Mt. Olivet to sell the property.
  2. Whether to continue the current policy to require the property be maintained as open space consistent with the current zoning and master plan and past legal action taken by the City.
  3. Whether to take in to consideration the potential risk that, should the Council not approve the master plan amendment and rezoning, the University of Utah (not subject to City zoning regulations) could purchase and develop the property at a greater intensity than proposed by Rowland Hall-St. Mark's. The Council may wish to evaluate whether that potential risk is significant enough that it justifies the rezoning for a lower intensity to preclude potential higher intensity use. (Please see Attachments B and C for additional information.)
  4. If the Council does approve the request, the Council could consider the use of a development agreement, restrictive covenant and/or conservation easement to provide assurance to the community that the proposed development would occur as presented at the time of the rezoning request and provide an additional level of control on the property.
    - a. The Planning staff report notes that minimizing potential intensities and conflicts could occur through restrictive covenants or modification of the zoning request to ensure that the proposed open space areas would remain open in the future.
    - b. The petitioner's information notes :
      - It may be many years before Rowland Hall-St. Mark's could raise the money needed to build a new campus on the property.
      - It is possible that Rowland Hall-St. Mark's could take the interim step of developing the playing fields in the near term, in a way not to interfere with construction at the north end of the property (proposed school site).
- B. The Planning staff report notes that a narrow parcel along the northwest corner of the Mt. Olivet Cemetery property is presently zoned RMF-75. Planning staff recommended that the Planning Commission initiate action to have the RMF-75 zoned portion of the Mt. Olivet property for a map amendment as part of a zoning map fine-tuning petition. The Planning Commission minutes do not indicate that this action was initiated by the Commission. Council Members may wish to discuss with the Administration if this issue requires action by the Council or Planning Commission.
- C. Council Members may wish to consider a future discussion to establish a clear policy direction relating to cemeteries and open space. The Planning staff report includes the following information provided by the City Public Services Department.
1. Presently the City has no plans to either expand the (Salt Lake City) cemetery space (the only potential expansion would be into Lindsay Gardens Park) or start a second cemetery in a new location in the City. Any decision to move in this direction would result from a policy discussion and agreement between the Mayor and City Council. If the City fills the cemetery without further expansion or new development, other public or private cemeteries will need to fill the public demand.

2. Development of the Salt Lake City Cemetery started in 1847. The cemetery is approximately 250 acres in size and plotted for 140,823 graves. The entire cemetery space is plotted out and developed. There is no additional space for expansion. To date, approximately 119,000 plots are used. Of the 21,800 remaining, 17,300 have been pre-sold. Only 4,500 burial sites remain for sale. Historically, on an annual basis approximately 600 burials occur each year. If the historical numbers hold, use of all available cemetery sites will occur within 36 years. The historical cemetery sales rate is 350 graves sites each year. Based on the 4,500 available burial sites for sale and historical sale rates, in 13 years there will be no sites available.
3. The present day data suggests that the cemetery will use up its available burial space in 13 years. Within another 23 years, all burial sites will be filled. Beyond that point in time, the City will continue to fulfill its obligation to care for and maintain the cemetery in perpetuity without the offsetting annual revenue generated by property sales and burials.
4. Salt Lake City has one public cemetery, the Salt Lake City Cemetery. Four (4) additional active cemeteries are located within the boundaries of the City: Mt. Olivet, a private cemetery owned by a consortium of local churches; Mt. Calvary, a private cemetery owned by the Catholic Diocese; B'nai Israel Cemetery, a private cemetery owned by the Temple Kol Ami Synagogue; and Larkin Sunset Lawn, a private cemetery owned by the Larkin family. It is my understanding that the public has access to each of these cemeteries regardless of affiliation except B'nai. I also understand that with the exception of Mt. Olivet and Larkin cemeteries, the others face the same capacity challenges as the City's cemetery.
5. Though the City has a municipal cemetery that it must maintain and operate in perpetuity, the City has no legal obligation to maintain an "active" cemetery.
6. The following actions may extend the Cemetery's "active" period:
  - a. The historical consumption numbers may change over time;
  - b. Resale burial plots that have been sold, but have not been used in a 60 year period (this could add a few hundred graves to the inventory over time);
  - c. Develop double deep burials, which means that one burial plot may be used for two burials; and
  - d. The construction of mausoleums, which allow burials to occur above ground in structures.

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

- A. The Administration's transmittal and Planning staff report note:
  1. The East Bench Community Master Plan and the Salt Lake City Open Space Master Plan documents address the land use policy related to the Mt. Olivet Cemetery property. (Note: Amending the Open Space Plan is not required and is not part of Rowland Hall-St. Mark's request.)
  2. Most master plans do not contain specific land use policy regarding cemeteries. The Plans do address a variety of general land use categories such as residential, commercial, open space and institutional land uses.
  3. The East Bench Community Master Plan (April 1987) is the adopted land-use policy document that guides new development in the area surrounding the proposed rezoning and master plan amendment.
  4. Prior to the 1995 Zoning Rewrite project, the Plan designated the Mount Olivet Cemetery property and Sunset Lawns Memorial Cemetery located at 2352 East 1300 South Street for Institutional uses.
  5. In 1995, the Citywide Zoning Rewrite Project amended the land use designation of both these properties from Institutional to Open Space.
  6. The Salt Lake City Open Space Plan (October 1992) defined a comprehensive corridor approach to connecting the City's open space resources to provide a safe, enjoyable experience of the natural features of Salt Lake City. The Open Space Master Plan defines policy for connecting open space amenities and does not provide land use policy. The land use policy of open space for the Mt. Olivet property is defined in the amended East Bench Master Plan.

- B. The Open Space Master Plan identifies a system of non-motorized transportation corridors that would re-establish connections between urban and natural land forms of the City. The Plan discusses the value of open space including recreational opportunities and preservation of wildlife habitat, wetlands, riparian and stream corridors, and the foothills.
1. The Plan identifies the following goals:
    - a. Conservation of the natural environment.
    - b. Enhancement of open space amenities.
    - c. Connecting various parts of the City to natural environments.
    - d. Educating citizens on proper use of open space.
  2. The Open Space Plan identifies Sunnyside Avenue and 800 South as part of the Transvalley Corridor (Foothill Section). A future trail corridor is shown along the north side of Sunnyside/800 South on the sidewalk/right-of-way. Specific reference to Mt. Olivet states "The north side of Sunnyside Avenue is lined with both private and public open space. The south half of the Mt. Olivet Cemetery parcel is vacant and could generate development pressure in the future. This should be monitored to assure the corridor is kept wide enough for adequate walkways and open space. A crosswalk could be developed to connect at the baseball area on the east side of 1300 East to the adjacent trail corridor and residential area."
- C. Several adopted community master plans and small area plans contain policies and recommendations that emphasize the need for preservation, acquisition, protection, maintenance and management of watershed, foothills, wetlands, wildlife habitat, riparian/stream corridors, and natural open spaces. Implementation strategies include a range of options such as refining zoning regulations relating to open lands.
- D. The City's recently adopted Open Lands Ordinance notes:
1. The need to protect diminishing open lands within Salt Lake City or its environs.
  2. The City has adopted an Open Space Master Plan to identify, protect and manage open lands.
  3. The City's general plan, zoning ordinance and site development ordinance recognize the need to protect the unique values offered by wetlands, foothills and urban trails.
- 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.
- 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.
- 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.

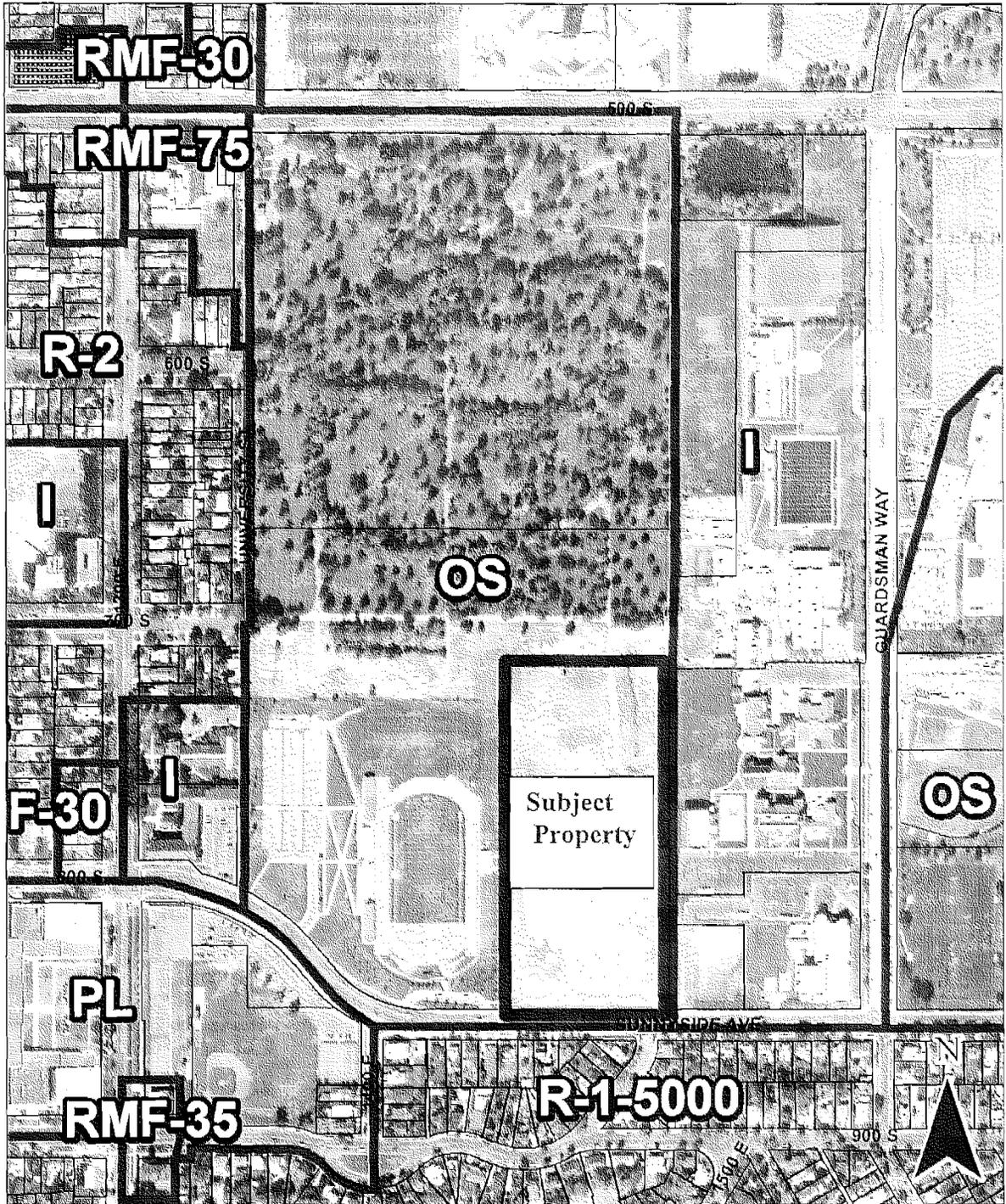
## CHRONOLOGY:

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.

- April 21, 2005 Applicant presentation to the Yalecrest Community Council
- April 25, 2005 Petitions delivered to Planning office
- June 1, 2005 Petitions reassigned to planner
- June 29, 2005 Additional information received (requested by Planning Division)
- November 2, 8, & 16, 2005 Open Space Lands Advisory Board meetings
- November 30, 2005 Planning Commission hearing
- December 13, 2005 Ordinance requested from City Attorney's office

cc: Sam Guevara, Rocky Fluhart, DJ Baxter, Ed Rutan, Lynn Pace, Rick Graham, Lisa Romney, Louis Zunguze, Brent Wilde, Alex Ikefuna, Doug Wheelwright, Cheri Coffey, Everett Joyce, Jennifer Bruno, Jan Aramaki, Marge Harvey, Sylvia Jones, Lehua Weaver, Annette Daley, Barry Esham, Gwen Springmeyer

File Location: Community Development Dept., Planning Division, Rezoning and Master Plan Amendment, Rowland Hall-St. Mark's School / Mt. Olivet, approximately 1443 E. Sunnyside Avenue



**RMF-30**

**RMF-75**

**R-2**

**I**

**F-30**

**PL**

**RMF-35**

**OS**

Subject  
Property

**OS**

**R-1-5000**

GUARDSMAN WAY

DUNNYSIDE AVE

600 S

600 S

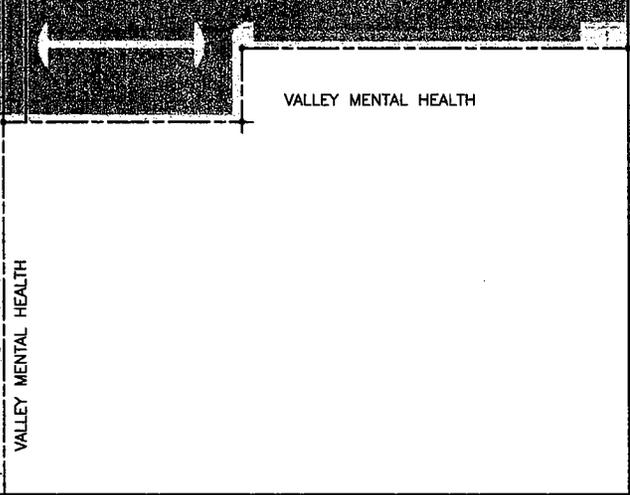
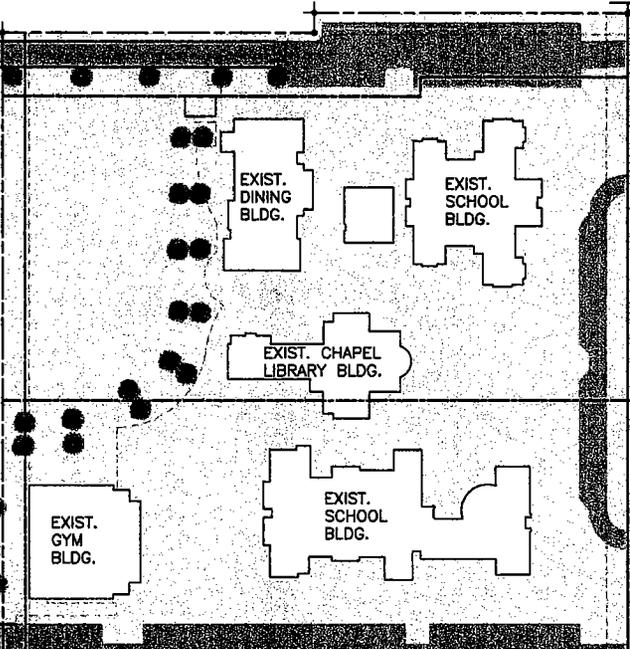
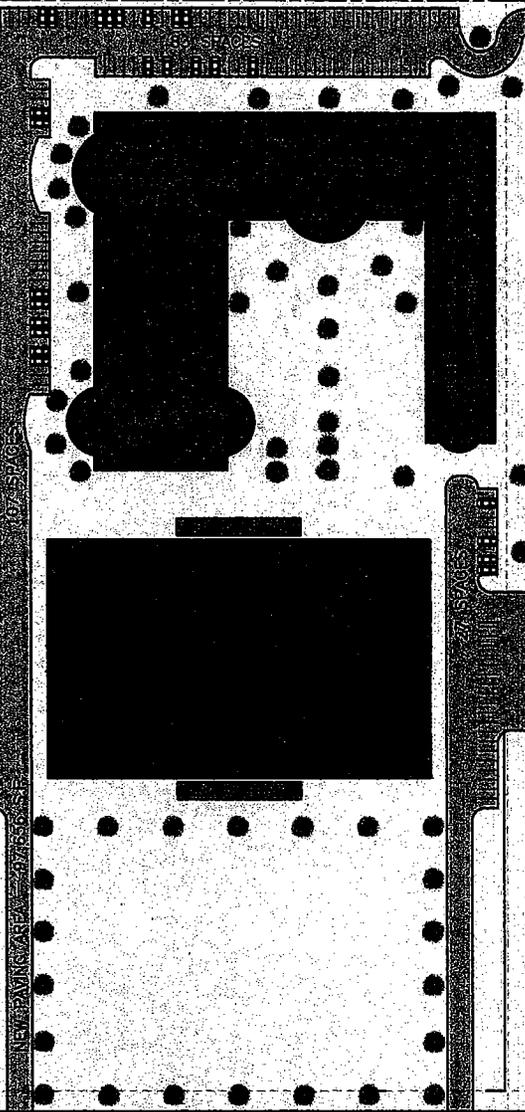
900 S

5100 E



MT. OLIVET CEMETERY ASSOCIATION

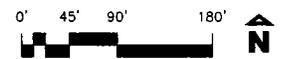
EAST HIGH SCHOOL FOOTBALL FIELD - LEASED AREA



GUARDRAIL WAY

# ROWLAND HALL ST. MARK'S SCHOOL

NEW PARKING =	217 SPACES
NEW PAVING AREA=	97,656 S.F.
NEW BUILDING FOOTPRINT =	77,500 S.F.
NEW BUILDING =	133,750 S.F.
NEW SITE AREA =	570,070 S.F.



# ATTACHMENT A

## OPEN SPACE COMMITTEE MEETING

June 18, 1997

(chronology updated June 2003)

### Mount Olivet

Please note: The following data has been summarized from legal documents and information from the 1994 conditional use request from the Mount Olivet Cemetery Association. The intent is to provide general background information to the Open Space Committee members.

- May 16, 1874 - Act of Congress. Mount Olivet Cemetery established. Twenty acres of Property was transferred from Fort Douglas to the Mount Olivet Cemetery Association.
- January 22, 1877 - Secretary of War order setting aside 20 acres of land to be used as a public cemetery and establishing rules and regulations for the cemetery.
- January and February, 1909 - Act of Congress. Additional land (approximately 50 acres) conveyed by the Federal government to Mount Olivet Cemetery Association in exchange for other property acquired by Mount Olivet. Property to be used permanently as a cemetery. If the land ceases to be used as a cemetery the property will revert to the United States.
- 1914 - The Emigration Canyon Railroad Company was permitted to occupy a portion of the property for a railroad right of way.
- 1952 - Mount Olivet Cemetery Association, with Congressional approval, deeded a portion of the Mount Olivet property to Salt Lake City to widen Sunnyside Avenue.
- 1989-
  - A private golf training facility proposed to be located on vacant "reserve" cemetery property. The existing zoning was Residential "R-2". The East Bench Master Plan identified the property to be used for "institutional use". The existing zoning and the master plan would allow expansion of public or quasi-public institutional uses.
  - Salt Lake City Zoning Ordinance text amendment approved. Text amendment allowed private recreational facilities in residential zones as a conditional use.
  - The proposed golf training facility was not constructed.
- August, 1992 - Act of Congress. In addition to previous 1909 Act of Congress, Mount Olivet Cemetery Association allowed to lease, for a period of not more than 70 years, any portion of the land, so long as such additional use will not prevent future use for cemetery purposes. Proposed leases must be approved by the Federal government. Utah's Congressional Representative Wayne Owens, Senator Orrin Hatch and Senator Jake Garn, sponsored this

## ATTACHMENT A

legislation. Discussions at that time centered around public or private recreational uses, specifically the proposed golf training facility. The City supported the proposal.

- Representative Owens and Senator Hatch, in their addresses to Congress regarding the proposed legislation, identified the opportunity:
  - to provide recreational uses, specifically the proposed golf training facility;
  - to improve "a weeded, unattractive vacant lot";
  - to utilize unproductive land for a recreational amenity; and
  - to reduce future development costs to Mount Olivet by providing irrigation systems and landscaping.
- 1993 - Mount Olivet Cemetery Association entered into a 69 year lease agreement with the Salt Lake City School District allowing 15 acres of land to be used as a football stadium for East High School. The Department of Interior approved the lease as being consistent with the 1992 Act.
- 1994-
  - Mount Olivet Cemetery Association entered into a lease agreement with Careage, Inc. for a 120-bed skilled nursing facility (initial lease period of 40 years with an option to renew for five additional five-year terms and an additional sixth term ending July 31, 2062).
  - Mount Olivet Cemetery Association entered into a lease agreement with Roland Hall-St. Mark's for approximately 10 acres to be used for athletic facilities. (same lease agreement as Careage, Inc.) The Roland Hall-St. Mark's lease was dependent upon Careage, Inc. to pay the infrastructure development costs.
  - Both leases required Mount Olivet Cemetery Association to submit a rezoning request to Salt Lake City.
  - The Department of Interior had not approved the leases.
  - December 8, 1994 - The Salt Lake City Planning Commission received a presentation from Mount Olivet Cemetery representatives relating to their concerns relative to the Zoning Ordinance Rewrite Project. Proposed zoning for the property was Open Space "OS". The existing zoning was Residential "R-2". The East Bench Master Plan identified the property to be used for "institutional use". The existing zoning and the master plan would allow expansion of public or quasi-public institutional uses.
- April, 1995 - The Zoning Ordinance Rewrite and zoning maps were adopted by the City Council. The Mount Olivet property was zoned Open Space "OS". As part of the adoption of the Zoning Rewrite, all City master plans were considered updated and consistent with the zoning maps.
- July 17, 1995 - Careage, Inc. notified Mount Olivet Cemetery legal counsel that "as a result of the City's position, it had decided not to pursue the use and development of Mt. Olivet's

## ATTACHMENT A

property. As a result of Careage's withdrawal, Roland Hall-St. Mark's also decided not to pursue development of the property."

- December 12, 1995 - Mount Olivet Cemetery Association entered into a lease agreement with Johnson Land Enterprises for a skilled nursing facility and retirement living facilities. The proposed project includes: Phase I - a 180-bed skilled nursing facility, a 170-unit assisted living and retirement facility, and a large therapy center; Phase II- an additional 170-unit assisted living and retirement facility and independent living cottages. The lease was submitted to the Federal government for approval.
- January 10, 1996 - Letter from the Secretary of Interior's representative approving the lease and citing that the lease was "consistent with the 1992 Act."
- February 9, 1996 - Letter from the Secretary of Interior's representative clarifying that the certification/approval was intended only to certify that the proposed lease "was not for a cemetery, and that the lease was not to exceed 70 years" and "there is no intent to override the authority of local jurisdictions to permit or approve the use of the property."
- March, 1996 - Mount Olivet Cemetery Association and Johnson Land Enterprises law suit filed in District Court against Salt Lake City.
- March 12, 1997 – District Court hearing.
- April, 1997 - The District Court rules in favor Salt Lake City, defendant, and against Mount Olivet Cemetery Association and Johnson Land Enterprises, plaintiffs.
- December 10, 1998 – The 10th Circuit Court denied appeal and upheld the District Court decision.

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RESEARCH PARK

8015817195

P. 02

Charles Evans - Mount Olivet Property

Page 1

**From:** "Fred Esplin" <fred.esplin@utah.edu>  
**To:** <everett.joyce@slcgov.com>  
**Date:** Wed, Nov 30, 2005 4:55 PM  
**Subject:** Mount Olivet Property

Dear Mr. Joyce,

I understand from Charles Evans that a number of parties have been making representations regarding the University of Utah's interest in the Mount Olivet property which Rowland Hall School is currently seeking to acquire. I am writing to confirm what, indeed, the University's position is with regard to this property.

A number of years ago the University made a bid on the property in question, and was outbid by Rowland Hall School. Since that time we have not pursued the purchase of the property, nor do we have any plans at present to do so. Should the property become available at some point in the future for a reasonable price, we may be interested in looking into it's acquisition at that time. However, we are aware of the feelings of the neighbors about the development of this land and would, of course, take that into consideration in making such a decision.

Sincerely,

Fred Esplin  
Vice President for University Relations

**CC:** "Charles Evans" <Charles.Evans@admin.utah.edu>

# U may still have shot at purchasing cemetery land

**Jed Layton**

**Posted: 1/13/06**

The U's attempt to purchase land from its neighbor, Mount Olivet Cemetery, is still alive if the Salt Lake City Council rejects Rowland Hall-St. Mark's School's bid to buy the land. Both the U and Rowland Hall-St. Mark's put up bids on the land, located just off 1300 East and 800 South, late last year. However, Rowland Hall was willing to offer more money than the U felt the land was worth, Charles Evans, director of Research Park, said.

"We have tried to obtain the land for interim parking for three or four years," he said. "But they put up much more than we were willing to negotiate with."

Bill Adams, president of the Mount Olivet Cemetery Board of Trustees, said the cemetery requires consolidation of its financial situation to continue to provide perpetual care for grounds.

"We are in a position where we must obtain funds," he said. "We did not see raising fees as an option, so we opted to sell a portion of the land."

Rowland Hall wants the land to build a new middle school and high school.

However, Rowland Hall has recently met opposition from wealthy neighbors, the Salt Lake City Planning Commission and the Open Space Lands Advisory Board.

The planning commission rejected the proposal by a 6-1 vote, while the board gave a disapproving recommendation on the grounds of negative traffic congestion and a desire to preserve land for cemetery use. Despite the rejections, Susan Koles, director of marketing and development for Rowland Hall, is confident that the Salt Lake City Council will still pass the proposal.

"The planning commission gave a negative recommendation, but it is just that, a recommendation," she said. "The city council can make a choice on (its) own."

Janice Jardine, secretary for the Salt Lake City Council, was unsure of when the issue would be placed on the council's agenda but said that for the proposal to be accepted, zoning requirements would have to be changed.

If the city council does not pass the proposal, Bill Adams said Mount Olivet would have to reassess its options and find another buyer. Mark Woodland, assistant vice president for university marketing, said the U could become a potential buyer of the land.

"The U could purchase the land if it became available again at a reasonable price," he said.

Evans agreed, saying the U would likely explore an acquisition, but noted that, as of now, the U is not currently looking into buying any land.

"Depending on if it becomes available and if Mount Olivet accepts a reasonable price, we would take a look at it," he said.

A. LOUIS ZUNGUZE  
DIRECTOR  
  
BRENT B. WILDE  
DEPUTY DIRECTOR

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

ROSS C. "ROCKY" ANDERSON  
MAYOR

**COUNCIL TRANSMITTAL**

**TO:** Rocky Fluhart, Chief Administrative Officer

**DATE:** January 24, 2006

**FROM:** Louis Zunguze, Community Development Director

**RE:** **Petitions 400-05-08 and 400-05-09** by Rowland Hall St. Mark's School to amend the East Bench Master Plan and East Bench Zoning Map from an Open Space to an Institutional land-use designation and zoning classification for property located at approximately 1443 E. Sunnyside Avenue

**STAFF CONTACT:** Everett L. Joyce, Senior Planner, 535-7930 or  
everett.joyce@slcgov.com

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

**DOCUMENT TYPE:** Ordinance

**BUDGET IMPACT:** None

**DISCUSSION:**

**Issue Origin:** The applicant is requesting a Master Plan amendment and zoning classification amendment to accommodate the development of a future middle and upper school for Rowland Hall St. Mark's. The existing site is undeveloped. The conceptual land use plans submitted with the petition applications show a soccer field and open space area on the southern two-thirds of the 13-acre parcel and school buildings and parking areas on the northern one-third of the property (approximately four acres).

The property is owned by Mt. Olivet Cemetery Association and subject to a federal restriction for use as a cemetery, which is a permitted use in the Open Space (OS) zone. If the City Council approves the requested Master Plan and zoning map amendments, the applicant will proceed with the process of obtaining approval from the Federal government to remove the reversionary restriction on the property. The applicant will also need to apply for subdivision approval to create a parcel for the 13-acre site.

**Analysis:** The 1987 East Bench Master Plan designated the subject property as Institutional land use. However, adoption of the 1995 City-wide Zoning Rewrite Project amended the East Bench Master Plan and rezoned the property OS (Ordinance 26 of 1995). Therefore, the amended East Bench Master Plan designates the Mt. Olivet property as Open Space land use.

**Findings:** The request by Rowland Hall St. Mark's School to rezone the Mt. Olivet property is not consistent with the East Bench Master Plan. Rezoning the property from Open Space to Institutional is not consistent with the intent and purpose of OS zoning, which is to preserve and protect areas of public and private open space and exert a greater level of control over any potential redevelopment of existing open space areas. The existing cemetery is a permitted use in an OS zone.

**Public Process:** The proposal was presented to the Yalecrest Community Council on April 21, 2005. The Yalecrest Community Council opposed the proposed Master Plan and zone change. In addition, other Community Councils (East Central, Bonneville Hills, and Wasatch Hollow) submitted letters regarding the proposal, which are included in the attached Exhibit 4: Staff Report (pages 6-9). None of the Community Councils supported the request.

The proposal was also presented to and discussed by the Open Space Lands Advisory Board on November 2, 8, and 16, 2005. The Open Space Lands Advisory Board recommended against the request to rezone the Mt. Olivet property from Open Space to Institutional.

The Planning Commission held a Public Hearing on the petition on November 30, 2005. Issues raised at the Public Hearing included the potential inconsistencies with the Open Space policies of the City, the potential increase in traffic, the reuse of the existing St. Mark's campus, and the lack of tools to evaluate open space land values to determine purchase or trade of lands to prevent a net loss of open space.

**Planning Commission Recommendation:** Based on staff report findings and Public Hearing input, the Planning Commission voted to forward a recommendation to the City Council to deny the requests of Petitions 400-05-08 and 400-05-09, to amend the East Bench Master Plan and rezone the 13-acre portion of Mt. Olivet Cemetery property from Open Space to Institutional land use and zoning classifications.

## **RELEVANT ORDINANCES:**

### **21A.50.050 Standards for general amendments**

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 five factors:

- A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.
- C. The extent to which the proposed amendment will adversely affect adjacent properties.

- D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.
- E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

These standards were evaluated in the Planning Commission staff report and considered by the Planning Commission. Discussion and findings for these standards are found on pages 13-17 of Exhibit 4: Staff Report (attached).

**Utah State Code Section 10-9a-503: Zoning Map Amendment, Section 10-9a-404: General Plan Amendment, and Section 10-9a-201: Required Notice**

The petitions for zoning and Master Plan amendment were published in the newspaper on November 15, 2005, meeting State code noticing requirements.

# **Table of Contents**

## **1. Chronology**

## **2. Ordinance**

## **3. City Council Notice and Mailing List**

- i. Hearing Notice
- ii. Mailing List

## **4. Planning Commission**

- i. Public Hearing Notice and Postmark / Agenda
- ii. Newspaper Notice for Master Plan Amendment
- iii. Planning Commission minutes for November 30, 2005
- iv. Planning Commission Staff Report
- v. Additional Information Submitted to Planning Commission

## **5. Original Petitions**

- i. 400-05-08 Master Plan Amendment
- ii. 400-05-09 Zoning Amendment

# **Exhibit 1**

## **Chronology**

# Chronology

April 21, 2005	Applicant presented proposal to the Yalecrest Community Council
April 25, 2005	Petitions delivered to the Planning office
June 1, 2005	Petitions reassigned to Everett Joyce
June 29, 2005	Received additional information from petitioner regarding review standards for zoning amendments
July 5, 2005	Requested City departmental review of proposed master plan amendment and zoning map changes for the Mt. Olivet property
October 10, 2005	Received comments from Public Services Department
November 2, 2005	Petition presented to Open Space Lands Advisory Board
November 8, 2005	Open Space Lands Advisory Board meeting
November 15, 2005	Newspaper notice published
November 15, 2005	Mailed notices for Planning Commission public hearing
November 16, 2005	Open Space Lands Advisory Board meeting
November 30, 2005	Planning Commission public hearing
December 13, 2005	Ordinance request sent to City Attorney
December 14, 2005	Planning Commission ratified minutes of November 30, 2005 meeting

SALT LAKE CITY ORDINANCE

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

(Rezoning property generally located at 1443 East Sunnyside Avenue, and Amending the East Bench Master Plan)

REZONING PROPERTY GENERALLY LOCATED AT 1443 EAST SUNNYSIDE AVENUE FROM OPEN SPACE (OS) TO INSTITUTIONAL (I), AND AMENDING THE EAST BENCH MASTER PLAN, PURSUANT TO PETITION NOS. 400-05-08 AND 400-05-09.

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 property generally located at 1443 East Sunnyside Avenue 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 PROPERTY. The property generally located at 1443 East Sunnyside Avenue, which is more particularly described on Exhibit "A" attached hereto, shall be and hereby are rezoned from open space (OS) to institutional (I).

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 property identified above.

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

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

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

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

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

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

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

\_\_\_\_\_  
MAYOR

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

APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date December 28, 2005  
By Melanie King

(SEAL)

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

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

I:\Ordinance 05\Rezoning 1443 East Sunnyside Avenue -- 12-22-05 draft.doc

## Exhibit "A"

### Boundary Description

A Parcel of land being in the Northwest Quarter of Section 9, Township 1 South, Range 1 East, Salt Lake Base and Meridian and described as follows:

Beginning at the Southwest corner of the Armory 4 Lot Minor Subdivision, said corner being located South  $89^{\circ} 59' 50''$  West 775.746 feet from the First Veterans Administration monument and said corner is also located North  $89^{\circ} 59' 50''$  East 10.60 feet from the U.S.A. Monument No. 3 and said corner is also located North  $89^{\circ} 59' 50''$  East 89.21 feet and North  $0^{\circ} 02' 01''$  West 58.20 feet from the Salt Lake City Survey Monument in the intersection of Amanda Avenue and Sunnyside Avenue and running thence South  $39^{\circ} 59' 50''$  West along the North right of way line of Sunnyside Avenue 543.35 feet; thence North  $0^{\circ} 00' 10''$  West 1049.71 feet; thence North  $89^{\circ} 59' 50''$  East 542.78 feet to the Northwest corner of said Armory 4 Lot Minor Subdivision; thence South  $0^{\circ} 02' 01''$  East along the West line of said Subdivisions 1049.71 feet to the point of beginning. Contains 13.087 acres.

12-22-05  
E. J. W.

**Exhibit 3**  
**City Council Notice**  
**and Mailing List**

CAMPBELL, RUAIRIDH  
1403 E 900 S  
Suite  
SALT LAKE CITY, UT 84105-1619

HANSEN, LARELDA C & JOHN C; TRS  
1445 E 900 S  
Suite  
SALT LAKE CITY, UT 84105-1619

SHELLEY, CAMILLE B & KEVIN W; JT  
1465 E 900 S  
Suite  
SALT LAKE CITY, UT 84105-1619

BEIER, STEVEN G & CROMPTON, CONSTAN  
1473 E 900 S  
Suite  
SALT LAKE CITY, UT 84105-1619

ELGGREN, JOHN E & MARY ELLEN; TRS  
1495 E 900 S  
Suite  
SALT LAKE CITY, UT 84105-1649

HURST, EVAN R & MARGRETHE J P; TC  
1523 E 900 S  
Suite  
SALT LAKE CITY, UT 84105-1621

FABRIZIO, ALICE & DOUG; JT  
1527 E 900 S  
Suite  
SALT LAKE CITY, UT 84105-1621

KEARL, RODNEY T & ALISA B; TC  
1537 E 900 S  
Suite  
SALT LAKE CITY, UT 84105-1621

DUDLEY, KURT R & KATHY E; JT  
1549 E 900 S  
Suite  
SALT LAKE CITY, UT 84105-1621

COX, GINA & GRAEME J; JT  
1555 E 900 S  
Suite  
SALT LAKE CITY, UT 84105-1621

GOLDSMITH, ELIZABETH  
1427 E 900 S  
Suite  
SALT LAKE CITY, UT 84105-1619

SMITH, JOSEPH C  
1433 E 900 S  
Suite  
SALT LAKE CITY, UT 84105-1619

HERMANC, JONATHAN S SUSAN M (JT)  
1437 E 900 S  
Suite  
SALT LAKE CITY, UT 84105-1619

HERMANC, JONATHAN S SUSAN M; JT  
1437 E 900 S  
Suite  
SALT LAKE CITY, UT 84105-1619

HUGHES, JEANNE M; TR  
1440 E 900 S  
Suite  
SALT LAKE CITY, UT 84105-1620

WELCH, DANIEL & CATHERINE; JT  
1453 E 900 S  
Suite  
SALT LAKE CITY, UT 84105-1619

CURTIS, LINNEA & AINGE, ALISON; JT  
1461 E 900 S  
Suite  
SALT LAKE CITY, UT 84105-1619

LIBSCH, KARL D & BAR (JT)  
1517 E 900 S  
Suite  
SALT LAKE CITY, UT 84105-1621

REAGAN, WILLIAM K  
1775 N 900 W  
Suite  
SALT LAKE CITY, UT 84116-

GATZEMEIER, KURT H & TRS  
3602 S ALTA VISTA ST  
Suite  
SALT LAKE CITY, UT 84106-2404

ANDERSEN, ALICE M B;  
851 S AMANDA AVE  
Suite  
SALT LAKE CITY, UT 84105-1625

DARLEY, DAVID L  
855 S AMANDA AVE  
Suite  
SALT LAKE CITY, UT 84105-1625

GOCHNOUR, SCOTT D & ROBIN E; JT  
865 S AMANDA AVE  
Suite  
SALT LAKE CITY, UT 84105-1625

CORTEZ, SHERRIE  
866 S AMANDA AVE  
Suite  
SALT LAKE CITY, UT 84105-1626

GAY, DANIEL & KELLY W; JT  
868 S AMANDA AVE  
Suite  
SALT LAKE CITY, UT 84105-1626

VERNON, ANNIE  
869 S AMANDA AVE  
Suite  
SALT LAKE CITY, UT 84105-1625

DORON, LINDA L  
878 S AMANDA AVE  
Suite  
SALT LAKE CITY, UT 84105-1626

ANDERSON, GRANT A & (JT)  
882 S AMANDA AVE  
Suite  
SALT LAKE CITY, UT 84105-1626

NELSON, ROBERT T & MARIA S; JT  
4149 S BEVWOOD CIR  
Suite  
SALT LAKE CITY, UT 84124-3080

COON, LAMAR W  
2655 E COMANCHE DR  
Suite  
SALT LAKE CITY, UT 84108-2808

JONES, KURT T & CONN  
2355 E DELIA DR  
Suite  
SALT LAKE CITY, UT 84109-3405

BUXTON FAMILY VENTUR  
931 W EUCLID AVE  
Suite  
SALT LAKE CITY, UT 84104-1128

ROWLAND-HALL ST MARK  
720 S GUARDSMAN WY  
Suite  
SALT LAKE CITY, UT 84108-1374

CAVIEZEL, CRAIG R  
1328 E LAIRD AVE  
Suite  
SALT LAKE CITY, UT 84105-1935

HERRICK, JULIE P; TR  
2636 E NOTTINGHAM WY  
Suite  
SALT LAKE CITY, UT 84108-2454

UNIVERSTIY OF UTAH  
1435 E PAR  
Suite 406  
SALT LAKE CITY, UT 84112-

BRENNAN, PAUL R. & C (TRS)  
2076 E SIERRA RIDGE CT  
Suite  
SALT LAKE CITY, UT 84109-1900

SALT LAKE CITY CORP  
451 S STATE ST  
Suite 225  
SALT LAKE CITY, UT 84111-3102

SALT LAKE COUNTY  
2001 S STATE ST  
Suite N450  
SALT LAKE CITY, UT 84190-0002

CROWTHER, CURT P; TR  
1354 E STRATFORD AVE  
Suite  
SALT LAKE CITY, UT 84106-3165

MASON, STEVE M & CARBAUGH, ROBIN A; ,  
1428 E SUNNYSIDE AVE  
Suite  
SALT LAKE CITY, UT 84105-1631

DE LA CRUZ, JOHN A & MELISSA; JT  
1434 E SUNNYSIDE AVE  
Suite  
SALT LAKE CITY, UT 84105-1631

RICKS, WELBY W & ARETTA N; JT  
1440 E SUNNYSIDE AVE  
Suite  
SALT LAKE CITY, UT 84105-1631

SHELL, DONNA M; TR  
1452 E SUNNYSIDE AVE  
Suite  
SALT LAKE CITY, UT 84105-1631

COLLINS, DONALD H  
1458 E SUNNYSIDE AVE  
Suite  
SALT LAKE CITY, UT 84105-1631

PIXTON, POLLYANNA  
1468 E SUNNYSIDE AVE  
Suite  
SALT LAKE CITY, UT 84105-1631

TRESEDER, VIRGINIA B  
1512 E SUNNYSIDE AVE  
Suite  
SALT LAKE CITY, UT 84105-1633

HART, DAVID A & RUSSELL, ROBYN (JT)  
1518 E SUNNYSIDE AVE  
Suite  
SALT LAKE CITY, UT 84105-1633

STIREMAN, LILLY K  
1532 E SUNNYSIDE AVE  
Suite  
SALT LAKE CITY, UT 84105-1633

GROSE, DEE L. & CARO  
1540 E SUNNYSIDE AVE  
Suite  
SALT LAKE CITY, UT 84105-1633

DAILEY, SUZANNE E; T  
1546 E SUNNYSIDE AVE  
Suite  
SALT LAKE CITY, UT 84105-1633

SALVESEN, TEBBIN B & SUSAN E; JT  
1552 E SUNNYSIDE AVE  
Suite  
SALT LAKE CITY, UT 84105-1633

TERASHIMA, BEN T & M (JT)  
1558 E SUNNYSIDE AVE  
Suite  
SALT LAKE CITY, UT 84105-1633

MELLOR, JIM L  
622 S UNIVERSITY ST  
Suite  
SALT LAKE CITY, UT 84102-3213

SMITH, GORDON R  
632 S UNIVERSITY ST  
Suite  
SALT LAKE CITY, UT 84102-3213

SIDHU, HARISH S  
656 S UNIVERSITY ST  
Suite  
SALT LAKE CITY, UT 84102-3213

WATTS, ARDEAN W & EL (JT)  
660 S UNIVERSITY ST  
Suite  
SALT LAKE CITY, UT 84102-3213

SHOORE, JOSEPH D  
2759 SAN JUAN LN  
Suite  
COSTA MESA, CA 92626-

SHOORE, JOSEPH D  
2759 SAN JUAN LN  
Suite  
COSTA MESA, CA 92626-5615

BADERTSCHER, LEE R  
204 E KELBY  
Suite  
COVINA, CA 91723-

BURGGRAAF, JOSEPH & CAROL; JT  
1515 S CLERMONT ST  
Suite  
DENVER, CO 80222-3805

BURGGRAAF, JOSEPH & CAROL; JT  
1515 S CLERMONT ST  
Suite  
DENVER, CO 80222-3805

RHA COMMUNITY SERVIC UTAH, INC  
3060 PEACHTRE RD NW  
Suite 1150  
ATLANTA, GA 30305-

MACKEY, JOSEPH B & ORDONEZ-MACKEY,  
73 DEER RUN RD  
Suite  
URBANA, OH 43078-9412

BASTOW, JEFFERY L; E  
7312 S PROSPECTOR DR  
Suite  
COTTONWOOD HTS, UT 84121-46

HODGSON, HELEN E; TR  
1155 S 700 W  
Suite  
DRAPER, UT 84020-9427

JENSEN, LYNN E. & MA  
2065 NORTH HIGHWAY 3  
Suite  
HARPER WARD, UT 84302-

MCDONALD, SYDNEY M;  
2813 E HILLSDEN DR  
Suite  
HOLLADAY, UT 84117-7709

FIELDEN, BRIAN S & ANN K; JT  
4733 S ICHABOD ST  
Suite  
HOLLADAY, UT 84117-6405

STONEHENGE REAL ESTA  
4733 S ICHABOD ST  
Suite  
HOLLADAY, UT 84117-6405

REICHMAN, DOUGLAS J  
2027 E LINCOLN CIR  
Suite  
HOLLADAY, UT 84124-1708

LARSEN, BLAKE H & CA JT  
1548 W 2100 N  
Suite  
PLEASANT GROVE, UT 84062-

CANNON, RICHARD N  
1287 S TIMP VIEW DR  
Suite  
RIVERTON, UT 84065-6706

BOARD OF EDUCATION O  
440 E 100 S  
Suite  
SALT LAKE CITY, UT 84111-1898

BOARD OF EDUCATION O SALT LAKE CI  
440 E 100 S  
Suite  
SALT LAKE CITY, UT 84111-1898

BOARD OF EDUCATION S  
440 E 100 S  
Suite  
SALT LAKE CITY, UT 84111-1898

SEDLAR, MARION C & TRUDE M; TRS  
703 S 1100 E  
Suite  
SALT LAKE CITY, UT 84102-3706

BAHR, CAMERON & ALBERT L; JT  
609 S 1300 E  
Suite  
SALT LAKE CITY, UT 84102-3206

KEENE, SUSAN  
611 S 1300 E  
Suite  
SALT LAKE CITY, UT 84102-3206

LIMA, MARIA L  
613 S 1300 E  
Suite  
SALT LAKE CITY, UT 84102-3206

KEANE, MATTHEW G  
625 S 1300 E  
Suite  
SALT LAKE CITY, UT 84102-3206

MCGILLIS SCHOOL INC  
668 S 1300 E  
Suite  
SALT LAKE CITY, UT 84102-3244

BLOMGREN, MICHAEL & SARAH F; JT  
673 S 1300 E  
Suite  
SALT LAKE CITY, UT 84102-3206

BENSON, LELAND G  
701 S 1300 E  
Suite  
SALT LAKE CITY, UT 84102-3713

BENSON, JOHN E & KINGSLAND, LEITA; JT  
711 S 1300 E  
Suite  
SALT LAKE CITY, UT 84102-3713

MADSEN, CHERYL AKA: RAUH, CHERYL A  
726 S 1300 E  
Suite  
SALT LAKE CITY, UT 84102-3714

BRIDGES, D KEVIN & TEENA M; JT  
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Salt Lake City, Utah 84102

Brian Klepper  
2517 South 800 East  
Salt Lake City, Utah 84106

Cabot Nelson  
984 Simpson  
Salt Lake City, Utah 84106

Camille Shelby  
1465 East 960 South  
Salt Lake City, Utah 84105

Catherine Dunn  
1120 East 600 South  
Salt Lake City, Utah 84102

Charles Isom  
833 South 900 East #N  
Salt Lake City, Utah 84102

Charlotte Stewart  
2498 Michigan Avenue  
Salt Lake City, Utah 84105

Charlotte Stewart  
875 S Donner Way # 805  
Salt Lake City, Utah 84105

Charmagne Parr  
1556 California Avenue  
Salt Lake City, Utah 84104

Chris & Mary Sloan  
1075 East 600 South  
Salt Lake City, Utah 84102

Petition 400-05-08 / 400-05-09  
Rowland Hall St. Marks  
Mailing List from public comments

Alan Sparrow  
1344 Wilton Way  
Salt Lake City, UT 84108

Stephen Bennhoff  
115 J Street  
Salt Lake City, UT 84103

The Jackson family  
2566 Highland Dr.  
Salt Lake City, UT 84106

Heidi Ingham  
1449 E Uintah Circle  
Salt Lake City, UT 84105

H.J.M. Hoole, Jr  
1222 South 1800 East  
Salt Lake City, UT 84108

John Wilkerson  
2344 Scenic Drive  
Salt Lake City, UT 84109

Mary Ann Jensen  
1524 Sunnyside Ave  
Salt Lake City, UT 84105

Kim and Stan Hauser  
1780 Herbert Ave  
Salt Lake City, UT 84108

Boyd Bullough  
2039 Aldo Circle  
Salt Lake City, UT 84108

Petition 400-05-08 / 400-05-09  
Rowland Hall St. Marks  
Mailing List from public comments

Yalecrest Neighborhood Council  
James D. Webster  
938 Military Drive  
Salt Lake City, UT 84108

East Central Community Council  
Dennis Guy-Sell  
436 South 1200 East  
Salt Lake City, UT 84102

Wasatch Hollow Community Council  
Mary Delle Gunn  
1595 So. 1300 East  
Salt Lake City, UT 84105

Bonneville Hills Community Council  
Ellen Reddick  
2177 Roosevelt Ave  
Salt Lake City, UT 84108

Mayor's Open Space Advisory Com  
Helen M. Peters  
2803 Beverly St  
Salt Lake City, UT 84106

Kevin Bischoff  
1539 Harvard Ave  
Salt Lake City, UT 84105

Carol Blackwell  
Rob Mayer  
1125 Michigan Ave  
Salt Lake City, UT 84105

Jeff Polychronis  
1528 Arlington Dr  
Salt Lake City, UT 84103

Boyd William Bullough  
2039 Aldo Circle  
Salt Lake City, UT 84108

The Rev John E. Norman  
1044 East 600 So  
Salt Lake City, UT 84102

Paul Burke  
2411 Emerson Ave  
Salt Lake City, UT 84108

Bret Jackson  
2566 Highland Drive  
Salt Lake City, UT 84106

Barbara R. Cook  
851 South 1400 East  
Salt Lake City, UT 84105

Alice Andersen  
851 Amanda Ave  
Salt Lake City, UT 85105

Pamela Stone  
931 Windsor St  
Salt Lake City, UT 84105

Lisa Casterelli  
1427 Circle Way  
Salt Lake City, UT 84103

Nick Burns  
187 E Dorchester Dr  
Salt Lake City, UT 84103

Tamra Hall  
4490 Wyndom Ct  
Salt Lake City, UT 84108

Andrew Patterson  
962 S Fairview Ave  
Salt Lake City, UT 84105

Benjamin Dahl  
1371 2<sup>nd</sup> Ave  
Salt Lake City, UT 84103

G Peter Feola  
2891 Sherwood Dr  
Salt Lake City, UT 84108

Robert Steiner  
1421 Penrose Drive  
Salt Lake City, UT 84103

Rowland Hall-St. Mark's School  
Mt. Olivet Committee  
720 Guardsman Way  
Salt Lake City, UT 84108

Monica and Jeffery Haines  
7977 Stauning Cove  
Salt Lake City, UT 84121

Scott and Karen Cottingham  
737 E Logan Ave  
Salt Lake City, UT 84105

Brandon Burningham  
455 E 500 South  
Suite 205  
Salt Lake City, UT 84111

Richard Badenausen  
123 U Street  
Salt Lake City, UT 84103

Robert and Peggy Hunt  
1436 S 1400 East  
Salt Lake City, UT 84105

Robyn Matheson  
1846 E. Michigan Ave  
Salt Lake City, UT 84105

# **Exhibit 4**

# **Planning Commission**

**Public Hearing Notice/Postmark/Agenda**

**Newspaper Ad**

**Minutes**

**Staff Report**

**Additional Information Submitted to Planning Commission**

**Exhibit 4i**  
**Public Hearing Notice/Postmark/Agenda**

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

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

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

NOTICE OF A HEARING

F)

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

WE HORTON  
1 Filmore Street  
Salt Lake City, Utah 84105

US POSTAGE  
Mailed From 84111  
11/15/2005  
\$00.352  
016H16501573



After the presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing.

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



Hasler  
\$00.018  
11/15/2005  
Mailed From 84111  
US POSTAGE

- Speakers will be called by the Chair.
- Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
- 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.
- Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
- After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
- 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.
- Salt Lake City Corporation complies with all ADA guidelines. If you are planning to attend the public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the Planning Office 48 hours in advance of the meeting and we will try to provide whatever assistance may be required. Please call 535-7757 for assistance.

841113102

**Exhibit 4ii**  
**Newspaper Ad**

# Newspaper Agency Corporation

4770 S. 5600 W.  
P.O. BOX 704005

The Salt Lake Tribune

DESERET  
Morning News

CUSTOMER'S  
COPY

WEST VALLEY CITY, UTAH 84170  
FED. TAX I.D.# 87-0217663

PROOF OF PUBLICATION

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

ACCOUNT NAME	
PLANNING DIVISION	
TELEPHONE	INVOICE NUMBER
801-535-6188	TL8202WVXF1
SCHEDULE	
START 11/15/05	END 11/15/05
CUST. REF. NO.	
CAPTION	
SALT LAKE CITY PLANNING COMMIS	
SIZE	
44 LINES	1.00 COLUMN
TIMES	RATE
1	1.68
MISC. CHARGES	AD CHARGES
.00	78.92
TOTAL COST	
78.92	

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

On Wednesday, November 30, 2005 at 9:45 PM, the Salt Lake City Planning Commission will hold a hearing to take comment on Petitions 200-05-08 and 400-05-09 that request amending the East Bench Community Master Plan and zoning 1-50B7 acres of Mt. Olivet Cemetery property at 1443 E. Sunnyside Ave. The petitions request changing the land use and zoning designations from Open Space to Institutional. Anyone desiring to address the Planning Commission on these issues will be given the opportunity.

The hearing will be held in Room 326 of the Salt Lake City and County Building, 451 South State Street. Accessible parking and entrance is located on the east side of the building. Hearing impaired individuals who wish to attend this meeting should contact our TDD service number 535-6021, four days in advance. For further information regarding this hearing, call Everett Joyce at 535-7930. 8202WVXF

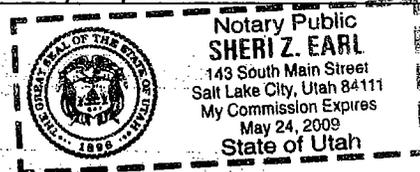
## AFFIDAVIT OF PUBLICATION

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

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

SIGNATURE *Shirley East*

DATE 11/15/05



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

**Exhibit 4iii**  
**Minutes**

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

**Petition No. 400-05-08 and Petition No. 400-05-09 – Rowland Hall, St Mark’s School requesting to amend the East Bench Community Master Plan Future Land Use Map to designate the property located at approximately 1443 East Sunnyside Avenue as Institutional rather than Open Space and to rezone the property from an Open Space to an Institutional zoning classification. This is a 13-acre portion of the Mt. Olivet Cemetery property.**

At 9:49 p.m., Chairperson Noda introduced Petitions 400-05-08 and 400-05-09 and recognized Staff, Everett Joyce.

Commissioner Muir disclosed a potential conflict of interest with regards to the petition, as his wife is a teacher at the school. His comments will be objective, but he is prepared to disqualify himself if the Commission suggests, as he recognizes the will of the Planning Commission. No problem was found.

Mr. Joyce stated the proposed Master Plan amendment and zoning changes are the first steps to a lengthy process. An existing federal reversionary clause enforces the property to be used for cemetery purposes only. Prior to further action of a subdivision application and approval of the parcel itself this clause would need to be removed. Subdivision approval is not presently required because the parcel does not exist.

In analysis and findings, Staff reviewed the historical and land use designations for cemeteries within the city. Two key cemetery properties exist in the East Bench Master Plan; Mt. Olivet property and the 1300 South property owned by Sunset Larkin Mortuary. The Master Plan and Future Land Use Map was approved in 1987 indicating both cemeteries as Institutional land use.

In 1995, a city-wide zoning ordinance was adopted for Open Space Zoning Districts. The property at Mt. Olivet, prior to the Open Space ordinance was in an R-2 zone. The East Bench Master Plan was amended in 1995 to adopt the Open Space Master Plan policies in conformance with the Zoning Rewrite Project

The northwest corner of the Mt. Olivet property is presently zoned RMF-75. This is considered a mapping error and Staff recommends the Planning Commission initiate action to have the property considered as a map amendment in the fine tuning petition.

Uses other than a cemetery for Mt. Olivet are allowable, under City Zoning, but deed restrictions are given by the Federal Government on types of Land Use.

The Land Use designations in Master Plans identify the City’s policy for future land uses. The amendment of the East Bench Master Plan Land Use designation is to include the Mt. Olivet property as Open Space zoning.

The Land Use policy for the East Bench Master Plan and the Open Space Master Plan are the plans associated with Mt. Olivet. The Salt Lake City Master Plan designates active cemeteries as Open Space and the proposed amendment is inconsistent with the purposes, goals, objectives, and policies of the plan. Modification of Open Space zoning boundaries for a portion of the Mt. Olivet cemetery property would set precedence for removal of additional properties with the cemetery not actively used. The unused areas and the portion leased to the East High Football practice field are considered inactive uses of the cemetery.

The proposed development is harmonious with the existing character development in the surrounding area. The Institutional zoning classification does allow potential development intensification which would not be harmonious to existing character.

The rezoning of Mt. Olivet to Institutional would permit more intensive development than allowed in an Open Space district by potentially increasing traffic levels and impacting adjacent properties. The Transportation Division of Salt Lake City evaluated phase one of the proposed petition. The analysis provided by the applicant concluded that traffic generated by the proposed use would not adversely affect adjacent properties.

The East Bench Fault Line and the Primary Aquifer Recharge area overlay do impact the future construction of the area, as trenching would be required for future development. The County Health Department handles the requirements for construction in an aquifer recharge area.

The public facilities services and utilities are in place to serve the 13-acre parcel being considered. If actual development occurred, potential problems with water and sewer utilities could occur; if so, the developer would assume responsibility for any changes required.

The Staff recommends that the proposed Master Plan amendment and rezoning of the Mt. Olivet property not be recommended for approval, as it is inconsistent with the East Bench Community Master Plan. Rezoning the Open Space for Institutional usage is not consistent with the Open Space zoning district. Staff recommends the Planning Commission forward a recommendation to the City Council to deny the request. Staff also recommends the Planning Commission initiate a petition to rezone the RMF-75 portion of the Mt. Olivet property in the mapping fine tuning petition.

Commissioner Muir requested the inclusion of Community Council interest to the Staff report, but requested the Staff summarize the thoughts of the Community Council in their own words. It was recommended that if an advisory board prepares their own transcripts to attach the information to the Staff report, but not include it within the report itself.

Commissioner De Lay questioned the potential of the future property in relation to the guidelines given by the government upon presentation of the property. As a reversionary clause exists, it seems illogical to consider the proposed petition.

Mr. Joyce confirmed that a reversionary clause exists for the south portion to revert to the use of a cemetery. The applicant is prepared to address the reversionary clause with the federal government upon approval of this petition by City Council. If the reversionary clause is not removed, the rezoning attempts would be unsuccessful.

Commissioner Chambless requested confirmation of the lessee regarding the southern parcel of the property, presently converted to a football/soccer field and its future use upon expiration of the lease.

Mr. Joyce confirmed the lessee as Salt Lake City School District and clarified the use of the property as educational purposes for the time period of 70 years. Upon expiration of the lease, the property must be reverted back to cemetery status.

Commissioner Diamond requested information about Open Space limitations.

Mr. Joyce stated that a park is considered Open Space and a community recreation center could be built on Open Space zoned property. Structures can be built on the property, but what prevents the proposed development is the reversionary clause of the federal government. There are limits under the zoning controls. A school would not be allowed in an Open Space zone and must be built in an area zoned Institutional. A recreational center could be built in an Open Space zone.

Mr. Joyce confirmed the reversionary clause situation with the property as a negotiated lease between the lessee and the Federal Government. When built upon, the property was in an R-2 zoning district allowing educational uses.

Chairperson Noda requested comments from the applicants.

Mr. Bill Adams, President of Mt. Olivet Cemetery, provided a short history of the financial status of the association stating the association has been unable to accumulate sufficient funds to provide for perpetual care. There is a 70-year lease with the Salt Lake City School district with a 30-year option to renew, based on congressional approval of that extension. Since the split of the property, Mt. Olivet has explored possibilities to lease other areas but has not received any significant financial opportunities. Mr. Adams requested approval for the rezoning on the property in order to provide continued financial support of the existing cemetery.

Mr. Alan Sparrow, Head of Rowland Hall School, presented a history of Rowland Hall St. Mark's, stating demographic and statistical information. Mr. Sparrow continued by citing the mission of Rowland Hall and its students' success as contributing citizens. Although the neighborhood is opposing the change, the community does believe Rowland Hall will be a good neighbor. The relationship with the surrounding schools has been excellent and will continue upon relocation. A soccer field is part of the proposed plan to enhance the green space in the area and to allow public use of the property.

Mr. Bob Steiner presented a proposed plan for the property coinciding with the Open Space Master Plan of 1995, including green space, sidewalk, and a widened corridor. The buildings proposed would take up 14% of the subject property. Rowland Hall is presenting a proposal to decrease the financial needs of Mt. Olivet and enhance the community at no cost to the City. In order to ensure a mechanism that would allow the continuance of open space on the property, Mr. Steiner requested assistance from the Planning Commission and the City.

Chairperson Noda requested questions for the applicant from the Commissioners.

Commissioner Diamond requested confirmation about the footprint for the upper school area being placed at the north end of the property.

Mr. Steiner confirmed the footprint of the suggested buildings, but also mentioned the possibility of "breaking up" the school into a smaller campus feel. If a campus of separated buildings occurred, the footprint could be larger because of the lack of common walls. Mr. Steiner also confirmed that there are no plans to build the school now, as the finances still need to be raised.

Commissioner De Lay stated her support for private schools in the community and agreed that Rowland Hall needs more space. As commissioners there is a strong support for education within the City.

Commissioner Forbis commented on the Open Space description regarding the traditional understating that Open Space includes creeks and canyons. He requested confirmation that the aquifer could also be considered in the definition.

Mr. Steiner confirmed the traditional understanding and agreed that the Open Space Master Plan maintained a focus on the unique gifts in the valley area.

Mr. Joyce stated that the recharge area covers nearly two-thirds of the City, with the East Bench being the primary recharge area.

Ms. Coffey stated that the coverage is continued eastward from Beck Street and is referred to as an underground aquifer recharge area.

Commissioner De Lay remarked about Institutional zoning for the area in the East Bench Master Plan.

Mr. Joyce confirmed that the zoning in 1987 was R-2, but the term Institutional zoning was from the Land Use policy. The zoning was changed in 1995 with the Open Space Master Plan, including amendments to all Master Plans conflicting with the new zoning ordinance that created a specific Open Space zoning classification.

Hearing no further questions for the applicants, Chairperson Noda opened the public hearing requesting comments from the Community Council Chairs.

Peter Von Sievers, Capitol Hill Community Council, stated concerns about the potential inconsistencies of the Open Space policies within the City, specifically with the City's position on the North Bench to preserve Open Space and this parcel. Capitol Hill Community Council is opposed to the proposed rezoning.

Steve Blackham, Sunnyside Community Council, expressed concern with a potential increase of traffic. The capability of Sunnyside Avenue to handle the additional traffic is available, but the surrounding neighborhoods are becoming devalued.

Steve Alder, Trustee of Sunnyside East Community Council, stated that the alteration of the zoning is premature and further planning options should be examined. Indirect effects on Each High School should be considered. Sunnyside Community Council is opposed to the proposed rezoning.

Dennis Guy-Sell, East Central Community Council, stated that Rowland Hall has been a pleasant neighbor, but the preference of the Board is that they remain at their current location. East Central Community Council is opposed to the proposed rezoning.

Marion Florence, Bennion Neighborhood, stated that Rowland Hall has been an enjoyable neighbor, but concerns remain regarding the area left behind. The future of the historic district, future of the current green space and the economic impact of the 900 East and 900 South areas are three main concerns; as the futuristic impact on the land is not protected. A proposal was placed for the property on 900 East and 900 South to be used for expansion and soccer fields if needed.

Jim Webster, Yalecrest Community Council, made reference to lone Davis, a charter member of the City Council, who struggled for years to use the suggested property for community use but consistently failed. The vote of this community does not reflect the reputation of Rowland Hall; rather the subject is Open Space. The concept of stewardship is important to consider as it is a role defined as working together instead of domination. Yalecrest Community Council is opposed to the proposed rezoning and map amendment.

MaryDelle Gunn, Wasatch Hollow Community Council, stated opposition to the proposed rezoning of Mt. Olivet.

Ellen Reddick, Bonneville Hills Community Council; Chair, requested support of Planning Staff recommendation and oppose the proposed rezoning.

Seeing no further comments from Community Councils, Chairperson Noda opened the meeting for public comment.

Due to the amount of public interest regarding the proposed petition, the general public comments have been summarized. The following individuals spoke in favor of approval of the petition:

Carol Frymire, Robert Sanders; Trustee of Rowland Hall, Cary Jones; Rowland Hall Board Member, Guy Kroesche; Trustee of Rowland Hall, Paula Sargetakis; Board Chair of Rowland Hall St. Mark's, Robyn Matheson, Phil Carrol, Leslie Stone, Wayne Adams, Don Biselle, Ryan Hoaglund, Kathy Kennedy, Margaret McGann, Jim MacIntyre, Jordan Kimball, Kevin Bischoff, Robert Tokita, John Ashton, Ken Johnson, Angelina Hyde, Dave & Becky Hall, Kathy Kennedy and Joe Perrin.

Those in support of the petition stated the following reasons:

- Open Space should be defined as a livable area, rather than a field with trash and a barbed wire fence.
- Care of the land would be maintained in a manner to make the City proud, as Rowland Hall has previously proved itself in the Avenues area.
- The desire of Rowland Hall for the proposed petition is not to ask for an increase in school population, but rather a request for more space.
- An assurance for the land to be maintained as a mechanism for public use will be considered in a deed restriction.

- Many other options could be considered by the Mt. Olivet Association to sell the property for financial gain, including federal or state government who are exempt from specific zoning requirements; while Rowland Hall is proposing a petition to enhance the City within the guidelines.
- Only four of thirteen acres will be used for buildings, lending the remainder to the community.
- Open Space is a rhetorical term in Utah; given the many options for a specific definition and should consider the terms of being a usable and livable place for the public.
- The present lease on Mt. Olivet has more impervious area than the proposed petition.
- Traffic will be decreased as the proposed plan will create a unified school area.

Due to the amount of public interest regarding the proposed petition, the public comments have been summarized. The following individuals spoke in favor of denial of the petition:

Barbara Cook, Mark Maxfield; East High School Community Council; Chair, Robin Carbaugh, Cindy Cromer, Helen Peters; Former Chair of Mayor's Open Space Committee, Diane Barlow, Father John Norman, Mary Lou Barker, Michael Behrens, and Tim Payne.

Those in opposition of the petition stated the following reasons:

- Open Space is a natural area of land and should be preserved as a legacy.
- Traffic in the area will increase—reducing the safety of the surrounding area.
- Mt. Olivet Association has not found enough resources to financially sustain itself, and more time should be allowed for tools to be provided to the association and for the preservation of Open Space.
- The value of an area of land for the earth to recharge itself is immeasurable and should be considered a premium space for the community.
- Open Space is found less often as city growth continues.
- Tools for rating the degree of importance of Open Space are being researched, and given time, will be considered as possible trading options.
- The land is irreplaceable.

Public Comment read into the record:

Gleed Toombes; The schools proposed development can be accomplished by other means. If Mt. Olivet really needs some money to handle management of the cemetery they should coordinate with the City and work out a plan with them. The property was designated to be preserved as a cemetery and nothing else. Once is it sold, regardless of immediate plans, it become a part of the commercial free enterprise system. Its future is unknown. Not what our country fathers had in mind.

Jonathan Hermance: My wife and I own a rental property across Sunnyside from the field RHSM has interest in. We feel RHSM is potentially a good neighbor and are certainly better than a shopping mall or other commercial use. They are Institutional and have shown they are responsible in the use of the lands they currently occupy. The

soccer fields proposed are practical if they are available to local leagues. Developed open space would be more to my liking, but it seems Mt. Olivet needs money and will get it from somewhere. Better RHSM than a U of U parking lot or whatever.

Jan Bennet: We strongly encourage Mt. Olivet cemetery to retain the open space that currently enhances our neighborhood. We believe the additional buildings and traffic would have a negative impact on the entire surrounding area.

Steve Belson (Beckham): My wife Jane and I are opposed to the rezoning proposal.

Alice Andersen: Living as I do immediately opposite the land in question, I am greatly opposed to this rezoning.

Robin Puri: Support the sell of the property to the school. Financial needs of Mt. Olivet will be met, open space will be maintained with the school only using 4 of the 13 acres.

Steve Mason: Keep this open space, uphold the master plan. We need cemetery and open space; we need the deer and other small animals. Please keep it open.

Susan Koles: Responsible planning would allow RHSM to rezone a piece of the property that is inaccessible/unsightly/unsafe and use a portion for construction and a portion for green space.

Leslie Stone: I am strongly in favor of Rowland Hall, St. Mark's Proposal.

Peggy McDonough's comments read into the record: Despite my respect for the school and its mission, from my analysis of the Staff report and familiarity with the area, I concur with Staff to forward a negative recommendation to City Council. It is a very dangerous precedent to establish, placing our city's open space areas at risk for the convenience of development.

The Planning Commission had received several written comments. Chairperson Noda entered the written comments into the record.

Seeing no one else wishing to speak, Chairperson Noda closed the public hearing and went into executive order with the Commission.

Commissioner Scott noted the number of citizens who stayed late to state their desire and thanked them. She stated that spending time in cemeteries can allow the children of society to learn about responsibility and the irreplaceability of open space.

Commissioner De Lay noted the passion of the individuals who remained for the conclusion of the meeting. Rowland Hall is a good neighbor, and would be a good steward of the land, but the fact remains that the property be reverted to the federal government if it is not used as a cemetery.

Commissioner Muir requested further tools to assess the area of Open Space. Given the topic of cemeteries, the Planning Commission has opposed and defended them. The Community Council Chairs have alluded to the difficult position Commissioners are placed in with regards to Open Space. Without tools to determine the net loss of Open Space by supporting the petition, the City is at a loss. A suggestion for Rowland Hall to

locate four acres of valuable Open Space, purchase it, and trade it to the City for the removal of the Mt. Olivet four acres is not feasible under the existing requirements. A trade option is not presently available to the City, but should be considered by the Open Space committee as a potentially feasible.

Commissioner Diamond confirmed the lack of zoning requirements by the federal and state government. He requested to know how much land was currently being used by Rowland Hall for the school for the purpose to determine if a land trade for the potential of Open Space could possibly be agreed upon.

Mr. Steiner stated that less than half of the footprint is used.

Mr. Ikefuna discussed the studies the City is doing regarding the inventory of critical lands and preservation easements and stated that upon conclusion of the studies, the lands will be classified and the criteria for protection will be assessed and developed. Staff is also evaluating the bylaws of the Open Space & Lands Advisory Board to determine if it can be amended to include some provisions which have been mentioned. The topic will be brought up in further discussion.

Commissioner Muir suggested tabling the petition to allow the City some time to assess the options available to the applicant and the City.

Chairperson Noda agreed with Commissioner Muir in the sense of unavailable tools for dealing with Open Space and requested tabling the petition in order to provide the applicant with more time to research further options. The consistency of identifying the importance of Open Space has been provided by decisions made by the Planning Commission. Open Space is valued by the City and should not be altered. The amount of Open Space within the City is small and if more is given away for development the less of a legacy we have for the future.

Commissioner Chambless noted the lack of Open Space in large, high density cities and recommended the Open Space be left, as it is irreplaceable.

Commissioner Muir clarified the rezoning in North Salt Lake as a rezone from an Open Space to a Natural Open Space zone, precluding the opportunity for a cemetery. To remain consistent, this space would also be rezoned as a Natural Open Space.

Mr. Steiner stated that in the North Salt Lake situation there were different circumstances under which the decision was made. Having a large institution nearby or possible federal buyers, the likelihood of the disappearance of open space is greater. Tabling the petition would be an option for the applicants, in order to determine if further alternatives are available.

Discussion of tabling the petition and returning to the Planning Commission with the City Attorney led to a motion to table.

Motion for Petition #400-05-08 & 400-05-09

**Commissioner De Lay moved that the Planning Commission table Petition 400-05-08 & 400-05-09 in order to request the attendance of the City Attorney to a meeting. No second.**

Commissioner Scott disagreed with the idea to table and requested the commissioners determine the purpose of Open Space. As a Planning Commission, a strong statement should be made regarding the importance of Open Space. Public Utilities should consider cemetery space.

**Commissioner De Lay removed the motion for tabling the petition.**

Motion for Petition #400-05-08 & 400-05-09

**Based on the findings of fact, Commissioner Scott moved that the Planning Commission forward a recommendation to the City Council to deny the requests to amend the East Bench Master Plan and the request to rezone the 13 acre portion of Mt. Olivet Cemetery property from Open Space to Institutional Land Use and zoning classifications. Commissioner De Lay seconded the motion. Commissioner Scott, Commissioner De Lay, Commissioner Forbis, Commissioner Diamond, and Commissioner Chambless voted "Aye". Commissioner Muir was opposed. Commissioner McDonough, Commissioner Seelig and Commissioner Galli were not present. As Chair, Chairperson Noda did not vote. The motion passed.**

**Exhibit 4iv**  
**Staff Report**

**DATE:** November 21, 2005  
**TO:** Salt Lake City Planning Commission  
**FROM:** Everett L. Joyce, AICP  
**RE: STAFF REPORT FOR THE NOVEMBER 30, 2005 MEETING**

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**CASES#:** 400-05-08 Master Plan Amendment  
400-05-09 Zoning Amendment

**APPLICANT:** Rowland Hall - St. Mark's School

**STATUS OF APPLICANT:** The applicant has entered into contract with Mount Olivet Cemetery Association to purchase the Mt. Olivet property on the condition that the master plan and the zoning are amended as requested.

**PROJECT LOCATION:** 1443 East Sunnyside Avenue

**PROJECT/PROPERTY SIZE:** 13.087 acres

**COUNCIL DISTRICT:** District 6, Councilmember Buhler

**REQUESTED ACTION:** Amend the East Bench Master Plan Future Land Use Plan from Open Space to Institutional land use and rezone the subject property Institutional rather than Open Space.

**PROPOSED USE(S):** Future development of a private middle and upper school with a proposed soccer field and open space area. The soccer field and open space area would consist of approximately two thirds or 8.5 acres of the subject 13 acre parcel.

**SURROUNDING ZONING DISTRICTS:**

**North** Open Space  
**South** R-1/5000 Single Family Residential  
**East** Institutional  
**West** Open Space / Institutional

**SURROUNDING LAND**

**USES:**

- North** Mt. Olivet Cemetery
- South** Single family residences
- West** Mt. Olivet Cemetery / East High football field (lease)
- East** McCarthy Lower/Beginning School campus and Pingree private school campus

**APPLICABLE LAND USE REGULATIONS:**

21A.50.050 Standards for general amendments.  
Utah Code 10-9a-404 General Plan amendment

**MASTER PLAN SPECIFICATIONS:**

East Bench Community Master Plan as amended through the 1995 Citywide Zoning Rewrite Project designates the subject property for open space use. The Open Space Master Plan depicts the Trans-valley Open Space Corridor along the subject property adjacent to Sunnyside Avenue.

**ACCESS:**

The subject property fronts on Sunnyside Avenue and if developed as proposed, would have access from Sunnyside Avenue and from Guardsman Way through the related adjacent property. Immediately east of the subject school site is the Rowland Hall St. Mark's, McCarthy Lower/Beginning School campus.

**PROJECT DISCRIPTION:**

Applicant is requesting master plan amendment and zoning classification amendment to accommodate the development of a future middle and upper school for Rowland Hall St. Marks. The existing site is undeveloped. The conceptual land use plans submitted with the petition applications show the school uses; a soccer field and an improved open space area. The applicant proposes to develop a soccer field and open space area on the southern two-thirds of the 13-acre parcel. The northern one-third of the property, approximately four acres, would be used for school buildings and parking areas. (See Exhibit 4 Conceptual Development Plan and Existing Site Conditions)



*Vicinity Map*

**COMMENTS, ANALYSIS AND FINDINGS:**

**COMMENTS**

**City Department Comments.**

**Transportation** - The Transportation Division reviewed the petition proposal and recommended approval based on the following. The proposed site fronts on Sunnyside Avenue, an arterial class roadway with five lanes. There is also a proposed access to Guardsman Way, an arterial class roadway with four lanes. The traffic study provided in Exhibit “H” of the petitioner’s application is a phase 1 preliminary study. The study indicates a reasonable traffic review for the present data available and the indication of approximately 400 additional trips generated.

**Public Utilities** - The Public Utilities Department stated they have no issues with this proposed request for zoning and plan amendment. However, construction of the proposed uses raises several issues. For culinary and fire flow needs this property would be served by a six-inch water main in Sunnyside Avenue. Water system improvements may be necessary if this existing main cannot meet the State and City's Fire Department fire flow requirements. A storm drain runs along the north side of this property. A minimum 30-foot easement will be required for the operation and maintenance of this facility. All future design and construction must conform to State, County, City and Public Utilities standards and ordinances and Salt Lake City Public Utilities General Notes.

**Fire Department** – The Fire Department has no objection to the above named zoning change request. Site plan approval for development (fire hydrant number and location, fire access roads) will require review and approval by the Fire Department prior to building permit issuance.

**Police Department** – The Police Department identified the following concerns:

1. Traffic - Increased traffic in the area of 800 South and 1300 East during school year. While the expected increase is not dramatic in numbers the combination of East High, University of Utah and Rowland Hall all occurring at the same time could increase needs of enforcement, accidents, etc. A possible mitigation alternative would be adjustment of Rowland Hall or East High operation hours to spread out the traffic concerns.
2. Proximity - The proximity of the proposed location to East High, especially where middle school aged students and high school aged students would mix, could potentially increase the risk of negative contacts.
3. Neighborhood impact - The impact would be mostly to residential areas located south of Sunnyside Avenue. This would be due to the substantial increase in the high school aged group traffic, mostly during lunchtime and after school hours. Question - Would Rowland Hall be an open or closed campus? i.e. If students were restricted to campus during lunchtime then impact to surrounding neighborhood should only be after school hours. East is presently an open campus during lunchtime.
4. Resource officer - With only one resource officer assigned to East High any additional law enforcement needs would be from a normally assigned patrol officer. In this type of environment, we have found that prevention at the earliest level and the ability to speak with students prior to any potential negative action usually prevents the negative action from occurring.

Note: There has not been any significant negative interaction between East High and Rowland Hall students in the past or presently. (East High School is located at 800 South 1300 East and Rowland Hall is located at 950 East 800 South)

**Building and Permits Department** – The Permits Department had no comments regarding the petition request.

**Public Services** – The Public Services Department has identified the following information regarding cemeteries within Salt Lake City. Development of the Salt Lake City Cemetery started in 1847. The cemetery is approximately 250 acres in size and plotted for 140,823 graves. The entire cemetery space is plotted out and developed. There is no additional space for expansion. To date, approximately 119,000 plots are used. Of the 21,800 remaining, 17,300 have been pre-sold. Only 4,500 burial sites remain for sale. Historically, on an annual basis approximately 600 burials occur each year. If the historical numbers hold, use of all available cemetery sites will occur within 36 years. The historical cemetery sales rate is 350 graves sites each year. Based on the 4,500 available burial sites for sale and historical sale rates, in 13 years there will be no sites available.

The present day data suggests that the cemetery will use up its available burial space in 13 years. Within another 23 years, all burial sites will be filled. Beyond that point in time, the city will continue to fulfill its obligation to care for and maintain the cemetery in perpetuity without the offsetting annual revenue generated by property sales and burials.

Presently the City has no plans to either expand the cemetery space (the only potential expansion would be into Lindsay Gardens Park) or start a second cemetery in a new location in the City. Any decision to move in this direction would result from a policy discussion and agreement between the Mayor and City Council. If the City fills the cemetery without further expansion or new development, other public or private cemeteries will need to fill the public demand.

Salt Lake City has one public cemetery, the Salt Lake City Cemetery. Four (4) additional active cemeteries are located within the boundaries of the City: Mt. Olivet, a private cemetery owned by a consortium of local churches; Mt. Calvary, a private cemetery owned by the Catholic Diocese; B’nai Israel Cemetery, a private cemetery owned by the Temple Kol Ami Synagogue; and Larkin Sunset Lawn, a private cemetery owned by the Larkin family. It is my understanding that the public has access to each of these cemeteries regardless of affiliation except B’nai. I also understand that with the exception of Mt. Olivet and Larkin cemeteries, the others face the same capacity challenges as the City’s cemetery.

Though the City has a municipal cemetery that it must maintain and operate in perpetuity, the City has no legal obligation to maintain an “active” cemetery.

The following actions may extend the Cemetery’s “active” period:

1. The historical consumption numbers may change over time;
2. Resale burial plots that have been sold, but have not been used in a 60 year period (this could add a few hundred graves to the inventory over time);
3. Develop double deep burials, which means that one burial plot may be used for two burials; and
4. The construction of mausoleums, which allow burials to occur above ground in structures.

**Open Space Advisory Committee and Board Comments.**

**Mayor’s Open Space Advisory Committee** – The Mayor’s Open Space Committee in June of 2003, received a historical review of land transactions related to Mount Olivet Cemetery and the potential sale of the subject property by the Cemetery Association to Rowland Hall St. Marks for future institutional development. The Open Space Committee discussed then passed a motion to protect this property as open space. The Committee identified that the current and future use of this property is of great significance to Salt Lake City’s long-term interest in preserving and protecting limited open space. (Committee letter in Exhibit 5)

**Open Space Lands Advisory Board** – Under the provisions of Chapter 2.88 of the Salt Lake City Code, the Open Space Lands Board is charged with devising a plan “for the preservation, protection, management and consideration for acquisition of Open Space Lands” in Salt Lake City. The Open Space Lands Advisory Board reviewed and discussed the subject petitions to amend the Open Space land use designation of the East Bench Master Plan and the Open Space zoning designation for the subject Mt. Olivet property. The Board’s recommendation on the petition is based on the belief that rezoning currently zoned open space in Salt Lake City is inadvisable. Accordingly, the Salt Lake City Open Space Lands Advisory Board voted unanimously to recommend against the requested rezoning of the Mt. Olivet property from Open Space to Institutional. (Board letter in Exhibit 5)

**Community Council Comments**

**Yalecrest Neighborhood Council**

The Yalecrest Neighborhood Council opposes the proposed master plan and zone change. Throughout council’s entire history, the open space between the armory property (currently occupied by the Carmen Pingree Autism School) and 1300 East has been one of our primary concerns. We advocated interim use of the property for soccer fields along with Ione Davis, one of the original City Council members. We supported Mr. Hogle's proposal for an interim golf academy, and although we had some concerns regarding visual and noise impacts, we have supported the interim use of the property for East's football/track facility. On the other hand, we have consistently opposed proposals that contradict the original intent of the federal designation as open space, including those of the University of Utah and the more recent proposal by Rowland Hall St Mark's (RHSM). Institutional use is absolutely excluded by the Department of Defense's 1874 land allocation to Mt Olivet. The DOD agreement is consistent with Salt Lake City's current zoning ordinance.

The residents of Yalecrest Neighborhood Council are opposed to a change in the open space zone. The following is a synopsis of the specific concerns expressed in Yalecrest meetings as regards the proposal to change the zoning for the Mt Olivet property to serve the needs of Rowland Hall St Marks' Schools:

There is no compelling need to consider any change to the original intent of DOD designation for this property for future cemetery expansion. To oppose the intent of original designation would not only demonstrate ingratitude for Federal co-operation in 1874, but also damage SLC's future ability to obtain federal open space lands for viable community purposes. The Yalecrest

community fully accepts the need for cemetery use, the wisdom of the proponents of the 1874 agreement, and fully endorses the perpetual use of the property as designated. There is no compelling need to attempt by whatever political means as may be available to eradicate the reversionary clause in this agreement. If Mt Olivet cannot find a way to honor the original agreement to provide appropriate stewardship for the property, then other uses that are compatible with the 1874 agreement must be explored.

Yalecrest neighbors have attended meetings sponsored by RHSM and have carefully reviewed preliminary site plans for the middle and high schools on the 13 acres in question. Recognized area standards for middle and high schools have been established by land planners as represented by the following sources:

Koppleman and DeChiara, Planning Design Criteria, Van Nostrand Reinhold, N.Y.,  
1969: Jr. High School: 18-20 acres; Table 9-4, pg 182  
High School: 32-34 acres; Table 9-5, pg 183

The Urban Land Institute, The Community Builders Handbook, ULI, Wash. D.C.,  
1968: Jr. High School: 20 acres; pg 161  
High School: 40 acres; pg 161

Using these minimal standards from either source, RHSM would need 50 acres for both institutions; the maximum standard would require 60 acres, an increase of about 462 % over the land being made available by Mt Olivet. Based on the information presented by RHSM, the interior area of the proposed buildings is over 170% greater than the University of Utah's football practice facility.

Opportunity costs include not only the loss of open space, but also loss of wildlife habitat, tranquility, aquifer recharge, oxygen generation, temperature mitigation, and associated benefits provided to the urban environment by open space.

We wonder if impacts on the sanitary sewer infrastructure have been adequately addressed. Is available line capacity sufficient for such an intensive development?

We have studied RHSM's traffic impact study and feel it is inordinately biased and must be balanced by a second opinion. This study failed to address the issue of double-parking, an ongoing impact that would only become even more intolerable if the zone were changed. Problems and impacts generated by RHSM have been the continual source of discussions in our Yalecrest meetings. These include an unfortunate track record of traffic infractions such as double parking, a serious safety impact. When RHSM parents pick up students, Guardsman Way is virtually grid-locked.

There has been much discussion in our meetings that the Open Space zone could become merely a "holding pattern" until yet another more powerful lobby comes along to subvert the best interests of our community and the associated master planning process. This would be a terrible precedent.

The placement of three high schools (East, Rowland Hall and Judge) in close proximity is unprecedented, and in our opinion for appropriate reasons. We do not question that a rise in crime rate will occur as three competing student bodies are so closely mingled. We have

discussed this issue with J.R. Smith of the Salt Lake City Police Department who alerted us that such an increase in crime would be unavoidable. The Planning Commission should require a detailed study of comparable circumstances as related to the incidence of crime, if anyone can find a precedent for three high schools with a half-mile radius.

RHSM has implied that there is some sort of "efficiency" associated with having all students of any given family on a common complex. We believe this to be fallacious.

Negative impacts of vacating the Roosevelt campus include blight, commercial land speculation, adverse land uses imposed on adjacent residential neighborhood due to an institutional zone status of being higher on pyramid than residential, thus limiting a potential for down-zone due to market value considerations.

Yalecrest residents believe that the city must generate small area master plans for both the Roosevelt and Guardsman parcels. This must occur prior to any further consideration of re-zone. We believe any action at this point would be premature and ill advised.

If this land is used for an alternate purpose, completely alien to original intent of the DOD designation, within a very few years Salt Lake City will become the only major city in the western US without a public cemetery. How does this serve to define sustainability?

Perpetuation of the cemetery use is economically viable. Mt Olivet will gain more from the long-term development of the land in question as a cemetery than the offered price from RHSM, if it is properly managed. This point has been raised in numerous meetings by Mr. Russon and others familiar with the cemetery and real estate industries. There is no economic hardship, implied or real.

The Yalecrest Neighborhood Council appreciates the responsibility that the Planning Commission has in sustaining the integrity of our neighborhoods. For the reasons outlined above, and for reasons that are being expressed in the public hearing forum, the Yalecrest Neighborhood Council opposes the proposed zone change.

#### East Central Community Council

At the May 18, 2005 meeting of the East Central Community Council Executive Committee issues related to the Mt. Olivet Cemetery and the Open Space Zone were discussed. By unanimous vote, the Committee passed the following motion:

To strongly recommend, that the City protect and preserve the current open space zone of the southeast section of the Mt. Olivet Cemetery. That the Planning Department, the Planning Commission and the City Council reject the petition by Rowland Hall St. Marks to amend the Master Plan for a rezone to institutional zoning if the southeast portion of land that is currently Mt. Olivet Cemetery.

The following points led to this motion:

1. The absolute irreplaceability of this open space land which is Mt. Olivet Cemetery to the densely developed central and eastern area of Salt Lake City.

2. The critical need regarding the planning for cemetery space in Salt Lake City for future generations.
3. The historical value of its original use as enacted by the United States Congress.
4. The ecological value of its natural state in regards to wildlife.
5. The livability value for a community that is overly impacted by institutional development.
6. The need for Salt Lake City to protect different types of open spaces
7. The important planning value of the Open Space Zone to stop the threat of institutional and other development interests from encroaching on zoned open space land.

#### Bonneville Hills Community Council

The Bonneville Hills Community Council's Executive Board recommended preserving and protecting the OS Open Space Zone and rejecting the petition to amend the East Bench Community Master Plan and zone change for Institutional uses on the Mt. Olivet property.

#### Wasatch Hollow Community Council

The Wasatch Hollow Community Council passed a motion by acclamation to support denial of the rezone to institutional zoning request, by Rowland Hall St. Mark's School, of the southeast portion of land that is currently Mt. Olivet cemetery.

There is a critical need regarding planning for cemetery space. As the Salt Lake City Cemetery nears capacity, the city will need this land for its intended purpose as a public use cemetery. Of equal importance, the implications of changing an open space zone to an institutional zone are profound. If this change to the ordinance is allowed, then open space throughout the city will be vulnerable to rezoning pressures.

#### **Other Public Comments**

The Planning Division received numerous letters and e-mails commenting on the proposed master plan and rezoning amendment petitions. Public input responses, both in support and opposition to the proposal are included in Exhibit 6 – Community Input, separated into two groups, those that support and those that oppose amendment of the master plan and rezoning of the property from open space to institutional classification.

#### **Petitioner Letter Regarding Yalecrest Community Council Meeting**

A representative of the applicant has submitted a letter to the Planning Commission (Exhibit 7) stating concern regarding the Yalecrest Community Council vote and meeting procedures at their August 23, 2005 meeting. Community Council votes are not binding on the decisions made by the Planning Commission. The Planning Division understands that the Community Council discussion is the opinion of a neighborhood group and not the entire community.

## ANALYSIS AND FINDINGS

### **Historical Zoning and Land Use Designations for Cemeteries**

Within Salt Lake City, there are five active cemeteries. Three cemeteries are in the Avenues Community and two in the East Bench Community. The 1987 Avenues Community Master Plan identified the City Cemetery, Mount Calvary Catholic Cemetery and Salt Lake Memorial Cemetery on the Future Land Use Plan as Parks and Open Space. The original, 1987 East Bench Master Plan identified the Mt. Olivet Cemetery and Sunset Lawn Memorial Cemetery on the Future Land Use Plan as Institutional. The amended East Bench Master Plan designates the Future Land Use policy for the Mt. Olivet and Sunset Lawn cemeteries as Open Space. A third cemetery is located in the East Bench Community, the Fort Douglas Cemetery. This is a closed cemetery.

East Bench Master Plan Future Land Use Plan. In 1995, adoption of the Citywide zoning classifications effectively amended the East Bench Master Plan Future Land Use Plan from Institutional to Open Space for the Mt. Olivet Cemetery and Sunset Lawn Memorial properties. The cemetery properties within the Avenues Community were also zoned OS Open Space with Citywide rezoning in 1995.

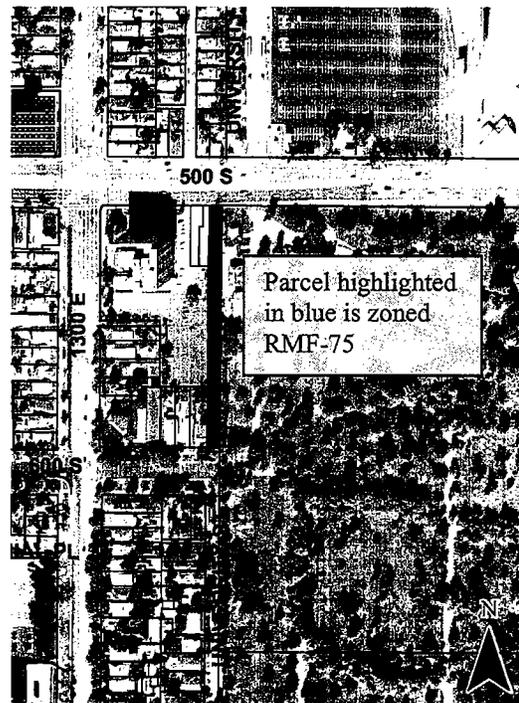
Open Space Master Plan. The Salt Lake City Open Space Master Plan is not a land use plan. The Open Space Master Plan is a policy document that strengthens the open space land use designations of adopted Community, Neighborhood, and Specific Master Plans. The Open Space Plan goals are:

- Conserve the natural environment
- Enhance open space amenities for all citizens
- Connect the various parts of the City to natural environments and
- Educate the citizens on proper use of open space.

Mt. Olivet Property Court Challenge. Mt Olivet Cemetery Association and Johnson Land Enterprises, LLC initiated declaratory and injunctive relief action on March 4, 1996, contending the property was federally owned and governed by federal regulations. Plaintiff sought a declaration that (1) the City exceeded its authority by attempting to regulate federal property and (2) the City's zoning ordinances, as applied to Mt. Olivet Cemetery Association, were preempted by federal law and thus unconstitutional under the Supremacy clause. The City argued the Association owned the property and that the zoning ordinance was consistent with Utah law and any applicable federal regulation. In granting summary judgment in favor of the City, the court held the Association owned the property by virtue of the 1909 Act deeding the property to the Association, and at the best the United States held a possibility of reverter. (See Exhibit 8: Congressional Land Grants and Tenth Circuit Court Summary)

Existing Zoning. In 1995, adoption of the Citywide Zoning Rewrite Project created the Open Space zoning classification and placed most of the cemetery properties in an OS - Open Space zoning designation. The exceptions were the Ft. Douglas Cemetery, which was rezoned RP - Research Park and a narrow one-half acre parcel at the west edge of Mt. Olivet Cemetery, which was zoned RMF-75. The Ft Douglas Cemetery is not an active public cemetery and is owned by the University of Utah and located within the University Research Park complex.

The Open Space zoning designation permits cemetery uses. Both the Research Park and RMF-75 zoning districts do not permit cemeteries. The RMF-75 zoning on the western portion of the Mt. Olivet property is not consistent with overall zoning of Mt. Olivet Cemetery. The criteria and standards for zoning classification actions within the 1995, Citywide Zoning Rewrite Project would have placed the entire cemetery operational area and property within the Open Space Zoning District. Staff believes that the RMF-75 zoning on parcel 16-04-351-007 of the Mt. Olivet property was likely a mapping error. Staff recommends that the Planning Commission initiate action to have the RMF-75 zoned portion of the Mt. Olivet property considered for a map amendment as part of a Planning Division's Zoning Map fine-tuning petition.



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## **MASTER PLAN AMENDMENT – Petition 400-05-08**

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The general land use Master Plan policy and guidelines for the Mt. Olivet property are included within the East Bench Community Master Plan. The Salt Lake City Open Space Master Plan relates to the subject property in that the plan supports conservation of open space and identifies a concept to connect the various open space areas within the City through a trail system.

**Discussion:** The East Bench Community Master Plan land use policy designates the Mt. Olivet property as Open Space. The published 1987 East Bench Maser Plan depicts the subject property as Institutional land use. However, adoption of the 1995 citywide Zoning Rewrite project amended the East Bench Community Master Plan designating the subject property for Open Space uses and zoned the property OS – Open Space. (Ordinance 26 of 1995)

### Petition Application

This section of the staff report highlights key statements provided in the petitioner's application. The entire application and the petitioner's additional information responding to the criteria standards for zoning changes are included in Exhibits 1-3 of this staff report.

*The Mount Olivet Cemetery Association and the Roland Hall – St. Mark’s School believe the circumstances with regards to the Mt. Olivet property support release of a federal government reversionary interest in the property and amendment of the East Bench Master Plan for Institutional uses and the rezoning of the property to Institutional zoning designation. Rowland Hall – St. Mark’s will pursue the removal of the reversionary clause that reverts the property back to the federal government if it is no longer used for cemetery purposes. However, in advance of securing the removal of the reversionary interest, the Mt. Olivet property needs to be re-zoned “institutional” from “open space”. Absent of such change, the federal government will not consider any removal of the reversionary clause.*

*The specific circumstances are that the Mt. Olivet Cemetery Association must sell a portion of the Mt. Olivet property in order to have sufficient funds to repair and maintain the remaining cemetery property. The application states that the Association has enough land, excluding property leased to the Salt Lake City School District (football field immediately to the west), to provide burial space for another ninety (90) years. The Association cannot make needed capital improvements and perpetually maintain the cemetery, without the proceeds from the sale of the 13 acres of Mt. Olivet property.*

Staff Analysis

Salt Lake City land use policies and existing zoning classification do not prohibit the Mt. Olivet Cemetery Association from leasing or selling their property. The Association may sell or lease property for uses within the guidelines of permitted uses of the Open Space Zoning District. The Open Space Zoning District permits cemeteries and accessory crematoriums, community and recreation centers, country clubs, golf courses, private recreational facilities and zoological parks.

The Salt Lake City Master Plan land use policies allow for various land uses of the Mt. Olivet Cemetery Association property. The Open Space Zoning District restrictions permit a variety of land uses and do not force Mt. Olivet to leave the property economically idle as undeveloped land.

**Findings:** Land use designations in master plans identify the City’s policy for future land uses. Developed properties that do not conform to the master plan objectives and existing zoning are nonconforming. Properties that lie in an undeveloped state do not conflict with the Future Land Use Plans. The amended East Bench Community Master Plan land use designation for the Mt. Olivet property is for open space uses.

Operational financing difficulties could be alleviated by lease or sale of property to land uses that are consistent with the East Bench Master Plan Future Land Use designation and existing Open Space Zoning classification.

**Notice Requirement.** A notice for the Master Plan amendment was published in the Salt Lake City Tribune and Deseret News on November 15, 2005 meeting State Law requirements for Master Plan amendments.

## ZONING AMENDMENT – Petition 400-05-09

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

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

**Discussion:** Most master plans do not contain specific land use policy regarding cemeteries. The City’s Master Plans address open space and institutional land uses. The following master plan policies relate to the open space zoning map amendment proposed.

The *Avenues Community Master Plan* identifies existing cemeteries as an open space land use. The *East Bench Community Master Plan* as amended through the 1995 Citywide Zoning Rewrite Project identified existing active cemeteries as open space land use. Prior to 1995, the East Bench Community Master Plan identified the active cemeteries as Institutional land uses. The Fort Douglas Cemetery land use designation is Institutional. The Fort Douglas Cemetery is a closed cemetery and is a nonconforming use in the Research Park zone.

Two specific master plan documents address the land use policy related to the Mt. Olivet Cemetery property. These plans are the East Bench Community Master Plan and the Salt Lake City Open Space Master Plan.

#### ***East Bench Community Master Plan***

The East Bench Master Plan of April 1987 designated the Mount Olivet Cemetery property for Institutional land use. The East Bench Master Plan also designated Sunset Lawns Memorial Cemetery located at 2352 East 1300 South Street for Institutional uses. In 1995, the Citywide Zoning Rewrite Project amended the land use designation of both these properties from Institutional to Open Space. Salt Lake City Master Plan policy designates both active cemeteries within the East Bench Community as Open Space. (The Institutional Zoning District does not include cemeteries in the table of permitted and conditional uses. The Open Space zoning district permits cemetery land uses.)

#### ***Salt Lake City Open Space Master Plan***

The 1992 Salt Lake City Open Space Plan defined a comprehensive corridor approach to connecting the City’s open space resources to provide a safe, enjoyable experience of the natural features of Salt Lake City. The Open Space Master Plan defines policy for connecting open space amenities and does not provide land use policy. The land use policy of open space for the Mt. Olivet property is defined in the amended East Bench Master Plan.

#### ***Staff Analysis***

The proposed development of the Mt. Olivet Cemetery property by Rowland Hall St. Marks indicates an end use with significant open space amenities. However, cemetery uses are an appropriate open space land use. One key factor that limits the potential development of this open space is the presence of the private restrictive covenants on the

property. The use restrictions set by the federal government ensure future cemetery uses and public accessibility. The existing land use policy, zoning classification and the restrictive covenant encourages future open space use of the property.

The proposed concept plan by Rowland Hall St. Marks would convert approximately 4.5 acres of open space designated land to institutional use while the other 8.5 acres would be open space type uses. The Yalecrest Community Council identified that school land area standards exceed the area proposed for use by Rowland Hall St. Marks. Staff recognizes that private middle and upper schools do not require as much land area as a public school. Private schools serve specific portion of the population while public schools serve the entire community. Even though, land area demand may not be as great as a public school, enrollment levels can increase the institutional land area need.

However, Institutional zoning would not ensure continuation of open space uses in the future. Rowland Hall St Mark's School has not identified any mechanism to ensure the continuance of open space and the assurance of public use of the open space and the proposed soccer field. If the property was zoned Institutional, placement of restrictive covenants to ensure that the developed open space uses are kept and public access maintained would strengthen the case of maintaining the open space uses and rezoning the land to an Institutional zoning district.

1992 congressional action to permit 70-year lease for recreational uses.

Salt Lake City supported congressional legislative action in 1992 that allowed Mt. Olivet Cemetery's unused property to be used for non-cemetery uses for 70 years. The City has always acknowledged the existing and future cemetery use as being consistent with the City's increasing need to protect open space. Because all discussions centered on the use of this property for public or private recreational uses, the City embraced the proposed legislation to permit the 70-year lease to the Salt Lake City School District for the East High athletic field. This action was at the request for both the City and the residents because it would protect the "open space" and give Mount Olivet a revenue stream. The master plan policies and zoning in place at the time the Salt Lake City School District signed the lease agreement permitted educational facilities.

**Findings:** Land use designations in the adopted master plans identify the City's policy for future land uses. Properties that do not conform to the master plan objectives are either, developed with a nonconforming use or undeveloped. Undeveloped properties do not conflict with the Future Land Use Plan. A zoning amendment to an Institutional zoning classification does not ensure continued open space use of the property. The proposed amendment is not consistent with the purposes, goals, objectives and policies of the adopted general plan of Salt Lake City.

Modification of the Open Space zoning boundaries for a portion of the Mt. Olivet Cemetery property would set precedent for removal of additional properties within the Mt. Olivet Cemetery Association boundaries not actively used for burial purposes from the Open Space designation.

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

**Discussion:** The overall character of the area contains a variety of land uses ranging from single family residential uses to Institutional land uses. Immediately east of the subject parcel are two private schools. One, the Rowland Hall – St. Mark’s, McCarthy Lower/Beginning School campus, which is to be incorporated with the proposed future development of the middle and upper school facilities that will complement the existing facility. The other existing school immediately east of the subject property is the Pingree School for the deaf located on the northwest corner of Guardsman Way and Sunnyside Avenue. Immediately to the west is the East High School football field. This field is on a portion of the Mt. Olivet Cemetery property. In 1992, Congress approved a 70-year lease to permit Salt Lake City School District to use this property subject to future reversion back to cemetery use. Single family residential uses are located south across Sunnyside Avenue and the cemetery use is to the north.

*OS and Institutional Zoning District Characteristics Comparison.*

The purpose of the Open Space Zoning District is to preserve and protect areas of public and private open space and exert a greater level of control over any potential redevelopment of existing open space areas. The purpose of the Institutional Zoning District is to regulate the development of larger public and semi-public uses in a manner harmonious with surrounding uses.

The existing Open Space Zoning District permits a variety of land uses including cemeteries and their related structures. The Open Space and Institutional Zoning districts require similar set backs. Permitted building heights allowed are similar however; the Institutional zone allows 75-foot high structures as a conditional use.

**Findings:** The proposed development plan presented by Rowland Hall St. Marks is harmonious with the overall character of existing development. However, the Institutional zoning classification allows development intensification that would not be harmonious with the character of existing development.

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

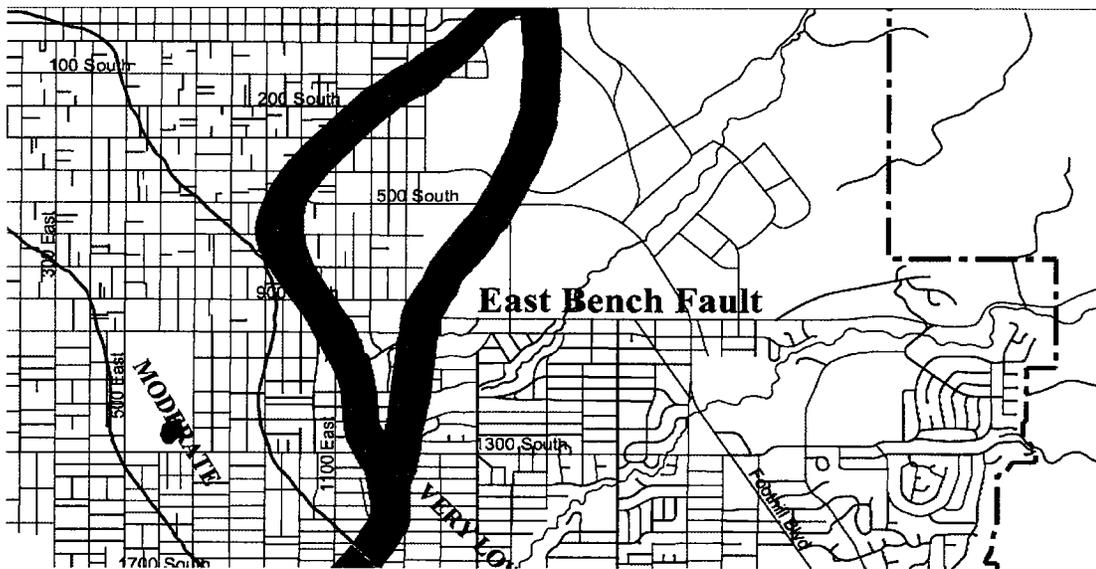
**Discussion:** It was strongly felt by the community councils that the existing nonresidential land uses already impact adjacent low-density residential neighborhoods. The initial traffic impact analysis, first phase, identifies trip generation data collected on the existing school located at 800 South and Lincoln Street. The rate of vehicles traveling to and from the schools, including buses, during the peak, morning period was 571 vehicles per hour. Student passenger occupancy rate was 1.2 students per vehicle. The petition proposal relocates this impact to Sunnyside Avenue and Guardsman Way. These adjacent arterial streets can accommodate the additional 400 trips generated by relocation of the school.

**Findings:** Rezoning the Mt Olivet parcel to Institutional would permit more intensive development than allowed within the existing Open Space Zoning District. The increased level of potential development could increase traffic generation levels and impact adjacent properties. The traffic generated by the proposed uses of an upper and middle school, soccer field and open space would not adversely affect adjacent properties.

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

**Discussion:** The East Bench fault line traverses the Mt. Olivet property. The inferred fault line location is at the northwest corner of the requested rezone area. The fault line location may or may not require site relocation of the future school building. Geotechnical evaluation of the site would be required as part of the building permit approval process.

The subject property lies within the Primary Aquifer Discharge Area Overlay. For cemeteries to operate within this overlay area additional operational controls are required to ensure potential contaminants are handled properly and are not discharged into the aquifer. Proper handling of potential contaminants by the proposed middle and upper schools would be subject to the same limitations of the overlay district.



**Findings:** The proposed development concept plans, through implementation of any necessary site design modifications and operational controls can be consistent with applicable zoning overlay districts.

**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:** Applicable City Departments were requested to review and comment on the proposed amendments and identify whether existing facilities and services are adequate to accommodate the development associated with the proposed amendments.

The Public Utilities Department stated a six-inch water main in Sunnyside Avenue would service the subject site. Water system improvements may be necessary if the existing system fails to meet the State and City's Fire Department flow requirements.

The Police Department stated two other school facilities exist within the surrounding neighborhood. One is a public school, the East High School and the other is a private school, the Judge Memorial High School. The Police Department has assigned only one Police Resource Officer to East High School. Provision of any additional law enforcement needs for the proposed upper and middle schools would need to be from the normally assigned patrol officer within this area. The concentration of schools within this area with similar starting schedules would provide an increased amount of traffic on both Sunnyside Avenue and Guardsman Way. This would have potential impacts on traffic congestion and resources for accident and traffic management.

The Transportation Division reviewed the traffic data identifying additional trips generated and that the property has direct access to an arterial street. The Division recommended approval.

**Findings:** The public facility services and utilities are in place to serve the subject 13-acre parcel. The final intensity of development and needs that the future development would place on services and utilities is unknown. If a specific developments demand exceeds service capacity, then the developer would be required to make system improvements as part of obtaining a building permit. The adjacent arterial streets can absorb the traffic generated by the proposed uses.

**RECOMMENDATION:**

The findings of fact show that the requested master plan amendment and rezoning of the Mt. Olivet property is not consistent with the East Bench Community Master Plan. Rezoning the property from open space to institutional land uses is not consistent with the intent and purpose of the Open Space Zoning District. This purpose is to preserve and protect areas of public and private open space and exert a greater level of control over any potential redevelopment of existing open space areas.

Potential development intensities of the Institutional Zoning District are greater than permitted uses within the Open Space Zoning District and have potential conflicts with the overall character of development in the immediate vicinity. Minimizing potential intensities and conflicts could occur through restrictive covenants or modification of the zoning request to ensure that the proposed open space areas would remain open in the future.

Based on the findings of fact, staff recommends that the Planning Commission forward a recommendation to the City Council to deny the requests of Petition 400-05-08 and Petition 400-05-09, to amend the East Bench Master Plan and rezone the 13 acres portion of Mt. Olivet Cemetery property from Open Space to Institutional land use and zoning classifications.

Mt. Olivet Parcel zoned RMF-75

A narrow parcel along the northwest corner of the Mt. Olivet Cemetery property is presently zoned RMF-75. Staff recommends that the Planning Commission initiate action to have the RMF-75 zoned portion of the Mt. Olivet property included in a petition considered for a map amendment as part of a Planning Division's Zoning Map fine-tuning petition.

- Exhibits**
- Exhibit 1: Master Plan Amendment Application
  - Exhibit 2: Zoning Amendment Application
  - Exhibit 3: Applicants Comments - Standards for Zoning Amendment
  - Exhibit 4: Proposed Conceptual Plan and Existing Site Conditions
  - Exhibit 5: Open Space Advisory Committee/Board and Department Comments
  - Exhibit 6: Community Input
    - a. Community Councils
    - b. Support of Petition Request
    - c. Opposed to Petition Request
  - Exhibit 7: Applicant letter regarding Yalecrest Community Council meeting
  - Exhibit 8: Congressional Land Grants and Tenth Circuit Court Summary

**Exhibit 1 Master Plan Amendment Application**





**ROWLAND HALL • ST. MARK'S SCHOOL**

Philip G. McCarthy Campus

April 20, 2005

**HAND DELIVERED**

SALT LAKE CITY PLANNING  
451 South State Street, Room 406  
Salt Lake City, UT 4111  
Attention: Planning Division

**Re: Master Plan Amendment Application**

Dear Sirs:

This Master Plan Amendment Application is being made on behalf of Rowland Hall-St. Mark's School, a Utah nonprofit corporation ("RHSM"), as agent for the Mount Olivet Cemetery Association (the "Association"), with reference to 13.087 acres of real property located west of Guardsman Way, between 500 South and Sunnyside Avenue in Salt Lake City, Utah (approximately 1443 East Sunnyside Avenue) (as described and outlined in attached Exhibit "A," the "Mt. Olivet Property"). The Association has authorized RHSM to prepare this petition for an amendment to the Salt Lake City East Bench Master Plan in conjunction with an application for a zoning amendment with respect to the Mt. Olivet Property.

On April 10, 2003, RHSM entered into a contract with the Association to purchase the Mt. Olivet Property. The contract is subject to a number of conditions, including the re-zoning of the Mt. Olivet Property to "institutional" and the removal of the reversionary clause included in the deed held by the Association. The reversionary restriction states that, if ever the Mt. Olivet Property ceases to be used for cemetery purposes, the Mt. Olivet Property shall revert back to the ownership of the federal government. As you may know, the government generally has released such reversionary interests when property (a) is not used for the purpose specified in the reversionary clause, (b) is no longer needed by the owner, (c) is inconvenient or inappropriate for the owner's continued use and operation, (d) is needed by another entity that provides some public benefit, and/or (e) is no longer needed by the federal government or, alternatively, if there are no significant costs to the federal government in connection with the release.

The Association and RHSM believe the circumstances with regard to the Mt. Olivet Property support a government release of the reversionary interest, and RHSM is prepared to

SALT LAKE CITY PLANNING

April 20, 2005

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pursue the removal of the reversionary clause. Specifically, the Association must sell the Mt. Olivet Property in order to have sufficient funds to repair and maintain the remaining cemetery property. (In this connection, you might note that the Association has enough land, excluding the Mt. Olivet Property and the property leased to the Salt Lake City School District (immediately to the west), to provide burial space for another ninety (90) years.) The Association, in fact, cannot make needed capital improvements and perpetually maintain the cemetery, without the proceeds from the sale of the Mt. Olivet Property.

However, in advance of securing the removal of this reversionary interest, the Mt. Olivet Property needs to be re-zoned "institutional" from "open space." Absent such change, the federal government will not consider any removal of the reversionary clause.

To these ends, please be advised as follows:

1. Purpose for the Amendment. The goal of Salt Lake City's Open Space Plan is to conserve the natural environment, enhance open space amenities for all citizens, connect the various parts of the City to natural environments and educate the citizens on proper use of open space<sup>1</sup>. The Mt. Olivet Property, in its current fenced, unimproved state, fails to meet any of City's open space goals.

RHSM's proposed use of the Mt. Olivet Property, on the other hand, involves preserving approximately two-thirds of the Mt. Olivet Property as "green space" with soccer fields and open ground, useable by the public for soccer league games, as well as for casual recreation and play (see the proposed development plans attached as Exhibit "C").

RHSM's plans involve developing playing fields initially and, later, constructing middle and upper school buildings on the northernmost portions of the Mt. Olivet Property. However, as indicated, RHSM's plans also involve preserving approximately two-thirds of the 13.087 acres as green "open" space. The public benefit RHSM proposes to provide with recreational playing fields and the overall beautification of the Mt. Olivet Property would significantly benefit Salt Lake City and the surrounding community. These uses and improvements, RHSM believes, outweigh any perceived advantages to keeping the Mt. Olivet Property in its existing fenced, unimproved "open space" condition.

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<sup>1</sup> THE SALT LAKE CITY OPEN SPACE PLAN (ADOPTED BY THE SALT LAKE CITY PLANNING COMMISSION 1992)

## SALT LAKE CITY PLANNING

April 20, 2005

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Moreover, these uses are consistent with, and further, the purposes, goals, objectives, and policies (as stated above) of Salt Lake City's Open Space Plan. As noted, RHSM's proposed plans predominantly conserve the natural environment and provide open space amenities for all citizens. These proposed plans were designed and developed in a way that conforms with the overall character and harmony of the surrounding area and will have no apparent adverse affect on the adjacent properties. Indeed, as described above, the community will wholly benefit from the new amenities and the natural enhancement of this area.

2. Why the present Master Plan requires amending. As stated, rezoning of the Mt. Olivet Property as "institutional" is a condition precedent to RHSM's purchase of the Mt. Olivet Property. As such, absent such rezone, RHSM may determine not to purchase the Mt. Olivet Property.

Again, if the Master Plan is amended and the Mt. Olivet Property is re-designated as "institutional," RHSM intends to complete the purchase of the Mt. Olivet Property and, as soon as practicable, deliver a tremendous benefit to Salt Lake City and the community. In any development of the Mt. Olivet Property, RHSM will preserve approximately two-thirds of the 13.087 acres of Property as "green space," with landscaping improvements, soccer fields and open ground, useable by the public for soccer league games, as well as for casual recreation and enjoyment. Although it may be some time before RHSM will be able to raise the money needed to build on the Mt. Olivet Property, RHSM, in the near term, hopes to be able to develop the playing fields and make other, similar improvements to the Mt. Olivet Property.

3. Master Plan Amendment Application. Attached hereto as Exhibit "B" is the application for Amendment to Master Plan.

4. Site Map and Related Information. Attached hereto as Exhibit "D" is a site map of, as part of adjacent properties, the Mt. Olivet Property.

5. Adjacent Property Owners. Attached hereto as Exhibit "E" is a list of the names and addresses of all property owners within 450 feet of the Property, mailing labels for each property owner and a check for the cost of first class postage to the same.

6. Affidavit of RHSM. Attached hereto as Exhibit "F" is an affidavit of RHSM stating that petitioner has met with and explained the proposal to the Yalecrest Community Council, pursuant to Title 2, Chapter 2.62 of the Salt Lake City Code.

7. Agent Authorization. Attached hereto as Exhibit "G" is an Agent Authorization authorizing RHSM to act on behalf of the Association.

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8. Related Materials and Data supporting this Application. Additional information included for your review include:

a. Traffic Study. Attached hereto as Exhibit "H" is a Phase 1 Preliminary Traffic Study. The traffic impacts of any development near Sunnyside Avenue or Guardsman Way is a particular concern to RHSM. RHSM, like Salt Lake City and the community, takes a keen interest in the safety of children attending RHSM and those in the surrounding community. As such, RHSM hired Fehr & Peers Transportation Consultants, to prepare a preliminary study assessing the traffic impacts, based on the limited information now available, of someday relocating the middle and upper schools to the Mt. Olivet Property. The Phase 1 preliminary traffic study for such a facility predicts only a 18% increase in automobile traffic during the peak weekday drop-off times (8:00 a.m. – 8:30 a.m.) for 170 school days annually. The rest of the day students are in school and generally are not generating additional traffic on Sunnyside Avenue or Guardsman Way. After school, students leave the campus over several hours depending on their participation in sports, clubs or other interests on campus, thus ameliorating traffic impacts. RHSM requests that the results of this study be considered in the evaluation of this application and as a reflection of RHSM's commitment to providing a positive alternative use for this Property.

b. Background and Related Information. Attached as Exhibit "I" is a summary of the history of the Mt. Olivet Property and, respectively, the needs and objectives of the Association and RHSM.

9. Filing fee. Attached to this application (see Exhibit "J") is a check for the required filing fee in the amount of \$1,700.

Please also find enclosed, for your convenience, three (3) extra copies of this letter (with exhibits). Please call if you have any questions or need anything further in connection with this matter or otherwise.

SALT LAKE CITY PLANNING

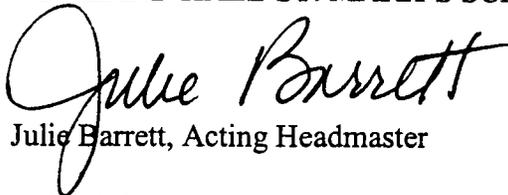
April 20, 2005

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Thank you for your consideration in these matters. We look forward to hearing from you.

Sincerely,

ROWLAND HALL-ST. MARK'S SCHOOL



Julie Barrett, Acting Headmaster

Enclosures

cc: Ms. Paula Swaner-Sargetakis (w/encls.)  
Guy P. Kroesche, Esq. (w/encls.)  
Mr. Robert Steiner (w/encls.)  
Mr. Daniel Valdez, Sexton, Mount Olivet Cemetery Association (w/encls.)  
William H. Adams, Esq., Mount. Olivet Cemetery Association (w/encls.)  
Rosemary J. Beless, Esq., Mount. Olivet Cemetery Association (w/encls.)

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**Exhibit "H"**

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**(Traffic Study)**



**FEHR & PEERS**  
TRANSPORTATION CONSULTANTS

**MEMORANDUM**

Date: January 21, 2005

To: Rowland Hall-St. Mark's

From: Fehr & Peers Associates, Inc.

**Subject: Middle and Upper Schools Relocation  
Phase I: Rowland Hall - St. Mark's Local Trip Generation Study**

UT05-590

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**Introduction**

This memorandum provides a trip generation analysis for Rowland Hall - St. Mark's Middle and Upper Schools. This initial analysis is the first phase of a two-phase study that will assess the traffic impacts of relocating these two schools from the corner of Lincoln Street and 800 South to Sunnyside Avenue at approximately 1600 East. Included in this memorandum are the results of a local trip generation study performed in January 2005. This memorandum provides a preliminary estimate of the potential traffic impacts to Sunnyside Avenue created by the relocation of the schools. The local trip generation rates reported here will be used in Phase II to provide a thorough assessment of the traffic impacts created by this relocation.

**Local Trip Generation Data**

The main purpose of this phase was to conduct a local trip generation analysis, the objective of which was to estimate the current amount of traffic generated by the middle and upper schools. The trip generation rates observed at the existing school may then be used to accurately project trip generation for the new school.

Local trip generation data was collected during the morning traffic peak period, and consisted of two parts: determining the number of vehicles as a result of dropping students off, and the number of vehicles as a result of students and faculty who park their vehicles on site. The number of vehicles and persons dropped off along Lincoln Street and 800 South were counted in fifteen minute increments from 7:30 to 8:30 AM. The number of vehicles parked in the student and faculty parking lots and on the streets adjacent to the schools were also counted before and after the peak morning period.

The results of the local trip generation analysis are shown in Table 1. The rate of vehicles traveling to and from the schools, including the school buses, during the peak morning period was 571 vehicles per hour (vph). Each passenger vehicle dropping off students was observed to have an average student occupancy rate of 1.2 students per vehicle.

**TABLE 1 AM Peak Hour Local Trip Generation Rates**

Land Use	Number of Enrolled Students	AM Peak Hour Trip Generation	Trips Entering	Trips Exiting	AM Trips
Middle & Upper Schools	486	571	338	233	571

**Preliminary Impact Analysis**

Fehr & Peers performed a preliminary estimate of the increase in traffic expected at Sunnyside Avenue. Because the new schools will be similar in size to the existing schools, the projected trip generation is expected to be the same as the current trip generation of 571 vph during the peak morning period. However, an estimated 25% of trips to the schools currently travel on Sunnyside Avenue, and should be accounted for in estimating new trips to this street. The portion of the school traffic already using Sunnyside Avenue was calculated by using a list of the zip codes of the students and estimating probable travel paths from these zip code areas to the schools.

Based on the trip generation rate derived from this study and the above mentioned adjustment, the relocation of the Rowland Hall – St. Mark's middle and upper schools will generate approximately 428 new trips per hour during the morning peak period. Based on an estimated peak hour volume of 1,220 vph for Sunnyside Avenue, the relocation of the schools will result in an approximate increase of 18% in traffic. Phase II will refine these estimates and evaluate the impacts of increasing traffic on Sunnyside Avenue and major intersections surrounding the school.

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Exhibit "I"

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(Summary of the History of the Mt. Olivet Property, and Objectives of the Association and RHSM)

**For: RHSM Mt. Olivet Committee Open House**

**Re: Background for RHSM Acquisition of 13.2 Acres of Land West of the  
McCarthy Campus**

**Date: February 16, 2005**

We understand the history of the Mt. Olivet Cemetery Association property west of the McCarthy Lower/Beginning School Campus as follows:

In the 1870's Congress set aside land for the actual Mt. Olivet cemetery. In the early 1900's, the U.S. Government wanted to buy land in "Research Park" which was owned by a son of Brigham Young (Legrand Young?). (Apparently, Mr. Young did not want to sell to the U.S. Government.) Therefore, the U.S. Government arranged the purchase of the "Research Park" land by the Association. The Association then traded the "Research Park" land to the U.S. Government for the land under contract to RHSM (for ease of discussion here, the "Mt. Olivet Property") and the East High playing fields just west of the Mt. Olivet Property. The U.S. Government continues to hold a "reversionary interest"<sup>2</sup> in the Mt. Olivet Property, such that if it ceases to be used for cemetery purposes it reverts to the U.S. Government<sup>3</sup>.

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<sup>2</sup> **The Reversionary Interest**

**The United States may obtain the property back if it ceases to be used as a cemetery.**

**Release of Reversionary Interest**

- The property is not used for the purpose specified in the reversionary clause
- The owner of the property no longer needs the property
- The property is inconvenient or inappropriate for the owner's use
- The property is needed by another entity that provides some public benefit
- The U. S. Government doesn't need the property
- No significant costs to federal, State or local governments from a release of the reversionary interest

<sup>3</sup> **The East High Playing Fields Lease Exception**

The East High playing fields are leased to Salt Lake City pursuant to a 1992 Act of Congress, which allows for the lease of such property for a period of not more than 70 years for other than cemetery purposes, so long as such additional uses will not prevent future use for cemetery purposes.

The Mt. Olivet Property was an alfalfa field in the early years of the Association's ownership. It was used to graze the horses necessary for cemetery work.

The Association has enough space in the existing cemetery area to continue its operations for at least ninety years. The Association needs to sell the Mt. Olivet Property to be able to provide perpetual care at the cemetery. If RHSM does not purchase the Mt. Olivet Property, the Association may sell the land to the University of Utah or, presumably, will sell the Mt. Olivet Property to Larkin Mortuary or a similar operation.<sup>4</sup>

In order for RHSM to buy the Mt. Olivet Property, RHSM needs Congress to remove the "reversionary interest" the U.S. Government holds in the Mt. Olivet Property. As part of RHSM's efforts to secure the removal of the "reversionary interest" and, in that regard, to ensure the support of Utah's congressional representatives and senators, RHSM needs the support of Salt Lake City and, if at all possible, the surrounding community. RHSM believes that its ownership of the Mt. Olivet Property will deliver a net benefit to Salt Lake City and the surrounding community, both in the immediate neighborhood and more broadly. As such, RHSM believes that Salt Lake City and the surrounding community should support RHSM's efforts in this regard. The reasons are several:

First, about two-thirds of the land would be turned "green" with soccer fields and open ground. Second, the long run construction of a middle and upper school building at the northern most edge of the Mt. Olivet Property would carry on the open aesthetics of the McCarthy Lower/Beginning School Campus. Third, for the first time, this land would be useable by the public for soccer league games as well as for casual recreation and play in the same manner as our current soccer field, which is used heavily by youth league soccer teams. RHSM believes that making the Mt. Olivet Property available for athletic and recreational uses, in addition to the green space through landscaping improvements, will benefit the community and Salt Lake City. These uses and improvements, RHSM believes, outweigh any advantages perceived by keeping the Mt. Olivet Property in its existing, fenced and unimproved, condition.

It may be many years before RHSM could raise the money needed to build a new campus on the Mt. Olivet Property. Although that may be, ultimately, the anticipated use of the Mt. Olivet Property, it may be beyond RHSM's reach for a long time. However, it is possible that RHSM could take the (hopefully) interim step of developing the playing fields in the near term, in a way not to interfere with construction at the north end of the Mt. Olivet Property in the future.

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<sup>4</sup> The University of Utah does not need to obtain building permits from Salt Lake City as does RHSM, and the University is not subject to zoning controls as is RHSM.

The traffic impacts of any development near Sunnyside Avenue or Guardsman Way is something to which RHSM would pay careful attention. RHSM, like Salt Lake City and the community, takes a keen interest in the safety of our children those attending RHSM and those in the surrounding community. As such, RHSM hired Fehr & Peers, as transportation consultants, to prepare a preliminary study assessing the traffic impacts, based on the limited information now available, of someday relocating the middle and upper schools to the Mt. Olivet Property. RHSM is encouraged that, during the peak time at the start of the school day, which is the only time of significant traffic impact, the approximate traffic increase would only be approximately 18%. The rest of the day students are in school and generally are not generating additional traffic on Sunnyside Avenue or Guardsman Way.<sup>5</sup> After school, students leave the campus over several hours depending on their participation in sports, clubs or other interests on campus, thus ameliorating traffic impacts.

The purchase of the Association's 13.2 acres will strengthen our school with the proximity of the RHSM campuses, with the promise that physical facilities in the Upper and Middle schools will be commensurate with those of the Beginning and Lower Schools, and with the learning opportunities that necessarily will result from the shared environments. We hope that the long term success of RHSM will also be viewed as a benefit to Salt Lake City, along with the public benefit we propose to provide on the Mt. Olivet Property.

Our immediate objectives are to work cooperatively with the surrounding community, viewed as RHSM's neighbors, and Salt Lake City officials, to incorporate neighborhood interests into our planning for any new and relocated RHSM campus. Looking further ahead, we need to obtain the release of the reversionary interest by early 2007 in order to complete the purchase of the Mt. Olivet Property within the terms of our contract with the Association.

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<sup>5</sup> It should be noted that, at present, RHSM does not contemplate access to the Mt. Olivet Property, when improved, from Guardsman Way during the school day.

**Exhibit 2 Zoning Amendment Application**



**ROWLAND HALL • ST. MARK'S SCHOOL**

Philip G. McCarthy Campus

April 20, 2005

**HAND DELIVERED**

SALT LAKE CITY PLANNING  
451 South State Street, Room 406  
Salt Lake City, UT 84111  
Attention: Planning Division

**Re: Zoning Amendment Application**

Dear Sirs:

This Zoning Amendment Application is being made on behalf of Rowland Hall-St. Mark's School, a Utah nonprofit corporation ("RHSM"), as agent for the Mount Olivet Cemetery Association (the "Association"), with respect to property located west of Guardsman Way, between 500 South and Sunnyside Avenue in Salt Lake City, Utah (approximately 1443 East Sunnyside Avenue) (as described and outlined in attached Exhibit "A," the "Mt. Olivet Property"). This letter constitutes a petition for an amendment to the zoning designation applicable to the Mt. Olivet Property and, further, is being made in conjunction with a Master Plan Amendment Application for the Mt. Olivet Property.

On April 10, 2003, RHSM entered into a contract with the Association to purchase the Mt. Olivet Property. The contract is subject to a number of conditions, including the re-zoning of the Mt. Olivet Property to "institutional" and the removal of the reversionary clause included in the deed held by the Association. The reversionary restriction states that, if ever the Mt. Olivet Property ceases to be used for cemetery purposes, the Mt. Olivet Property shall revert back to the ownership of the federal government. As you may know, the government generally has released such reversionary interests when property (a) is not used for the purpose specified in the reversionary clause, (b) is no longer needed by the owner, (c) is inconvenient or inappropriate for the owner's continued use and operation, (d) is needed by another entity that provides some public benefit, and/or (e) is no longer needed by the federal government or, alternatively, if there are no significant costs to the federal government in connection with the release.

The Association and RHSM believe the circumstances with regard to the Mt. Olivet Property support a government release of the reversionary interest and RHSM is prepared to pursue the removal of the reversionary clause. Specifically, the Association must sell the Mt.

## SALT LAKE CITY PLANNING

April 20, 2005

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Olivet Property in order to have sufficient funds to repair and maintain the remaining cemetery property. (In this connection, you might note that the Association has enough land, excluding the Mt. Olivet Property and the property leased to the Salt Lake City School District (immediately to the west), to provide burial space for another ninety (90) years.) The Association, in fact, cannot make needed capital improvements and perpetually maintain the cemetery, without the proceeds from the sale of the Mt. Olivet Property.

However, in advance of securing the removal of this reversionary interest, the Mt. Olivet Property needs to be re-zoned "institutional" from "open space." Absent such change, the federal government will not consider any removal of the reversionary clause.

To these ends, please be advised as follows:

1. Purpose for the Amendment. The Property's zoning designation was changed from "institutional" to "open space" pursuant to a Salt Lake City zoning ordinance enacted in 1995. This petition seeks the reinstatement of the institutional zoning designation. It is a fenced lot in an unimproved condition. The Association has substantial operating deficits and is unable to appropriately maintain the Mt. Olivet Property. As stated above, the Association has enough land in the existing cemetery area to provide burial space for at least ninety (90) years. However, as also indicated, the Association will not be able to make needed capital improvements and perpetually maintain the cemetery unless the Mt. Olivet Property is sold. The Association needs to sell the Mt. Olivet Property to fund the financing of over \$3,000,000 of required infrastructure improvements and to provide perpetual care for the remaining cemetery property.

Accordingly, on April 10, 2003, the Association entered into a contract with RHSM to sell the Mt. Olivet Property. The contract is conditioned on the zoning designation being reinstated as institutional.

2. Description of the Proposed Use. RHSM's proposed use of Property involves preserving approximately two-thirds of the Mt. Olivet Property as open "green space" with soccer fields and open ground, useable by the public for soccer league games, as well as for casual recreation and play. See the proposed plans development attached as Exhibit "C." More specifically, RHSM's proposed plans involve developing playing fields initially and, at some time in the future, constructing middle and upper school buildings on the northernmost portions of the Mt. Olivet Property, while preserving approximately two-thirds of the 13.087 acres as green "open" space.

The public benefit RHSM proposes to provide with recreational playing fields and the overall beautification of the Mt. Olivet Property would significantly benefit Salt Lake City and

## SALT LAKE CITY PLANNING

April 20, 2005

Page 3

the surrounding community. These uses and improvements, RHSM believes, outweigh any perceived advantages to keeping the Mt. Olivet Property in its existing fenced, unimproved "open space" condition.

3. Reasons why the Present Zoning is Inappropriate. The goal of Salt Lake City's Open Space Plan is to conserve the natural environment, enhance open space amenities for all citizens, connect the various parts of the City to natural environments and educate the citizens on proper use of open space<sup>1</sup>. The Property, in its current fenced, unimproved state, fails to meet any of the City's open space goals. The Association is unable to properly maintain this land and needs to sell the Mt. Olivet Property to make needed capital improvements and perpetually maintain the cemetery.

RHSM's proposed use of the Mt. Olivet Property, on the other hand, involves preserving approximately two-thirds of the Mt. Olivet Property as "green space" with soccer fields and open ground, useable by the public for soccer league games as well as for casual recreation and play (see the proposed development plans attached as Exhibit "C").

As indicated, RHSM's proposed plans involve developing playing fields initially and, later, constructing middle and upper school buildings at the northernmost edge of the Mt. Olivet Property. However, RHSM's plans also involve preserving approximately two-thirds of the 13.087 acres as green "open" space.

Moreover, RHSM's proposed plans are consistent with, and further, the purposes, goals, objectives, and policies (as stated above) of Salt Lake City's Open Space Plan. As noted, RHSM's proposed plans predominantly conserve the natural environment and provide open space amenities for all citizens. These proposed plans were designed and developed in a way that conforms with the overall character and harmony of the surrounding area and will have no apparent adverse affect on the adjacent properties. Indeed, as described above, the entire community will benefit from the new amenities and the natural enhancement of this area.

RHSM is committed to keeping two-thirds of the Mt. Olivet Property as green space, but RHSM's plans require the Mt. Olivet Property be returned to an institutional zoning designation. Other prospective buyers of the Mt. Olivet Property are not likely to be as committed to keeping so much of the Mt. Olivet Property designated as green space nor are they as advanced in negotiations with the Association or in formulating plans for the Mt. Olivet Property.

4. Zoning Amendment Application. Attached hereto as Exhibit "B" is RHSM's Zoning Amendment Application for the Mt. Olivet Property.

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<sup>1</sup> THE SALT LAKE CITY OPEN SPACE PLAN (ADOPTED BY THE SALT LAKE CITY PLANNING COMMISSION 1992)

SALT LAKE CITY PLANNING

April 20, 2005

Page 4

5. Site Map and Related Information. Attached hereto as Exhibit "D" is a site map of, as part of adjacent properties, the Mt. Olivet Property.

6. Adjacent Property Owners. Attached hereto as Exhibit "E" is a list of the names and addresses of all property owners within 450 feet of the Mt. Olivet Property, mailing labels for each property owner and a check for the cost of first class postage to the same.

7. Agent Authorization. Attached hereto as Exhibit "F" is an Agent Authorization authorizing RHSM to act on behalf of the Association.

8. Affidavit of RHSM. Attached hereto as Exhibit "G" is an affidavit of RHSM stating that petitioner has met with and explained to the Yalecrest Community Council the proposed zoning amendment, pursuant to Title 2, Chapter 2.62 of the Salt Lake City Code.

9. Related Materials and Data supporting this Application. Additional information included for your review include:

a. Traffic Study. Attached hereto as Exhibit "H" is a Phase 1 Preliminary Traffic Study. The traffic impacts of any development near Sunnyside Avenue or Guardsman Way is a particular concern to RHSM. RHSM, like Salt Lake City and the community, takes a keen interest in the safety of children attending RHSM and those in the surrounding community. As such, RHSM hired Fehr & Peers Transportation Consultants, to prepare a preliminary study assessing the traffic impacts, based on the limited information now available, of someday relocating the middle and upper schools to the Mt. Olivet Property. The Phase 1 preliminary traffic study for such a facility predicts only a 18% increase in automobile traffic during the peak weekday drop-off times (8:00 a.m. – 8:30 a.m.) for 170 school days annually. The rest of the day students are in school and generally are not generating additional traffic on Sunnyside Avenue or Guardsman Way. After school, students leave the campus over several hours depending on their participation in sports, clubs or other interests on campus, thus ameliorating traffic impacts. RHSM requests that the results of this study be considered in the evaluation of this application and as a reflection of RHSM's commitment to providing a positive alternative use for this Property.

b. Background and Related Information. Attached as Exhibit "I" is a summary of the history of the Mt. Olivet Property and, respectively, the needs and objectives of the Association and RHSM.

10. Filing fee. Attached to this application (see Exhibit "J") is a check for the required filing fee in the amount of \$1,700.

SALT LAKE CITY PLANNING

April 20, 2005

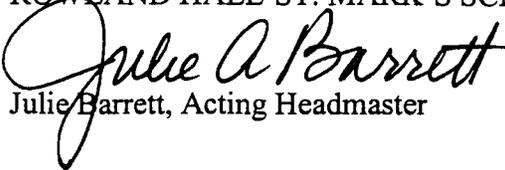
Page 5

Please find enclosed, for your convenience, three (3) extra copies of this letter (with exhibits), together with ten (10) copies of the proposed site plans, drawn to scale.

Please call if you have any questions or need anything further in connection with this matter or otherwise. Thank you for your consideration in these matters.

Sincerely,

ROWLAND HALL-ST. MARK'S SCHOOL



Julie Barrett, Acting Headmaster

Enclosures

cc: Ms. Paula Swaner-Sargetakis (w/encls.)  
Guy P. Kroesche, Esq. (w/encls.)  
Mr. Robert Steiner (w/encls.)  
Mr. Daniel Valdez, Sexton, Mount. Olivet Cemetery Association (w/encls.)  
William H. Adams, Esq., Mount Olivet Cemetery Association (w/encls.)  
Rosemary J. Beless, Esq., Mount Olivet Cemetery Association (w/encls.)

**Exhibit 3 Applicants Comments  
Standards for Zoning Amendment**

# Snell & Wilmer

L.L.P.  
LAW OFFICES

15 West South Temple, Suite 1200  
Gateway Tower West  
Salt Lake City, Utah 84101  
(801) 257-1900  
Fax: (801) 257-1800  
www.swlaw.com

Cary D. Jones (801) 257-1811  
cjones@swlaw.com

SALT LAKE CITY, UTAH

PHOENIX, ARIZONA

TUCSON, ARIZONA

IRVINE, CALIFORNIA

DENVER, COLORADO

LAS VEGAS, NEVADA

June 29, 2005

## VIA HAND-DELIVERY

Mr. Everett Joyce  
Salt Lake City Planning Department  
SALT LAKE CITY CORPORATION  
451 South State Street, Suite 406  
Salt Lake City, Utah 84111

Re: Rowland Hall-St. Mark's School ("RHSM"): Mt. Olivet Property

Dear Everett:

Following up on our meeting with you, and in anticipation of our meeting on July 5<sup>th</sup>, we have set forth below RHSM's responses to the enumerated finding of fact issues which you outlined for us. Consistent with our discussions, these responses are intended to supplement RHSM's Master Plan and Zoning Amendment applications. Please consider the following:

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

The East Bench Master Plan of April 1987 identifies the Mount Olivet Cemetery property as "institutional" land. It accepts that the land to the north of Sunnyside Avenue "consists exclusively of public institutions..."<sup>1</sup> The plan recognizes Sunnyside Avenue as being "well suited as an arterial."<sup>2</sup>

<sup>1</sup> See, East Bench Master Plan, April 1987, p. 8. See also the map on page 9.

<sup>2</sup> The plan also indicates a need to accommodate pedestrian access from the residential area to the south and Sunnyside Park. See, p. 8. This need is referred to once again in the Open Space Master plan of 1992: Transvalley Foothills Section (Map 10). Stated needs, among others, include (a) "revising "... the rights of way to expand the sidewalks and green spaces on the north side of Sunnyside Avenue;" (b) investigating the feasibility of constructing a Class 1 bicycle path within the existing right-of-way; (c) expanding "... the corridor at the Mt. Olivet parcel to extend the amount of open space along the corridor;" and (d) beginning "... path construction on the north side of Sunnyside Avenue." The Map also includes the highlighted notation: "SUNNYSIDE AVENUE: The north side of Sunnyside Avenue is lined with both private and public open space. The South half of Mt. Olivet Cemetery parcel is vacant and could generate development pressure in the future. This should be monitored to assure the corridor is kept wide enough for adequate walkways and Open Space. A crosswalk could be developed to connect at the baseball area on the east side of 1300 East to the adjacent trail corridor and residential area."

Everett Joyce  
June 29, 2005  
Page 2

The Open Space Master Plan of 1992 has a focus for the Sunnyside Avenue/Mt. Olivet Cemetery area of “improving the access transition from public streets to pedestrian/bicycle corridors and connection to the mountains area recreation opportunities.”<sup>3</sup>

From Guardsman Way to the baseball field close to 1300 East, there has been no apparent progress toward the goals and objectives of the Open Space Master Plan since its adoption by the City Council in 1992. The RHSM proposal would in large measure implement the stated purposes, goals, objectives and policies of the plan.

First, sidewalks and green spaces would be created on the north of Sunnyside Avenue. Second, along the walkway/corridor several hundred yards of playing fields would buffer the walkway/corridor from the potential site of the private school building. Third, the soccer fields, available for use by public youth soccer leagues and neighborhood children, will support the goals of the 1943 Master Plan, and of the 1967 Master Plan which recognized an ongoing need for recreational facilities. Fourth, the RHSM proposal addresses the specific goals established by the Open Space Master Plan of 1992 in this way:

- a. “Conserve the natural environment”: The open vistas and views from and across the Mt. Olivet property will be preserved, grass will grow where the alfalfa once grew in the day of pioneer settlement, and an outdoor lifestyle will be promoted with the creation of the walkway/corridor and soccer fields.
- b. “Enhance open space amenities for all citizens”: For the first time this land will be useable by the public for recreation instead of lying barricaded behind a fence and offering only a sense of space for only a few neighbors across the street. The open view will anyway be largely preserved.
- c. “Connect the various parts of the City to natural environments”: When finally built, the walkway/corridor will give a natural connection to the Red Butte Creek Corridor, Miller Park, Sunnyside Park, Pioneer Trails State Park, Rotary Glen State Park, the Shoreline Trail, and Emigration Canyon. The RHSM proposal will provide one big link in the Transvalley Corridor.
- d. “Educate the citizens on the proper use of open space”: The RHSM proposal will be an example of how to preserve the greatest benefit of open space for the most people.

The RHSM proposal to acquire the land and use two thirds of it for playing fields and roughly one-third of it for a needed school building is the city’s best chance to preserve and improve the majority of this open land.

The RHSM proposal furthers other public interests. First, while not a part of the zoning plan for Salt Lake City, one of the clear public goals for the City is the provision of places for the burial of the dead. The provision under state law that grants to cemetery associations such as Mount Olivet Cemetery Association the power of eminent domain to acquire property for cemetery purposes underscores the importance of providing for the burial of the dead. In

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<sup>3</sup> Open Space Master Plan of 1992, “Recommendations and Priorities”.

Everett Joyce  
June 29, 2005  
Page 3

addition Salt Lake City spends a significant amount in maintaining the city owned cemetery. The proposed amendment will be a significant factor in maintaining the Mount Olivet Cemetery and enabling the cemetery to continue providing, on the remaining cemetery property, for the burial of the dead and, further, for the perpetual care of the existing burial sites.

Second, the RHSM acquisition of the Mt. Olivet Property would permit the school to offer its programs in an improved physical plant and this would support its educational mission. Permitting RHSM to improve its institution with its own money strengthens a local asset which inures to be benefit of Salt Lake City. This property is needed by RHSM, so that it might build playing fields now, and someday needed replacement facilities for its middle and upper schools, which are in aging buildings about five blocks west of the Mt. Olivet property. For over 120 years, RHSM has provided a significant public benefit to Salt Lake City and the surrounding community. RHSM has a stable enrollment of over 970 students and occupies a vital educational niche in Salt Lake City. Twenty percent (20%) of the students' parents are employed at the University of Utah and in Research Park. RHSM is a community asset to which companies recruiting from out of state often point. In addition, the school dedicates approximately ten percent (10%) of its operating income to financial aid, and nearly twenty percent (20%) of RHSM's students represent diverse ethnic, national and racial backgrounds. The student body also volunteers approximately 12,000 hours in community service each year.

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

As stated in the 1982 East Bench Master Plan, the land north of Sunnyside Avenue serves institutional purposes. Institutional use can be made attractive and enhance the beauty of a neighborhood overall. Just east of the Mt. Olivet property stands the RHSM Beginning and Lower School campus. It is admired architecturally, has its own playing field, and has improved the appearance of Guardsman Way. If acquired by RHSM the Mt. Olivet property will mesh with the adjacent campus in its landscaping and overall design. From the East High football field through to Sunnyside Park the preeminence of playing fields, the integrated landscaping, the walkway/corridor and the unified campus will present a coherent view for over a mile east to west. Looking from Sunnyside to the north, the modestly proportioned RHSM's buildings will buffer and transition to the larger facilities on Guardsman Way.

The proposed Master Plan amendment is harmonious with the existing cemetery to the north of the subject property. Locating a school along the edge of the remaining cemetery property, with the buffer that will exist, will not detract from the cemetery. In fact, RHSM's proposed plans, when compared to the undeveloped state of the property today, will enhance the remaining cemetery property. RHSM's proposed plans predominantly conserve the natural environment and provide open space amenities for the entire community.

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

Until the Mt. Olivet property is developed, there will be no adverse impact on any adjacent properties. If the property is developed by RHSM, we expect that, other than a nominal increase in traffic, there will not be any other adverse impacts on adjacent properties. In the

Everett Joyce  
June 29, 2005  
Page 4

event the property is fully developed as proposed, the anticipated traffic impact of a Middle and Upper School campus on the Mt. Olivet property is an eighteen percent (18%) increase for approximately an hour each school morning. At other times, students are in school and generally are not generating additional traffic on Sunnyside Avenue or Guardsman Way. After school, students leave the campus over several hours depending on their participation in sports, clubs or other interests on campus, thus ameliorating any traffic impacts. Moreover, the estimated traffic impact does not take into account the fact that much of the morning traffic already is traversing Sunnyside Avenue in order to reach the RHSM Lincoln Street campus, a circumstance that no longer will exist once the Mt. Olivet property is developed and the Lincoln Street campus closed. As we have discussed with the community, however, RHSM is committed to working with the neighborhood and the City to address any negative impacts.

RHSM, as is the case with the adjacent Beginning and Lower School campus, intends to continue to be a good neighbor and, with the adjacent property owners, work to keep traffic in check, and enhance and protect our community. To these ends, as soon as RHSM develops playing fields on the Mt. Olivet property, access for the entire community also will be possible. Aesthetically, too, RHSM's landscaping and improvements will improve the Mt. Olivet property for the community.

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

RHSM is not aware of any overlay districts covering the Mt. Olivet Property, which impose any additional standards, or any inconsistencies between RHSM's proposed use of the Property and any overlay zoning districts. Indeed, the properties immediately to the east of the Mt. Olivet Property are zoned institutional, consistent with the proposed amendments requested here.

**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.**

To RHSM's knowledge, all such public facilities and services are adequate for RHSM's proposed uses for the Property. RHSM encountered no special challenges in these areas when it developed its Beginning and Lower Schools immediately east of the Mt. Olivet Property and, therefore, anticipates that the public facilities and services intended to serve the subject property will be adequate for RHSM's proposed plans for the Mt. Olivet property.

Everett Joyce  
June 29, 2005  
Page 5

Please call with any immediate questions or comments. We look forward to seeing you on July 5<sup>th</sup>.

Very truly yours,

SNELL & WILMER

  
Cary D. Jones

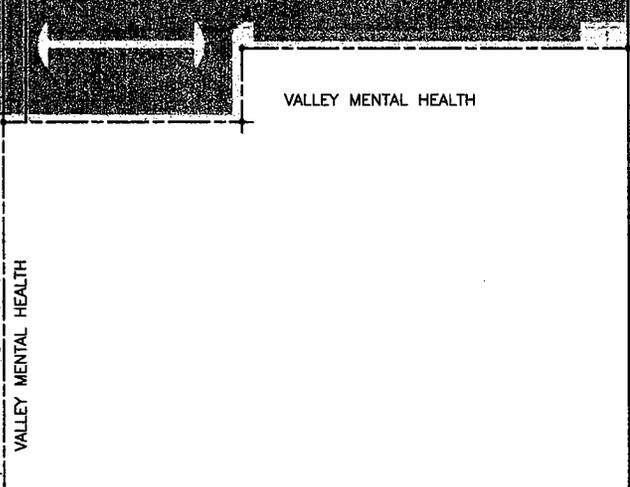
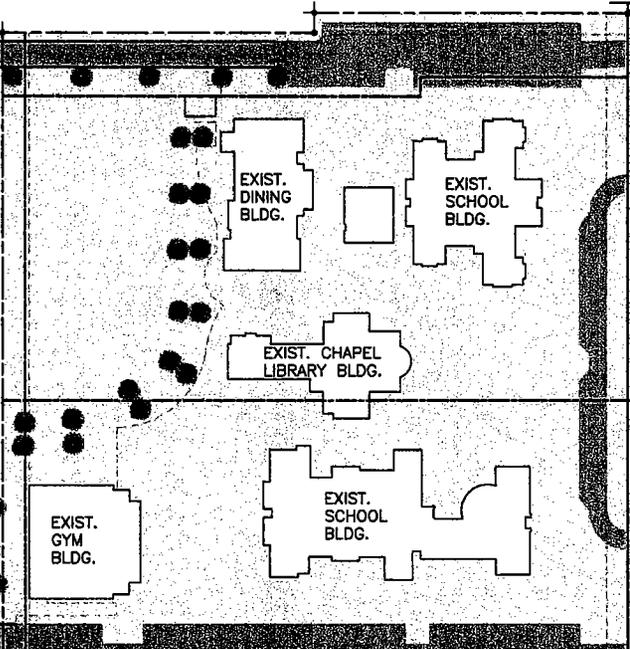
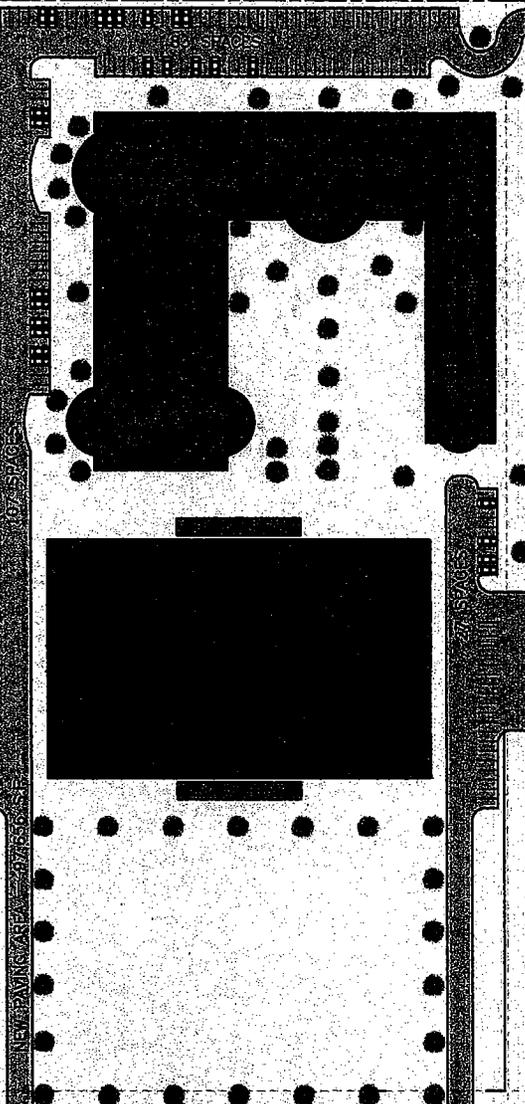
CDJ:ll

cc: Mr. Robert Steiner  
Ms. Paula Swaner-Sargetakis  
Guy P. Kroesche, Esq.  
Ms. Julie Barrett  
Mr. Alan Sparrow

**Exhibit 4 Conceptual Development Plan  
and Existing Site Conditions**

MT. OLIVET CEMETERY ASSOCIATION

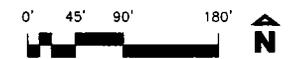
EAST HIGH SCHOOL FOOTBALL FIELD - LEASED AREA



GUARDSTAFF WALK

# ROWLAND HALL ST. MARK'S SCHOOL

NEW PARKING =	217 SPACES
NEW PAVING AREA=	97,656 S.F.
NEW BUILDING FOOTPRINT =	77,500 S.F.
NEW BUILDING =	133,750 S.F.
NEW SITE AREA =	570,070 S.F.





**View from subject site looking northwest towards Mt. Olivet Cemetery**



**View from subject site looking south towards Sunnyside Avenue**

**Exhibit 5 Open Space Advisory Committee/Board  
and Department Comments**

November 16, 2005

Salt Lake Planning Commission  
City & County Building – Room 406  
Salt Lake City, UT 84111

**RE: Mt. Olivet Cemetery Re-zone Petition**

Dear Members of the Planning Commission:

On November 8, 2005, the Salt Lake City Open Space Lands Advisory Board met with petitioners Rowland Hall-St. Marks School, representatives of Mt. Olivet Cemetery and other interested parties, to review issues related to the application to re-zone thirteen acres of Mt. Olivet property from Open Space to Institutional (Petition 400-05-09).

While we found there were persuasive arguments for and against the requested re-zoning, we concluded that the specific merits of those arguments should be properly determined by the Planning Commission and the City Council.

Under the provisions of Chapter 2.88 of the Salt Lake City Code, the Open Space Lands Board is charged with devising a plan "for the preservation, protection, management and consideration for acquisition of Open Space Lands" in Salt Lake City (sec. 288.110-B-1). Our recommendation on the petition is therefore based on the belief that re-zoning currently-zoned open space in Salt Lake City is inadvisable.

Accordingly, the Salt Lake City Open Space Lands Advisory Board voted unanimously (8-0) to recommend **against** the requested re-zoning of the Mt. Olivet property from Open Space to Institutional.

Sincerely,  
Salt Lake City Open Space Lands Advisory Board

Karen Shepherd  
*(Signature)*

John E. Noman  
*(Signature)*

Jerry B. Becker  
*(Signature)*

Jim Edelman  
*(Signature)*

Rick Reese  
*(Signature)*

Frank Joffe  
*(Signature)*

Christopher Otto  
*(Signature)*

cc: Mayor Anderson,  
Rick Graham  
Salt Lake City Council  
Congressman Matheson  
Senator Hatch  
Senator Bennett

## Mayor's Open Space Committee

September 08, 2003

Mayor Ross C. "Rocky" Anderson  
Office of the Mayor  
451 South State Street, Room 306  
Salt Lake City, Utah 84111

Dear Mayor Anderson,

In April of 1995, Salt Lake City adopted a Zoning Rewrite Ordinance in which the Mount Olivet Cemetery was zoned Open Space "OS". In fact, for more than a decade, open space master planning, administrative action, public involvement and judicial process have provided the basis for Salt Lake City's articulation of the need for use of this cemetery land as open space.

The interpretation and implementation of the Open Space Zone with specific regard to the 13 acre south east section of the Mount Olivet Cemetery has been the focus of continuing challenge and discussion by the Mount Olivet Cemetery Association, Rowland Hall St. Marks Board of Trustees, the University of Utah, Senators Orrin Hatch, Bob Bennett and Jake Garn, Congressman Jim Matheson, the Salt Lake City Mayor's Office, Salt Lake City's executive departments, members of the Salt Lake City Council and the City's community council associations.

The Mayor's Open Space Committee (MOSAC) has been an active participant in this on going dialogue and recognizes that the current and future use of this property is of great significance to Salt Lake City's long term interest in preserving and protecting limited open space. We have appreciated your personal commitment to stewardship in this open space protection process.

At the June 2003 meeting of the Mayor's Open Space Committee, MOSAC received an historical review of land transactions relating to the creation and proposed uses of Mount Olivet Cemetery. This was followed by discussion centered on the potential sale of the subject property by the Cemetery Association to Rowland Hall St. Marks for future institutional development. The realization that the City had not been invited into the purchasing or re-deeding process troubled committee members and raised concern that the City's interest in this much needed open space is in jeopardy.

Subsequent discussion regarding Mount Olivet Cemetery at the July and August 2003 meetings focused on the City's need to protect this property as open space resulting in unanimously passing an action motion by the Mayor's Open Space Committee. The MOSAC motion asks that you and the Salt Lake City Council jointly resolve to use your full administrative powers in urging Congressman Jim Matheson, Senator Orrin Hatch, Senator Bob Bennett, and all United States Congressional Representatives, to deny any request to rewrite the legislation regarding the Mount Olivet Cemetery which would in any manner invalidate the City's planning and zoning authority.

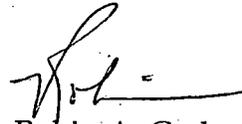
If I may be of any further assistance in this matter, please feel free to contact me or Robin Carbaugh.

Thank you for you support and cooperation in preserving open space.

Sincerely,



Helen M. Peters  
Chair, Mayor's Open Space Committee



Robin A. Carbaugh  
Mayor's Open Space Committee

cc: Carlton Christenson  
David Buhler  
Jill Remington-Love  
Alan Sparrow  
Tom Bonacci

**Joyce, Everett**

---

**From:** Graham, Rick  
**Sent:** Monday, October 10, 2005 5:09 PM  
**To:** Joyce, Everett  
**Subject:** RE: Mt. Olivet Cemetery Rezone request by Rowland Hall St. Marks school  
**Categories:** Program/Policy

I hope this information is helpful.

The Salt Lake City Cemetery was developed in 1847. The cemetery is approximately 250 acres in size. It is plotted to have 140,823 graves. The entire cemetery space is plotted out and developed. There is not additional space for expansion.

To date, approximately 119,000 of the available graves have been used. Of the 21,800 remaining, 17,300 have been pre-sold as for future burials. Only 4,500 burial sites remain for sale. Historically, on an annual basis approximately 600 burials occur each year. If the historical numbers hold in 36 years all available sites in the cemetery will be used.

Historically, on an annual basis, 350 graves sites are sold each year. Based on the 4,500 available burial sites for sale, if historical numbers hold, in 13 years all available sites will be sold.

The present day data suggests that the cemetery will be use up its available burial space in 13 years. 23 years later all burial sites will be filled. Beyond that point in time the city will continue to fulfill its obligation to care for and maintain the cemetery in perpetuity without the offsetting annual revenue generated by property sales and burials.

At the present time the City has no plans in place to either expand the cemetery space (the only potential expansion would be into Lindsay Gardens Park) or start a second cemetery in a new location in the City. Any decision to move in this direction would result from a policy discussion and agreement between the Mayor and City Council.

If the City chooses to allow the cemetery to fill without further expansion or new development, other public or private cemeteries will be left to fill the public need.

Salt Lake City has one public cemetery, the Salt Lake City Cemetery. Four (4) additional cemeteries are located within the boundaries of the City: Mt. Olivet, a private cemetery owned by a consortium of local churches; Mt. Calvary, a private cemetery owned by the Catholic Diocese; B'nai Israel Cemetery, a private cemetery owned by the Temple Kol Ami Synagogue; and Larkin Sunset Lawn, a private cemetery owned by the Larkin family. It is my understanding that the general public has access to each of these cemeteries regardless of affiliation except B'nai. I also understand that with the exception of Mt. Olivet and Larkin cemeteries, the others face the same capacity challenges as the City's cemetery.

Though the City has a municipal cemetery that it must maintain and operate in perpetuity, I know of know legal obligation the City has to maintain an "active" cemetery.

The Cemetery's "active" period may be extended by the City. For example, the historical numbers may change over time; law permits cemetery owners to recover burial plots the have been sold, but have not been used in a 60 year period, and re-sale them (this could add a few hundred graves to the inventory over time); law permits double deep burials, which means that one burial plot may be used for two burials; construction of mausoleums, which allow for burials to occur above ground in structures.

---

**From:** Joyce, Everett  
**Sent:** Tuesday, October 04, 2005 9:43 AM  
**To:** Graham, Rick  
**Subject:** Mt. Olivet Cemetery Rezone request by Rowland Hall St. Marks school

10/10/2005

**Importance: High**

Rick,

Rowland Hall St. Marks School has requested the City to rezone 13 acres of OS zoned property that is part of the Mt. Olivet cemetery property with the federal restriction allowing only public cemetery use. Rezoning of the property would support Rowland Hall with the process to eliminate the restriction placed on the property by the Federal government and in the future build an Upper and Middle School.

I could use information relating to future cemetery needs within Salt Lake City and the impact of removing this property from the land use restriction for cemetery uses. A successful rezone and elimination of the land use restriction by Rowland Hall would likely lead to the loss of the Salt Lake City School football field for future cemetery use.

I need to move this petition forward to the Planning Commission for action in October, which means I need to finalize my staff report by October 12, 2005.

Everett

**Joyce, Everett**

---

**From:** Larson, Bradley

**Sent:** Wednesday, July 20, 2005 3:59 PM

**To:** Joyce, Everett

**Subject:** Petition #400-05-08 // Master Plan Amendment and Petition 400-05-09 Zoning Amendment for Mt. Olivet Cemetery and Rowland Hall St. Mark's School

Everett,

The Fire Department has no objection to the above named zoning change request. Please note to the applicant that site plan approval for development (fire hydrant number and location, fire access roads) will require review and approval by our Office prior to building permit issuance.

Please feel free to contact me should you have any questions.

Thank you.

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

**Joyce, Everett**

---

**From:** Garcia, Peggy  
**Sent:** Friday, July 15, 2005 11:12 AM  
**To:** Joyce, Everett  
**Cc:** Niermeyer, Jeff; Stewart, Brad; Greenleaf, Karryn; Snelling, Jeff  
**Subject:** Petition #400-05-08 Master Plan Amendment and Petition 400-05-09 Zoning Amendment for Mt. Olivet Cemetery and Rowland Hall St. Mark's School  
**Categories:** Program/Policy

Everett,

Public Utilities has no issues with this proposed rezone request. At the time of proposed construction several issues must be addressed. For culinary and fire flow needs this property would be served by a six-inch water main in Sunnyside Avenue. Water system improvements may be necessary if this existing main can not meet the State and City's Fire Department fire flow requirements. A storm drain runs along the north side of this property. A minimum 30-foot easement will be required for the operation and maintenance of this facility. All future design and construction must conform to State, County, City and Public Utilities standards and ordinances and Salt Lake City Public Utilities General Notes. Please call if you have any questions.

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

**Joyce, Everett**

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**From:** Walsh, Barry  
**Sent:** Wednesday, November 09, 2005 2:46 PM  
**To:** Joyce, Everett  
**Cc:** Young, Kevin; Smith, Craig; Butcher, Larry; Larson, Bradley; Stewart, Brad  
**Subject:** Pet 400-05-09  
**Categories:** Program/Policy

November 9, 2005

Everett Joyce, Planning

Re: Petition – 400-05-08 Master Plan Amendment and Petition 400-05-09 Zoning Amendment for Mt.Olivet Cemetery and Rowland Hall St Mark’s School at 1443 East Sunnyside Avenue.

The Division of Transportations review comments and recommendations are for approval as follows:

The proposed site fronts on Sunnyside Avenue, an arterial class roadway with five lanes. There is also a proposed access to Gaurdsman Way, an arterial class roadway with four lanes.

The traffic study Exhibit “H” a phase I preliminary study indicates a reasonable traffic review for the present data available and the indication of approximately 400 added trips generated. We look forward to a Phase II study when more accurate data is available to consider with the future conditions more in keeping with development at that time.

Sincerely,

Barry Walsh,

Cc Kevin Young, P.E.  
Craig Smith, Engineering  
Larry Butcher, Permits  
Brads Larson, Fire  
Brad Stewart, Utilities  
File.

## Joyce, Everett

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**From:** Smith, JR  
**Sent:** Thursday, July 28, 2005 3:35 PM  
**To:** Joyce, Everett  
**Cc:** Tracy, James; Hathaway, Jason  
**Subject:** Petition # 400-05-08 and #400-05-09 Zoning amendment for Olivet Cemetary and Rowland Hall/St. Marks School

**Categories:** Program/Policy

Everett,

**Concerns:**

1. Traffic - Increased traffic in the area of 800 South and 1300 East during school year. While the expected increase is not dramatic in numbers the combination of East, The "U" and Rowland Hall all occurring at the same time could increase in needs of enforcement, accidents etc.

A possible mitigation alternative would be adjustment of Rowland or East operation hours to spread out the traffic conerns.

2. Proximity - The proximity of the proposed location to East, especially where middle school aged students and high school aged students would mix, could potentially increase the risk of negative contacts.

3. Neighborhood impact - The impact would be mostly to residential areas located south of Sunnyside. This would only be due to the substantial increase in this aged group traffic, mostly during lunchtime and after school hours.

Question - Would Rowland Hall be an open or closed campus? i.e. If students were restricted to campus during lunchtime then impact to surrounding neighborhood should only be after school hours. East is presently an open campus during lunchtime.

4. Resource officer - With only one resource officer being assigned to East any additional law enforcement needs would be from a normally assigned patrol officer. In this type of environment we have found that prevention at the earliest level and the ability to speak with students prior to any potential negative action usually prevents the negative action from occurring.

Note: There has not been any significant negative interaction between East and Rowland Hall students in the past or presently that we are aware of.

J.R. Smith  
SLCPD  
Community Action Team

**Exhibit 6 Community Input**  
**a. Community Councils**  
**b. Support of Petition Request**  
**c. Opposed to Petition Request**

**a. Community Councils**

James D. Webster  
938 Military Drive  
Salt Lake City, Utah 84108

Everett Joyce, Principal Planner  
Salt Lake City Planning Division  
re: proposal to rezone Mount Olivet Cemetery open space

Dear Everett,

At the August 03, 2005 meeting of the Yalecrest Neighborhood Council a report from the Yalecrest Subcommittee on Mount Olivet initiated a motion regarding the current proposal by Rowland Hall St.Marks School to request a masterplan amendment to rezone a section of the Mount Olivet Cemetery from an open space zone to an institutional zone.

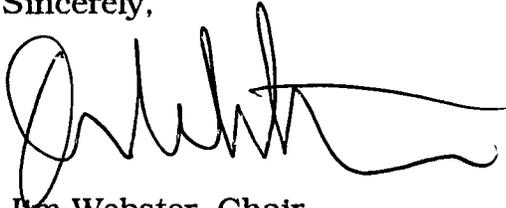
The Yalecrest Neighborhood Council and the residents living near this subject property have over the past 15 years considered several proposals for use of this subject property for institutional use. We have always rejected an institutional zone on this section or any part of the Mount Olivet property. In the past, Rowland Hall has been a partner to one of these proposals and has been aware that the Yalecrest Neighborhood Council has worked diligently on the community level and the City planning and zoning level to assure that this property remain in the open space zone.

The most recent proposal to change the use and zone on the subject property has required focused attention at several of our Yalecrest Neighborhood Council meetings from 2003 through 2005. In an effort to fully inform community participants of the nature of this specific proposal, the Yalecrest Neighborhood Council has had presenters speak to the matters of open space zoning, cemetery use as an open space use in an urban environment, as well as, the proposed zone change and development of the land. To explore the issue further, a subcommittee was initiated to evaluate the proposal, contact residents near to the subject property, seek their input and to evaluate consequences of the proposal for the immediate area and the City as well.

The subcommittee gave it's report at the August 03, 2005 meeting and initiated a motion on the matter. This motion passed on 12-2 vote and seeks to firmly communicate our position. The motion is: "The Yalecrest Neighborhood Council supports the open space zoning of the Mount Olivet subject property and wants this area and all of Mount Olivet to remain as an open space zone. The Yalecrest Neighborhood Council requests that the Salt Lake City Planning Commission and Salt Lake City elected officials reject the petition to amend the masterplan, reject a zone change and that City officials maintain the open space zone."

This is a subject property that is both historically unique and serves an important present and future use to our community. To process away a significant piece of open space property, as this section of Mount Olivet Cemetery is to our entire community, would be to send a loud and clear message to all Salt Lake City residents and those in bordering cities, that Salt Lake City lacks a consistent and reliable policy on protecting and preserving open space through the open space zone.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Webster', with a long horizontal flourish extending to the right.

Jim Webster, Chair  
Yalecrest Neighborhood Council

cc: Salt Lake City Planning Commission  
Mayor Ross Anderson  
Councilmember Dave Buhler

**Various Concerns Expressed by Members of YCNC Over the Past Few Years**  
(prepared by Jim Webster, Chair of Yalecrest Neighborhood Council)

Introduction - The Yalecrest Neighborhood Council was formed about 25 years ago for the purpose of ensuring a livable community. Our efforts have been generally focused on issues such as open space, recreational facilities and mitigation of traffic impacts. The degeneration of Miller Park and the inclusion of USFS and armory properties along Guardsman Way into the city's parks/open space master plan to were the primary motivations for the formulation of the council. Due to our efforts, the city appropriated money for the re-building of pathways and bridges for the Miller Park and Bird Refuge. The Steiner Aquatic Center, or first phase of the sports complex involved a 12-year fund-raising and design advocacy effort by Yalecrest residents. Community participation in the upgrading of Bonneville Glen, an LDS Church owned property adjacent to Miller Park was co-ordinated by the council. Additional ice sheets and other improvements to Steiner were spearheaded by the council, along with the upgrade of Guardsman Way. The reconfiguration of 1700 East for traffic calming, adding new stop signs and traffic mitigation efforts have also been accomplished by the council.

Throughout our entire history, the open space between the armory property (currently occupied by the Carmen Pingree Autism School) and 1300 East has been one of our primary concerns. We advocated interim use of the property for soccer fields along with Ione Davis, one of the original City Council members. We supported Mr Hogle's proposal for an interim golf academy, and although we had some concerns regarding visual and noise impacts, we have supported the interim use of the property for East's football/track facility. On the other hand, we have consistently opposed proposals that contradict the original intent of the federal designation as open space, including those of the University of Utah and the more recent proposal by Rowland Hall St Mark's (RHSM). Institutional use is absolutely excluded by the Department of Defense's 1874 land allocation to Mt Olivet. The DOD agreement is consistent with Salt Lake City's current zoning ordinance.

The residents of Yalecrest Neighborhood Council are opposed to a change in the open space zone. A very small minority of RHSM parents having a vested interest outside the common welfare of the neighborhood, parents who have never participated in prior meetings or community improvement efforts by the Yalecrest Neighborhood Council persist in an effort to change zoning that has already been upheld in courts as serving the best interests of our community. The following is a synopsis of the specific concerns expressed in Yalecrest meetings as regards the proposal to change the zoning for the Mt Olivet property to serve the needs of Rowland Hall St Marks' Schools:

1. There is no compelling need to consider any change to the original intent of DOD designation for this property for future cemetery expansion. To oppose the intent of original designation would not only demonstrate ingratitude for Federal co-operation in 1874, but also damage SLC's future ability to obtain federal open space lands for viable community purposes. The Yalecrest community fully accepts the need for cemetery use, the wisdom of the proponents of the 1874 agreement, and fully endorses the perpetual use of the property as designated. There is no compelling need to attempt by whatever political means as may be available to eradicate the reversionary clause in this agreement. If Mt Olivet cannot find a way to honor the original agreement to provide appropriate stewardship for the property, then other uses that are compatible with the 1874 agreement must be explored. This is the essence of the discussion as related to North Salt Lake's proposal to alter the intent of open space zoning. The primary function of Euclidian zoning is to ensure consistency and provide for the public welfare, not the self-serving interests of those with political influence.

Page two

2. Yalecrest neighbors have attended meetings sponsored by RHSM and have carefully reviewed preliminary site plans for the middle and high schools on the 13 acres in question.. Recognized area standards for middle and high schools have been established by land planners as represented by the following sources:

Koppleman and DeChiara, Planning Design Criteria, Van Nostrand Reinhold, N.Y., 1969:

Jr. High School: 18-20 acres; Table 9-4, pg 182

High School: 32-34 acres; Table 9-5, pg 183

The Urban Land Institute, The Community Builders Handbook, ULI, Wash. D.C., 1968:

Jr. High School: 20 acres; pg 161

High School: 40 acres; pg 161

Using these minimal standards from either source, RHSM would need 50 acres for both institutions; the maximum standard would require 60 acres, an increase of about 462 % over the land being made available by Mt Olivet. Based on the information presented by RHSM, the interior area of the proposed buildings is over 170% greater than the University of Utah's football practice facility. This represents totally irresponsible over-building and institutionalization of valued open space lands. Even if it were zoned institutional, the RHSM proposal would be over-built.

3. RHSM's track record has not been one of support for its Yalecrest neighbors - very limited help in opposition to the U of U football practice facility, limited participation in the funding or design of Guardsman Way, and a general failure to advocate viable community interests. Instead, problems and impacts generated by RHSM have been the continual source of discussions in our Yalecrest meetings. These include an unfortunate track record of traffic infractions such as double parking, a serious safety impact. Yalecrest residents wonder why has city ignored this problem to date? When RHSM parents pick up students, Guardsman Way is virtually grid-locked. One would imagine the Fire Department would have concerns. Why would the city endorse an increase in this detrimental behavior?

4. Opportunity costs include the not only the loss of open space, but also loss of wildlife habitat, tranquility, aquifer recharge, oxygen generation, temperature mitigation, and associated benefits provided to the urban environment by open space. We would encourage the Planning Commission to retain someone such as Ty Harrison of Westminster College to evaluate these impacts.

5. We are not convinced that storm water management issues have been fully addressed. This property has never been anticipated for intensive development nor has any such proposed land use been addressed by Public Utilities current master plan for infrastructure development. We are also concerned that SL County has not been consulted. The RHSM proposal anticipates covering the site with an enormous amount of impervious material and the generation of significant amounts of runoff polluted by hydro-carbons from roadways and parking areas.

6. We wonder if impacts on the sanitary sewer infrastructure have been adequately addressed. Is available line capacity sufficient for such an intensive development?

7. We have studied RHSM's traffic impact study and feel it is inordinately biased and must be balanced by a second opinion. This study failed to address the issue of double-parking, an ongoing impact that would only become even more intolerable if the zone were changed.

8. There has been much discussion in our meetings that the Open Space zone could become merely a “holding pattern” until yet another more powerful lobby comes along to subvert the best interests of our community and the associated master planning process. This would be an terrible precedent. If such were to occur, many of us wonder why SLC can be so involved in the North Salt Lake issue and ignore needs of residents and wildlife in an established open space zone in our own city?
9. The placement of three high schools in close proximity is unprecedented, and in our opinion for appropriate reasons. We do not question that a rise in crime rate will occur as three competing student bodies are so closely mingled. We have discussed this issue with J.R. Smith of the Salt Lake City Police Department who alerted us that such an increase in crime would be unavoidable. The Planning Commission should require a detailed study of comparable circumstances as related to the incidence of crime, if anyone can find a precedent for three high schools with a half-mile radius.
10. We are very tired of hearing RHSM’s threat that U will develop property if we don’t endorse their proposal. We have the assurance of Charles Evans, Vice President of Real Estate at the University of Utah that this would not happen; the U would not be so presumptive as to ask for a US Congressional action to dissolve the 1874 agreement. While the U is not accountable to anyone at the Salt Lake City Planning Department and the U’s football palace is an egregious structure, it is nevertheless smaller in absolute sq.ft. and less impacting in terms of percent of land covered as compared to the RHSM proposal.
11. Of concern to many residents is the migratory bird habitat currently afforded by Mt. Olivet’s pond on Bureau of Reclamation property at the intersection of Guardsman and 500 South. The termination of secondary water use and conversion to culinary rights, which would only limit 50% of such right to be used for irrigation, if converted to a culinary source. Water in Red Butte and Emigration Creeks would be wasted to Great Salt Lake rather than being utilized as intended by the 1874 agreement. There is nothing wrong with existing distribution from the pond except the politics of SLC’s Public Utility policy of garnering water rights for culinary use, a terribly inefficient policy as regards irrigation of open space lands.
12. RHSM has implied that there is some sort of “efficiency” associated with having all students of any given family on a common complex. We believe this to is fallacious. RHSM parents have clearly evidenced that they intend to perpetuate the over-use of gas guzzling, double-parked SUV’s that would block even more local traffic. Adding teenage drivers to an already stressed out situation is all that would really occur.
13. Negative impacts of vacating the Roosevelt campus include blight, commercial land speculation, adverse land uses imposed on adjacent residential neighborhood due to an institutional zone status of being higher on pyramid than residential, thus limiting a potential for down-zone due to market value considerations. Would RHSM commit to voluntary down-zone and sell this land at residential value to ensure compatibility with the surrounding neighborhood? Does the city have any realistic way to manage this situation? In the opinion of many Yalecrest residents, RHSM is in the real estate speculation business. If the down-zone were to be approved and RHSM suddenly realizes that according to Urban Land Institute standards they cannot build the dream campus, then what would become of the Mt Olivet land purchase? The city would have simply opened Pandora’s box. Some of us expect that RHSM would sell to the U. What irony.

14. Yalecrest residents believe that the city must generate small area master plans for both the Roosevelt and Guardsman parcels. This must occur prior to any further consideration of re-zone. We believe any action at this point would be premature and ill advised. Have all other possible institutional zoned properties, including abandoned schools in the area been evaluated for use by RHSM?

15. Some neighbors have expressed concern that the mayor has advocated and sponsored an “open house” to promote RHSM’s proposal prior to this public hearing process? We would have expected that the administration would have been equally concerned about the welfare of the neighborhood and supportive of a sustainable community concept by gaining input from Yalecrest residents.

16. Various residents have wondered why the need for a public cemetery is not a concern of the city. At the time of the DOD designation over 125 years ago, this need was anticipated. If this land is used for an alternate purpose, completely alien to original intent of the DOD designation, within a very few years Salt Lake City will become the only major city in the western US without a public cemetery. How does this serve to define sustainability?

17. Gary Russon, a member of our community has indicated that if Salt Lake City residents are forced to bury their relatives in private cemeteries, the increased cost impacts will be enormous and the private sector would be without any competition. The cost differential is at least \$600.00. This is absolutely contrary to the intent of the 1874 designation in terms of access by the general community to a critical land use.

18. Mr. Russon and Yalecrest officers had met with Rick Graham and indicated these facts, along with efforts by himself and other morticians to acquire the Mt Olivet land for a cemetery, should the city not opt to acquire the land for such public use. In our public meetings, Mt Olivet’s Board of Directors has denied having ever participated in these negotiations. The only motive we can imagine for such denial is the higher land value associated with an institutional zone than would otherwise be justified by the current open space designation. It all seems vary transparent to us. We are hopeful that the Planning Commission would not become a party to an arbitrary inflation of property values that do not serve the community interest or welfare. Any economic hardship alleged by Mt Olivet was created by Mt Olivet alone in its failure to provide appropriate stewardship for the land granted to Mt Olivet by the federal government for exclusive use as a cemetery. It is quite clear, this was germane to the original land deal.

19. We have been in discussions with veterans who have a desire to be buried in a military cemetery near Fort Douglas, as the cemetery within the present boundaries of the fort itself is closed. When granting the property to Mt Olivet for cemetery use, the DOD obviously understood that accommodation of veterans has a much higher priority than use by a private school. There is no question of the current need for a veterans cemetery, or prioritized use by veterans of a public cemetery with respect to the original intent and spirit of the 1874 designation. In our view, three options are available:

1. Salt Lake City acquires the land for a public cemetery;
2. a veterans group is allowed to acquire the property for a veterans cemetery, possibly through enactment of the reversionary clause; or
3. a private entity obtains the land for a private cemetery.

Page five

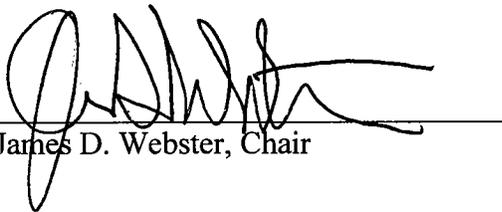
All three of these options would mandate respect for, and the perpetuation of the existing open space zone as is appropriate within the context of the 1874 agreement to serve the best interests of the Yalecrest community as an neighbor, and Salt Lake City in general.

20. Perpetuation of the cemetery use is economically viable. Mt Olivet will gain more from the long-term development of the land in question as a cemetery than the offered price from RHSM, if it is properly managed. This point has been raised in numerous meetings by Mr Russon and others familiar with the cemetery and real estate industries. There is no economic hardship, implied or real.

21. Many in our community have indicated that it is irresponsible to sell off open space for any reason, especially to create a false economic tax base. The only thing the wold be accomplished is an increase in the cost of open space and a limiting of the supply of available lands.

22. If RHSM's petition were to result in a zone change, it would become the "poster child" of special interests cajoling a terrible land planning policy for the sole benefit of a politically powerful, self-serving clique that has no interest in the general welfare of the adjoining community. This would indeed be an unfortunate precedent.

The Yalecrest Neighborhood Council appreciates the responsibility that the Planning Commission has in sustaining the integrity of our neighborhoods. For the reasons outlined above, and for reasons that are being expressed in the public hearing forum, the Yalecrest Neighborhood Council opposes the proposed zone change.



James D. Webster, Chair

## **Mt Olivet Issue - Additional Considerations**

All of the land at Mt Olivet (83.45 acres) has been zoned as perpetual open space by Salt Lake City. Permitted/conditional uses in this zone include a cemetery and East High's football/track facility (which has been leased for another approximately 60 years to the Salt Lake City School District). The open space zoning designation was challenged by Mt Olivet with the federal court ruled in favor of the city, respecting the original land grant by the federal government which has allowed Mt Olivet to utilize the property exclusively for public cemetery purposes.

If Mt Olivet does not continue to use the land for a public cemetery it loses its stewardship status and the land would revert back to the federal government according to the Recreation and Public Purposes Act (R&PP) passed by the US Congress in 1874 which enabled Mt Olivet to gain access to the property. Mt Olivet has never been granted any ownership title by the federal government and ownership continues to reside with the citizens of the United States. Nevertheless, Mt Olivet has taken the unprecedented position that it actually does own the land and has been in the process of marketing 13.2 acres of "surplus property" to Rowland Hall for a high school, as if this stewardship board were some sort of land developer.

Some parents of Rowland Hall students are very well connected in Washington (Jim Matheson's nieces and nephews attend this private school). Behind closed doors, these folks have been lobbying our Utah congressmen to reverse the purpose for which the federal government made the land available to Utah citizens as a public cemetery. To allow the land to be sold by Mt Olivet to a private interest would no longer serve the general public welfare.

There is no reason for the use of the property to change, especially in light of the fact that Salt Lake City Cemetery is virtually filled to capacity and there are no other opportunities for residents to acquire public burial plots within Salt Lake City. The city is currently evaluating the feasibility of acquiring the property to perpetuate the specific intent of the federal government in granting of this land as a cemetery. This proposal is supported by numerous funeral homes as such public cemetery would offer plots for sale at a reasonable cost and the city would continue to provide this important public service.

It was never the intention of the federal government to enable a private special interest to obtain this land. Indeed, the legislation that allowed Mt Olivet to gain stewardship is the Recreation and Public Purposes Act and for that reason, the reversionary clause was made part of the law.

The middle/high school proposed by Rowland Hall would require a change to an institutional zone, along with a U.S. congressional modification of the R&PP enabling legislation that allowed Mt Olivet to gain use of the property in the late 19<sup>th</sup> century.

In response to Steiner's representations at an open house at the elementary school attended by neighboring residents the Yalecrest Neighborhood Council forwards the following observations for consideration by the Planning Commission:

1. There will be an 18% increase in traffic, according to Mr. Steiner. He said noting about the congestion at the close proximity of RHSM and Pingree Autism School's access points on Guardsman. This would probably be classified as "F" relative to freeway congestion, or gridlock.
2. The proposed middle/high school is 1.7 times larger than the Spence Eccles Fieldhouse, and probably larger than all the U athletic facilities along Guardsman (football office and weight room, and George Eccles Tennis Center).
3. Steiner believes a change in zoning is in the best interests of the city. The City Council's position on open space for North SLC is very clear. What compelling issues are there to base a change in this policy in SLC, especially as there is a public need for cemeteries?
4. What is this "endowment" Mr. Steiner speaks of and how is this any different than the commitment Mt Olivet made to the federal government in 1874? Would the feds have given them the ground if Mt Olivet were truthful at the time and had indicated that in 2005 they would no longer respect such a commitment to maintain the property as a cemetery? There is no "endowment" language in the 1874 agreement. Maintenance and stewardship were simply implicit in the deal from day one.
5. What plans are there for the Roosevelt (Lincoln Street) campus, when abandoned? Why does RHSM promote the likely creation of blight? In whose best interest is this failed policy? How does this help sustain a community? These questions were not addressed by Mr. Steiner.

## Mt. Olivet Land Fact Sheet

Property generally known as Mt Olivet Cemetery consists of three parcels:

- A. 39.50 acres of developed burial plots (#16-04-353-001) in Section 4, or northern part of the cemetery along 500 South.
- B. 2.45 acres for the pond (#16-04-376-003), also in Section 4 to the north of the Eccles Tennis Center building. This land is owned by the US Bureau of Reclamation.
- C. 41.50 acres in Section 9 that extends down to Sunnyside Ave. This parcel includes some developed burial plots to the north, or interface with Section 4 along with the East High football field and track that Mt. Olivet leased to the SLC School District. The balance of the land in this third parcel is undeveloped open space.

All of this Mt Olivet land (83.45 acres) has been zoned as perpetual open space by Salt Lake City. Permitted uses in this zone include a cemetery and the football/track facility. The middle/high school proposed by Rowland Hall would require a change to an institutional zone, along with a U.S. congressional modification of the R&PP enabling legislation that allowed Mt Olivet to gain use of the property in the 19<sup>th</sup> century. Some of the original landholding was taken for road right-of-ways at 500 South and Sunnyside.

From Salt Lake County records, the following conclusions are apparent:

1. The 39.5 acre parcel to the north that includes the Sextant's office/residence, the pump house, various maintenance building and is entirely covered by developed cemetery plots has been valued by the Salt Lake County Assessor at \$500, or \$12.66/acre. Abstract records at the county indicate that this land has been subject to property tax in the past, and had been seized by the county for a period of time for non payment of property taxes.
2. The land covered by and surrounding the pond (2.45 acres) is owned by the U.S. Bureau of Reclamation. The Assessor has assigned a land value of \$298,800, or \$121,960/acre.
3. The 41.5 acre parcel in Section 9 which includes the East football/track facility, some burial plots, and the vacant land in question has been appraised at \$353,400, or \$8,516/ acre.
4. Salt Lake County Recorder's office does not have legal descriptions for any subdivision of land for the three separate land uses that currently occur on the Section 9 parcel. If Mt Olivet were to "sell" any portion of this land, such would constitute an illegal subdivision. It is not possible for Mt. Olivet, having a limited right to use agreement with the federal government to legally subdivide land for separate ownership under current SLC ordinances.
5. The frontage along Sunnyside is 1,426.13', including the football/track facility.
6. The relationship between Mt. Olivet and the Bureau of Reclamation is not defined by Salt Lake County records, but the pond is used for irrigation water storage and could not be sold under any condition by Mt. Olivet as it has no claim to the ground other than a possible right to use agreement with the federal government.

The East Bench Fault runs through the Mt. Olivet property. Two maps, available from the book store (map room) of the Utah Geological Survey (located at the Department of Natural Resources building, 1594 W. North Temple), indicate the occurrence of the fault passing through the property from the irrigation pond at Guardsman Way and 500 South and diagonally toward the southwest toward the East High football stadium. With this type of generalized mapping is that there always is a seismic fault, often having over 2-3 feet of differential settlement, but that the actual location can only be determined by cross-trenching, in most cases down to 12' deep. The two studies and maps are: I-1762 by Van Horn and Crittenden which is more detailed to the north side of Sunnyside; and I-2106 by Personius and Scott. If copies of these maps are desired, go to the sales counter of the map room, or Book Store and request these identification numbers. We need an objective discussion of seismic issues and make certain an adequate study is conducted.

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The sale of any portion of the property would also require a subdivision amendment if SLC ordinances are applicable. If not, why? If the city determines that an illegal subdivision would otherwise occur, what will it do to require compliance? If the city goes through a standard subdivision amendment process, notices would be sent to adjoining property owners. If anyone voices concern, the issue would then be placed on a Planning Commission agenda for a public hearing. A letter from the City Attorney and Planning Director relative to the applicability of city ordinances is appropriate, prior to any further discussion of a zone change.

hand delivered

## East Central Community Council

August 02, 2005

Mr. Everett Joyce  
Salt Lake City Planning Department  
451 South State Street  
Salt Lake City, Utah 84111

Dear Everett,

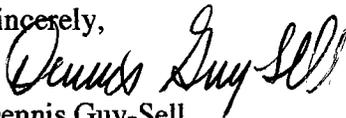
At the May 18, 2005 meeting of the East Central Community Council Executive Committee, issues related to the Mt. Olivet Cemetery and the Open Space Zone were an important part of the agenda. By a unanimous vote, the Committee reached a decision in response to these issues and I am writing this letter to clearly communicate our motion which is, "To strongly recommend that the City protect and preserve the current open space zone of the south east section of the Mt. Olivet Cemetery. That the Planning Department, the Planning Commission and the City Council reject the petition by Rowland Hall St. Marks to amend the Master Plan for a rezone to institutional zoning of the south east portion of land that is currently Mt. Olivet Cemetery."

The following points led to this motion which was passed by every member of the Executive Committee present that evening. We ask you to seriously consider each of them for their importance:

- \* the absolute irreplaceability of this open space land which is Mt. Olivet Cemetery to the densely developed central and eastern area of Salt Lake City
- \* the critical need regarding the planning for cemetery space in Salt Lake City for future generations
- \* the historical value of its original use as enacted by the United States Congress
- \* the ecological value of its natural state in regards to wildlife
- \* the livability value for a community that is overly impacted by institutional development
- \* the need for Salt Lake City to protect different types of open spaces
- \* the important planning value of the Open Space Zone to stop the threat of institutional and other development interests from encroaching on zoned open space land.

The Executive Committee of the East Central Community Council, comprised of the chairs of the Neighborhood Councils and the officers of East Central Community Council, are unanimous in their position of maintaining the present open space zoning of the Mt. Olivet property.

Sincerely,



Dennis Guy-Sell  
Chair, East Central Community Council  
436 South 1200 East  
582-0383

cc Salt Lake City Council  
Mayor Ross Anderson  
Salt Lake City Planning Commission

August 29, 2005

Mr. Everett Joyce  
Salt Lake City Planning Department  
451 S. State Street  
Salt Lake City, UT 84111

Dear Everett:

At the June meeting of the Wasatch Hollow Community Council (WHCC), a motion was passed by acclamation to support denial of the rezone to institutional zoning request, by Rowland Hall St. Mark's school, of the southeast portion of land that is currently Mt. Olivet cemetery.

There is a critical need regarding planning for cemetery space. As the Salt Lake City Cemetery nears capacity, the city will need this land for its intended purpose as a public use cemetery. Of equal importance, the implications of changing an open space zone to an institutional zone are profound. If this change to the ordinance is allowed, then open space throughout the city will be vulnerable to rezoning pressures.

As concerned citizens, we urge you to make every effort to assure that the protection and preservation of open space be assured. Reject the petition to rezone any part of the Mt. Olivet Cemetery from open space to institutional zoning.

Thank you.



Mary Delle Gunn  
Chair, Wasatch Hollow Community Council  
463-1679

CC: Planning Commission  
Jill Remington-Love  
Mayor Rocky Anderson

*Bonneville Hills Community Council  
2177 Roosevelt Ave  
Salt Lake City, Utah 84108  
(801) 581-0369*

August 6, 2005

Everett Joyce  
Community Planning  
Land Use & Transportation  
City of Salt Lake

Dear Everett,

This letter is written on behalf of Bonneville Hills Community Council Executive Board to recommend that Salt Lake City Planning, the Planning Commission and the City Council preserve and protect the OS Zone for the SE corner of the Mt. Olivet Cemetery. We want to included a motion to protect the property and also recommend the rejection of the petition for an East Bench Masterplan amendment and zone change for institutional use on the Mt. Olivet property.

This is irreplaceable open space and should be treated as such.

Sincerely,

Ellen Reddick  
Chair

HAND DELIVERED

August 09, 2005  
Everett Joyce, Principal Planner  
Salt Lake City Planning Department  
Salt Lake City, UT. 84111

Dear Mr. Joyce

Since March of 2005 I have served as the Chair of the Mt. Olivet Subcommittee for the Yalecrest Neighborhood Council. We have requested and recieved input from all but one resident living on Sunnyside Avenue, 1400 East and Amanda Avenue with respect to our committee's recommendations regarding the request by Rowland Hall St. Mark School to rezone part of the cemetery from open space to an institutional zone. The proposal, as we understand it, is to amend and rezone to institutional zoning so that they may build a junior high school and a high school on what is now open space cemetery property.

We would like you to know that our subcommittee unanimously supports the continuation of the open space zone. In addition we unanimously recommend that the petition to rezone a section of Mount Olivet property for institutional or other use be rejected. On August 03, 2005 we reported our recommendations and requests to the full Yalecrest Neighborhood Council. At that time a motion was made and passed by the Yalecrest Neighborhood Council recommending that the City and Public Elected Officials uphold the current open space zoning on the property. Furthermore, we recommend the petition for a masterplan amendment and rezone to an institutional zone be rejected. Our Council Chair, Jim Webster will send you an official letter regarding this motion.

For more than 15 years the neighbors of this area have counted on the fact that the City would support open space use of this property. To date, City officials working with Federal Legislators have supported and upheld open space uses and zoning on this land. My neighbors and I completely enjoy the open field in its current state and we have no objections to the way it looks. It serves as an important respite in our area. There is no glaring light pollution coming from the property, no loud noises, no noises being emmitted from building heating, ventilation and cooling systems, no noise from lawn mowing and weed whacking, no pollution from herbicides and pesticides, and there is no noise and pollution from the addition of automobiles.

This neighborhood sees, experiences and enjoys this property in its current natural state. It is a quiet place where one can observe nature, take a walk, enjoy a beautiful sunset. The field gives us an unobstructed view of the mountains from our living rooms and front yards. The residents on Sunnyside appreciate this open land and we have always looked forward to the future use of this property as a cemetery. This is exactly the type of quiet and passive open space we desperately need in this neighborhood.

Despite the many years that the City has supported preserving this open space, local residents, including myself, are greatly concerned about the City's will to uphold the open space zone. We are concerned that City officials will be convinced of a project that does not serve neighborhood or City interests.

At a Yalecerest meeting and at an open house, we heard presentations by representatives of Rowland Hall who advanced the specious notion that by installing a few soccer fields and then putting buildings and parking lots on the rest of the land we would see a gain of open space for our neighborhood and Salt Lake City. It is either the fool, or perhaps those who would mislead by political advantage, who believes the proposition that by advancing the development of buildings and a parking lot and then adding in a few play fields, our community will have a gain in open space. Mr. Joyce, we are not so easily fooled and hope others involved in the process will not be either. Obviously, if this is really an open space plan, as the developer keeps asserting, then we can all live with the current open space zone and they can install play fields which are an allowed feature in the open space zone.

Our neighborhood would like the property to remain zoned open space and eventually would like to see this land used for the directed purpose of the federal legislation, the public burial of the dead. While the neighborhood remains hopeful that our open space planning system will prevail again on this property, I have concerns that politics are not in our favor. Based on my concern, I request that you answer specific questions I have regarding the proposal and impacts it would have on our neighborhood.

1. What is the foot print of the proposed junior high and high school?
2. Salt Lake City District averages approximately 100,000 square feet of building space for student populations of 800 students. How does the developer's proposal for Rowland Hall compare with Salt Lake City School District?
3. What is the building square footage for this proposal?
4. Based on the proposed footprint area presented by RHSM, how many stories is the proposed building?
5. How many acres of play area are dedicated in this proposal?
6. Is a stadium area planned? Is there a public address system in the plan?
7. Any additional lighting in the area will impose a great deal of light pollution on the adjacent neighborhood, what type of field lighting is planned and permitted, how many lights are proposed for the entire plan, and how many lights are planned to be attached to the building?

8. What type of lighting is planned for the parking area, how many lights are planned for in the parking areas?
9. An added impact to be considered for the neighborhood is noise from high school extracurricular activities. The noise from East High School activities, including speakers from the stadium and music used in after school training of cheerleaders, track and field, soccer, etc., extend as far South as 1400 S. and as far East as 1800 E.. This added noise can occur from 7:00 AM to 10:30 PM. Typically, high schools have extended hours far exceeding those of neighborhood businesses. Realistically, a standard high school day usually extends from 6:00 AM to 10:00 PM. Please comment on how noise impacts and the cumulative noise impact of two high schools side by side are being considered when examining this proposal.
10. In this neighborhood we have already seen several East High School students hit by vehicles while attending after school events. It has been reported that an 18% increase in traffic will occur in the morning and afternoon because of this proposal. However it has not been noted that the sun in the eastern sky prohibits driver sight in the morning and the sun in the western sky in the evening blinds drivers as well. How many vehicles travel on Sunnyside between 6:00 a.m. to 8:00 a.m. and then from 3:00 PM and 9:00 PM on weekdays?
11. The proposal mentions that in addition to the junior high and high school students who attend RHSM, the soccer and school field areas will be used by public groups. Who are the after school user groups for the proposed facility? Is RHSM proposing to allow organized leagues to use the facility? How are the impacts of these additional groups being considered?
12. How much traffic will extracurricular RHSM school activities generate? Specific activities might include, dances, fine arts productions, sports activities, debate, fund raisers, etc...
13. At a Yalecrest Neighborhood Council meeting last fall, a representative of RHSM, Bob Steiner, said that they don't plan on building a school for 10 to 50 years. Based on discussions at the Yalecrest meetings, it is my understanding that play fields are allowed in the current zone and it is also my understanding that what RHSM wants to build now are play fields. Why would the city consider changing the zoning now when we don't even know for sure if RHSM will ever build a school there? If the City allows a zone change, and there is no plan for a school for up to half a century, could RHSM sell the land to another party? Could it then be used for other types of institutional uses? If yes, what are the other types of institutional uses besides schools that could be built if there is a zone change and the land changes owners?

14. It is an atypical situation for a city to allow junior high schools and high schools to be built next to each other. The reason for this is that there are serious social consequences and public safety concerns for youth and citizens when these uses are in close proximity. Putting junior high school students in an area with about 3,000 high school students provides a greater opportunity for bullying. In the past several years there has been an increasing incidence of bullying of certain students at reported at EHS. There will be a greater chance of young students engaging in destructive activities such as drug use, which is more common among high schoolers. As well, placing high school youth from different schools so close to each other provides an easy opportunity for the cross pollination of antisocial activities such as underage drinking, drug sale, abuse and auto and home thefts. There is always the concern of assault of students by students from different high schools. These are very serious public safety concerns for those living in the area and should be for police and educators.

While these schools may not have a long standing rivalry, I believe that by placing these schools so close you will be inviting opportunity for social and public safety issues. This is a legitimate matter and placing these schools so close to one another will not demonstrate a pro-social decision for youth or a demonstration or crime prevention through good planning. I would appreciate your thoughts on this important youth and neighborhood safety concern.

Lastly, because this is a proposal, I would like to know if it succeeds through the public process, is the developer required to build as proposed or could they reconfigure the project so that the schools would be closer to the neighborhood?

Sincerely,



Steve Mason  
Chair, Mt. Olivet Subcommittee, Yalecrest Neighborhood Council  
1428 East Sunnyside Ave.  
Salt Lake City, Ut. 84105  
703-3293

cc: James Webster, Chair Yalecrest Neighborhood Council  
Councilmember Jill Remington-Love  
Councilmember Dave Buhler

**b. Support of Petition Request**

## Joyce, Everett

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**From:** RedPC33@aol.com  
**Sent:** Thursday, August 25, 2005 9:08 PM  
**To:** Council Comments  
**Subject:** Mt. Olivet Property

Council members please consider allowing Rowland Hall St. mark's school to purchase and develop the Mt. Olivet property. It is an eysore now and eventually RHSM would build a lovely school and playing fields (preserving green space) that could be used by the community.

Thanks you for this condideration.

Pamela Stone  
931 Windsor St.  
SLC 84105

**Joyce, Everett**

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**From:** Zach [zahampton1@networld.com]  
**Sent:** Thursday, August 25, 2005 9:43 PM  
**To:** Council Comments  
**Subject:** Mt. Olivet land - Rowland Hall Bid

To whom it may concern;

I'm writing to express my feelings in the matter of the bid by Rowland Hall St. Mark's to buy the land currently owned by Mt. Olivet. RHSM has been nothing but a good neighbor and an upstanding member of this community since its founding 125 years ago. The longevity has concentered the school's reputation in the community and the it is a good one.

RHSM is a responsible institution. The school has a policy of being environmentally and socially responsible. It has proven this in all of the community service work it's performed and by vowing to maintain as much green space as possible at the proposed site. The McCarthy campus it recently built on Guardsman Way is proof that it can avoid being an eyesore, and the effects the new campus would have on traffic would be negligible (survey performed by Fehr & Peers, Jan 2005).

RHSM will not impose any unwanted irritation upon its neighbors such as lighted fields or loud PA systems. It seeks only to peacefully coexist with its neighbors while providing the best education possible.

Sincerely,

Zach Hampton  
Midvale, UT  
518-4024

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No virus found in this outgoing message.  
Checked by AVG Anti-Virus.  
Version: 7.0.338 / Virus Database: 267.10.13/78 - Release Date: 8/19/2005

## Joyce, Everett

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**From:** Hardman, Ellie  
**Sent:** Thursday, September 01, 2005 1:34 PM  
**To:** Bruno, Jennifer; Jardine, Janice; Buhler, Dave; Christensen, Carlton; Jergensen, Eric; Lambert, Dale; Love, Jill; Saxton, Nancy; Turner, Van  
**Cc:** Joyce, Everett; Gust-Jenson, Cindy; Hardman, Ellie; Harvey, Marge; Aramaki, Jan; Jones, Sylvia; Mascaro, Mary; Mumford, Gary; Pacheco, Vicki; Weaver, Lehua  
**Subject:** Council comments email: Mt Olivet Property  
**Categories:** Program/Policy

Dodi and Isaac Wilson write "I believe they have a stable, well thought out plan and one that would highly increase the beauty of that land."

-----Original Message-----

From: Hardman, Ellie  
Sent: Thursday, September 01, 2005 1:29 PM  
To: 'Isaac Wilson'  
Subject: RE: Mt Olivet Property

Thank you for contacting the Salt Lake City Council office. Your comments have been forwarded to each Council Member.

-----Original Message-----

From: Isaac Wilson [mailto:[isaacwilson@earthlink.net](mailto:isaacwilson@earthlink.net)]  
Sent: Thursday, September 01, 2005 1:25 PM  
To: Council Comments  
Subject: Mt Olivet Property

Hello,

I am aware that you are taking comments from concerned neighbors concerning Rowland Hall taking over the land known as Mt. Olivet Property.

I am highly in favor of the school taking it over. I believe they have a stable, well thought out plan and one that would highly increase the beauty of that land that is now an eyesore!

Thank you for your time,  
Dodi and Isaac Wilson

**Joyce, Everett**

---

**From:** Hardman, Ellie  
**Sent:** Tuesday, September 06, 2005 9:57 AM  
**To:** BRET JACKSON  
**Subject:** RE: Mt. Olivet property

Thank you for contacting the Salt Lake City Council. Your comments have been forwarded to each Council Member.

---

**From:** BRET JACKSON [mailto:bandnjackson@msn.com]  
**Sent:** Sunday, September 04, 2005 3:42 PM  
**To:** Council Comments  
**Subject:** Mt. Olivet property

We would like to voice our support for the development of Mt. Olivet by the Rowland Hall School. We are excited for this ecologically minded community to take over the property, and feel excited about what they will do for the space. Please contact us for further questions or concerns. Thank you.

The Jackson family  
2566 Highland Dr.  
Salt Lake City, UT 84106  
801-466-9224

## Joyce, Everett

---

**From:** Hardman, Ellie  
**Sent:** Tuesday, September 06, 2005 9:57 AM  
**To:** Sarah Reeves  
**Subject:** RE: Rowland Hall St. Mark's property bid

Thank you for contacting the Salt Lake City Council. Your comments have been forwarded to each Council Member.

-----Original Message-----

From: Sarah Reeves [mailto:sarahscienceteacher@hotmail.com]  
Sent: Sunday, September 04, 2005 7:02 PM  
To: Council Comments  
Subject: Rowland Hall St. Mark's property bid

To Whom It May Concern:

My name is Sarah Reeves, and I am writing to let you know of my support for the RHSM building project on Sunnyside. As a member of the community, I feel that RHSM has made many positive contributions to the Salt Lake City area. The recent McCarthy campus is a beautiful addition to the area, and I am very supportive of their plans to extend the campus and build a middle school, high school, and green space. The land is currently an eyesore, and I believe that Rowland Hall St. Mark's has plans to make the land accessible to the entire community.

Thank you for your time, I hope you vote to approve the Rowland Hall St. Mark's bid and building plans.

Sincerely,

Sarah Reeves

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<http://clinic.mcafee.com/clinic/ibuy/campaign.asp?cid=3963>

SEP 1 2 2009

DB

**From:** Boyd William Bullough  
**To:** Dave Buhler  
**Regarding:** Rowland Hall Purchase of Mt. Olivet Property

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As a resident of this community for over 30 years, I have always known Rowland Hall and its students to be good neighbors. I fully support their bid to purchase the Mt. Olivet property for a new high school. I believe it is a perfect fit for the school, and an excellent use of the land for the neighborhood.

*Boyd W. Bullough*  
Boyd William Bullough, M.B.A.  
2039 Aldo Circle  
Salt Lake City, UT 84108  
801-994-6970

## Joyce, Everett

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**From:** Hardman, Ellie  
**Sent:** Tuesday, September 13, 2005 10:21 AM  
**To:** Joyce, Everett; Jardine, Janice; Buhler, Dave; Christensen, Carlton; Jergensen, Eric; Lambert, Dale; Love, Jill; Saxton, Nancy; Turner, Van  
**Cc:** Gust-Jenson, Cindy; Hardman, Ellie; Harvey, Marge; Aramaki, Jan; Jones, Sylvia; Mascaro, Mary; Mumford, Gary; Pacheco, Vicki; Weaver, Lehua  
**Subject:** Council comments email: support for RHSM Mt. Olivet land rezoning  
**Categories:** Program/Policy

-----Original Message-----

From: Hardman, Ellie  
Sent: Tuesday, September 13, 2005 10:20 AM  
To: 'Scott Osterloh'  
Subject: RE: RHSM Mt. Olivet land rezoning

Thank you for contacting the Salt Lake City Council. Your comments have been forwarded to each Council Member.

-----Original Message-----

From: Scott Osterloh [mailto:scott\_osterloh@hotmail.com]  
Sent: Monday, September 12, 2005 3:32 PM  
To: Council Comments  
Subject: RHSM Mt. Olivet land rezoning

Hi,

As a life long resident of Salt Lake City, and a former graduate of Rowland Hall-St. Marks School, I would like to voice my support for the school's application for rezoning and amendment of the Open Space Master Plan for the 13.2 acres of land the Mt. Olivet Association is selling.

Thank you!

-Scott Osterloh  
2073 Bryan Avenue

SEP 13 2005

JL

September 5, 2005

Councilwoman Jill Remington Love  
451 South State Street, Room 304  
Salt Lake City, Utah 84111

RE: Mt. Olivet property

Dear Councilwoman Remington Love,

We are keenly in favor of Rowland Hall St. Mark's School purchasing the Mt. Olivet property. They have recently filed a request to change the zoning to 'institutional' and amend the Salt Lake City Master Plan. Both of which are necessary for Rowland Hall to drastically improve the 13.2 acres.

Currently, this land lays fallow and is situated behind an old tall chain link fence. The northern portion of the property is becoming more and more unsightly because it is used as a dumping ground for brush. The property cannot be currently used and is unattractive. Rowland Hall's plans for the property are fabulous. The footprint of the planned buildings only takes one-third of the northern portion of the property, leaving the remaining two-thirds GREEN with soccer fields and open space. The space would be similarly designed to Rowland Hall's existing buildings on Guardsman Way which house its Beginning School and Lower School.

Rowland Hall has been, continues to be, and in the future will be an excellent neighbor. The new soccer field could be used by soccer leagues and informally. The aesthetics of the property will be improved dramatically. Also, the property would be improved according to the Salt Lake City Open Space Master Plan that calls for a Transvalley Corridor at NO COST to the City. Rowland Hall will share the property with immediate neighbors, the City of Salt Lake, and will be a fabulous asset to Salt Lake City.

The Mt. Olivet Cemetery association *must* sell this property to enable the association to provide perpetual care for the currently developed portion of the Cemetery. If the land were sold to someone else, our biggest fear, as neighbors, SS former Rowland Hall parents, and a Rowland Hall faculty member, is that a large, University of Utah building or a mausoleum or even a shopping center or Walmart would be built on the property. Rowland Hall is the best buyer for the property. The city and immediate neighborhood will benefit as Rowland Hall has proved to be a good neighbor, will build aesthetically pleasing buildings, improve the green space, and possibly increase residential property values and thus build a stronger tax base for the city.

Rowland Hall's Guardsman campus is our neighbor Rowland Hall's purchase of the property is a win-win situation.

Very truly yours,

*Kim and Stan Hauser*

Kim and Stan Hauser  
1780 E. Herbert Avenue  
Salt Lake City, Utah 84108

			ft to beg together with 1/2 vacated alley abutting on N 5328-0020 5743-0322 5800-2157- 5857-1056 5980-1537 thru 1543
Hansen, Larelda C & John C; Trs	1445 E 900 S Salt Lake City, UT 84105	16091520190000	Com N 89 <sup>^</sup> 57'20" E 39.32 ft fr NW Cor Lot 23 Blk 6 Douglas Park S 14 <sup>^</sup> 22'06" W 170.4 ft E'Ly on curve to left 52.21 ft to SE Cor Lot 20 SD Blk 6 N 10 <sup>^</sup> 57'20" E 180.03 ft along E'Ly Line of SD Lot 20 S 89 <sup>^</sup> 57'20" W 32.63 ft to beg together with 1/2 vacated alley abutting on N 5927-2700 5900-2702
Johnson, Robert B & Sharen M; Jt.	1453 E 900 S Salt Lake City, UT 84105	16091520200000	Lots 17 18 & 19 Blk 6 Douglas Park together with 1/2 vacated alley abutting on N. 3804- 0244 6052-1433 7361- 0579 8164-2453
Curtis, Wayne S; et al.	1461 E 900 S Salt Lake City, UT 84105	6091520210000	Lots 15 & 16 Blk 6 Douglas Park together with 1/2 vacated alley abutting on N. 3607-366. 4543-399 4543-0400 6294-2623 6302-2318 6633-1614
Shelley, Camilee B & Kevin W; Jt	1465 E 900 S Salt Lake City, UT 84105	16091520220000	Lots 13 & 14 Blk 6 Douglas Park together with 1/2 vacated alley abutting on N 6165-2411 6187-2332 6564-0060
Beier, Steven G. & Crompton, Constance M.	1473 E 900 S Salt Lake City, UT 84105	16091520230000	Lots 11 & 12 Blk 6, Amended Plat of Douglas Park

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Exhibit "I"

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(Summary of the History of the Mt. Olivet Property, and Objectives of the Association and RHSM)

The Mt. Olivet Property was an alfalfa field in the early years of the Association's ownership. It was used to graze the horses necessary for cemetery work.

The Association has enough space in the existing cemetery area to continue its operations for at least ninety years. The Association needs to sell the Mt. Olivet Property to be able to provide perpetual care at the cemetery. If RHSM does not purchase the Mt. Olivet Property, the Association may sell the land to the University of Utah or, presumably, will sell the Mt. Olivet Property to Larkin Mortuary or a similar operation.<sup>4</sup>

In order for RHSM to buy the Mt. Olivet Property, RHSM needs Congress to remove the "reversionary interest" the U.S. Government holds in the Mt. Olivet Property. As part of RHSM's efforts to secure the removal of the "reversionary interest" and, in that regard, to ensure the support of Utah's congressional representatives and senators, RHSM needs the support of Salt Lake City and, if at all possible, the surrounding community. RHSM believes that its ownership of the Mt. Olivet Property will deliver a net benefit to Salt Lake City and the surrounding community, both in the immediate neighborhood and more broadly. As such, RHSM believes that Salt Lake City and the surrounding community should support RHSM's efforts in this regard. The reasons are several:

First, about two-thirds of the land would be turned "green" with soccer fields and open ground. Second, the long run construction of a middle and upper school building at the northern most edge of the Mt. Olivet Property would carry on the open aesthetics of the McCarthy Lower/Beginning School Campus. Third, for the first time, this land would be useable by the public for soccer league games as well as for casual recreation and play in the same manner as our current soccer field, which is used heavily by youth league soccer teams. RHSM believes that making the Mt. Olivet Property available for athletic and recreational uses, in addition to the green space through landscaping improvements, will benefit the community and Salt Lake City. These uses and improvements, RHSM believes, outweigh any advantages perceived by keeping the Mt. Olivet Property in its existing, fenced and unimproved, condition.

It may be many years before RHSM could raise the money needed to build a new campus on the Mt. Olivet Property. Although that may be, ultimately, the anticipated use of the Mt. Olivet Property, it may be beyond RHSM's reach for a long time. However, it is possible that RHSM could take the (hopefully) interim step of developing the playing fields in the near term, in a way not to interfere with construction at the north end of the Mt. Olivet Property in the future.

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<sup>4</sup> The University of Utah does not need to obtain building permits from Salt Lake City as does RHSM, and the University is not subject to zoning controls as is RHSM.

The traffic impacts of any development near Sunnyside Avenue or Guardsman Way is something to which RHSM would pay careful attention. RHSM, like Salt Lake City and the community, takes a keen interest in the safety of our children those attending RHSM and those in the surrounding community. As such, RHSM hired Fehr & Peers, as transportation consultants, to prepare a preliminary study assessing the traffic impacts, based on the limited information now available, of someday relocating the middle and upper schools to the Mt. Olivet Property. RHSM is encouraged that, during the peak time at the start of the school day, which is the only time of significant traffic impact, the approximate traffic increase would only be approximately 18%. The rest of the day students are in school and generally are not generating additional traffic on Sunnyside Avenue or Guardsman Way.<sup>5</sup> After school, students leave the campus over several hours depending on their participation in sports, clubs or other interests on campus, thus ameliorating traffic impacts.

The purchase of the Association's 13.2 acres will strengthen our school with the proximity of the RHSM campuses, with the promise that physical facilities in the Upper and Middle schools will be commensurate with those of the Beginning and Lower Schools, and with the learning opportunities that necessarily will result from the shared environments. We hope that the long term success of RHSM will also be viewed as a benefit to Salt Lake City, along with the public benefit we propose to provide on the Mt. Olivet Property.

Our immediate objectives are to work cooperatively with the surrounding community, viewed as RHSM's neighbors, and Salt Lake City officials, to incorporate neighborhood interests into our planning for any new and relocated RHSM campus. Looking further ahead, we need to obtain the release of the reversionary interest by early 2007 in order to complete the purchase of the Mt. Olivet Property within the terms of our contract with the Association.

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<sup>5</sup> It should be noted that, at present, RHSM does not contemplate access to the Mt. Olivet Property, when improved, from Guardsman Way during the school day.

**Rowland Hall-St. Mark's School**

To: SALT LAKE CITY CORPORATION

051569

INVOICE NUMBER	DATE	DESCRIPTION	AMOUNT	DISCOUNT	NET AMOUNT
CK REQ	4/21/2005	7200500 REZONING APP FEE	\$1,700.00	\$0.00	\$1,700.00
		Totals:	\$1,700.00	\$0.00	\$1,700.00

WARNING: THIS DOCUMENT CONTAINS THE FOLLOWING SECURITY FEATURES: DocuCheck Security Paper, Micro Signature Line and Bleed-Through Micr Encoding

Wells Fargo Bank Northwest, N.A.

**Rowland Hall-St. Mark's School**

720 GUARDSMAN WAY  
SALT LAKE CITY, UTAH 84108

31-297/1240

CHECK DATE	CHECK NO.
4/21/2005	51569

CHECK AMOUNT
**1,700.00

PAY **RHSM \$1,700dols00cts**

TO THE ORDER OF SALT LAKE CITY CORPORATION

*Alan C. Sparow*  
AUTHORIZED SIGNATURE

⑈051569⑈ ⑆124002971⑆0510013683⑈

WARNING: THIS DOCUMENT CONTAINS THE FOLLOWING SECURITY FEATURES: DocuCheck Security Paper, Micro Signature Line and Bleed-Through Micr Encoding

Wells Fargo Bank Northwest, N.A.

**Rowland Hall-St. Mark's School**

720 GUARDSMAN WAY  
SALT LAKE CITY, UTAH 84108

31-297/1240

CHECK DATE	CHECK NO.
4/21/2005	51568

CHECK AMOUNT
**110.50

PAY **RHSM \$110dols50cts**

TO THE ORDER OF SALT LAKE CITY CORPORATION

*Alan C. Sparow*  
AUTHORIZED SIGNATURE

⑈051568⑈ ⑆124002971⑆0510013683⑈

REMARKS

**Petition No.** 400-05-08

*By* Mt. Olivet Cemetery Association

Is requesting a Master Plan Amendment  
for the property located at 1443 East  
Sunnyside Avenue.

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

*Address* \_\_\_\_\_

**PETITION CHECKLIST**

<u>Date</u>	<u>Initials</u>	<u>Action Required</u>
<u>4/25/05</u>	<u>RAH.</u>	Petition delivered to Planning
<u>4/29/05 6/1/05</u>	<u>EBJ</u>	Petition assigned to: <u>Ray McCandless / Reassigned Everett Joyce</u>
<u>11/30/05</u>	<u>EBJ</u>	Planning Staff or Planning Commission Action Date
<u>10/28/05</u>	<u>EBJ</u>	Return Original Letter and Yellow Petition Cover
<u>12/13/05</u>	<u>EBJ</u>	Chronology
_____	_____	Property Description (marked with a post it note)
<u>11/16/05</u>	<u>EBJ</u>	Affected Sidwell Numbers Included <u>16-09-103-001</u>
<u>11/30/05</u>	<u>EBJ</u>	Mailing List for Petition, include appropriate Community Councils
<u>12/16/05</u>	<u>EBJ</u>	Mailing Postmark Date Verification
<u>12/16/05</u>	<u>EBJ</u>	Planning Commission Minutes
<u>11/21/05</u>	<u>EBJ</u>	Planning Staff Report
<u>12/28/05</u>	<u>EBJ</u>	Cover letter outlining what the request is and a brief description of what action the Planning Commission or Staff is recommending.
<u>12/28/05</u>	<u>EBJ</u>	Ordinance Prepared by the Attorney's Office
<u>12/28/05</u>	<u>EBJ</u>	Ordinance property description is checked, dated and initialed by the Planner. Ordinance is stamped by Attorney.
<u>Everett Joyce</u>		Planner responsible for taking calls on the Petition
_____	_____	Date Set for City Council Action _____
_____	_____	Petition filed with City Recorder's Office



# Zoning Amendment

FOR OFFICE USE ONLY

Petition No.	_____
Receipt No.	_____ Amount \$ _____
Date Received	_____
Reviewed by	<i>C. Coffey 11/2/05</i>

SALT LAKE CITY PLANNING

Address of Subject Property 1443 East Sunnyside Avenue, Salt Lake City, Utah 84102  
 Name of Applicant Mount Olivet Cemetery Association Phone 801/359-1900  
 Address of Applicant c/o William H. Adams, Esq., 170 S. Main, Salt Lake City, Utah 84111  
 E-mail address of Applicant wadams@ahlaw.com Cell / Fax 801/359-1900  
 Applicant's Interest in Subject Property Owner  
 Name of Property Owner Mt. Olivet Cemetery Assoc. Phone 801/359-1900  
 County Tax Parcel # (Sidwell #) 16-09-103-001 Zoning of Property Open Space  
 Existing Use of Property Unimproved

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

Amend the Zoning Map by reclassifying the following property: \_\_\_\_\_

From a Open space classification to a Institutional classification.

**Please include with the application:**

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

**Filing fee of \$500.00 plus \$100 for each acre over one acre is due at the time of application.**

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

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

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

**File the complete application at:**

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

Signature of Applicant \_\_\_\_\_  
or authorized agent

*Julie Barrett*  
Julie Barrett, Headmaster of Rowland Hall-St. Mark's School  
Acting Title of agent



**Salt Lake City Corporation**

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

**OPEN**  
**Invoice#: 062005246**  
**Date: 4/25/2005**

**Received From:**

Rowland Hall - St. Mark's School  
 720 Guardsman Way  
 Salt Lake City, Ut 84108

**Prepared by:**

Diana Hansen

Description	No	C. Center	Object	Project	Activity	Amount
Is requesting a Zoning Amendment to reclassify the property located at 1443 East Sunnyside Avenue from an Open Space classification to an Institutional classification. Ck. #51569	1	0600100	125111	-	-	\$1,700.00
Postage. Ck. #51634	2	0600900	1890	-	-	\$21.09

**TOTAL AMOUNT            \$1,721.09**  
**PAYMENT TYPE            CHECK**

---

Exhibit "A"

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(Legal Description of the Mt. Olivet Property; Outline of Mt. Olivet Property; Boundary Survey)

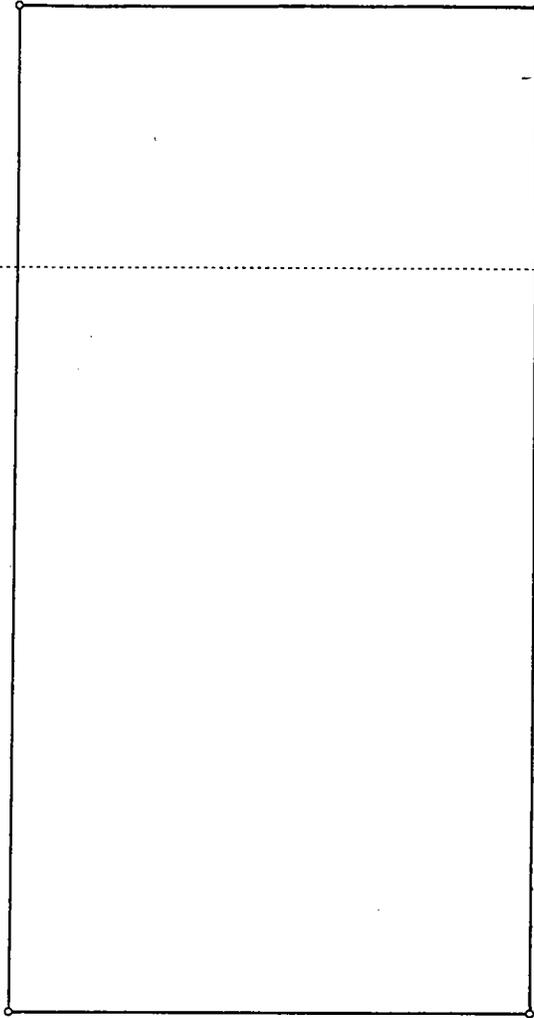
Property located in Salt Lake County, Utah, and more particularly described as follows:

A parcel of land being in the Northwest Quarter of Section 9, Township 1 South, Range 1 East, Salt Lake Base and Meridian and described as follows:

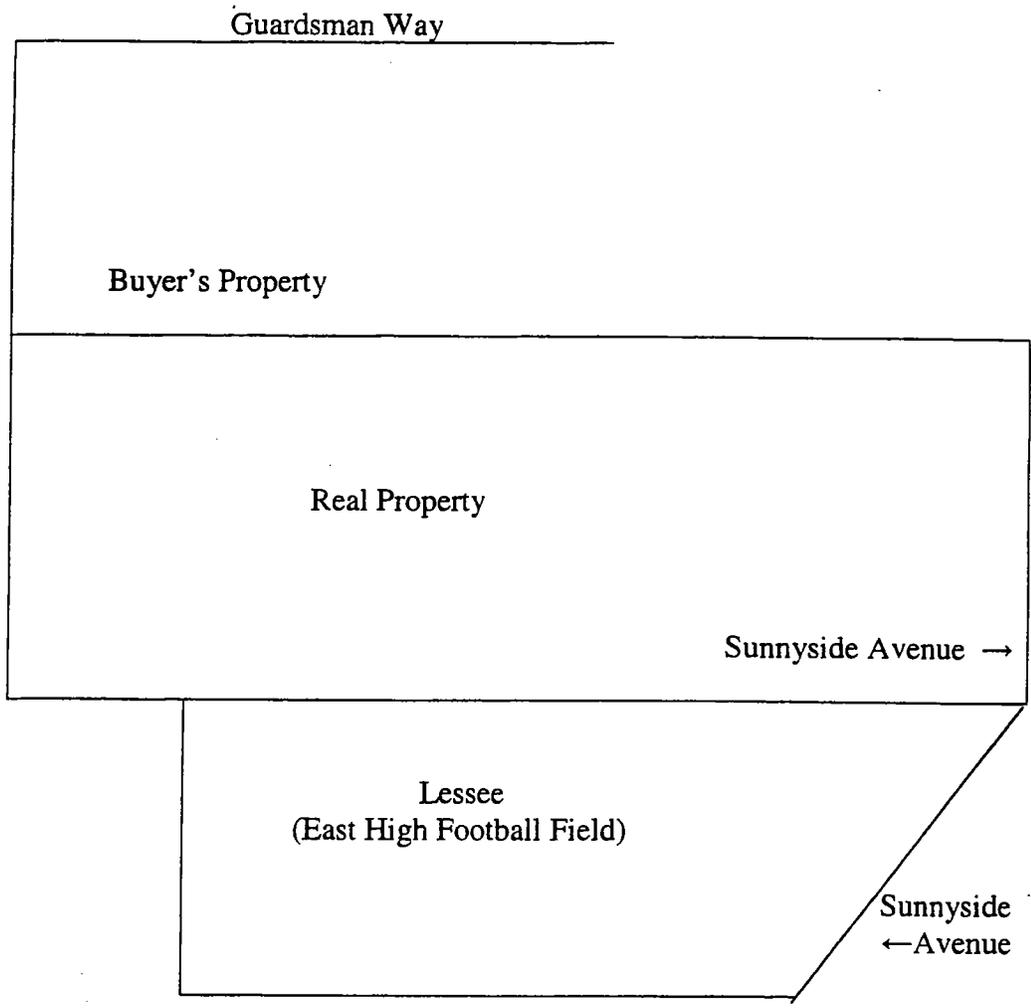
Beginning at the Southwest corner of the ARMORY 4 LOT MINOR SUBDIVISION (the plat of which was filed in Book "2000P" of Plats at Page 282 of the Official Records of the Salt Lake County Recorder), said corner being located South  $89^{\circ}59'50''$  West 775.746 feet from the First Veterans Administration Monument, and said corner is also located North  $89^{\circ}59'50''$  East 10.60 feet from the U.S.A. Monument No. 3 in Section 9, Township 1 South, Range 1 East, Salt Lake Base and Meridian, and said corner is also located North  $89^{\circ}59'50''$  East 89.21 feet and North  $0^{\circ}02'01''$  West 58.20 feet from the Salt Lake City Survey Monument in the intersection of Amanda Avenue and Sunnyside Avenue, and running thence South  $89^{\circ}59'50''$  West along the North right of way line of Sunnyside Avenue 543.35 feet; thence North  $0^{\circ}00'10''$  West 1049.71 feet; thence North  $89^{\circ}59'50''$  East 542.78 feet to the Northwest corner of said ARMORY 4 LOT MINOR SUBDIVISION (said corner is also the Northwest corner of the AMENDED PLAT OF PARCELS 2 AND 3 OF THE ARMORY 4 LOT MINOR SUBDIVISION, filed in Book "2001P" of Plats at Page 221 of the Official Records of the Salt Lake County Recorder); thence South  $0^{\circ}02'01''$  East along the West line of said Subdivisions 1049.71 feet to the point of beginning.

Contains 13.087 acres.

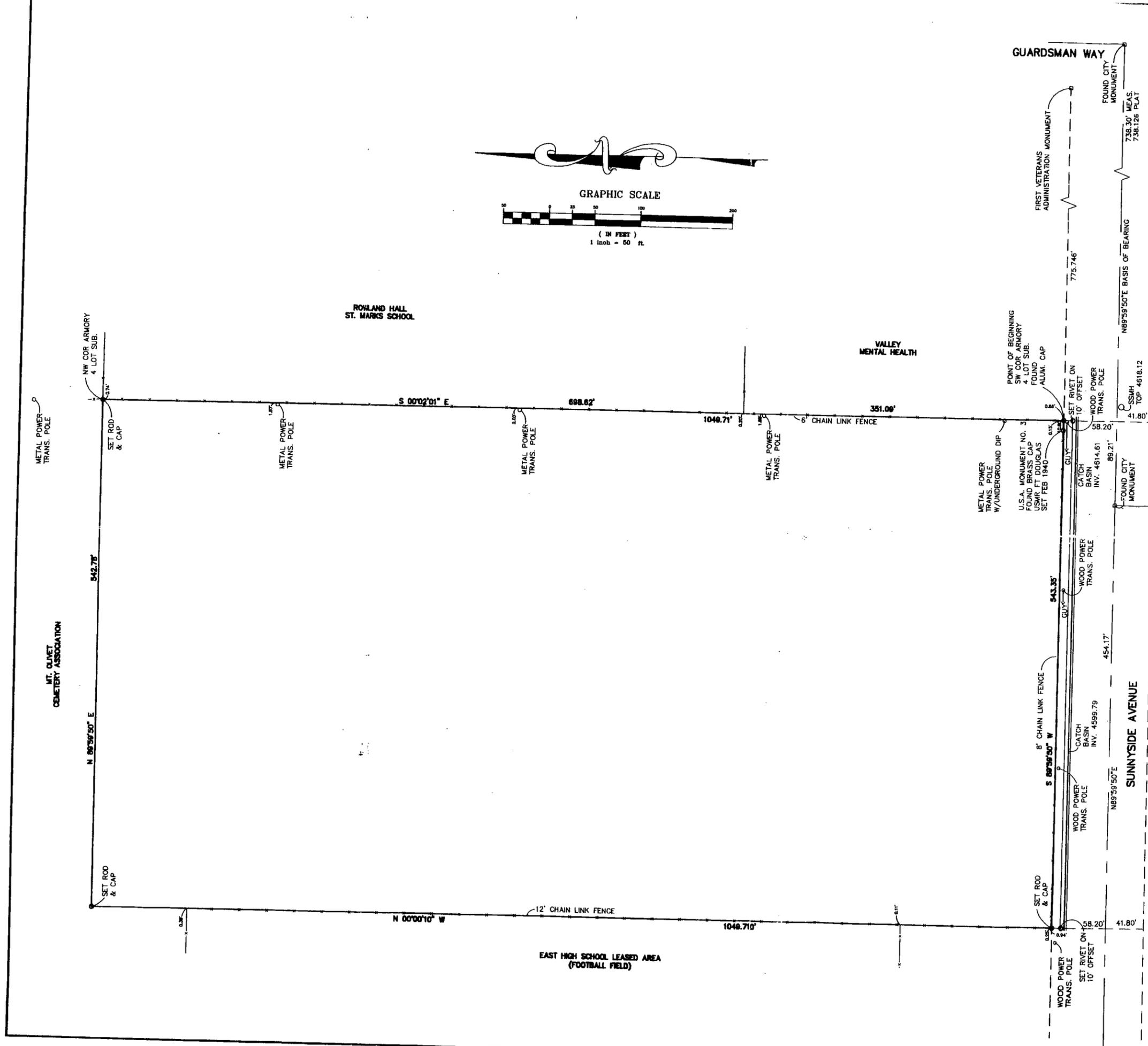
SUBJECT TO all restrictions, reservations, rights-of-way, easements, covenants, and other conditions which may be disclosed by a record examination of title and/or a physical inspection of the Real Property.



Title:		Date: 04-14-2005
Scale: 1 inch = 200 feet	File: overall.des	
Tract 1: 13.087 Acres: 570061 Sq Feet: Closure = s88.1751e 0.01 Feet: Precision = 1/623639: Perimeter = 3186 Feet		
001=/nw,9,1s,1e	005=/n0.0201w 5820	009=s0.0201e 1049.71
002=/s89.5950w 775.746	006=s89.5950w 543.35	
003=/n89.5950e 10.60	007=/n0.0010w 1049.71	
004=/n89.5050e 89.21	008=/n89.5950e 542.78	



←North



**SURVEYORS CERTIFICATION**

I, Robert Byron Jones, do hereby certify that I am a registered land surveyor, and that I hold license no. 127636, as prescribed by the laws of the State of Utah, and I have supervised a survey of the following described property:

**BOUNDARY DESCRIPTION**

A Parcel of land being in the Northwest Quarter of Section 9, Township 1 South, Range 1 East, Salt Lake Base and Meridian and described as follows:

Beginning at the Southwest corner of the Army 4 Lot Minor Subdivision, said corner being located South 89° 59' 50" West 775.746 feet from the First Veterans Administration Monument and said corner is also located North 89° 59' 50" East 10.60 feet from the U.S.A. Monument No. 3 and said corner is also located North 89° 59' 50" East 89.21 feet and North 0° 02' 01" West 58.20 feet from the Salt Lake City Survey Monument in the intersection of Amanda Avenue and Sunnyside Avenue and running thence South 39° 59' 50" West along the North right of way line of Sunnyside Avenue 543.35 feet; thence North 0° 00' 10" West 1049.71 feet; thence North 89° 59' 50" East 542.78 feet to the Northwest corner of said Army 4 Lot Minor Subdivision, (said corner is also the Northwest corner of the amended plat of Parcels 2 & 3 of the Army 4 Lot Minor Subdivision); thence South 0° 02' 01" East along the West line of said Subdivisions 1049.71 feet to the point of beginning.

Contains 13.087 acres.

I further certify that the plat correctly shows the true dimensions of the property surveyed and of the visible improvements located hereon, and their position on the said property, and further that none of the visible improvements on the above described premises encroach upon any adjoining properties, and that no visible improvements on adjoining properties encroach upon the above described property, except as shown on this plat.



<b>BUSH &amp; GUDGELL, INC.</b> Engineers - Planners - Surveyors 555 South 300 East, Salt Lake City, Utah 84111 (801) 364-1212 Fax (801) 364-1225 Offices: St. George, Utah	
Drawn: KGB Designer: RBJ Checked: RBJ Approves: RBJ Scale: 1" = 50' Job No: 46825	Date: 4/23/03
BOUNDARY SURVEY ROWLAND HALL PARCEL TO BE ACQUIRED FROM M.T. OLIVET CEMETERY PREPARED FOR: ROWLAND HALL SCHOOL LOCATION: NW 1/4 SECTION 9, T. 1 S. R. 1 E. S.L.B. & M.	
SHEET	
DATE RECORDED	

SIWELL NO. 16-08-103-001

**NARRATIVE:**  
 The client needed a survey to locate the boundary lines of the property for personal use. The bearing is as shown. The monumentation used is as shown.

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**Exhibit "B"**

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**(Application for Amendment to Zoning Designation)**



**ROWLAND HALL • ST. MARK'S SCHOOL**

Philip G. McCarthy Campus

April 20, 2005

**HAND DELIVERED**

SALT LAKE CITY PLANNING  
451 South State Street, Room 406  
Salt Lake City, UT 84111  
Attention: Planning Division

**Re: Zoning Amendment Application**

Dear Sirs:

This Zoning Amendment Application is being made on behalf of Rowland Hall-St. Mark's School, a Utah nonprofit corporation ("RHSM"), as agent for the Mount Olivet Cemetery Association (the "Association"), with respect to property located west of Guardsman Way, between 500 South and Sunnyside Avenue in Salt Lake City, Utah (approximately 1443 East Sunnyside Avenue) (as described and outlined in attached Exhibit "A," the "Mt. Olivet Property"). This letter constitutes a petition for an amendment to the zoning designation applicable to the Mt. Olivet Property and, further, is being made in conjunction with a Master Plan Amendment Application for the Mt. Olivet Property.

On April 10, 2003, RHSM entered into a contract with the Association to purchase the Mt. Olivet Property. The contract is subject to a number of conditions, including the re-zoning of the Mt. Olivet Property to "institutional" and the removal of the reversionary clause included in the deed held by the Association. The reversionary restriction states that, if ever the Mt. Olivet Property ceases to be used for cemetery purposes, the Mt. Olivet Property shall revert back to the ownership of the federal government. As you may know, the government generally has released such reversionary interests when property (a) is not used for the purpose specified in the reversionary clause, (b) is no longer needed by the owner, (c) is inconvenient or inappropriate for the owner's continued use and operation, (d) is needed by another entity that provides some public benefit, and/or (e) is no longer needed by the federal government or, alternatively, if there are no significant costs to the federal government in connection with the release.

The Association and RHSM believe the circumstances with regard to the Mt. Olivet Property support a government release of the reversionary interest and RHSM is prepared to pursue the removal of the reversionary clause. Specifically, the Association must sell the Mt.

SALT LAKE CITY PLANNING

April 20, 2005

Page 2

Olivet Property in order to have sufficient funds to repair and maintain the remaining cemetery property. (In this connection, you might note that the Association has enough land, excluding the Mt. Olivet Property and the property leased to the Salt Lake City School District (immediately to the west), to provide burial space for another ninety (90) years.) The Association, in fact, cannot make needed capital improvements and perpetually maintain the cemetery, without the proceeds from the sale of the Mt. Olivet Property.

However, in advance of securing the removal of this reversionary interest, the Mt. Olivet Property needs to be re-zoned "institutional" from "open space." Absent such change, the federal government will not consider any removal of the reversionary clause.

To these ends, please be advised as follows:

1. Purpose for the Amendment. The Property's zoning designation was changed from "institutional" to "open space" pursuant to a Salt Lake City zoning ordinance enacted in 1995. This petition seeks the reinstatement of the institutional zoning designation. It is a fenced lot in an unimproved condition. The Association has substantial operating deficits and is unable to appropriately maintain the Mt. Olivet Property. As stated above, the Association has enough land in the existing cemetery area to provide burial space for at least ninety (90) years. However, as also indicated, the Association will not be able to make needed capital improvements and perpetually maintain the cemetery unless the Mt. Olivet Property is sold. The Association needs to sell the Mt. Olivet Property to fund the financing of over \$3,000,000 of required infrastructure improvements and to provide perpetual care for the remaining cemetery property.

Accordingly, on April 10, 2003, the Association entered into a contract with RHSM to sell the Mt. Olivet Property. The contract is conditioned on the zoning designation being reinstated as institutional.

2. Description of the Proposed Use. RHSM's proposed use of Property involves preserving approximately two-thirds of the Mt. Olivet Property as open "green space" with soccer fields and open ground, useable by the public for soccer league games, as well as for casual recreation and play. See the proposed plans development attached as Exhibit "C." More specifically, RHSM's proposed plans involve developing playing fields initially and, at some time in the future, constructing middle and upper school buildings on the northernmost portions of the Mt. Olivet Property, while preserving approximately two-thirds of the 13.087 acres as green "open" space.

The public benefit RHSM proposes to provide with recreational playing fields and the overall beautification of the Mt. Olivet Property would significantly benefit Salt Lake City and

the surrounding community. These uses and improvements, RHSM believes, outweigh any perceived advantages to keeping the Mt. Olivet Property in its existing fenced, unimproved "open space" condition.

3. Reasons why the Present Zoning is Inappropriate. The goal of Salt Lake City's Open Space Plan is to conserve the natural environment, enhance open space amenities for all citizens, connect the various parts of the City to natural environments and educate the citizens on proper use of open space<sup>1</sup>. The Property, in its current fenced, unimproved state, fails to meet any of the City's open space goals. The Association is unable to properly maintain this land and needs to sell the Mt. Olivet Property to make needed capital improvements and perpetually maintain the cemetery.

RHSM's proposed use of the Mt. Olivet Property, on the other hand, involves preserving approximately two-thirds of the Mt. Olivet Property as "green space" with soccer fields and open ground, useable by the public for soccer league games as well as for casual recreation and play (see the proposed development plans attached as Exhibit "C").

As indicated, RHSM's proposed plans involve developing playing fields initially and, later, constructing middle and upper school buildings at the northernmost edge of the Mt. Olivet Property. However, RHSM's plans also involve preserving approximately two-thirds of the 13.087 acres as green "open" space.

Moreover, RHSM's proposed plans are consistent with, and further, the purposes, goals, objectives, and policies (as stated above) of Salt Lake City's Open Space Plan. As noted, RHSM's proposed plans predominantly conserve the natural environment and provide open space amenities for all citizens. These proposed plans were designed and developed in a way that conforms with the overall character and harmony of the surrounding area and will have no apparent adverse affect on the adjacent properties. Indeed, as described above, the entire community will benefit from the new amenities and the natural enhancement of this area.

RHSM is committed to keeping two-thirds of the Mt. Olivet Property as green space, but RHSM's plans require the Mt. Olivet Property be returned to an institutional zoning designation. Other prospective buyers of the Mt. Olivet Property are not likely to be as committed to keeping so much of the Mt. Olivet Property designated as green space nor are they as advanced in negotiations with the Association or in formulating plans for the Mt. Olivet Property.

4. Zoning Amendment Application. Attached hereto as Exhibit "B" is RHSM's Zoning Amendment Application for the Mt. Olivet Property.

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<sup>1</sup> THE SALT LAKE CITY OPEN SPACE PLAN (ADOPTED BY THE SALT LAKE CITY PLANNING COMMISSION 1992)

SALT LAKE CITY PLANNING

April 20, 2005

Page 4

5. Site Map and Related Information. Attached hereto as Exhibit "D" is a site map of, as part of adjacent properties, the Mt. Olivet Property.

6. Adjacent Property Owners. Attached hereto as Exhibit "E" is a list of the names and addresses of all property owners within 450 feet of the Mt. Olivet Property, mailing labels for each property owner and a check for the cost of first class postage to the same.

7. Agent Authorization. Attached hereto as Exhibit "F" is an Agent Authorization authorizing RHSM to act on behalf of the Association.

8. Affidavit of RHSM. Attached hereto as Exhibit "G" is an affidavit of RHSM stating that petitioner has met with and explained to the Yalecrest Community Council the proposed zoning amendment, pursuant to Title 2, Chapter 2.62 of the Salt Lake City Code.

9. Related Materials and Data supporting this Application. Additional information included for your review include:

a. Traffic Study. Attached hereto as Exhibit "H" is a Phase 1 Preliminary Traffic Study. The traffic impacts of any development near Sunnyside Avenue or Guardsman Way is a particular concern to RHSM. RHSM, like Salt Lake City and the community, takes a keen interest in the safety of children attending RHSM and those in the surrounding community. As such, RHSM hired Fehr & Peers Transportation Consultants, to prepare a preliminary study assessing the traffic impacts, based on the limited information now available, of someday relocating the middle and upper schools to the Mt. Olivet Property. The Phase 1 preliminary traffic study for such a facility predicts only a 18% increase in automobile traffic during the peak weekday drop-off times (8:00 a.m. – 8:30 a.m.) for 170 school days annually. The rest of the day students are in school and generally are not generating additional traffic on Sunnyside Avenue or Guardsman Way. After school, students leave the campus over several hours depending on their participation in sports, clubs or other interests on campus, thus ameliorating traffic impacts. RHSM requests that the results of this study be considered in the evaluation of this application and as a reflection of RHSM's commitment to providing a positive alternative use for this Property.

b. Background and Related Information. Attached as Exhibit "I" is a summary of the history of the Mt. Olivet Property and, respectively, the needs and objectives of the Association and RHSM.

10. Filing fee. Attached to this application (see Exhibit "J") is a check for the required filing fee in the amount of \$1,700.

SALT LAKE CITY PLANNING

April 20, 2005

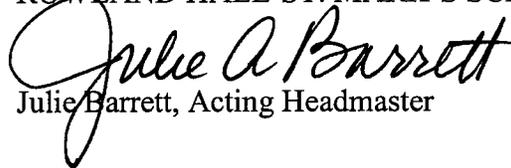
Page 5

Please find enclosed, for your convenience, three (3) extra copies of this letter (with exhibits), together with ten (10) copies of the proposed site plans, drawn to scale.

Please call if you have any questions or need anything further in connection with this matter or otherwise. Thank you for your consideration in these matters.

Sincerely,

ROWLAND HALL-ST. MARK'S SCHOOL



Julie Barrett, Acting Headmaster

Enclosures

cc: Ms. Paula Swaner-Sargetakis (w/encls.)  
Guy P. Kroesche, Esq. (w/encls.)  
Mr. Robert Steiner (w/encls.)  
Mr. Daniel Valdez, Sexton, Mount. Olivet Cemetery Association (w/encls.)  
William H. Adams, Esq., Mount Olivet Cemetery Association (w/encls.)  
Rosemary J. Beless, Esq., Mount Olivet Cemetery Association (w/encls.)

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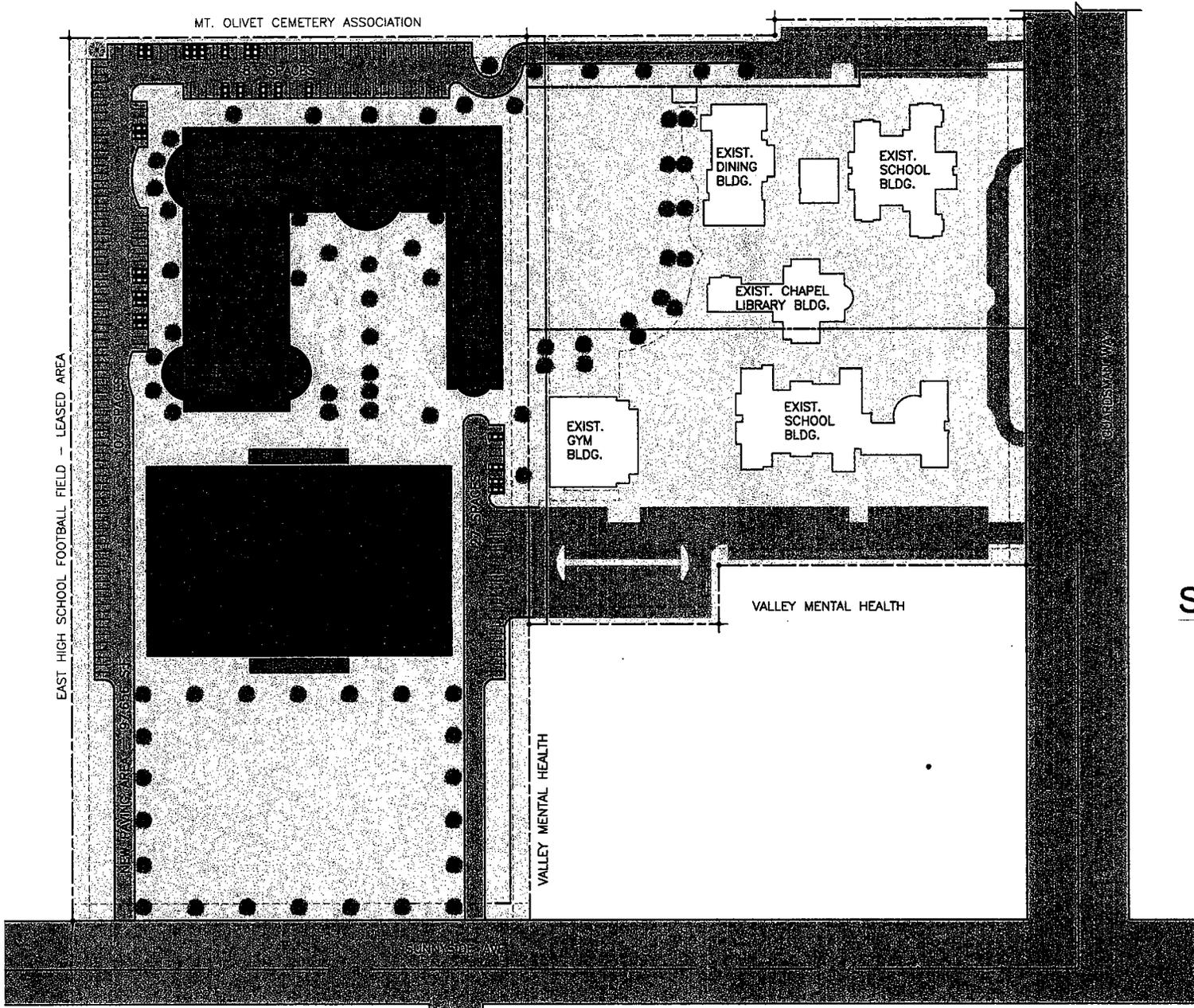
Exhibit "C"

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(Proposed Development Plan – Preliminary (subject to change))

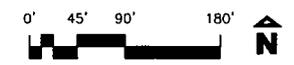
MT. OLIVET CEMETERY ASSOCIATION

EAST HIGH SCHOOL FOOTBALL FIELD - LEASED AREA



# ROWLAND HALL ST. MARK'S SCHOOL

NEW PARKING =	217 SPACES
NEW PAVING AREA =	97,656 S.F.
NEW BUILDING FOOTPRINT =	77,500 S.F.
NEW BUILDING =	133,750 S.F.
NEW SITE AREA =	570,070 S.F.



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Exhibit "D"

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(Site Maps and Related Information)



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Exhibit "E"

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(Names and Addresses of Adjacent Property Owners)

**PROPERTY OWNERS SURROUNDING MT. OLIVET CEMETERY PROPERTY  
PARCEL NUMBER 16-19-103-001**

<b>Owner</b>	<b>Street Address</b>	<b>Parcel Number</b>	<b>Legal Description</b>
Maez, Christopher JD. Wentz, Brandi A.; Jt.	861 S 1400 E Salt Lake City, UT 84105	16091520020000	Lots 37 38 & S 20 Ft of Lot 39 Blk 6 Douglas Park together with 1/2 vacated alley abutting SD Lots 38 & 39 on e. 6237- 2465 8784-8630, 8635, 8368 8785-8165
Herron, James L & Sara G.; Jt.	871 S 1400 E Salt Lake City, UT 84105	16091520030000	Lots 35 & 36, Blk 6, Douglas Spark 5144- 0227 5569-2561 5883- 0346 5940-2141
Gunnell, James F. and Nancy H., Jt.	874 S 1400 E Salt Lake City, UT 84105	16091510040000	Lots 9 & 10 , Blk 7, Douglas Park, together with 1/2 vacated alley abutting on W. 4103- 0397 4690-0084 6880- 1266 6965-0916 9023- 6571
Buxton Family Ventures, LLC	882 S 1400 E Salt Lake City, UT 84104	16091510050000	Lots 11 & 12 Blk 7 Douglas Park Together with 1/2 Vacated Alley on W 6319-0001 6504- 1271 6504-1274 6722- 2721 8160-1753
Watts, Ardean W & Elna B	660 S University St Salt Lake City, UT 84102	16091010100000	Beg 125 ft N & 7 ft E fr SW Cor of Lot 3, Blk 9, Plat F, SLC Sur; E 120 ft; N 55 ft; W 120 ft; S 55 ft to beg.
Porcher, John & Karen; Jt.	1329 E 700 S Salt Lake City, UT 84102	16091010060000	Com 7 ft E fr SW Cor Lot 3 Blk 9 Plat F SLC Sur E 50 ft N 125 ft W 50 ft S 125 ft to beg.
Cannon, Richard N.	1331 E 700 S Salt Lake City, UT 84	16091010070000	Com 38 ft W fr SE Cor Lot 3 Blk 9 Plat F SLC Sur W 70 ft N 125 ft E 70 ft S 125 ft to beg.

Campbell, Ruairidh	1403 E 900 South Salt Lake City, UT 84105	16091520050000	Lots 31 & 32 Blk 6 Douglas Park 5495-2934, 6023-2848 6023-2850 6047-0669 6079-1388
McDonald, Sydney M; Tr et al.	1421 E 900 S Salt Lake City, UT 84105	16091520150000	Lots 28 & 29 Blk 6 Douglas Park together with 1/2 vacated alley abutting on N. 6117-1630
Goldsmith, Elizabeth A.	1427 E 900 S Salt Lake City, UT 84105	16091520160000	Lots 26 & 27, Blk 6, Douglas Park. Together with 1/2 vacated alley abutting on N. 4926-1122 5403-1097 5547-0236 6304-1759 6538-0225 8269-6094 8473-7174 8481-2689 8520-1649 8668-9307
Smith, Joseph C.	1433 E 900 S Salt Lake City, UT 84105	16091520170000	Beg at SE Cor Lot 24 Blk 6 Douglas Park S 65°02'40" E 1.83 ft N 14°37'16" E 148.79 ft S 89°57'20" W 36.21 ft to NW Cor SD Lot 24 S'Ly 138.81 ft to SW Cor SD Lot 24 th on curve to left 25.38 ft to beg also all Lot 25 SD Blk 6 together with 1/2 vacated alley abutting on N. 5280-0912 5397-1224 5689-0052 8310-5920 8317-0618 8321-8534

Hermance, Jonathan S. & Susan M. (Jt)	1437 E 900 S Salt Lake City, UT 84105	16091520180000	Com at SE Cor Lot 22 Blk 6 Douglas Park N 65°02'40" W 20 ft th on curve to left 23.55 ft N 14°37'16" E 148.79 ft N 89°57'20" E 45.82 ft S 14°22'06" W 170.4 ft the on curve to right 4.62 ft to beg together with 1/2 vacated alley abutting on N 5328-0020 5743-0322 5800-2157-5857-1056 5980-1537 thru 1543
Hansen, Larelda C & John C; Trs	1445 E 900 S Salt Lake City, UT 84105	16091520190000	Com N 89°57'20" E 39.32 ft fr NW Cor Lot 23 Blk 6 Douglas Park S 14°22'06" W 170.4 ft E'Ly on curve to left 52.21 ft to SE Cor Lot 20 SD Blk 6 N 10°57'20" E 180.03 ft along E'Ly Line of SD Lot 20 S 89°57'20" W 32.63 ft to beg together with 1/2 vacated alley abutting on N 5927-2700 5900-2702
Johnson, Robert B & Sharen M; Jt.	1453 E 900 S Salt Lake City, UT 84105	16091520200000	Lots 17 18 & 19 Blk 6 Douglas Park together with 1/2 vacated alley abutting on N. 3804-0244 6052-1433 7361-0579 8164-2453
Curtis, Wayne S; et al.	1461 E 900 S Salt Lake City, UT 84105	6091520210000	Lots 15 & 16 Blk 6 Douglas Park together with 1/2 vacated alley abutting on N. 3607-366. 4543-399 4543-0400 6294-2623 6302-2318 6633-1614

Shelley, Camilee B & Kevin W; Jt	1465 E 900 S Salt Lake City, UT 84105	16091520220000	Lots 13 & 14 Blk 6 Douglas Park together with 1/2 vacated alley abutting on N 6165-2411 6187-2332 6564-0060
Beier, Steven G. & Crompton, Constance M.	1473 E 900 S Salt Lake City, UT 84105	16091520230000	Lots 11 & 12 Blk 6, Amended Plat of Douglas Park
Cortez, Sherrie	866 S Amanda Ave Salt Lake City, UT 84105	16091520270000	Lot 4 & S'Ly 23.57 ft of Lot 3, Blk 6, amended plat of Douglas Park 4481-151, 1910-315 & 4484-1208, 1209, 5121- 33,35 5121-0034 5525- 0403 5670-0457 7460- 2683 7468-2685 8311- 1288
Myszka, David G.	868 S Amanda Ave Salt Lake City, UT 84105	16091520260000	Lots 5 & 6 Blk 6, Douglas Park, 3812- 217,5061-183 5224-0348 5373-0444 6065-1270 6216-1419 6466-1086
Doron, Linda L.	878 S Amanda Ave Salt Lake City, UT 84105	16091520250000	Lot 7 & N 15 ft of Lot 8 Blk 6 Douglas Park together with 1/2 vacated alley abutting on NW 0000-0000 5313-1190, 5501-1919, 1918, 1916 5501-1920 6055-1829 6299-2146
Anderson, Grant A & Lucile H.	882 S Amanda Ave. Salt Lake City, UT 84105	16091520240000	The SW'Ly 10 ft of Lot 8, all Lots 9 & 10, Blk 6, Douglas Park amended, together with 1/2 vacated alley abutting on NW 4692-1282
Burggraaf, Joseph & Carol; Jt	1422 E Sunnyside Ave Salt Lake City, UT	16091520060000	Lots 43 & 44 Blk 6 Douglas Park together with 1/2 vacated alley butting on S & W. 8202- 0955

Mason, Steve M. & Carbaugh, Robin A; Jt	1428 E Sunnyside Ave Salt Lake City, UT 84105	16091520070000	All of Lot 45 & the W 23 ft of Lot 46, Blk 6, Douglas Park amended. Together with 1/2 vacated alley abutting on S 4733-1024 4774-1460 5408-0788 6054-2024 6086-1543 6444-255, 0257, 0259 6947-1275
De La Cruz, John A & Melissa, Jt.	1434 E Sunnyside Ave. Salt Lake City, UT 84105	16091520080000	E 2 ft of Lot 46 & all Lots 47 & 48 Blk 6 Douglas Park together with 1/2 vacated alley abutting on S. 7339-0274 8296-5184 8481-6473 8488-8418 8716-6374
Ricks, Welby W. & Aretta N; Jt	1440 E Sunnyside Ave Salt Lake City, UT 84105	16091520090000	Lots 48 & 50, & the W 8 ft of Lot 51, Blk 6 Douglas Spark sub together with 1/2 vacated alley abutting on S. 4224-455 4761-1071 5873-1399 5873-1400 6277-2568 7657-2997
Hermance, Jonathan S. & Susan M; Jt	1446 E. Sunnyside Ave Salt Lake City, UT 84105	16091520100000	E 17 ft of Lot 51 all Lot 52 & W 21.5 ft of Lot 53 Blk 6 Douglas Spark together with 1/2 vacated alley abutting on S 6579-1119, 1125 6748-2765 8386-9453
Schell, Donna M.; Tr.	1452 E Sunnyside Ave Salt Lake City, UT 84105	16091520110000	E 3.5 ft Lot 53, all Lot 54 & W 21.5 ft Lot 55, Blk 6, Douglas Park amended. Together with 1/2 vacated alley abutting S. 4981-0431, 0435 6778-2520
Collins, Donald H.	1458 E Sunnyside Ave Salt Lake City, UT 84105	16091520120000	N 115.54 ft of E 3.5 ft of Lot 55 & N 115.54 ft of Lots 56 & 57, Blk 6, Douglas Park

Pixton, Pollyanna	1468 E Sunnyside Ave Salt Lake City, UT 84105	16091520130000 -	Lots 58 & 59, Douglas Park & Com at E Cor SD Lot 59; E 18.26 ft; S 39^57'20" W 98.37 ft; N 50^02'40" W 7 ft; S 39^57'20" W 64.09 ft; N 50^02'40" W 7 ft; N 39^57'20" E 150.73 ft to beg 3877-0005 5696-1359
Valley Mental Health Inc.	1535 E Sunnyside Ave Salt Lake City, UT 84108	16091260100000	Parcel 1A, Armory 4 Lot Minor Sub.
Salt Lake City Corporation	623 S Guardsman Way Salt Lake City, UT 84105	16091270030000	Beg E R of W of Guardsman Wy that is the SW Cor of Parcel 2, Tract L, as shown on US Dept of Interior BLM Plat of Sec 4, T 1S, R 1E, SLM, SD Pt being E 699.98 ft & N 1099.78 ft fr Fort Douglas Military Mon #3; N 0^02'01" W 160,04 ft; N 15^26'16" E 590 ft; N 44^50'52" E 202.12 ft; N 89^59'50" E 320 ft; S 0^02'01" E 1171.43 ft; S 89^59'10" W 220 ft; N 0^02'01" W 299.47 ft; S 89^59'50" W 400 ft to beg. 12.14 Ac M Or L. 6202-369

Salt Lake City Corporation	623 S Guardsman Way Salt Lake City, UT 84105	16091270040000	Beg at a pt on E R of Wy Guardsman Way; SD pt being E 699.98 ft & N 1259,82 ft fr Fort Douglas Military Mnt #3 as shown on city atlas Plat # 70; N 0^02'01" W 370 ft; N 89^59'10" E 102.4 ft; S 15^26'16" W 383.87 ft to beg. 0.435 Ac M or L. 4614-0369 6202-0369
Rowland-Hall St Marks School Attn: Ms. Julie Barrett	720 S Guardsman Wy Salt Lake City, UT 84108	16091260120000	Lot 1, Armory 4 Lot Minor Sub Amd.
University of Utah	755 S Guardsman Wy Salt Lake City, UT 84105	16091270020000	Com S 42^15'30" E 9160.378 ft & S 89^59'50" W 3974.283 ft & N 0^02'01" W 500 ft fr NW Cor Sec 4 T 1S R 1E SL Mer N 0^02'01" W 300 ft N 89^59'50" E 400 ft S 0^02'01" E 300 ft S 89^59'50" W 400 ft to beg. 275. Act.
Valley Mental Health Inc.	780 S Guardsman Wy Salt Lake City, UT 84105	16091260110000	Parcel 1, Armory 4, Lot Minor Sub. 8389-8446
Clay, Robert J. Jr. & Bonnie; Jt	1328 E 700 S Salt Lake City, UT 84102	16091020020000	Com 177.5 ft E fr NW Cor Lot 5 Blk 8 Plat F SLC Sur E 52.5 ft S 10 Rds W 52.5 ft N 10 Rds to beg.
Matheson, Stephen D. & Teresa Y; Jt	1338 E 700 S Salt Lake City, UT 84102	16091020080000	Beg 230 ft E fr NW Cor Lot 5, Blk 8, Plat F, SLC Sur; E 100 ft; S 165 ft; W 100 ft; N 165 ft to beg. 5225-717 6467-2566 6467-2568 6825-0414

Bastow, Jeffery L.; et al.	704 S 1300 E Salt Lake City, UT	16082310150000	The S 23 ft Lot 28, all Lot 29 & N 1 ft Lot 30, Blk 11, Arlington Heights, 4463-549 thru 551 4463-0552 5436-0206
Petersen, Whitney D & Rolf; Jt	720 S 1300 E Salt Lake City, UT 84102	16082310170000	Lots 32 & 33 Blk 11 Arlington Heights together with 1/2 vacated alley abutting on W. 3961-0171 5988-2673 6227-0950 6436-1094 8331-0916 8356-3776 8414-4777
Madsen, Cheryl Aka: Rauh, Cheryl A	726 S 1300 E Salt Lake City, UT 84102	16082310180000	Lots 34 & 35 & N 1/2 Lot 36, Blk 11, Arlington Heights Add. 4450-164 4450-0165-5973-1507 8922-4846
Bridges, D. Kevin & Teena M; Jt	734 S 1300 E Salt Lake City, UT 84102	16082310280000	Lots 37 & 38 & the S 1/2 of Lot 36, Blk 11, Arlington Heights sub together with 1/2 vacated alley abutting onw. 6346-2983, 2988 4625-225, 226 5644-1984 5658-2886 6346-2989 6583-1230
Gren, Donald & Lisa H; Jt	738 S 1300 E Salt Lake City, UT 84102	16082310210000	Lots 39 & 40 Blk 11 Arlington Heights together with 1/2 vacated alley abutting on W 5725-117 5725-0118
Russell, C. Thomas & Bonnie B	748 S 1300 E Salt Lake City, UT 84102	16082310220000	Lots 41, 42 & N 10 ft of Lot 43, Blk 11, Arlington Height Sub. Together with 1/2 vacated alley abutting on W. 4093-358

Felsted, Raymond K.	756 S 1300 E Salt Lake City, UT 84102	16082310230000	S 15 ft of Lot 43 & all Lot 44 Blk 11 Arlington Heights together with 1/2 vacated alley abutting on W. 6036-1457, 1459 6133-2836, 2838 6210- 1369 6387-0349 6860- 0893 8228-0926
Shoore, Joseph D	760 S 1300 E Salt Lake City, UT 84102	16082310320000	Lots 45 46 & 47 Blk 11 Arlington Heights. Also beg SW Cor SD Lot 47; N 75 ft; S 89°57'21" W 13.99 ft; S 0°00'30" W 10 ft; N 89°57'21" E 6.49 ft; S 0°29'48" E 65.02 ft; N 9°57'21 E 6.67 ft to beg. 6387-2059, 349 5390-955 5390-965 6387-2060 6585-1586
The First Baptist Church	777 S 1300 E Salt Lake City, UT 84102	16091020060000	W 19 Rds of Lot 2 & S 70 ft of Lot 3 Blk 8 Plat F SLC Sur together with that portion of vacated street abutting SD Lot 2 on S
James Webster, Chair Yalecrest Community Council	938 South Military Drive, Salt Lake City, UT 84108		

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Exhibit "F"

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(Agent Authorization of Mount Olivet Cemetery Association)

**AGENT AUTHORIZATION**

I, WILLIAM H. ADAMS, being the President of MOUNT OLIVET CEMETERY ASSOCIATION, an unincorporated association, and MOUNT OLIVET CEMETERY ASSOCIATION, a Utah nonprofit corporation, (collectively, the "Association") the owner of the real property described in the Application for Master Plan Amendment and the Application for Zoning Amendment (collectively, the "Applications") to be submitted to Salt Lake City Planning, hereby authorize and appoint ROWLAND HALL-ST. MARK'S SCHOOL, a Utah nonprofit corporation, as the authorized agent of the Association, for all purposes and functions relating to such Applications, including without limitation, the representation of the Association before any administrative or legislative body that is considering the Applications for approval and for the filing of any reports, notices, statements or other necessary documents in connection therewith.

IN WITNESS WHEREOF, the undersigned has executed this agent authorization as of the date set forth below.

MOUNT OLIVET CEMETERY ASSOCIATION,  
an unincorporated association

By: William H. Adams  
Name: William H. Adams  
Its: President

Dated this 20<sup>th</sup> day of April, 2005.

MOUNT OLIVET CEMETERY ASSOCIATION,  
a Utah nonprofit corporation

By: William H. Adams  
Name: William H. Adams  
Its: President

Dated this 20<sup>th</sup> day of April, 2005.

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Exhibit "G"

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(Affidavit of RHSM)

**AFFIDAVIT OF ROWLAND HALL-ST. MARK'S SCHOOL**

STATE OF UTAH                    )  
                                          : ss.  
COUNTY OF SALT LAKE    )

ROWLAND HALL-ST. MARK'S SCHOOL, a Utah nonprofit corporation ("RHSM"), being first duly sworn, hereby declare and say that, pursuant to Title 2, Chapter 2.62, of the Salt Lake City Code, RHSM met with and explained the proposal to purchase and develop the Mt. Olivet Cemetery Association property to the Yalecrest Community Council on March 2, 2005.

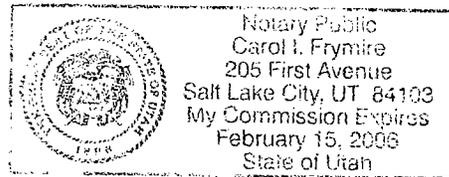
This affidavit is executed at Salt Lake City, Utah on April 21, \_\_\_\_\_, 2005.

ROWLAND HALL-ST. MARK'S SCHOOL,  
a Utah nonprofit corporation

By Julie Barrett  
Julie Barrett, Acting Headmaster

SUBSCRIBED AND SWORN TO before me this 21<sup>st</sup> day of April 2005  
2005 by Julie Barrett, Acting Headmaster of Rowland Hall-St. Mark's School, a Utah nonprofit corporation.

Carol I. Frymire  
Notary Public and Seal



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Exhibit "H"

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(Traffic Study)



FEHR & PEERS  
TRANSPORTATION CONSULTANTS

MEMORANDUM

Date: January 21, 2005

To: Rowland Hall-St. Mark's

From: Fehr & Peers Associates, Inc.

**Subject: Middle and Upper Schools Relocation  
Phase I: Rowland Hall - St. Mark's Local Trip Generation Study**

UT05-590

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**Introduction**

This memorandum provides a trip generation analysis for Rowland Hall - St. Mark's Middle and Upper Schools. This initial analysis is the first phase of a two-phase study that will assess the traffic impacts of relocating these two schools from the corner of Lincoln Street and 800 South to Sunnyside Avenue at approximately 1600 East. Included in this memorandum are the results of a local trip generation study performed in January 2005. This memorandum provides a preliminary estimate of the potential traffic impacts to Sunnyside Avenue created by the relocation of the schools. The local trip generation rates reported here will be used in Phase II to provide a thorough assessment of the traffic impacts created by this relocation.

**Local Trip Generation Data**

The main purpose of this phase was to conduct a local trip generation analysis, the objective of which was to estimate the current amount of traffic generated by the middle and upper schools. The trip generation rates observed at the existing school may then be used to accurately project trip generation for the new school.

Local trip generation data was collected during the morning traffic peak period, and consisted of two parts: determining the number of vehicles as a result of dropping students off, and the number of vehicles as a result of students and faculty who park their vehicles on site. The number of vehicles and persons dropped off along Lincoln Street and 800 South were counted in fifteen minute increments from 7:30 to 8:30 AM. The number of vehicles parked in the student and faculty parking lots and on the streets adjacent to the schools were also counted before and after the peak morning period.

The results of the local trip generation analysis are shown in Table 1. The rate of vehicles traveling to and from the schools, including the school buses, during the peak morning period was 571 vehicles per hour (vph). Each passenger vehicle dropping off students was observed to have an average student occupancy rate of 1.2 students per vehicle.

**TABLE 1 AM Peak Hour Local Trip Generation Rates**

Land Use	Number of Enrolled Students	AM Peak Hour Trip Generation	Trips Entering	Trips Exiting	AM Trips
Middle & Upper Schools	486	571	338	233	571

**Preliminary Impact Analysis**

Fehr & Peers performed a preliminary estimate of the increase in traffic expected at Sunnyside Avenue. Because the new schools will be similar in size to the existing schools, the projected trip generation is expected to be the same as the current trip generation of 571 vph during the peak morning period. However, an estimated 25% of trips to the schools currently travel on Sunnyside Avenue, and should be accounted for in estimating new trips to this street. The portion of the school traffic already using Sunnyside Avenue was calculated by using a list of the zip codes of the students and estimating probable travel paths from these zip code areas to the schools.

Based on the trip generation rate derived from this study and the above mentioned adjustment, the relocation of the Rowland Hall – St. Mark's middle and upper schools will generate approximately 428 new trips per hour during the morning peak period. Based on an estimated peak hour volume of 1,220 vph for Sunnyside Avenue, the relocation of the schools will result in an approximate increase of 18% in traffic. Phase II will refine these estimates and evaluate the impacts of increasing traffic on Sunnyside Avenue and major intersections surrounding the school.

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**Exhibit "I"**

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**(Summary of the History of the Mt. Olivet Property, and Objectives of the Association and  
RHSM)**

**For: RHSM Mt. Olivet Committee Open House**

**Re: Background for RHSM Acquisition of 13.2 Acres of Land West of the  
McCarthy Campus**

**Date: February 16, 2005**

We understand the history of the Mt. Olivet Cemetery Association property west of the McCarthy Lower/Beginning School Campus as follows:

In the 1870's Congress set aside land for the actual Mt. Olivet cemetery. In the early 1900's, the U.S. Government wanted to buy land in "Research Park" which was owned by a son of Brigham Young (I believe his name was Legrand Young). (Apparently, Mr. Young did not want to sell to the U.S. Government.) Therefore, the U.S. Government arranged the purchase of the "Research Park" land by the Association. The Association then traded the "Research Park" land to the U.S. Government for the land under contract to RHSM (for ease of discussion here, the "Mt. Olivet Property") and the East High playing fields just west of the Mt. Olivet Property. The U.S. Government continues to hold a "reversionary interest"<sup>2</sup> in the Mt. Olivet Property, such that if it ceases to be used for cemetery purposes it reverts to the U.S. Government<sup>3</sup>.

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<sup>2</sup> **The Reversionary Interest**

**The United States may obtain the property back if it ceases to be used as a cemetery.**

**Release of Reversionary Interest**

- The property is not used for the purpose specified in the reversionary clause
- The owner of the property no longer needs the property
- The property is inconvenient or inappropriate for the owner's use
- The property is needed by another entity that provides some public benefit
- The U. S. Government doesn't need the property
- No significant costs to federal, State or local governments from a release of the reversionary interest

<sup>3</sup> **The East High Playing Fields Lease Exception**

The East High playing fields are leased to Salt Lake City pursuant to a 1992 Act of Congress, which allows for the lease of such property for a period of not more than 70 years for other than cemetery purposes, so long as such additional uses will not prevent future use for cemetery purposes.

The Mt. Olivet Property was an alfalfa field in the early years of the Association's ownership. It was used to graze the horses necessary for cemetery work.

The Association has enough space in the existing cemetery area to continue its operations for at least ninety years. The Association needs to sell the Mt. Olivet Property to be able to provide perpetual care at the cemetery. If RHSM does not purchase the Mt. Olivet Property, the Association may sell the land to the University of Utah or, presumably, will sell the Mt. Olivet Property to Larkin Mortuary or a similar operation.<sup>4</sup>

In order for RHSM to buy the Mt. Olivet Property, RHSM needs Congress to remove the "reversionary interest" the U.S. Government holds in the Mt. Olivet Property. As part of RHSM's efforts to secure the removal of the "reversionary interest" and, in that regard, to ensure the support of Utah's congressional representatives and senators, RHSM needs the support of Salt Lake City and, if at all possible, the surrounding community. RHSM believes that its ownership of the Mt. Olivet Property will deliver a net benefit to Salt Lake City and the surrounding community, both in the immediate neighborhood and more broadly. As such, RHSM believes that Salt Lake City and the surrounding community should support RHSM's efforts in this regard. The reasons are several:

First, about two-thirds of the land would be turned "green" with soccer fields and open ground. Second, the long run construction of a middle and upper school building at the northern most edge of the Mt. Olivet Property would carry on the open aesthetics of the McCarthy Lower/Beginning School Campus. Third, for the first time, this land would be useable by the public for soccer league games as well as for casual recreation and play in the same manner as our current soccer field, which is used heavily by youth league soccer teams. RHSM believes that making the Mt. Olivet Property available for athletic and recreational uses, in addition to the green space through landscaping improvements, will benefit the community and Salt Lake City. These uses and improvements, RHSM believes, outweigh any advantages perceived by keeping the Mt. Olivet Property in its existing, fenced and unimproved, condition.

It may be many years before RHSM could raise the money needed to build a new campus on the Mt. Olivet Property. Although that may be, ultimately, the anticipated use of the Mt. Olivet Property, it may be beyond RHSM's reach for a long time. However, it is possible that RHSM could take the (hopefully) interim step of developing the playing fields in the near term, in a way not to interfere with construction at the north end of the Mt. Olivet Property in the future.

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<sup>4</sup> The University of Utah does not need to obtain building permits from Salt Lake City as does RHSM, and the University is not subject to zoning controls as is RHSM.

The traffic impacts of any development near Sunnyside Avenue or Guardsman Way is something to which RHSM would pay careful attention. RHSM, like Salt Lake City and the community, takes a keen interest in the safety of our children those attending RHSM and those in the surrounding community. As such, RHSM hired Fehr & Peers, as transportation consultants, to prepare a preliminary study assessing the traffic impacts, based on the limited information now available, of someday relocating the middle and upper schools to the Mt. Olivet Property. RHSM is encouraged that, during the peak time at the start of the school day, which is the only time of significant traffic impact, the approximate traffic increase would only be approximately 18%. The rest of the day students are in school and generally are not generating additional traffic on Sunnyside Avenue or Guardsman Way.<sup>5</sup> After school, students leave the campus over several hours depending on their participation in sports, clubs or other interests on campus, thus ameliorating traffic impacts.

The purchase of the Association's 13.2 acres will strengthen our school with the proximity of the RHSM campuses, with the promise that physical facilities in the Upper and Middle schools will be commensurate with those of the Beginning and Lower Schools, and with the learning opportunities that necessarily will result from the shared environments. We hope that the long term success of RHSM will also be viewed as a benefit to Salt Lake City, along with the public benefit we propose to provide on the Mt. Olivet Property.

Our immediate objectives are to work cooperatively with the surrounding community, viewed as RHSM's neighbors, and Salt Lake City officials, to incorporate neighborhood interests into our planning for any new and relocated RHSM campus. Looking further ahead, we need to obtain the release of the reversionary interest by early 2007 in order to complete the purchase of the Mt. Olivet Property within the terms of our contract with the Association.

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<sup>5</sup> It should be noted that, at present, RHSM does not contemplate access to the Mt. Olivet Property, when improved, from Guardsman Way during the school day.

**Rowland Hall-St. Mark's School**

To: SALT LAKE CITY CORPORATION

051566

INVOICE NUMBER	DATE	DESCRIPTION	AMOUNT	DISCOUNT	NET AMOUNT
CK REQ	4/21/2005	7200500 REZONING APP FEE	\$1,700.00	\$0.00	\$1,700.00
		Totals:	\$1,700.00	\$0.00	\$1,700.00

WARNING: THIS DOCUMENT CONTAINS THE FOLLOWING SECURITY FEATURES: DocuCheck Security Paper, Micro Signature Line and Bleed-Through Micr Encoding

Wells Fargo Bank Northwest, N.A.

**Rowland Hall-St. Mark's School**

720 GUARDSMAN WAY  
SALT LAKE CITY, UTAH 84108

31-297/1240

CHECK DATE	CHECK NO.
4/21/2005	51566

CHECK AMOUNT
***1,700.00

**RHSM \$1,700.00**

PAY

TO  
THE  
ORDER  
OF

SALT LAKE CITY CORPORATION

*Alan C. Sparrow*

AUTHORIZED SIGNATURE

⑈051566⑈ ⑆12400297⑆ ⑆0510013683⑈

WARNING: THIS DOCUMENT CONTAINS THE FOLLOWING SECURITY FEATURES: DocuCheck Security Paper, Micro Signature Line and Bleed-Through Micr Encoding

Wells Fargo Bank Northwest, N.A.

**Rowland Hall-St. Mark's School**

720 GUARDSMAN WAY  
SALT LAKE CITY, UTAH 84108

31-297/1240

CHECK DATE	CHECK NO.
4/21/05	51570

CHECK AMOUNT
*****\$110.50

PAY \*\*\*\*\*ONE HUNDRED TEN DOLLARS AND 50/100

TO  
THE  
ORDER  
OF

SALT LAKE CITY CORPORATION

*Kevin S. Hansen*

AUTHORIZED SIGNATURE

⑈051570⑈ ⑆12400297⑆ ⑆0510013683⑈

**Petition No.** 40000-09

*By* Mt. Olivet Cemetery Association

Is requesting a Zoning Amendment to reclassify the property located at 1443 East Sunnyside Avenue from an Open Space classification to an Institutional classification.

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

*Address* \_\_\_\_\_