
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: October 6, 2006,

SUBJECT: Petition 400-05-24 – Mr. Robert Strasters, Harrison Apartments, LLC – request to:

- Rezone property located at 713 East Harrison Avenue from Residential Single-Family R-1/5,000 to Residential Multi-Family RMF-35
- Amend the Central Community Master Plan Future Land Use Map

AFFECTED COUNCIL DISTRICTS: If the ordinance is adopted the rezoning and master plan amendment will affect Council District 5

STAFF REPORT BY: Janice Jardine, Land Use Policy Analyst

ADMINISTRATIVE DEPT. AND CONTACT PERSON: Community Development Department, Planning Division
Kevin LoPiccolo, Zoning Administrator

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

WORK SESSION SUMMARY/NEW INFORMATION:

Work Session Summary

- A. On September 7, 2006, the Council received a briefing from the Administration regarding the proposed rezoning and master plan amendment.
- B. Issues discussed included:
1. Community Council review and support. As previously noted, the Planning Division sponsored an open house to received public input on this petition. The petitioner has contacted or met with several Community Councils in the surrounding area and property owners on Harrison Avenue to discuss the proposed rezoning and development plan. The applicant has also provided a statement of support signed by many residents on Harrison Avenue most directly impacted by the proposed development. Written comments from the Liberty Wells Community Council were included in the Administration's transmittal. (Please Attachments 4 and 5 for details.)
 2. The zoning history of the property.
 3. The need to provide options to deal with redevelopment of non-conforming multi-family developments and neighborhood compatibility, approaches to address conflicting policies, the value of master plans, and an option to adjust master plans to provide more flexibility to accommodate a range of developments and incremental changes. *Planning staff indicated they are currently re-examining the planned development process to better accommodate redevelopment projects.*
 4. The importance that the Planning Commission identify findings that support their recommendations and substantiate their decisions when they differ from Planning staff recommendations.
 - a. Planning staff indicated that the Planning Commission wanted the proposed development to match the existing setbacks of and be compatible with the surrounding properties.

- b. The Planning Director indicated that a training meeting has been scheduled for Planning Commissioners.
 - c. It was noted that it appeared from the Planning Commission minutes that the Planning Commission was generally supportive of the proposed development but preferred using the planned development process for approving the project rather than a rezoning and that the proposed rezoning was not consistent with the recently adopted Central Community Master Plan.
- C. In regard to issues B. 3. and 4. above, please see Items A, B and C on pgs. 3-4 of this staff report and the Matters at Issue section on pgs. 8-11 of this staff report for additional details and information.

New Information

- A. On September 27, 2006, the East Central Community Council submitted comments to the Council office via electronic mail indicating support for the proposed Harrison Townhouse project at 713 E. Harrison Avenue based on design changes incorporating generous porches and balancing setbacks with existing homes. (Please see Attachment 6 for details.)
- B. In response to a constituent inquiry regarding this proposal and the planned development process, Council staff researched and confirmed with Planning staff the following additional information.
- 1. The minimum planned development size in the R-1/5,000 zone is 20,000 sq. ft.
 - 2. The minimum planned development size in the RMF-35 zone is 9,000 sq. ft.
 - 3. The property is approximately 16,535 sq. ft. (as noted on the revised site plan dated 10/13/05)
 - 4. If the property is rezoned to RMF-35, the property owner may elect to pursue a Planned development if he is considering a reduction in setbacks or landscaping or other design considerations. The property owner is not required to go through a Planned development process.
 - 5. It is not clear from the record if the Planning Commission and Mr. Strasters were aware of the planned development option in the RMF-35 zone when the rezoning was considered by the Planning Commission. The Planning Commission was focusing their concerns on the underlying zone (R-1/5,000) not what the RMF-35 could provide. It does not appear from the record that the Commission was informed of what the property owner may do if the property is rezoned to RMF-35. It appears to Council staff that the RMF-35 may favorably address concerns raised by the Planning Commission and community members.
 - 6. Issues with both the Planning Commission and the East Central Community Council with regard to this project were included providing a more substantial front porch structure on the units and alignment of the fronts of the townhouses with the front setbacks of existing bungalows on Harrison.
 - a. Substantial front porch structures may be constructed without any additional processes except building permit review and approval if the front porches do NOT encroach into the required front yard setback.
 - b. If the construction of substantial front porch structures requires locating all or a portion of the porches in the required front yard setback, a request for a front yard setback reduction to accommodate said porches may be processed through the Planning Commission planned development conditional use process.
 - 7. If the Council adopts the ordinance rezoning the property and amending the Plan, Mr. Strasters may submit a complete application to the Permits center for plan check review before a permit is issued.
- C. In response to the issues raised in regard to providing substantial front porch structures, a constituent inventoried the neighborhood and provided the following information.
- 1. Streetscape of Harrison Avenue between 700 East and 800 East
 - a. 27 residences (not counting the Strasters' 4-plex)
 - b. 2 houses in a revival style (one Tudor at 751 and one Colonial at 730)
 - c. 2 houses with flat front facades (781 and 724)

- d. 23 classic bungalows
 - o 2 enclosed porches (746 and 752)
 - o 2 glassed-in porches (756 and 725)
 - o 2 partially enclosed porches (775 and 769)
 - o 17 porches which appear to be unaltered
 2. 63% of all the houses on the street have unaltered front porches, 74% of the bungalows are unaltered, and only 9% of the bungalows have completely enclosed porches.
 3. Considering the small size of the houses and the much lower cost of remodeling by enclosing an existing part of a structure, it appears that the bungalow owners on Harrison have gone out of their way to preserve the feeling of an open porch.
 4. In 4 cases, they used glass or only enclosed a portion of the original porch.
 5. This is a well preserved streetscape, perhaps because the residents have historically been of more modest means.
 6. In order to fit in with the neighborhood, the new townhouses need to have porches consistent with the architectural style of a Bungalow.
 7. Mr. Strasters seems genuinely interested in building a project that would fit into the existing neighborhood.
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POTENTIAL MOTIONS:

1. ["I move that the Council"] **Adopt an ordinance:**
 - Rezone property located at 713 East Harrison Avenue from Residential Single-Family R-1/5,000 to Residential Multi-Family RMF-35.
 - Amend the Central Community Master Plan Future Land Use Map.
 2. ["I move that the Council"] **Not adopt the proposed ordinance:**
 - Rezone property located at 713 East Harrison Avenue from Residential Single-Family R-1/5,000 to Residential Multi-Family RMF-35.
 - Amending the Central Community Master Plan Future Land Use Map.
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The following information was provided for the Council Work Session on September 7, 2006.
It is provided again for your reference.

- A. The Planning Commission has recommended denial of this petition, but did not specifically address all five standards/factors for zoning map and text amendments as is required by City Ordinance. The motion provided in the February 8, 2006 Planning Commission minutes notes "Based on the Findings of Fact outlined in the Staff Report and the review and discussion set forth, Commissioner McDonough moved to forward a recommendation to the City Council to deny the request to approve the proposed zoning map amendment and the amendment to the Central Community Master Plan to identify the property as RMF-35 Moderate Density Residential zoning and Low-Medium Density Residential land use. The Planning Commission finds that the proposal would not meet Standard A of Section 21A.50.050 of the Zoning Ordinance in that the amendment is not consistent with the purposes, goals, objectives and policies of adopted general plans of Salt Lake City including master plans and zoning maps. Commissioners McDonough, Scott, Seelig and Diamond voted aye. Commissioners DeLay, Forbis and Chambless voted no. The motion passed with a four-three vote."
- B. The Planning staff recommended approval to the Commission and did make specific findings, which are included in the Planning staff report and on pages 4 and 5 of this report.

- C. At the April 12, 2006 Planning Commission meeting, a majority of Commission Members voted to approved a motion "to reaffirm the decision of the Planning Commission in relation to Petition No. 400-05-24 to state that the unfavorable recommendation was based on the rezoning and master plan amendments standards". This action was taken in response to a written request from Brent Wilde, Community Development Deputy Director, to clarify the Commission's basis for recommending that the petition be denied. (Please see Attachment 2 - letter from Brent Wilde, Community Development Director for details.) The letter notes:
1. ...it became apparent from reading the minutes that the Planning Commission was generally supportive of the proposed development but preferred using the planned development process for approving the project rather than a rezoning.
 2. It is important to note that City ordinances do not allow use of the planned development regulations to address this issue or approve a project of this type in this zoning district.
 3. There is no indication in the minutes that the Planning Commission understood this or that Planning staff clearly explained to the Commission that the planned development process is not an option for this type of request.
 4. As a result, it is unclear whether the petition for the rezoning was denied based on incompatibility of the proposal or because the ordinance does not allow approval as a planned development.
 5. The resulting record sends a mixed and confusing message to the City Council regarding the Planning Commission's position on this project.
- D. For ease of reference, the following items have been attached at the end of this staff report.
- Attachment 1 – December 12, 2005, February 8 and April 12, 2006 Planning Commission minutes and January 18, 2006 Planning Commission Planned Development Subcommittee minutes
 - Attachment 2 – letter from Brent Wilde, Community Development Director
 - Attachment 3 – memo from the Planning Director provided early in May to Council Members relating to the appropriateness of amending master plans.
 - Attachment 4 – Liberty Wells Community Council letter of support
 - Attachment 5 – Statement of Support from property owners on Harrison Avenue
 - Attachment 6 – East Central Community Council written notification of support

KEY ELEMENTS:

- A. An ordinance has been prepared for Council consideration to:
1. Rezone property at 713 East Harrison Avenue from Residential Single-Family R-1/5,000 to Moderate Density Residential Multi-Family RMF-35.
 2. Amend the Central Community Master Plan Future Land Use Map designation for the property from low density residential to low-medium density residential land use.
- B. The rezoning and master plan amendment would facilitate demolition of a non-conforming 4-plex and construction of 6 individually-owned town homes. (Please see the Planning staff report and Planning Commission minutes for details.) The Administration's transmittal and Planning staff report note:
1. The applicant originally requested rezoning the property from Residential R-1/5,000 to Moderate/High Density Multi-Family Residential RMF-45 in order to construct an additional 4-plex on the property and fund improvements to the existing 4-plex.
 2. Based on comments expressed at an Open House held on August 9, 2005 and additional comments from Planning staff, the applicant amended the petition to request rezoning the property to a RMF-35 zoning classification and adjusted the development proposal to demolish the existing structures on the property and construct 6 town homes fronting on Harrison Avenue

3. Amending the Central Community Master Plan Future Land Use Map from Low Density Residential (1-15 dwelling units/acre) to Low/Medium Density Residential (10-20 dwelling units/acre) is necessary to accommodate the proposed development's approximate density of 15.8 units/acre.
 4. The proposed town house development will comply with the requirements of the RMF-35 zoning district.
 5. The existing 4-plex was constructed in 1963 and is now non-conforming due to a down-zoning of the entire area from three and four-family dwellings (Residential R-4) to two-family dwellings (Residential R-2) in 1984 and from Residential R-2 to Single-Family Residential R-1/5,000 in 1995.
 6. The subject property is 148.5 feet wide. The minimum lot width in the R-1/5,000 zone is 50 feet. Therefore, only two single family lots would be permitted.
 7. The subject property is 15,964 sq. ft. The minimum lot size for a Planned Development in the R-1/5,000 zone is 20,000 sq. ft. Therefore, a Planned Development is not a possibility for this property.
 8. If the Planned Development Ordinance were to be amended in the future and if the minimum lot size requirement was reduced, the property would still require a rezone for the density proposed with this application.
 9. There is no provision for an increase in density above the base zoning density allowance through the Planned Development process.
 10. The proposed town homes will create a transition between the Open Space zoning to the north and the Neighborhood commercial zoning to the South and will help buffer the T-1/5,000 neighborhood from the impacts of 700 East, while providing more home ownership options in the Central City.
- C. The Planning staff report notes surrounding land uses include the following zoning classifications and existing uses. (Please see attached map for details).
1. North – Open Space OS – city-owned park (Herman Franks Park)
 2. South – Neighborhood Commercial CN – commercial parking lot
 3. West – Single Family Residential R-1/5,000 – single-family residential uses
 4. East – Single Family Residential R-1/5,000 – single-family residential uses
- D. The purpose of the Single-Family Residential R-1/5,000 zoning district is to provide for conventional single-family residential neighborhoods on lots not less than 5,000 square feet. Maximum height in the zone is 30 feet or 2 ½ stories, whichever is less.
- E. The purpose of the Moderate Density Multi-Family Residential RMF-35 district is to provide an environment suitable for a variety of moderate density housing types, including multi-family dwellings. Maximum height in the zone is 35 feet. Maximum density in the RMF-35 zone is:
- 14.5 units/acre for single-family attached dwellings
 - 21.8 units/acre for multi-family developments with less than 15 units
 - 29.6 units/acre for multi-family developments over 15 units with 1 acre
 - 29.0 units/acre for multi-family developments over 15 units and above 1 acre
- F. The City's Fire, Police, and Public Utilities Departments and Transportation and Engineering Divisions have reviewed the request. The development proposal will be required to comply with City standards and regulations and demonstrate that there are adequate services to meet the needs of the project.
- G. The public process included a Planning Division sponsored open house on August 9, 2005 and written notification of the Planning Commission hearing to surrounding property owners and affected Community Councils.
1. The Administration's transmittal and Planning staff report note:
 - a. On August 9, 2005, a Planning Division sponsored open house was held regarding the original request to rezone the property to RMF-45 in order to construct an additional 4-plex on the property. Six members of the public attended the open house.

- b. Concerns and comments expressed at the open house included:
 - increased traffic on Harrison Avenue
 - the condition of the property and the type of tenants who have lived there in the past
 - a suggested preference for individually-owned units rather than rental units
 - c. Based on comments and concerns expressed at the open house and a subsequent meeting with Planning staff, the applicant amended the rezoning request and proposed development.
 - d. On October 24, 2005, the amended rezoning request and proposed development was sent via electronic mail to the open house attendees (who provided email addresses) and to the Community Council Chairs with a request for comments.
2. In addition, the petitioner contacted or met with several Community Councils in the surrounding area and property owners on Harrison Avenue to discuss the proposed rezoning and development plan. (Liberty Wells, East Liberty Park, Central City, East Central, and Sugar House Community Councils)
- a. On July 18, 2006, the Council office received a letter to Council Member Love from the Liberty Wells Community Council expressing support of the proposed zoning change and town home project. (Please see Attachment 4 for details.)
 - b. The applicant has also provided a statement of support signed by many residents on Harrison Avenue most directly impacted by the proposed development. (Please Attachment 5 – Statement of Support for details.)
- H. 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. (Discussion and findings for these standards are found on pages 5-7 of the Planning staff report.)
1. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

Findings: Because the Master Plan specifically addresses protecting the low-density development along 700 East, careful consideration of this proposal has been taken to determine whether or not the proposed rezone is appropriate for this location. The current proposal for RMF-35 and six individually-owned units is the result of consideration of the neighbor's comments and concerns that were expressed at the open house held on August 9, 2005 and from additional meetings conducted by City staff and the applicant.

Staff finds that the requested rezone is appropriate for this location and would enhance the goals of the Plans and Reports discussed. (Central Community Zoning Map and Master Plan, Salt Lake City Community Housing Plan, Final Report of the Salt Lake City Futures Commission, City Vision and Strategic Plan) The request will particularly enhance the goals of the Housing Plan and the Futures Report by providing a variety of housing uses. Staff finds that the community has been involved in the planning of this project.
 2. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

Findings: The overall character of the immediate vicinity will remain the same. The Transportation Division has stated that a transition from 4 units to 6 units will not noticeably impact the public transportation corridors. The proposed units will be individually-owned which will be more harmonious with the overall character of the neighboring single-family residences.
 3. The extent to which the proposed amendment will adversely affect adjacent properties.

Findings: The applicant has addressed these concerns by reducing the proposal to RMF-35 and six individually-owned units. The changes specifically address comments made by the

community. If the zoning is changed, the Zoning Ordinance requires a 10 foot landscaped buffer and fencing between the RMF-35 and R-1/5,000 zoning districts; thus the single-family residence directly abutting the subject property will be buffered from the current situation and from the proposed intensification. The proposed amendment will not adversely affect adjacent properties.

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

Findings: The property is not within any overlay districts.

5. 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: Public facilities and services intended to serve the subject property are adequate and must meet all City regulations upon further development.

- **RECOMMENDATION (Planning staff):**

Based on the Findings of Fact in this report, staff recommends that the Planning Commission transmit a favorable recommendation the City Council to approve the proposed zoning map amendment and amend the Central Community Master Plan to identify the property as RMF-35 Moderate Density Multi-Family Residential zoning and Low /Medium Density Residential (10-20 dwelling units/acre) land use.

- I. The Administration's paperwork notes the Planning Commission considered the petition at several meetings. Actions taken by the Planning Commission are summarized below. (Please see Attachment 1 Planning Commission minutes for additional details.):
 1. On December 14, 2005, the Planning Commission voted to table action on the petition and requested additional details relating to the proposed development design. Additional information request by Commissioners include items such as typical unit floor plan, the nature of the courtyard space, a diagram illustrating the 5-unit design versus the 6-unit design, assurance that the product would have some reasonable quality commiserate with the neighborhood. The Planning Director recommended that the petition be tabled until the Commission's Planned Development Subcommittee convened to study the issues and the developer has an opportunity to make adjustments to the project.
 2. On January 18, 2006, the Planning Commission subcommittee met with the applicant. Comments provided by subcommittee members related to incorporating specific design elements in the proposed town house development such as graffiti-proof fencing, windows and shrubbery on the 700 East elevation, front doors with windows or doors that would be more characteristic of existing doors along the street, and columns or other architectural features that would reflect the architecture of the streetscape such as picket fences and front porches.
 3. On February 8, 2006, the Planning Commission voted to forward a negative recommendation to the City recommendation to the City Council to deny the request to approve the proposed zoning map amendment and the amendment to the Central Community Master Plan to identify the property as RMF-35 Moderate Density Residential zoning and Low-Medium Density Residential Land Use. The Planning Commission found that the proposal would not meet Standard A of Section 21A.50.050 of the Zoning Ordinance in that the amendment is not consistent with the purposes, goals, objectives and policies of adopted general plans of Salt Lake City including master plans and zoning maps.
 4. On April 12, 2006, the Planning Commission voted to reaffirm that the rezoning request was denied based upon the Commission's determination that the request does not meet Standard A. of the Zoning Ordinance, Section 21A.50.050 - Standards for General Amendments.

- J. Issues and public comment discussed at the Planning Commission meetings (summarized below) included:
1. The proposed rezoning would be considered spot zoning.
 2. The proposed rezoning could potentially set precedence for additional rezoning requests for other properties in the area with higher density zoning classifications.
 3. Inconsistency with the recently adopted Central Community Master Plan.
 4. Town houses and the design of the project are beneficial because much of the surrounding area consists of small houses.
 5. Design issues relating to the proposed development including height, mass, scale and neighborhood character compatibility.
 6. Potential traffic, parking and adverse property value impacts and maintaining the character of the surrounding neighborhood.
 7. The proposed pricing of the units.
 8. Concern regarding the lack of tools or options available to develop the project and address compatibility, in lieu of rezoning the property, such as use of a density bonus, development agreement, deed restriction or the planned development conditional use process.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

(Please note, the following Matters at Issue were provided to the Council in regard to the recent Henderson rezoning at 900 East and 100 South. It is provided again because similar issues are applicable to Mr. Strasters' petition. Council staff revised pertinent sections to provide information and details that relate to this request.)

- A. Council Members may wish to discuss with the Administration the following items that have emerged during the process for this petition.
1. If it may be appropriate to request that the Planning Commission identify specific findings as part of the motion when they differ from those provided in the Planning staff report, given changes to the Utah Code Land Use Development Management Act that were considered this year and adopted last year by the State Legislature.
 - a. The Zoning Ordinance, Sec. 21A.50.050 – Standards for general amendments states:
A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the City Council should consider the following factors:
 - Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.
 - Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.
 - The extent to which the proposed amendment will adversely affect adjacent properties.
 - Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.
 - 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.
 - b. The motion provided in the February 8, 2006 Planning Commission minutes notes “Based on the Findings of Fact outlined in the Staff Report and the review and discussion set forth, Commissioner McDonough moved to forward a recommendation to the City Council to

deny the request to approve the proposed zoning map amendment and the amendment to the Central Community Master Plan to identify the property as RMF-35 Moderate Density Residential zoning and Low-Medium Density Residential land Use. The Planning Commission finds that the proposal would not meet Standard A of Section 21A.50.050 of the Zoning Ordinance in that the amendment is not consistent with the purposes, goals, objectives and policies of adopted general plans of Salt Lake City including master plans and zoning maps.”

- c. The Planning Commission minutes reflect additional items summarized below. (Please see Attachment 1 - Planning Commission minutes - for specific statements and additional details.)
 - Additional comments and discussion by Commissioners after closing the public hearing including those noted in the transmittal letter. For example:
 - Design elements of the proposed project.
 - In the future this same scenario might be presented as a Planned Unit Development and possibly be approved.
 - Setting an unwanted precedent for spot rezoning rather than using the more effective tool of the Planned Development process for unique sites within larger overall zones.
 - The manner in which the project is being approved.
 - The consensus of the Commission was that the applicants have been sensitive to the economic growth and characteristics of the neighborhood, and the proposed development would be compatible.
 - The Commission was divided in favoring the proposal because it will set a precedent and delay the more important issue of addressing infill housing.
 - Comments in support of and opposition to the proposal made by the East Central Community Council, Sugar House Community Council, Chair and members of the public.
 - Several statements made by the petitioner and the petitioner’s project representative responding to concerns and issues, benefits of the proposed project to the community, steps taken and time invested in working with Community Council members and the residents on Harrison Avenue to respond to their issues.
2. When is it appropriate to consider amending adopted master plans? In a memo to Council Member Jergensen, dated May 10, 2006, the Planning Director provided information relating to the Planning Division’s opinion on the appropriateness of amending a master plan. (Please see the attached memo for reference - Attachment 3) This memo was also provided to all Council Members. Planning staff indicated to Council staff that the memo was shared with the Planning Commission.) The memo notes:
 - a. The appropriateness of amending a master plan is affected by various factors such as time, map inconsistencies, specific policy analysis, new development patterns and new city-wide policies.
 - b. The need to amend a master plan is usually discovered during the analysis of a specific proposal.
 - c. Through specific analysis of a project and after reviewing all of the applicable adopted policies, the decision makers can determine whether it is appropriate to amend policies of a master plan.
 - d. Because the policy is usually not the matter of conflict, rather where the policies are applied geographically is the point of conflict; the Future Land Use Map is usually the portion of the master plan that is proposed for amendments.
3. The Council may wish to request more information from the Planning Division on the issues considered at the Planning Commission meetings in relation to this petition, and whether the

Administration provides information to the Commission to assure that they are fully aware of the policy issues relating to the projects, and that the scope of the Planning Commission's role is clear for each project considered. For example:

- a. "Setting an unwanted precedent for spot rezoning rather than using the more effective tool of the Planned Development process for unique sites within larger overall zones" Does the Planning staff agree that this proposed rezoning could be considered spot zoning? Was information or clarification provided to the Planning Commission? Could a lack of response on this assertion for the record leave the City open to legal questions?
 - b. "Concern expressed about the final project, the lack of information about the development design, pricing of the units in the project." When issues of this nature are raised is the role of the Planning Commission clarified, or does the Planning Commission consider these issues as part of their deliberations?
4. The timeframe identified by the Planning Division for processing amendments to the Zoning Ordinance to provide options or tools for facilitating new development or redevelopment projects in lieu of rezoning properties.
- a. At the Planning Commission meetings, Commissioners expressed concern regarding the lack of tools or options available to develop the project and address compatibility, in lieu of rezoning the property, such as use of a density bonus, development agreement or the planned development conditional use process.
 - b. Planning staff indicated that the Planning Division has an active petition relating to planned developments that includes addressing the issue of obtaining more density without rezoning properties and that the staff will present the status of this review to the Commission at the next meeting.
 - c. In regard to the Henderson rezoning, Planning staff indicated that in October of 2005 a petition was initiated by the Commission to review the requirements of density for Planned Developments. Planning staff also noted that on March 7, 2006, the Council imitated a Legislative Action requesting the Planning staff review the same item of concern. Planning staff stated that the petition will be given new priority by the Planning staff.
 - d. On March 7, 2006, as part of the Council action adopting the non-conforming uses and non-complying structures Zoning Ordinance text amendment, the Council adopted a motion initiating a Legislative Action requesting that the Administration (Planning Commission and Planning staff) address additional design considerations regarding expansion, enlargement or voluntary demolition for such uses and structures. Key elements the Council requested the Administration to review within the next six months include:
 - Additional design considerations including, but not limited to:
 - Height
 - Historic preservation
 - Density
 - Neighborhood compatibility
 - Ensure that the standards are consistent for voluntary demolition, the conditional site design review process and the conditional use process.
 - e. On March 7, 2006, as part of the Council action rezoning property located at 500 South, 500 East and Denver Street (Richard Astle and Thaes Webb, petitioners), the Council adopted a motion initiating a Legislative Action requesting that the Administration reevaluate the Residential Multi-Family RMF zoning districts relating to height, density and compatibility with surrounding neighborhoods and identify options that would include, but not be limited to, modification of the Planned Development regulations, density bonus and affordable housing incentives, and neighborhood compatibility standards. *(This was in response to the Council's discussion of the need in this situation to use a development agreement restricting height in order to allow for the desired density in addition to rezoning the property.)*

- f. In addition, adjusting the minimum planned development acreage size in other zoning districts has been discussed by the Council in the past. For example,
 - Amending the Site Development Ordinance regarding subdivisions in Foothill Zoning Districts and foothill zoning regulations in (Petition No.400-03-47 – Cornell, July/Aug. 2003).
 - Amending the Zoning Ordinance to reduce the minimum Planned Development size within the RMF-75 zoning district. (Petition No. 400-04-19 – March/April 2005)

MASTER PLAN AND POLICY CONSIDERATIONS:

A. The Central Community Master Plan (November 2005) is the adopted land-use policy document that guides new development in the area surrounding the proposed rezoning and master plan amendment. The Future Land Use Map identifies this area for Low Density residential uses. (As previously noted, amending the Future Land Use Map in the Central Community Master Plan is part of this petition.)

1. The Planning staff report notes:

- a. The goals of the Master Plan are to protect and improve the quality of life for everyone living in the community regardless of age or ability, improve and support community involvement, provide opportunities for smarter and more creative development practices, prevent inappropriate growth and preserve residential neighborhoods. The vision for livable communities is described by the following criteria:
 - Land use patterns are compatible with the characteristics of specific neighborhoods within the community.
 - A variety of residential land use supports all types of housing and the affordability of the housing stock.
 - Preservation of the housing stock is an integral part of maintaining neighborhood character.
 - The appropriate transition of multi-family housing with mixed land uses in designated areas supports sustainable development within the community.
- b. This Plan encourages diversity of use, preservation of historic neighborhoods and buildings, and design excellence to maintain and enhance the quality of living in the Central Community
- c. The subject property is located within the East Central South Neighborhood; some of the residential issues for this neighborhood include a desire to protect low-density residential land uses along the east side of 700 East.

2. The Plan notes the following residential land use policies:

- **RESIDENTIAL LAND USE GOALS**

1. Encourage the creation and maintenance of a variety of housing opportunities that meet social needs and income levels of a diverse population.
2. Ensure preservation of low-density residential neighborhoods.
3. Ensure that new development is compatible with existing neighborhoods in terms of scale, character, and density.
4. Encourage a variety of housing types for higher-density multi-family housing in appropriate areas such as East Downtown, the Central Business District, the Gateway area, and near downtown light rail stations to satisfy housing demand.
5. Discourage any compromise to the livability, charm, and safety of the neighborhoods or to the sense of a healthy community.

- **OVERALL LAND USE POLICY**

Policy RLU 1.0

Based on the Future Land Use map, use residential zoning to establish and maintain a variety of housing opportunities that meet social needs and income levels of a diverse population.

- RLU-1.1 Preserve low-density residential areas and keep them from being replaced by higher density residential and commercial uses.
 - RLU-1.2 Provide opportunities for medium-density housing in areas between the Central Business District and lower-density neighborhoods and in areas where small multi-family dwellings, are compatible.
 - RLU-1.3 Restrict high-density residential growth to Downtown, East Downtown, Transit Oriented Districts, and Gateway.
 - RLU-1.4 Preserve the character of the inner-block courts.
 - RLU-1.5 Use residential mixed use zones to provide residential land uses with supportive retail, service, commercial, and small-scale offices and monitor the mix of uses to preserve the residential component.
 - RLU-1.6 Encourage coordination between the Future Land Use map, zoning ordinances, and the *Salt Lake City Community Housing Plan*.
 - RLU-1.7 Ensure that future amendments to the zoning map or text of the zoning ordinance do not result in a significant amount of non-conforming land uses.
- Existing housing policy**
- Policy RLU- 2.0** **Preserve and protect existing single- and multi-family residential dwellings within the Central Community through codes, regulations, and design review.**
- Preservation and rehabilitation*
- RLU-2.1 Preserve housing stock through incentives and code enforcement by implementing the *Salt Lake City Community Housing Plan*.
 - RLU-2.2 Consider opportunities for the City to purchase residential properties and market them through City housing programs.
 - RLU-2.3 Provide improvement programs for redevelopment and rehabilitation of residential structures and neighborhoods.
 - RLU-2.4 Assist homebuyers by marketing available government funding programs and residential rehabilitation programs, such as tax benefits for owners of structures in National Register Historic districts.
- Prevention of deterioration*
- RLU-2.10 Promote reduction of deterioration of residential neighborhoods through code enforcement practices.
 - RLU-2.11 Encourage the use of programs to facilitate the rehabilitation or replacement of unsafe or boarded structures.
 - RLU-2.12 Encourage the enforcement of landscaping requirements for vacant buildings and property.
- New construction policy**
- Policy RLU-3.0** **Promote construction of a variety of housing options that are compatible with the character of neighborhoods.**
- Variety of options*
- RLU-3.1 Encourage residential land developers to build housing that provides residential opportunities for a range of income levels, age groups and family size.
 - RLU-3.2 Encourage a mix of affordable and market- rate housing for owner occupancy throughout the Central Community. Encourage a mix of rental properties for those who cannot afford or do not choose home ownership.
- Design innovation*
- RLU-3.3 Use the planned development process to encourage design flexibility for residential housing while maintaining compatibility with the neighborhood.
 - RLU-3.5 Encourage high performance, energy-efficient residential development.
- Infill and rehabilitation*

RLU-3.8 Support the efforts of the Housing Division and the Redevelopment Agency to provide residential construction in all qualifying neighborhoods within the Central Community.

RLU-3.9 Identify properties for new residential construction or rehabilitation and work with local community development corporations (CDC's), the City Housing Division, and the Redevelopment Agency to develop new infill and rehabilitation projects.

- B. The City's Comprehensive Housing Plan policy statements address a variety of housing issues including quality design, architectural designs compatible with neighborhoods, public and neighborhood participation and interaction, accommodating different types and intensities of residential developments, transit-oriented development, encouraging mixed-income and mixed-use developments, housing preservation, rehabilitation and replacement, zoning policies and programs that preserve housing opportunities as well as business opportunities.
- C. The Transportation Master Plan contains policy statements that include support of alternative forms of transportation, considering impacts on neighborhoods on at least an equal basis with impacts on transportation systems and giving all neighborhoods equal consideration in transportation decisions. The Plan recognizes the benefits of locating high density housing along major transit systems and reducing dependency on the automobile as a primary mode of transportation.
- D. The City's Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments.
- E. 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.
- F. 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.

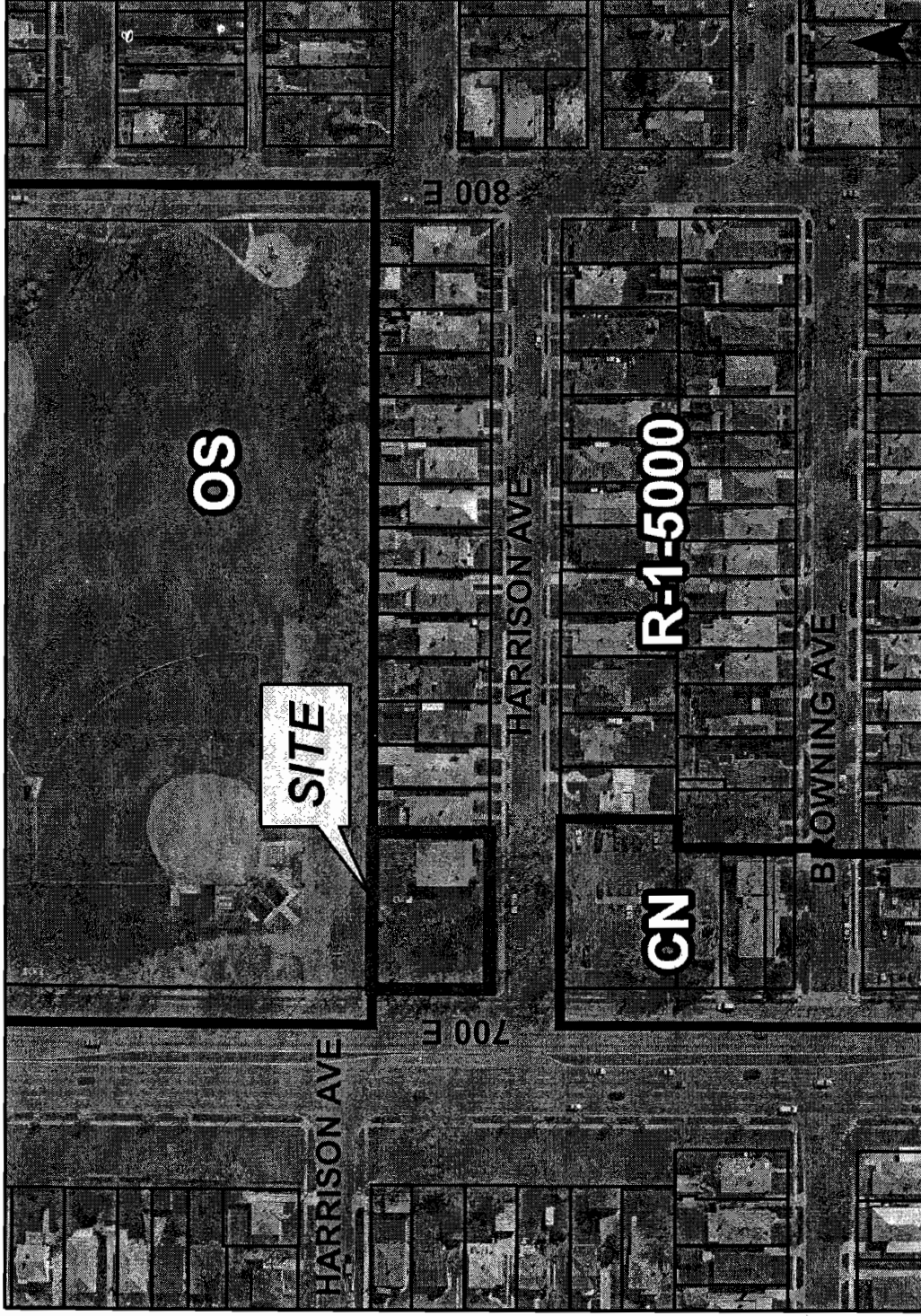
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|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| • August 9, 2005 | Planning Division sponsored Open House |
| • October 19, 2005 | Amended rezoning request received by the Planning Division |
| • December 14, 2005 &
February 8, 2006 | Planning Commission hearings |
| • January 18, 2006 | Planned Development Subcommittee design review |
| • February 16, 2006 | Ordinance requested from City Attorney's office |
| • March 7, 2006 | Ordinance received from City Attorney's office |
| • April 12, 2006 | Planning Commission meeting – motion approved to reaffirm the Commission's recommendation to deny the rezoning and master |

plan amendment request

cc: Sam Guevara, Rocky Fluhart, DJ Baxter, Ed Rutan, Lynn Pace, Melanie Reif, Louis Zunguze, Chris Shoop, Alex Ikefuna, Doug Wheelwright, Cheri Coffey, Kevin LoPiccolo, Veronica Wilson, Jennifer Bruno, Annette Daley

File Location: Community Development Dept., Planning Division, Rezoning and Master Plan Amendment, Robert Strasters, Harrison Apartments, LLC. 713 East Harrison Avenue

713 EAST HARRISON REZONE REQUEST



**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, December 14, 2005**

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

Present from the Staff were Alexander Ikefuna, Planning Director; Doug Wheelwright, Deputy Planning Director; Sarah Carroll, Associate Planner; Marilynn Lewis, Principal Planner; Wayne Mills, Senior Planner; and Maggie Tow, Planning Commission Secretary. Present from the Mayor's Office was Lisa Romney, Environmental Advisor to the Mayor and Orion Goff, Director of Building Services and Licensing.

A roll is kept of all who attended the Planning Commission Meeting. Chairperson Noda called the meeting to order at 5:47 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were Chairperson Laurie Noda, Tim Chambless, Kathy Scott, and Robert Forbis. Planning Division Staff present were Sarah Carroll, Marilynn Lewis, and Wayne Mills.

Petition No. 400-05-24, by Harrison Apartments, LLC for a zoning map amendment to rezone the property located at 713 East Harrison Avenue from R-1/5000, Single Family Residential to RMF-35, Moderate Density Multi-Family Residential in order to demolish the existing structure and construct six individually owned town homes. The project will also require an amendment to the future land use map of the Central Community Master Plan to identify the property as Low Medium Density Residential rather than Low Density Residential.

At 7:14 p.m., Chairperson Noda introduced Petition No. 400-05-24 and Sarah Carroll, Associate Planner. Ms. Carroll stated this request is to rezone the property located at 713 East Harrison from R-1/5000 to RMF-35 zoning. This involves amending the Central Community Master Plan Future Land Use Map from "Low Density Residential (1-15 dwelling units/acre)" to "Low Medium Density Residential (10-20 dwelling units/acre)". The applicant would like to demolish the existing four-plex apartment building and construct six new town homes to be sold to individual owners.

The subject property contains an existing four-plex that was constructed in 1963 and is compliant with the R-4 zoning in place at that time. On June 24, 2005, the applicant submitted a request to rezone the property from R-1/5000 to RMF-45 in order to add an additional four-plex to the property to help offset improvement costs to the existing four-plex.

An open house was held on August 9, 2005, and after listening to the neighbor's comments and concerns about the potential increase in traffic and density, Staff suggested that the applicant amend

the proposal to rezone the property from R-1/5000 to RMF-35. On October 19, 2005, the applicant submitted an amended proposal that reflects the comments made by the public and by Planning Staff. The applicant is requesting a zoning designation of RMF-35.

The property abuts a major arterial street (700 East), which is a State Highway. Sound attenuation will be used in the construction of the proposed town homes to decrease the impacts of the noise associated with the proximity of 700 East. Other abutting land uses include a City park to the north, single family homes to the east and a commercial parking lot to the south. The proposed town homes will create a transition between the Open Space zoning to the north and the Neighborhood Commercial zoning to the south and will help buffer the R-1/5000 neighborhood from the impacts of 700 East, while providing additional home ownership options in the Central City area. The zoning ordinance requires a ten-foot landscape buffer and a fence between RMF-35 and R-1/5000 zoning. The proposed new development includes these additions to help buffer the existing single-family residence to the east.

Based on the Findings of Fact identified in the report, Staff recommends that the Planning Commission transmit a favorable recommendation to the City Council, to approve the proposed zoning map amendment and amend the Central Community Master Plan to identify the property as RMF-35, Moderate Density Multi-Family Residential zoning and Low Medium Density Residential (10-20 dwelling units/acre) land use.

Chairperson Noda asked if there was anyone from Harrison Apartments that wished to speak. Mr. Chuck Klingenstein, Project Director/Associate Principal with Jones & Stokes stated that he has been working with the owner, Mr. Robert Strasters. He asked if the Planning Commission had any questions to address at this time. Commissioner Forbis requested to know the cost to rent the existing units. Rent prices for the existing units range from \$600-\$650 per month. When asked what price the proposed town homes would sell for and the applicant stated that they would be about \$225,000 and that the homes in the neighborhood are selling for a similar amount.

Hearing no further questions, Chairperson Noda opened the public hearing and asked if anyone representing the Community Councils was present.

Cindy Cromer, representing East Central Community, spoke in opposition of the petition. Ms. Cromer referenced a letter in the staff report and distributed a summary to the Planning Commission. Ms. Cromer stated that if the Planning Commission modifies the minimum project size requirements for a Planned Unit Development (PUD), there would be room for three single family houses.

Commissioner Scott stated that she thought the PUD's minimum size had been changed. Mr. Wheelwright stated that it had been discussed many times but there is no change in effect.

Ms. Judy Short spoke for the Sugar House Community Council in opposition to the petition. The Emerson neighborhood is in both the Sugar House Community Council and the East Central Community Council, although it is in the planning district of the East Central Community Council. She has concerns about traffic problems.

Mr. Don Middleton spoke in opposition to the petition. He owns three houses on the street. He likes the original building and said it could be refurbished and upgraded. He is concerned about adverse property values and traffic congestion.

- Jeff Paris spoke in favor of the petition. The idea of off-street parking on the lot is appealing and could solve some existing parking problems.

Mary Timothy supports the petition. The existing building is an eyesore in the neighborhood and should be demolished. Town houses are beneficial to the area because much of the surrounding area consists of small houses occupied by singles or couples.

Chris Malone is in support of the petition. The design of the town houses is appealing with the existing neighborhood. If three homes were built instead, a shared driveway might be needed creating inefficiencies.

Chairperson Noda closed the Public Hearing and asked if there were any questions for Mr. Strasters.

Commissioner Chambless asked about the Master Plan. Chuck Klingenstein replied that master plans as we know are evolving documents and they have a tendency to be very broad. As a remnant parcel, the subject property is not addressed in the master plan.

Commissioner Muir requested more information about the development. Commissioner De Lay agreed with the request and asked if the project went to subcommittee. Ms. Carroll stated it would go to subcommittee when the application for the project is submitted. Commissioners were concerned about the final project and the lack of information about the development design. Mr. Wheelwright stated that this is a rezoning recommendation to the City Council, allowing them the final decision. If the rezoning is approved it is possible that an over-the-counter building permit for a six-plex would be issued. Staff has considered the petition extensively over the past 4-6 months with the developer and his consultant and it was determined that the likelihood of anyone building a single-family dwelling at the corner of 700 East was small. The value of the property is higher as a four-plex rather than several single family dwellings. Staff does support this petition for rezoning.

The Planning Commissioners discussed their concerns at length and concluded that the project needed further study. The Commissioners asked for more information, such as a typical unit floor plan, the nature of the courtyard space, or a diagram illustrating the five-unit design versus six-unit design. They wanted to be assured that the product would have some reasonable quality commiserate with what exists in that neighborhood. Issues were raised such as the density of six units, maintaining the character of the neighborhood, using a PUD instead of rezoning and traffic from 700 East.

Mr. Ikefuna recommended that the petition be tabled until the Planned Development Subcommittee of the Planning Commission convenes to study the issues and the developer has an opportunity to make adjustments to the project. Commissioner De Lay, Commissioner Diamond, Commissioner McDonough, Commissioner Muir, and Commissioner Scott will participate in the Subcommittee.

Motion for Petition No. 400-05-24:

Commissioner De Lay moved that the Planning Commission table Petition No. 400-05-24. Commissioner Forbis seconded the motion. Commissioner Chambless, Commissioner De

Lay, Commissioner Diamond, Commissioner Forbis, and Commissioner Muir voted "Aye". Commissioner Scott abstained. Commissioner Galli, Commissioner McDonough, and Commissioner Seelig were not present. As Chair, Chairperson Noda did not vote. The motion was tabled.

The Commission took a 5-minute recess.

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, February 8, 2006**

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

Present from the Planning Division were Alexander Ikefuna (Planning Director), Cheri Coffey (Deputy Planning Director), Kevin LoPiccolo (Zoning Administrator), Elizabeth Giraud (Senior Planner), Ray McCandless (Principal Planner), Lex Traughber (Principal Planner), Sarah Carroll (Associate Planner) and Deborah Martin (Senior Planning Secretary).

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Noda called the meeting to order at 5:45 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were Tim Chambless, Laurie Noda, Kathy Scott and Robert Forbis Jr. Planning Division Staff present were Cheri Coffey, Elizabeth Giraud, Lex Traughber and Sarah Carroll.

- c) **Petition No. 400-05-24 – A request by Harrison Apartments, LLC for a zoning map amendment to rezone the property located at 713 East Harrison Avenue from R-1/5000, Single Family Residential to RMF-35, Moderate Density Multi-Family Residential in order to demolish the existing structure and construct six individually owned town homes. The project will also require an amendment to the future land use map of the Central Community Master Plan to identify the property as Low Medium Density Residential rather than Low Density Residential. (Staff – Sarah Carroll at 535-6260 or sarah.carroll@slcgov.com)**

(This item was heard at 6:28 p.m.)

Bob Strasters and Chuck Klingenstein were present to represent Harrison Apartments, LLC.

Ms. Carroll explained that the request was originally heard on December 14, 2005 and the Planning Commission tabled it requesting a development plan, including floor and elevation plans. Plans were submitted and reviewed by the Subcommittee in which design features were requested. The Subcommittee asked that windows and shrubbery be provided on the 700 East elevation of the garages, graffiti-proof fencing along 700 East, front doors with windows or doors that would be more characteristic to existing doors along the street, and columns and other architectural features that would reflect the architecture of the streetscape such as picket fences and front porches. Noting the revised elevation drawing, Ms. Carroll explained that the Applicant provided all the suggested features except for front porches.

Responding to questions and concerns from Commissioners regarding design features and support from the neighborhood, the Applicants explained that they strived to incorporate the suggestions of both the Subcommittee and neighbors. The Applicants are satisfied that the design is consistent with the design of the neighborhood. Noting the elevation drawing, the fencing is not depicted in order to show the windows and shrubbery that were requested. Fencing could be installed for each individual unit encompassing individual front yards or encompassing small combined courtyards. Mature trees along the 700 East frontage also were not shown, but exist and will not be removed to provide buffering from

traffic noise emitted from 700 East. It was also suggested to use sound-deadening material to mitigate noise, which the Applicants agree to do. The units will consist of about 1,800 square feet total with two finished levels and an unfinished basement with roughed-in plumbing. The structure as a whole is approximately 24 feet high, in which the RMF-35 zone would allow a maximum height of 35 feet. Most homes in the neighborhood are bungalows at about 16 feet high, and the Applicants believe that the proposed height compliments the heights of surrounding bungalows and the two-story Victorian homes a block away. Each unit will have a detached double-car garage connected to each other located in the rear yard. The garages will be accessed from Harrison Avenue and there will be no access to the property from 700 East. Mr. Klingenstein noted that the Transportation Engineer accepted the design of the driveway and access. The projected market price of a unit is \$200,000 to \$225,000. The Applicants believe that the size and price of each unit are consistent with the size and market value of the neighborhood.

As for neighborhood support, Mr. Klingenstein acknowledged that the project did not initially receive support, but they have worked closely with neighbors and only two of seven immediate neighbors still oppose it. One of the changes made was to offer the units as owner occupied units rather than rental units. In addition, the location is ideal for families (their target market) because of the amenities in the vicinity such as the schools, park and bus stops. They believe that they meet the intent of the Central Community Master Plan which provides opportunities for people to live in the neighborhood.

The Applicants addressed Commissioner's McDonough concern about requesting a moderate density zoning classification rather than a lower density zone and setting a precedent for future development. Mr. Strasters explained that four or five units on the property would not be compatible with the neighborhood in that the units would be larger and more expensive. They are proposing six units because the square footage of the lot supports six units if the lot were zoned RMF-35.

Chairperson Noda entered into the record a letter received by Judi Short at 862 East Harrison Avenue opposing the proposal.

There was no Community Council representative to speak to the issue.

Cindy Cromer, 816 East 100 South, explained that she opposes the rezoning and the process in which the City has taken the request. The request would better serve the Applicants, the neighborhood and the City if it were reviewed under the Planned Development process. A request for rezoning does not have standards for compatibility and design review. She believes that the design elements the Subcommittee requested are beyond the purview of the Planning Commission and may be arbitrary and capricious. Ms. Cromer further believes that the proposal is inconsistent with the Central Community Master Plan which was adopted just a short time ago. Ms. Cromer voiced her disappointment in the fact that other neighborhoods have compatibility design review supported and implemented by the City, but the City has delayed such support for her neighborhood making it appear that it is unworthy. She has requested for several years to implement compatibility design review for in-fill housing in her neighborhood, but the Planning Commission has declined. Porches are the most defining characteristic of the neighborhood, yet stoops rather than porches are being proposed. The mere fact that the property can not support porches is evidence to her that it is a situation of sweating the land. Ms. Cromer added that the subject property is not unique in that several non-conforming four-plexes exist in the Liberty Wells, East Liberty and Emerson areas. Allowing the rezone for the subject development would further set a precedent by allowing others to request the same.

Ms. Coffey explained that the Planning Division has an active petition relating to planned development that includes addressing the issue of obtaining more density without rezoning properties. She noted that a similar review took place in 2005 to reduce square footage requirements for planned developments in the RMF-45 or RMF-75 Zone. Mr. Ikefuna said that Staff will present the status of this review to the Planning Commission at the next meeting scheduled for February 22, 2006.

Mr. Klingenstein said that they recognize the Planning Commission may have asked for information that may have been outside their purview, but the Applicants were willing to accommodate such requests

because it is clear to them that the situation is a legislative act. The Planning Commission is making a recommendation to the City Council rather than an administrative decision based on a set of rules and standards. The Applicants are also willing to enter into a development agreement in order to address the Planning Commissioners' concerns regarding density control for any other future development on the property.

Addressing concerns regarding the front porches, Mr. Strasters explained that one of the porches is larger than the others in that it measures 10 to 12 feet wide and 4 feet deep. The others are 4 feet by 4 feet. Along with the smaller porches, they added features that would bring the existing influence of the neighborhood into the building and onto the property. Mr. Strasters said that they would further review modifications that would allow them to provide significant porches.

The meeting was closed to public comment and the Commissioners discussed the proposal.

The consensus of the Commission was that the Applicants have been sensitive to the economic growth and the characteristics of the neighborhood, and the proposed development would be compatible. However, the Commission was divided in favoring the proposal because it will set a precedent and delay the more important issue of addressing infill housing.

Commissioner McDonough addressed the concern that in the future this same scenario might be presented as a Planned Unit Development and possibly be approved. (This would occur only if the Planned Unit Development process was amended.) She raised concern in relation to the manner in which the project is being approved. Given future development, her concern was that approval of this petition could set an unwanted precedent for spot rezoning, rather than using the more effective tool of the Planned Development Process for unique sites within larger overall zones.

Commissioner De Lay noted that although the approval could occur, the deed restriction placed on the property, limits and restricts the property uses.

Commissioner Seelig added that she finds the proposal conflicts with the Central Community Master Plan that has recently been adopted and the expectations of the community to follow the plan.

Motion for Petition 400-05-24

Based on the Findings of Fact outlined in the Staff Report and the review and discussion set forth, Commissioner McDonough moved to forward a recommendation to the City Council to deny the request to approve the proposed zoning map amendment and the amendment to the Central Community Master Plan to identify the property as RMF-35 Moderate Density Residential zoning and Low Medium Density Residential land use. The Planning Commission finds that the proposal would not meet Standard A of Section 21A.50.050 of the Zoning Ordinance in that the amendment is not consistent with the purposes, goals, objectives and policies of adopted general plans of Salt Lake City including master plans and zoning maps. Commissioner Scott seconded the motion. Commissioners McDonough, Scott, Seelig and Diamond voted aye. Commissioners De Lay, Forbis and Chambless voted no. The motion passed with a four-three vote.

The Applicants may proceed to the City Council with a negative recommendation.

It is noted that Commissioner De Lay moved for the Planning Commission to forward a favorable recommendation to the City Council and the motion was seconded by Commissioner Forbis, but it was defeated with a three-four vote. (This motion was made prior to the break. The motion to forward an unfavorable recommendation to the City Council was made after the break. Commissioner Diamond was excused at 7:30 p.m.)

(The Planning Commission took a break from 7:19 p.m. to 7:27 p.m.)

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, April 12, 2006**

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

Present from the Planning Division were Alexander Ikefuna, Planning Director; Cheri Coffey, Deputy Planning Director; Doug Wheelwright, Deputy Planning Director; Joel Paterson, Planning Programs Supervisor; Kevin LoPiccolo, Zoning Administrator; Sarah Carroll, Principal Planner; Marilyn Lewis, Principal Planner; Ray McCandless, Principal Planner; and Cindy Rockwood, Planning Commission Secretary.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Noda called the meeting to order at 5:49 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were Tim Chambless, Laurie Noda, Kathy Scott, and Jennifer Seelig. Planning Division Staff present were Doug Wheelwright, Sarah Carroll, and Marilyn Lewis.

APPROVAL OF MINUTES from Wednesday, March 22, 2006.

(This item was heard at 5:49 p.m.)

Commissioner Scott moved to approve the March 22, 2006 minutes. Commissioner Chambless seconded the motion. Commissioner Chambless, Commissioner De Lay, Commissioner Diamond, Commissioner Forbis, Commissioner McDonough, Commissioner Muir and Commissioner Scott voted "Aye". Commissioner Seelig abstained. The motion passed.

REPORT OF THE CHAIR AND VICE CHAIR

(This item was heard at 5:50 p.m.)

Chairperson Noda raised the attention of the Commissioners to a letter received from Brent Wilde, Community Development Deputy Director regarding the Harrison Apartment Rezone Petition No. 400-05-24.

Discussion commenced regarding the previous decision of the Commission, and the determination was that the minutes clearly stated the desired result of the Planning Commission; a Planned Unit Development proposal would have been supported by the Planning Commission had it been an option for the applicant, rather than a rezone request. As a result of this finding, the Planning Commission initiated a petition to review the requirements of Planned Unit Development proposals.

Commissioner De Lay noted that clarity was the strongest concern and suggested a recall and re-evaluation of the Petition.

At 5:54 p.m., Commissioner McDonough made a motion to reaffirm the decision of the Planning Commission in relation to Petition #400-05-24 to state that the unfavorable recommendation was based on the rezoning and master plan amendment standards. Commissioner Scott seconded the motion. Commissioner Diamond, Commissioner Forbis, Commissioner McDonough, Commissioner Scott, and Commissioner Seelig voted "Aye". Commissioner De Lay and Commissioner Chambless were opposed. Commissioner Muir abstained.

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

Lori Noda
Planning Commission Chair
Office of the Attorney General
160 East 300 South
Salt Lake City, UT 84114

March 31, 2006

Re: Petition #400-05-24 by Harrison Apartments LLC, to rezone the property at 713 East Harrison Avenue from R-1 5000 to RMF-35 to facilitate the construction of six town homes

Dear Lori,

During the course of preparing the City Council transmittal for the above referenced petition, it became apparent from reading the minutes that the Planning Commission was generally supportive of the proposed development but preferred using the planned development process for approving the project rather than a rezoning. A paragraph on page 3 of the minutes seems to summarize the Planning Commission sentiment. This paragraph states:

Commissioner McDonough addressed the concern that in the future this same scenario might be presented as a Planned Unit Development and possibly be approved. She raised concern in relation to the manner in which the project is being approved. Given future development, her concern was that approval of this petition could set an unwanted precedent for spot rezoning, rather than using the more effective tool of the Planned Development Process for unique sites within larger overall zones.


It is important to note that City ordinances do not allow the use of the planned development regulations to address this issue or approve a project of this type in this zoning district. However, there is no indication in the minutes that the Planning Commission understood this or that Planning Staff clearly explained to the Commission that the planned development process is not an option for this type of request. As a result, it is unclear whether the petition for the rezoning was denied based on incompatibility of the proposal or because the ordinance does not allow approval as a Planned Unit Development. The resulting record sends a mixed and confusing message to the City Council regarding the Planning Commission's position on this project.

As the means of avoiding further confusion or risking that the City Council might refer the petition back to the Planning Commission for clarification, I recommend that the Planning Commission take one of the following actions:

- Reaffirm that the Planning Commission's decision on this request was based on a review and determination of findings related to the City's Rezoning and Master Plan Amendment standards and not the Planned Development standards, or
- Recall the petition for a rehearing and reevaluate the request strictly under the Rezoning and Master Plan Amendment provisions.

If you have any concerns about rehearing this petition or any questions, please do not hesitate to contact me. I can be reached at 535-7105 or via e-mail at brent.wilde@slcgov.com.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Wilde", with a stylized flourish at the end.

Brent Wilde
Community Development Deputy Director

cc: Louis Zunguze, Community Development Director
Alex Ikefuna, Planning Director
Doug Wheelwright, Deputy Planning Director
Cheri Coffey, Deputy Planning Director
Planning Commissioners




MEMORANDUM

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

Planning and Zoning Division
Department of Community Development

TO: Councilmember Eric Jergensen

FROM: Alex Ikefuna, Planning Director 

DATE: May 10, 2006

CC: City Council Members
Louis Zunguze, Community Development Director
Brent Wilde, Deputy Community Development Director
Cheri Coffey, Deputy Planning Director
Doug Wheelwright, Deputy Planning Director
Cindy Gust-Jenson, City Council Executive Director
Janice Jardine, Public Policy Analyst

SUBJECT: Appropriateness of Amending Master Plans

As per your request, the Planning Division is submitting this memorandum regarding the Division's opinion on the appropriateness of amending a master plan.

The general definition of a master plan is:

"The plan is the official statement of a municipal legislative body which sets forth its major policies concerning desirable future physical development; the published general-plan document must include a single-unified general physical design of the community, and it must attempt to clarify the relationships between physical-development policies and social and economic goals."

A master plan serves many purposes: (1) to describe and identify the community character, (2) to clearly identify the future direction of the community, (3) to describe the compatible components of new development, (4) to identify community problems and propose solutions, (5) to identify strategies for maintaining community attributes and strengths. Master Plans most often contain the above information in two components: Text and Future Land Use Map.

The main tool used by cities to implement the policies of a master plan is a zoning ordinance. This tool regulates land use and lot and bulk requirements.

Creation, Adoption and Development

The process for the creation and adoption of a master plan allows opportunity for public input in an advisory capacity and eventual adoption by the legislative body. In Salt Lake City, public input is obtained in four ways: (1) general public issue identification meetings, (2) an Advisory Committee for the Master Plan project, (3) community council review, and (4) public hearings.

Policies to implement new planning concepts, address issues raised by the community, and identify implementation efforts are the main focus in the development of the master plan; therefore, the most specific focus is on the Text component of the master plan. The development of the Future Land Use Map is generally based on the existing land use, existing zoning, and new policies that may affect a certain area (such as a new Transit Oriented Development corridor). Therefore, the Future Land Use Map is a generalized map in which the Planning Division does not scrutinize each parcel, but instead consists of a general idea where major changes to physical development in the community are envisioned to occur.

Prioritization of Plan Development and Update Process

Master Plans are long-range policy documents requiring many years to develop. Although there is a general idea of a plan's lifespan, (generally 10-20 years), the priorities for updating or rewriting master plans is based on development pressures for a geographic area, age of the plan, the overriding public need, and whether funding has been allocated. Therefore, some plans are not updated as frequently as others. An example of this varied timeline update concept, would be the update to the *Downtown Master Plan* (adopted in 1995) prior to the update of the *Avenues* or *East Bench Master Plans* (adopted in 1987). The *Downtown Master Plan* has been affected by development pressures, and requires consideration of the greater public need and the planning policies needing to be addressed in the Downtown area. In the Avenues or East Bench communities, many items requiring consideration may be addressed through zoning ordinance changes.

Appropriateness of Amending a Master Plan

The appropriateness of amending a master plan is affected by various factors.

1. Time

The number of years between the master plan's adoption and update request can vary. There may be various new, city-wide policies that are adopted prior to the update of a community master plan which would conflict with older community master plan policies. An example of this is the non-conforming/non-complying ordinance that was adopted to help property owners refinance their properties. This project required amending the *Avenues Community Master Plan* (adopted in 1987) which contains specific language that discourages the City from allowing these types of structures to be rebuilt.

2. Map Inconsistencies

A project may be suggested that would implement various policies found within the Text of a master plan, but that may not be consistent with the Future Land Use Map for the specific property. An example of this is the Richard Astell rezoning request at approximately 520 South 500 East. In this project, it was found that the project would implement various master plan policies (both city-wide and in the *Central Community Master Plan*) by providing more housing near a light rail station as well as provide a variety of housing types and densities in the neighborhood. The decision makers found that the location was appropriate for higher-density residential development because of its location within a ¼ mile of a light rail transit line on 400 South and the adjacency to higher-density zoning.

3. Specific Policy Analysis

During the zoning implementation phase of a master planning process, it may be appropriate to amend a master plan after conducting a more thorough analysis of a specific policy and obtaining input from the affected property owners (who are usually not very involved in the development phase of the master plan). An example of this is the amendments to the *Sugar House Community Master Plan* which were required as part of the implementation of zoning changes that were identified in the plan.

4. New Development Patterns

Addressing new development patterns in an area that is governed by an older master plan is another scenario of when it may be appropriate to amend a master plan policy. An example of this is the amendments to the *Northwest Community Master Plan* (adopted in 1990) in 2004 to identify an area (700 North Redwood Road) as commercial rather than residential because the center of the neighborhood had shifted.

5. New City-wide Policies

Implementing various city-wide planning policies, identified in city-wide planning documents, may require amending a community master plan's Future Land Use Map if it is inconsistent with the map but the project would implement city-wide goals. An example of this includes proposals to allow higher-density housing development along North Temple Street in anticipation of the development of a light rail transit corridor on this street.

The need to amend a master plan is usually discovered during the analysis of a specific proposal. Therefore, through specific analysis of a project and after reviewing all of the applicable adopted policies, the decision makers can determine whether it is appropriate to amend policies of a master plan. Because the policy is usually not the matter of conflict, rather where the policies are applied geographically is the point of conflict, the Future Land Use Map is usually the portion of the master plan that is proposed for amendments.

Coordination of Planning Documents during Review

In an effort to try and minimize conflicts between community master plan policies and city-wide policies, the City has agreed to a new process for master plan development. In the past, the main citizen input source during the development of a master plan was the affected community council. Although the community council still plays a large role in the development of new master plans, the City has found that it is in the interest of the public if broad and diverse citizen input is obtained. The Planning Commission, as the City's leading planning body, is now the lead group in the development of master plans and is heavily involved in the planning process. The involvement by the Planning Commission ensures that the planning policies in any one community master plan are consistent with city-wide goals. It also assures that the master plan is not narrowly focused on one area that would preclude city-wide planning policies from being implemented.

Process to Amend a Master Plan

The State Enabling Legislation; Land Use Development Management Act, identifies the process that must be followed in amending a master plan. The City's process, which meets the State requirements, includes: (1) presentation of the matter before the affected community council for input, and (2) mailing notification of the public hearings (both the Planning Commission and City Council) to owners of property within 300 feet of the subject property and publishing notification in a newspaper of general circulation fourteen days prior to the public hearings. Community Councils, business groups, and other interested parties are included in the mailed notification of the public hearings.

If you have any questions or comments, please contact me at 535-7226 or at alexander.ikefuna@slcgov.com. The Planning Staff is also willing to meet with you or any of the Council members to discuss the information included in this memorandum.

Thank You

Liberty Wells Community Council
P.O. Box 522318 • Salt Lake City, UT 84152
Tel: 801-485-8180 Email: libertywells@msn.com

July 17, 2006

HAND DELIVERED

Councilwoman Jill Remington Love
Salt Lake City Council Office
451 S. State Street Room 304
Salt Lake City, UT 84111

**RE: MOTION TO SUPPORT ZONING CHANGE
FOR HARRISON TOWN HOME PROJECT**

Dear Councilwoman Love,

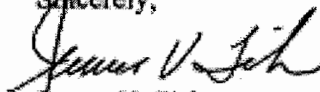
At its monthly meeting held on July 12, 2006, the Liberty Wells Community Council passed a motion supporting the applicant of the Harrison Town Home Project, Bob Strasters. Mr. Straster is applying to the Salt Lake City Council for a zoning change to allow the development of 6 town homes to be built on the NE Corner of Harrison and 7th E.

It was felt that the applicant has gone to great lengths to meet all requirements set forth, that he has the overwhelming written support of all the neighbors who would be impacted most, and that he would be changing the property from a non-owner occupied situation to that of an owner-occupied situation. The project fits beautifully into the area from an architectural standpoint. The property has always been multi-family and would remain so if the City allows this very worthy project to be built. During our discussion, the Council participants felt that this proposed development is by far the best and highest use of the property which is a highly unusual piece of land.

Please let us know when this item comes before the Salt Lake Council, as we will be there to speak in favor of the project.

Thank you for your support.

Sincerely,


James V. Fisher
Chairman

Received By:  _____

Date: July 18, 2006

Dear Jill,

This property is so unusual that I would like to take a quick 10 minute tour with you to the proposed site, so you could see for yourself how beneficial this project would be to that particular block of Harrison.

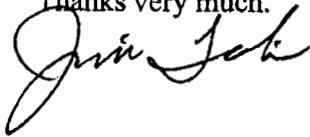
In spite of Mr. Straster's improvements, you will see the functionally obsolete (and deteriorating) 4-plex that is currently located on the site, and how strangely the building is placed on the property. It needs updating badly!

I believe that you will see that his options are few. If the zoning change is not allowed, the property will continue to deteriorate. He's very much in a quandary -- between a "rock and a hard place" because the property isn't large enough for a PUD, etc.

Would you have some time in the next week or two for a quick tour -- perhaps on your drive to or from your City Council offices?

Please let me know!

Thanks very much.

A handwritten signature in cursive script, appearing to read "Jim Lok".

485-8780 or 860-7460

Harrison Townhouse Petition for Zoning Amendment

Liberty Wells Community Council Meeting

7/12/06

- New project replaces **obsolete and deteriorating rental units with well designed, attractive 1200 sq ft homes, featuring 2.5 baths/two bedrooms/unfinished basements/detached two-car garages,**
- **Requested Project incorporates design elements and stae that are consistent and compatible with neighboring community.** This allows neighborhood to **convert obsolete low rent, multi-tinit housing to individually owned new home properties which will promote community pride and increase home values in the direct neighborhood.**
- **Neighbors living on Harrison Avenue** overwhelmingly **support** the project (see statement of support attached)
- **Proposed project does not** replace single-family residences,
- Current **and historical** use on this property has been **as multi-family housing.**
- Existing building is **deteriorating** and will **eventually become obsolete.**
- **Existing rental units have created problems for the neighborhood and have lowered property values in the direct community.**
- **Two-thirds of the lot space on this property is vacant and unused, resulting in pour utilization and creating associated maintenance problems.**
- Any new development **under current zoning, R1/5000, would** only allow for two **single-family residences, the land cost and site location prohibit this type of project (Houses would have to sell for \$750,000 each).**
- **Lot size prohibits using the PUD option in Salt lake City (Minimum lot size requirement for a PUD is 20,000 square feet, this lot is under 16,000 square feet)**
- Requested **zoning in the petition, RMF35, is more** consistent with current and **historical use** than the down zoned master plan zoning.

Harrison Avenue Residents Statement of Support

We the undersigned residents of Harrison Avenue all living on Harrison Avenue between the streets of 700 East and 800 East in Salt Lake City, Utah, do hereby express support for the following project:

A proposed six-unit condominium project to be built if a rezone is granted, on the property at 713 East Harrison Avenue, Salt Lake City, Utah. The design of this project was presented in the Salt Lake City Planning Commission Meeting of February 8, 2006, and a copy of this design is attached to this letter of support. We support the rezone of this property, and believe that the proposed project would benefit and improve our neighborhood.

Name of Resident

Address of Resident

Don Middleton
Amy Trappier

768 Harrison

Clyde Christ

769 Harrison

Adina Kretzschmann

765 Harrison Ave

Maile Jania Roberts

772 Harrison Ave

John Hawkins (HAWKINS)

786 HARRISON AVE

Marie Pine Timothy

738 East Harrison Ave

[Signature]

701 E. Harrison Ave.

[Signature]

755 E. HARRISON AVE.

[Signature]

730 E. Harrison Ave.

Ashley Soto

790 E Harrison Ave

Scott M. Deane

762 HARRISON

Jeffrey G. Pauer

719 E HARRISON AVE

Dianne Wilbey

725 Harrison Ave

Don Middleton

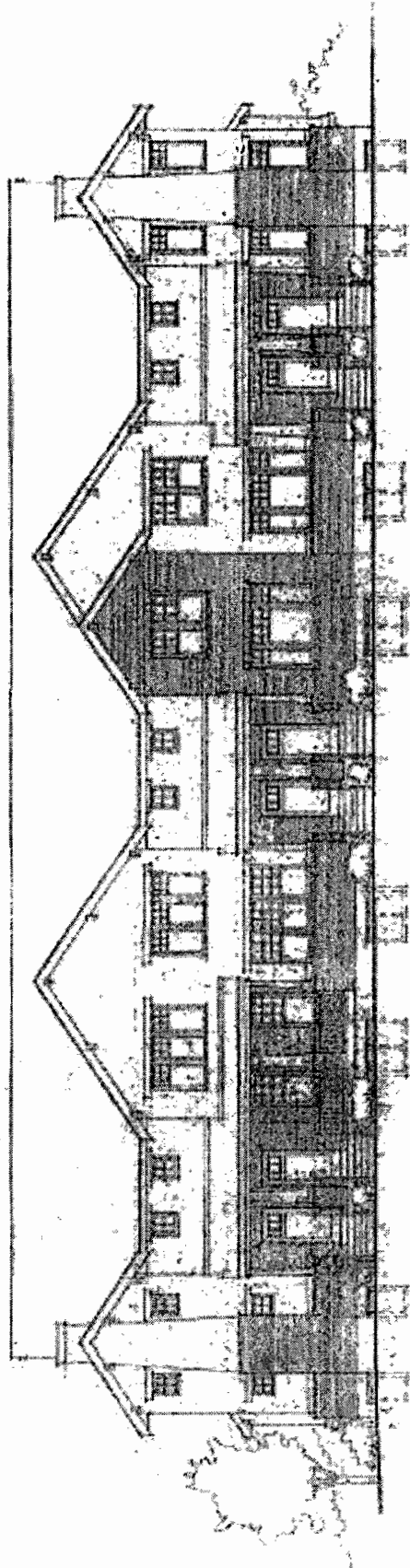
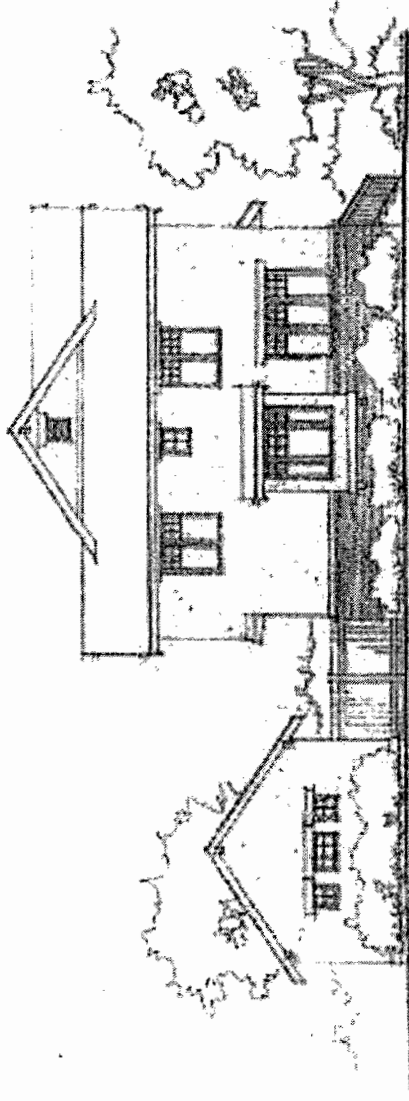
725 " "

Don Middleton

731 " "

Chris Malone

752 Harrison Ave



Harrison Townhomes

ATTACHMENT 6

From: Chris Johnson [cajohnson_slc@yahoo.com]
Sent: Wednesday, September 27, 2006 8:01 AM
To: bob.strasters@coldwell.utah.com; Jardine, Janice
Subject: Harrison Townhouse

The ECCC Board met on September 20, the ECCC, at which time we heard again from Bob Strasters regarding the Harrison Townhouse Project. The Board voted and hereby submits its support of the Harrison Townhouse project at 713 E Harrison Avenue. This support is based on changes to the design incorporating generous porches and balancing the setbacks with other homes on the street.

Talk is cheap. Use Yahoo! Messenger to make PC-to-Phone calls. Great rates starting at 1¢/min.

9/27/2006

Patricia Knell
P.O. Box 16958
Salt Lake City, Utah 84116

January 27, 2006

Salt Lake City Planning Commission
451 South State Street
Salt Lake City, Utah 84111

Dear Commissioners:

I am writing regarding petition number 400-05-24 submitted by Harrison Apartments, LLC, to rezone the property at 713 Harrison Avenue.

I have owned the property at 766 Harrison Avenue for over 30 years, having raised my son there. He is now living in the home, choosing to remain in the neighborhood and raise his own family there. I know this neighborhood, the character of the street and, although I do not currently live there, have strong roots and want to maintain the established residential use for my grandchildren. My son and his friends, the other residents on the street, have all expressed great concern for this proposed development.

I would hope that any recommendation to the City Council, as well as the ultimate decision regarding this petition, would be made with careful consideration of applicable portions of the Central Community Master Plan. This plan, under review for a number of years, and long overdue by the time it was approved in November 2005, had considerable well-intentioned input from the community and planning staff. While I understand there may be some minor modifications being considered, none of those should affect the approved portions pertaining to this particular situation. And since the current plan was just recently approved, it does not seem that any action in direct contradiction with the master plan would be appropriate at this juncture.

If I may, I would like to make reference to several very key provisions in the Central Community Master Plan.

- The map reflecting the "future land use" designates all the property on the 700 East block of Harrison as "low density residential," which is a continuation of the current R-1/5000 zone, which maintains the residential character of the neighborhood.
- On page 18 of the plan, it makes reference to the "East Central South neighborhood planning area" which includes Harrison Avenue and the property in question. In that section of the plan, on page 20, under residential "issues within the East Central South neighborhood" it very clearly indicates a concern to "protect low-density residential land uses along the east side of 700 East."
- On page 35 of the plan, regarding "residential land use goals," two items apply:
 - "Ensure preservation of low-density residential neighborhoods." and
 - "Ensure that new development is compatible with existing neighborhoods in terms of scale, character, and density."

- On page 35, under the section entitled, "Higher density housing replacing characteristic lower-density structures," the following statement is made:
"The community does not support the demolition of lower-density residences in order to build multi-family structures. Residents prefer to protect the existing residential character and prevent construction of multiple family dwellings in low-density neighborhoods . . ."
- On page 35 where the plan addresses residential land use policies, under overall land use policy, policy RLU-1.1 states: "Preserve low-density residential areas and keep them from being replaced by higher density residential and commercial uses."

The proposal is to change the zoning to RMF-35, conflicting with every provision of the master plan identified above. In city code 21A.24.130, the portion of the zoning ordinance pertaining to the RMF-35 zone, it states: "The purpose of the RMF-35 Moderate Density Multi-Family Residential District is to provide an environment suitable for a variety of moderate density housing types, including multi-family dwellings." Not only does the proposed zoning change strike at the heart of the master plan in regards to maintaining the character of low-density housing and residential neighborhoods, but it would create the potential for an environment where multi-family dwellings (apartments) could be built, directly adversely impacting the established low-density residential neighborhood.

I realize that any planning decision regarding land use cannot hold the developer to a requirement for any specific types of dwelling or specific uses of the property as long as they fall within the approved zone. While this developer, or any other developer, may indicate an intention to build townhouses, my understanding is that any change in zoning cannot preclude a use that is permitted within that zone, including the construction of an apartment building in this case. Approval of this petition would result in potential great harm to the low-density residential character that is both currently in place and so wisely planned for the future in the master plan. Property owners, as well as the community in general, have a reasonable expectation that the community master plan will be followed with only rare exceptions. This does not seem to be a case in which an exception is warranted.

While the proposal, for "six individually owned town homes," may not seem to present any obvious need for alarm to some, as a long time property owner on Harrison Avenue I must express my utmost objection. On the surface this proposal may appear to present an opportunity to improve the community and help meet the need for additional housing. However a more in-depth study would show that it creates a major concern for the community. This rezone action could very well result in six rental units, creating in effect a sort of "six-plex" with all of the accompanying problems so common in Salt Lake City, or it could in reality result in an apartment building that would certainly be a major concern. In any event, a rezone is just not appropriate. Approval of this petition would undoubtedly begin to change the neighborhood as most encroachment is prone to do.

Unfortunately, in most cases when a residential rental complex of this nature is developed, the calls for service to the area, by both the police and fire departments, is known to be higher, significantly creating a negative reputation with reduced property values for the surrounding

neighborhood. I do not mean to be an alarmist, but based on years of experience in working in the field of community health and safety, this does prove to be the normal result. I trust you will carefully and diligently consider all of these possibilities when making any decision that creates higher density housing in an established single family residential neighborhood.

Many, and certainly including the developer, will no doubt argue that the nature of 700 East makes higher density zoning of any property on that street a logical use. But, as has been seen in many similar situations in the city, the affect does not begin and cease at any one street, in this case 700 East. The rezone would adversely affect the entire street between 700 East and 800 East, and possibly the surrounding neighborhood. And I am sure the developer will argue that the "six individually owned town homes" will add stability to the existing neighborhood. Maybe; but in all probably they will not. They would only be the beginning of the likely deterioration and change for a stable neighborhood.

While I may understand your decision is based on sound and accepted zoning practices, I would encourage you to at least give some consideration to the bigger picture which includes the potential for negative influences brought about by this change. This street, and the neighborhood, has a long history of being a quiet residential setting of single family dwellings. It is not in need of any change and certainly not one quite as dramatic as this proposal would create.

This property, along with the surrounding neighborhood, including the properties on Harrison Avenue, is currently zoned R-1/5000. To maintain the established character of the neighborhood this rezone action should not be approved.

Thank you for your time and understanding of my concerns. I hope I been able to express this issue in proper terms. If I can answer any questions or clarify any of my concerns I can be reached at my home number, 364-3375.

Sincerely,

Patricia Knell
Homeowner

A. LOUIS ZUNGUZE
DIRECTOR

BRENT B. WILDE
DEPUTY DIRECTOR

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

ROSS C. "ROCKY" ANDERSON
MAYOR

CITY COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer **DATE:** May 23, 2006

FROM: Louis Zunguze, Community Development Director

RE: Petition No. 400-05-24 by Harrison Apartments, LLC, is a request to rezone property located at 713 East Harrison Avenue from Residential Single Family (R-1/5000) to Moderate Density Multi-Family Residential (RMF-35) zoning in order to demolish the existing four-plex and construct six town homes. The request also requires an amendment to the Central Community Master Plan Future Land Use Map from Low Density Residential (1-15 dwelling units/acre) to Low/Medium Density Residential (10-20 dwelling units/acre).

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

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

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: Petition No. 400-05-24, initiated by Harrison Apartments, LLC is a request to rezone the subject property from Single Family Residential (R-1/5000) to Moderate Density Multi-Family Residential (RMF-35) zoning. The applicant views this request as a way to improve the site and address neighbors' comments by demolishing the rundown nonconforming four-plex that was built in 1963 and constructing six new town homes.

The applicant originally requested Moderate/High Density Multi-Family Residential (RMF-45) zoning in order to add another four-plex to the property and fund improvements to the existing four-plex, for a total of eight rental units. An Open House was held on August 9, 2005, at which time neighbors expressed concerns regarding the proposal for eight units. Following the Open House and additional comments from Staff, the applicant amended the petition to request RMF-35 zoning (rather than RMF-45) and would like to demolish the existing four-plex and build six individually-owned town homes.

Analysis: The subject property currently contains a nonconforming four-plex. The surrounding uses include a State Highway (700 East) to the west, a public park to the north, a business parking lot across the street to the south, and single-family residential homes to the east. The existing four-plex was constructed in 1963 and is now nonconforming due to a down-zoning of the entire area from Three and Four Family Dwellings (R-4) to Two Family Dwellings (R-2) in 1984 and then from R-2 to R-1/5000 in 1995. The applicant met with Planning Staff on three occasions to discuss this request and determine whether or not there would be support for the requested zone change. Staff viewed this as an appropriate location for a medium density residential structure due to the proximity to 700 East, City parks, and the Commercial parking lot across the street.

Staff requested comments from pertinent City Departments/Divisions including Transportation, Engineering, the Fire Department, Public Utilities, Police, and Building Services. These Departments/Divisions did not express any objections to the proposed zoning amendment.

Master Plan Considerations: This request necessitates amending the Central Community Master Plan Future Land Use Map from Low Density Residential to Low/Medium Density Residential to obtain the density necessary to redevelop the property with six units. Notice of the requested zoning and Master Plan amendments were published in the newspaper on November 30, 2005, meeting State Code noticing requirements.

PUBLIC PROCESS:

The original request for RMF-45 zoning was presented at an Open House on August 9, 2005. Six members of the public attended and voiced concerns about additional traffic and tenants if eight units were permitted on this site. They also indicated that they viewed the existing structure as an eye-sore and would like to see the property improved and suggested that they would prefer individually-owned units rather than rental units. Based on those comments and concerns as well as a subsequent meeting with planning Staff, the applicant amended this proposal to request RMF-35 zoning in order to demolish the existing four-plex and facilitate the construction of six individually-owned town homes, rather than eight rental units.

The request for RMF-35 zoning was presented to the Planning Commission on December 14, 2005. At that time the Planning Commission tabled the item in order to hold a subcommittee meeting to review the development proposal for the subject property. A subcommittee meeting was held on January 18, 2006. Elevations and floor plans were presented and the subcommittee members made recommendations regarding the architectural details of the project.

This item was scheduled again for the February 8, 2006, Planning Commission meeting, at which time one member of the public stated the following:

- That the recently adopted Central Community Master Plan should not be amended;
- That this property should be used for three single family dwellings in compliance with the existing zoning (Note: The current ordinance will permit only two single family dwellings);
- That the Planned Development ordinance should be amended to allow three single family homes at this site; and

- That the Commissioners were treating this project as a Planned Development by requiring a subcommittee when in fact it was a request for a rezone.

After these comments the commissioners engaged in a lengthy discussion regarding whether or not this project was being heard through the correct process. The commissioners generally expressed that the proposal would enhance the area but thought that the comments they made at the Subcommittee meeting regarding a reduction in the front yard setback to allow larger porches could be addressed if this project were presented to them through the Planned Development process. Planning Staff affirmed that under the current ordinance the Planned Development process was not applicable to this request because: 1) It does not meet minimum project size requirements, and 2) There is no provision for an increase in density above the base zoning density allowance through the Planned Development process. The Commissioners then motioned to deny the request for rezone based on the Commission's negative finding of Standard A, which evaluates "whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City."

Staff would like to note the following:

1. The subject property is 148.5 feet wide. The minimum lot width in the R-1-5000 zone is 50 feet. Therefore, only two single family lots would be permitted.
2. The subject property is 15,964 square feet. The minimum lot size for a Planned Development in the R-1/5000 zone is 20,000 square feet. Therefore, a Planned Development is not a possibility for this property.
3. If the Planned Development Ordinance were to be amended in the future and if the minimum lot size requirement was reduced, the property would still require a rezone for the density proposed with this application.

After a review of the transmittal paperwork for the April 8, 2006, Planning Commission meeting, the Community Development Director's Office was concerned that the Planning Staff had not adequately explained to the Planning Commission that Planned Development was not a procedural option for this type of request in this zoning district. As a result, the Community Development Deputy Director asked the Planning Commission to either reaffirm their decision or to rehear this case at the next Planning Commission meeting (see Exhibit 5F for letter from Brent Wilde, dated March 31, 2006). At the April 12, 2006, Planning Commission meeting, the Commissioners reaffirmed that this rezoning request was denied based upon the Commission's determination that the request does not meet Rezoning Standard A (Exhibit 5G).

RELEVANT ORDINANCES:

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

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

five standards which should be analyzed prior to rezoning property (Section 21A.50.050 A-E). The five standards are discussed in detail starting on page 5 of the Planning Commission Staff Report (see Attachment 5C).

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

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

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 - C. Planning Commissions Staff Report with Attachments
 - Photo's of the Subject Property
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 - Floor Plans and Elevations
 - Additional Comments from the Community
 - D. Planning Commission agenda and minutes for December 14, 2005
 - E. Planning Commission agenda and minutes for February 8, 2006
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 - G. Planning Commission minutes for April 12, 2006
6. Original Petition

1. CHRONOLOGY

PROJECT CHRONOLOGY

June 24, 2005	The applicant initiated a request for a zoning amendment.
June 28, 2005	The Planning Division received the petition request.
July 12, 2005	Requested appropriate City Departments review and comment on the original request for RMF-45 zoning; routed to Transportation, Engineering, the Fire Department, Public Utilities, Police, and Building and Licensing Services.
August 9, 2005	Open house held for Petition request.
September 2, 2005	The applicant met with planning staff to discuss amending the proposal.
October 19, 2005	Planning staff received the amended request for RMF-35 zoning.
October 24, 2005	Requested appropriate City Departments review and comment on the amended request for RMF-35 zoning; routed to Transportation, Engineering, the Fire Department, Public Utilities, Police, and Building and Licensing Services.
November 29, 2005	Planning Commission public hearing notice mailed.
November 30, 2005	Legal notice regarding Master Plan amendment published in the Salt Lake Tribune and Deseret News.
December 14, 2005	Planning Commission public hearing held. The item was tabled for design review by the Planning Commission subcommittee.
January 11, 2006	Planning Commission ratified minutes of December 14, 2005 meeting.
January 18, 2006	Design review by the subcommittee.
January 24, 2006	Planning Commission public hearing notice mailed.
February 8, 2006	Petition re-heard by Planning Commission who recommended denial of the requested rezone.
February 16, 2006	Ordinance request sent to City Attorney.
February 22, 2006	Planning Commission ratified minutes of February 8, 2006 meeting.
March 7, 2006	Received ordinance from the City attorney.

2. PROPOSED ORDINANCE

SALT LAKE CITY ORDINANCE

No. _____ of 2006

(Rezoning Property Generally Located at 713 East Harrison Avenue (1375 South) and Amending the Central Community Master Plan)

REZONING PROPERTY GENERALLY LOCATED AT 713 EAST HARRISON AVENUE (1375 SOUTH) FROM SINGLE-FAMILY RESIDENTIAL (R-1/5000) TO MODERATE DENSITY MULTI-FAMILY RESIDENTIAL (RMF-35), AND AMENDING THE CENTRAL COMMUNITY MASTER PLAN, PURSUANT TO PETITION NO. 400-05-24.

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 713 East Harrison Avenue (1375 South) 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 713 East Harrison Avenue (1375 South), which is more particularly described on Exhibit A attached hereto ("the subject property"), shall be and hereby is rezoned from single-family residential (R-1/5000) to moderate density multi-family residential (RMF-35).

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

SECTION 3. AMENDMENT OF MASTER PLAN. The Central Community Master Plan, as previously adopted by the Salt Lake City Council, shall be, and hereby is amended to designate the subject property as "Low Medium Density Residential" rather than "Low Density Residential."

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

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

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date March 7, 2006
By Melanie Heij

(SEAL)

Bill No. _____ of 2006.

Published: _____.

I:\Ordinance 06\Rezoning 713 East Harrison Avenue - 03-06-06 draft.doc

Exhibit "A"

Address: 713 East Harrison Avenue

Parcel Number: 16-17-105-002

Legal Description: BEG AT NW COR LOT 9, BLK 15, FIVE AC PLAT A, BIG FIELD SUR; E 148.5 FT; S 111.25 FT, M OR L; W 148.5 FT; N 111.25 FT, M OR L TO BEG

SC 3/7/06

3. CITY COUNCIL HEARING NOTICE

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is currently reviewing Petition No. 400-05-24, initiated by Harrison Apartments, LLC, requesting a zoning map and master plan amendment in order to rezone the property located at 713 East Harrison Avenue from Single-Family Residential (R-1/5000) zoning to Moderate Density Multi-Family Residential (RMF-35) zoning in order to demolish the existing four-plex apartment building and construct six individually-owned town homes. This request involves amending the Central Community Master Plan Future Land Use Map from "Low Density Residential (1-15 dwelling units/acre)" to "Low Medium Density Residential (10-20 dwelling units/acre)."

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

DATE:

TIME: 7:00 p.m.

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

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

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

4. MAILING LABELS

COMPTON, LISA M
Sidwell No. 1617106034
1042 W COVEWOOD PL
JORDAN UT 84088

HAWKINS, MARGARET E
Sidwell No. 1617106033
2751 S 2700 E
SALT LAKE CITY UT 84109

INTRADE INVESTMENT CO
Sidwell No. 1617106004
1399 S 700 E
SALT LAKE CITY UT 84105

COCHRANE, RALPH G
Sidwell No. 1617107010
744 E BROWNING AVE
SALT LAKE CITY UT 84105

HAWKINS, MARGARET E
Sidwell No. 1617106011
756 E HARRISON AVE
SALT LAKE CITY UT 84105

INTRADE INVESTMENT CO
Sidwell No. 1617106003
1399 S 700 E
SALT LAKE CITY UT 84105

COCHRANE, BRENNAN K &
Sidwell No. 1617106029
771 E BROWNING AVE
SALT LAKE CITY UT 84105

HANSEN, RALPH J B & RUTH
Sidwell No. 1617107009
4621 S FORTUNA WY
SALT LAKE CITY UT 84124

INTRADE INVESTMENT CO
Sidwell No. 1617106002
1399 S 700 E
SALT LAKE CITY UT 84105

CITY OF SALT LAKE
Sidwell No. 1617105001
451 S STATE ST # 345
SALT LAKE CITY UT 84111

GREEN, SIDNEY J
Sidwell No. 1618232002
1350 S GREEN ST
SALT LAKE CITY UT 84105

INTRADE INVESTMENT CO
Sidwell No. 1617106001
1399 S 700 E
SALT LAKE CITY UT 84105

CARR, SALLY D
Sidwell No. 1617102006
182 STONEHEDGE
SHELTON CT 06484

FOX, JOHN P; TR
Sidwell No. 1617105006
735 E HARRISON AVE
SALT LAKE CITY UT 84105

INTERNATIONAL CHURCH OF T
Sidwell No. 1608357005
662 E 1300 S
SALT LAKE CITY UT 84105

BRYAN, CASSANDRA L &
Sidwell No. 1618234010
1382 S GREEN ST
SALT LAKE CITY UT 84105

FLEISCHER, LISELOTTE
Sidwell No. 1617106028
765 E BROWNING AVE
SALT LAKE CITY UT 84105

INTERNATIONAL CHURCH OF T
Sidwell No. 1608357004
662 E 1300 S
SALT LAKE CITY UT 84105

BRITTER, REBECCA L
Sidwell No. 1617102007
665 E BROWNING AVE
SALT LAKE CITY UT 84105

FIELDS, SUZANNE M
Sidwell No. 1617106027
763 E BROWNING AVE
SALT LAKE CITY UT 84105

HOUSING AUTHORITY OF SLC
Sidwell No. 1617101003
1776 S WESTTEMPLE ST
SALT LAKE CITY UT 84115

BEDNARZ, MICHAEL &
Sidwell No. 1618232006
647 E HARRISON AVE
SALT LAKE CITY UT 84105

ERICKSON, MARY E
Sidwell No. 1618234022
657 E BROWNING AVE
SALT LAKE CITY UT 84105

HORMAN, CHRISTOPHER D &
Sidwell No. 1617102009
675 E BROWNING AVE
SALT LAKE CITY UT 84105

BALKA, MICHELLE
Sidwell No. 1617101002
661 E HARRISON AVE
SALT LAKE CITY UT 84105

DYNASTY INVESTMENT I, LLC
Sidwell No. 1617105009
8480 S DYNASTY WY
COTTONWOOD HTS UT 84121

HOHMANN, SHERI L &
Sidwell No. 1608357011
1351 S GREEN ST
SALT LAKE CITY UT 84105

AND N, JEFFREY D & LIN
Sidwell No. 1617106006
730 E HARRISON AVE
SALT LAKE CITY UT 84105

DONNELLY, LORI S
Sidwell No. 1607482014
1338 S GREEN ST
SALT LAKE CITY UT 84105

HOGLUND, CHRISTOPHER &
Sidwell No. 1618234013
1394 S GREEN ST
SALT LAKE CITY UT 84105

MALONE, CHRISTINE I
Sidwell No. 1617106010
7 HARRISON AVE
SALT LAKE CITY UT 84105

MORRIS, MARILYN S &
Sidwell No. 1617105008
741 E HARRISON AVE
SALT LAKE CITY UT 84105

PARIS, JEFFREY G
Sidwell No. 1617105003
719 E HARRISON AVE
SALT LAKE CITY UT 84105

KRETZSCHMANN, KARL R E &
Sidwell No. 1617105012
765 E HARRISON AVE
SALT LAKE CITY UT 84105

~~MOLLOY, MATTHEW & STEPHAN
Sidwell No. 1617105007
458 E IVY WOODS LN
MIDVALE UT 84047~~

PARAS, IVETTE
Sidwell No. 1617102008
671 E BROWNING AVE
SALT LAKE CITY UT 84105

KNIGHTON, TROY W &
Sidwell No. 1617102003
1383 S GREEN ST
SALT LAKE CITY UT 84105

MIDDLETON, DONALD C
Sidwell No. 1617105013
769 E HARRISON AVE
SALT LAKE CITY UT 84105

PALMEROS, JUANA
Sidwell No. 1618234009
1378 S GREEN ST
SALT LAKE CITY UT 84105

KNELL, PATRICIA A
Sidwell No. 1617106013
766 E HARRISON AVE
SALT LAKE CITY UT 84105

MIDDLETON, DONALD C
Sidwell No. 1617105005
725 E HARRISON AVE
SALT LAKE CITY UT 84105

PACKER, GREGORY M
Sidwell No. 1618232005
641 E HARRISON AVE
SALT LAKE CITY UT 84105

JOY, THOMAS E &
Sidwell No. 1608357008
6500 W MANSFIELD AVE #48
DENVER CO 80235

MIDDLETON, DONALD C
Sidwell No. 1617105004
725 E HARRISON AVE
SALT LAKE CITY UT 84105

OGATA, WENDY L
Sidwell No. 1618234023
647 E BROWNING AVE
SALT LAKE CITY UT 84105

JOHNSON, DELBERT P &
Sidwell No. 1617107012
754 E BROWNING AVE
SALT LAKE CITY UT 84105

MCKIE, VALERIE F
Sidwell No. 1608357006
1331 S GREEN ST
SALT LAKE CITY UT 84105

OCHOA, BIBIANA
Sidwell No. 1617102005
1397 S GREEN ST
SALT LAKE CITY UT 84105

JEPPESSEN, MICHAEL A
Sidwell No. 1608357009
1347 S GREEN ST
SALT LAKE CITY UT 84105

MCKENDRICK, JOYCE C &
Sidwell No. 1617106023
328 W 700 N
SALT LAKE CITY UT 84103

NUNLEY, JOHN & SUSAN L (J)
Sidwell No. 1617107011
750 E BROWNING AVE
SALT LAKE CITY UT 84105

INTRADE INVESTMENT COMPAN
Sidwell No. 1617106036
1399 S 700 E # 16
SALT LAKE CITY UT 84105

MARTIN, WELLS &
Sidwell No. 1607482015
1344 S GREEN ST
SALT LAKE CITY UT 84105

NII, JENIFER K &
Sidwell No. 1617107007
728 E BROWNING AVE
SALT LAKE CITY UT 84105

INTRADE INVESTMENT COMPAN
Sidwell No. 1617106035
1399 S 700 E # 16
SALT LAKE CITY UT 84105

MARTIN, JASON
Sidwell No. 1617107005
720 E BROWNING AVE
SALT LAKE CITY UT 84105

NELSON, DENNIS T
Sidwell No. 1617105011
761 E HARRISON AVE
SALT LAKE CITY UT 84105

INTRADE INVESTMENT COMPAN
Sidwell No. 1617106018
1399 S 700 E # 16
SALT LAKE CITY UT 84105

MARKLEY, LAURA A &
Sidwell No. 1617102002
1381 S GREEN ST
SALT LAKE CITY UT 84105

MOWER, LENARD F
Sidwell No. 1617102001
1373 S GREEN ST
SALT LAKE CITY UT 84105

SMITH, NATALIE S &
Sidwell No. 1617106026
761 E BROWNING AVE
SALT LAKE CITY UT 84105

WILSON, THADDEUS E
Sidwell No. 1617106012
762 E HARRISON AVE
SALT LAKE CITY UT 84105

Sarah Carroll
3917 S. River Trail #1025
Salt Lake city, UT 84123

SKYLIGHT LAND TRUST
Sidwell No. 1617105010
11441 S STATE ST
DRAPER UT 84020

WILSON, FRANCES M; TR
Sidwell No. 1618234024
1386 S GREEN ST
SALT LAKE CITY UT 84105

~~Dennis Guy Bell~~
~~P.O. Box 520473~~
~~SLC, UT 84152~~

SCHULZKE, BRYCE J
Sidwell No. 1618234008
652 E HARRISON AVE
SALT LAKE CITY UT 84105

WHITE, MERRY S
Sidwell No. 1617106022
741 E BROWNING AVE
SALT LAKE CITY UT 84105

Boris Kurz
1203 South 900 East
SLC, UT 84105

SCHLESINGER, HELEN & BREN
Sidwell No. 1617106005
724 E HARRISON AVE
SALT LAKE CITY UT 84105

WEST, GERRI L
Sidwell No. 1608357007
1337 S GREEN ST
SALT LAKE CITY UT 84105

Brian Watkins
1744 South 600 East
SLC, UT 84105

SANONE, JEANIENE O & THOM
Sidwell No. 1617106009
746 E HARRISON AVE
SALT LAKE CITY UT 84105

URRY, LOREN E. & GERTRUDE
Sidwell No. 1617107006
724 E BROWNING AVE
SALT LAKE CITY UT 84105

Thomas Mutter
228 East 500 South #100
SLC, UT 84111

ROBBINS, WILLIAM G &
Sidwell No. 1617107008
3717 N W BOXWOOD PLACE
CORVALLIS OR 97330

TIMOTHY, DANIEL J &
Sidwell No. 1617106007
738 E HARRISON AVE
SALT LAKE CITY UT 84105

YOUNG, TINA M
Sidwell No. 1617106008
740 E HARRISON AVE
SALT LAKE CITY UT 84105

POWICK, ELLEN &
Sidwell No. 1617102004
1391 S GREEN ST
SALT LAKE CITY UT 84105

STRASTERS, ROBERT V &
Sidwell No. 1617105002
713 E HARRISON AVE
SALT LAKE CITY UT 84105

YORKIN, KOREY E
Sidwell No. 1617106020
733 E BROWNING AVE
SALT LAKE CITY UT 84105

PETERSEN, BARRY P
Sidwell No. 1617106014
4420 S LORENVON DR
SALT LAKE CITY UT 84124

STOTT, GRANT E & HELEN C;
Sidwell No. 1617103002
676 E BROWNING AVE
SALT LAKE CITY UT 84105

WORKMAN, DALE L
Sidwell No. 1618234021
653 E BROWNING AVE
SALT LAKE CITY UT 84105

PEGUS RESEARCH INC
Sidwell No. 1617107001
1425 S 700 E
SALT LAKE CITY UT 84105

STOTT, GRANT E &
Sidwell No. 1617103003
676 E BROWNING AVE
SALT LAKE CITY UT 84105

WOOD, JULIA A L
Sidwell No. 1617103001
662 E BROWNING AVE
SALT LAKE CITY UT 84105

PARI ELLEN A
Sidwell No. 1617106024
751 E BROWNING AVE
SALT LAKE CITY UT 84105

SMITH, SAM W
Sidwell No. 1618234014
5909 S JORDAN CANAL RD
TAYLORSVILLE UT 84118

WINN, PERRI N
Sidwell No. 1617106021
739 E BROWNING AVE
SALT LAKE CITY UT 84105



Thomas Mutter
228 East 500 South #100
Salt Lake City, UT 84111

Harrison Apartments, LLC
4075 South Powers Circle
Salt Lake City, UT 84124

Erin Riley
739 East Harrison
Salt Lake City, UT 84105

Chris Johnson- East Central
PO Box 520473
Salt Lake City, UT 84152



5A. PLANNING COMMISSION
Public Hearing Notice and Postmark
for the December 14, 2005 meeting

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, December 14, 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 will be open to the public for observation.

1. APPROVAL OF MINUTES FROM WEDNESDAY, November 30, 2005.

2. REPORT OF THE CHAIR AND VICE CHAIR

3. REPORT OF THE DIRECTOR

4. PUBLIC HEARINGS

- a) **Petition 410-765** – by **Kraig Lodge**, requesting Conditional Use approval to convert “The Republican” to a private club. The property is located at 917 South State Street and is zoned Commercial Corridor (CC). (Staff – *Marilynn Lewis at 535-6409 or marilyn.lewis@slcgov.com*)
- b) **Petition 410-796** – by the **Islamic Society of Greater Salt Lake** for Conditional Use approval for expansion of a Place of Worship. The property is located at 734 South 700 East Street and is zoned RMF-30. The applicant wants to utilize an existing residential structure to accommodate women’s prayer sessions and Sunday school. There is no demolition of residential structures associated with this petition. (Staff – *Marilynn Lewis at 535-6409 or marilyn.lewis@slcgov.com*)
- c) **Petition No. 400-05-31** – by **Micah Christensen** at 612 North Catherine Circle and **Tony Gomez** at 617 North Catherine Circle, requesting that Salt Lake City declare the adjacent properties addressed at approximately 615 North Catherine Circle and 1420 West 600 North as surplus property in order for the applicants to purchase the parcels and combine them with their existing properties. The applicant, Mr. Gomez, also requests that the City approve a lease agreement to allow him to improve the property located at 1480 West 600 North with landscaping. The subject parcels are excess properties obtained by Salt Lake City for the realignment of 600 North and 700 North Streets. (Staff – *Wayne Mills at 535-6173 or wayne.mills@slcgov.com*)
- *d) **Petition No. 400-05-24** – by **Harrison Apartments, LLC** for a zoning map amendment to rezone the property located at 713 East Harrison Avenue from R-1/5000, Single Family Residential to RMF-35, Moderate Density Multi-Family Residential in order to demolish the existing structure and construct six individually owned town homes. The project will also require an amendment to the future land use map of the Central Community Master Plan to identify the property as Low Medium Density Residential rather than Low Density Residential. (Staff – *Sarah Carroll at 535-6260 or sarah.carroll@slcgov.com*)
- e) **Petition Number 400-05-38** – by **Mayor Anderson** to create a High Performance Building Ordinance requiring that applicable building projects constructed with Salt Lake City funds obtain a Leadership in Energy and Environmental Design (LEED) "Certified" designation from the United States Green Building Council. (Staff – *Ray McCandless at 535-7282 or ray.mccandless@slcgov.com or Lisa Romney at 535-7939 or lisa.romney@slcgov.com*)

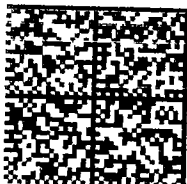
5. UNFINISHED BUSINESS

NOTICE OF HEARING

Sarah Carroll
3917 S. River Trail #1025
Salt Lake City, UT 84123

016H16501573
\$00.370
11/29/2005
Mailed From 84111
US POSTAGE

Hasler



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

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

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

5B. PLANNING COMMISSION
Public Hearing Notice and Postmark
for the February 8, 2006 meeting

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, February 8, 2006, 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, January 25, 2006.

2. REPORT OF THE CHAIR AND VICE CHAIR


3. REPORT OF THE DIRECTOR

- a) Petition 400-04-21 by the Salt Lake City Planning Division, requesting that Petition 400-04-21, to allow a stand alone retail option as a land use within the Business Park Zoning District be withdrawn by the Salt Lake City Planning Commission.

4. PUBLIC NOTICE AGENDA Salt Lake City Property Conveyance Matters – (John Spencer at 535-6938 or john.spencer@slcgov.com; Matt Williams at 535-6447 or matt.williams@slcgov.com; Doug Wheelwright at 535-6178 or doug.wheelwright@slcgov.com):

- a) T-Mobile USA and Salt Lake City Property Management — T-Mobile USA received Conditional Use approval for a utility pole installation of a cellular telephone antenna under Case #410-763 at approximately 1200 West and 1000 North Streets, through an Administrative Hearing held September 27, 2005. The subject utility pole is owned by Utah Power and is located within the City owned street right-of-way of 1000 North Street. T-Mobile USA is now seeking a three foot by approximately thirty-one foot telecommunications right-of-way permit from Salt Lake City Property Management, to allow the connection of underground power and telecommunications cables to connect from the power pole to the required equipment shelter structure, located in the rear yard area of an adjoining Residential R-1-7000 zoned property by separate lease agreement. The Property Management Division staff intends to approve the requested right-of-way permit.
- b) C F J Properties and Salt Lake City Property Management — C F J Properties, dba Flying “J” Truck Stop, is requesting the Property Management Division to approve a short term (up to one year) commercial lease for the temporary use of a City owned alley and a partial street, which were never developed or improved, and which City property impacts the Flying “J” Truck Stop property, in a way as to be inconsistent with the proposed redevelopment of the Flying “J” Property. Flying “J” has submitted building permit plans to reconstruct and expand the existing truck stop facility, located at 900 West and 2100 South Street. During the initial building permit review, City Permits Office staff identified the alley conflict and referred the applicant to the Planning Office. Recently, Flying “J” filed for Alley Closure and Street Closure in petitions 400-05-47 and 400-05-48, which are beginning to be processed by the Planning Staff. Since the alley and street closure processes typically take 6 to 8 months to complete, Flying “J” is requesting a short term lease to allow the street and alley properties to be redeveloped consistent with the proposed redevelopment and expansion plans for the new truck stop facility, while the alley and street closure processes are completed. The subject alley is located at approximately 850 West on 2100 South Street and is approximately 700 feet by 12 feet, and contains 8400 square feet. The subject partial street is located at 800 West and extends north from 2100 South Street approximately 191 feet by 33 feet wide, and contains 6303 square feet. The Property Management staff intends to approve the requested short term commercial lease, pending notification to the Planning Commission and the City Council, consistent with City policy.

5. PUBLIC HEARINGS

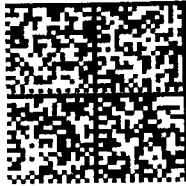
- a) Petition 410-774 – A request by Mike Weller of Diamond Parking, for conditional use approval of a commercial surface parking lot in a D-3 zoning district at 179 W. Broadway. *(Staff - Elizabeth Giraud at 535-7128 or elizabeth.giraud@slcgov.com).*
- b) Petition 400-02-41 – A request by the Salt Lake City Planning Commission to modify the text of Capitol Hill Protective Area Overlay District to establish height limits for residential and Urban Institutional zoned properties and to amend the Zoning Map by adjusting the boundaries of the Capitol Hill Protective Area Overlay District in the following locations:
1. Generally, from Main Street and Center Street to 200 West between Girard Avenue and 200 North; and
 2. Generally, from Canyon Road to “A” Street between Fourth Avenue and Second Avenue.
- (Staff – Everett Joyce at 535-7930 or everett.joyce@slcgov.com)*
-  c) Petition No. 400-05-24 – A request by Harrison Apartments, LLC for a zoning map amendment to rezone the property located at 713 East Harrison Avenue from R-1/5000, Single Family Residential to RMF-35, Moderate Density Multi-Family Residential in order to demolish the existing structure and construct six individually owned town homes. The project will also require an amendment to the future land use map of the Central Community Master Plan to identify the property as Low Medium Density Residential rather than Low Density Residential. *(Staff – Sarah Carroll at 535-6260 or sarah.carroll@slcgov.com)*
- d) Petition 400-02-22 - Restaurant Definition, Parking Ratios, Shared Parking, Off-site and Alternative Parking Amendments - Proposal to amend the text of the Salt Lake City Zoning Ordinance relating to small commercial areas zoned CN (Neighborhood Commercial), CB (Community Business) and CS (Community Shopping). Specifically, the proposal is to amend the definition of “restaurant” (large or small), and amend the parking requirements for small restaurants, retail goods establishments, and retail service establishments, such that the requirement is the same for these three uses. The purpose of this parking requirement amendment is to facilitate the interchangeability of these three types of uses. Additionally, the proposal includes a re-evaluation and expansion of shared, off-site, and alternative parking solutions. *(Staff – Lex Traugher 535-6184 or lex.traugher@slcgov.com)*

6. UNFINISHED BUSINESS

The next scheduled Planning Commission meeting will be February 22, 2006. This information can be accessed at www.slcgov.com/CED/planning.

NOTICE OF A HEARING

SALT LAKE CITY PLANNING DIVISION
451 SOUTH STATE STREET, ROOM 406
SALT LAKE CITY, UT 84111 (5C)



Hasler

016H16501573
\$00.390
01/24/2006
Mailed From 84111
US POSTAGE

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

Salt Lake City Planning Director
451 South State Street, Room 406
Salt Lake City, UT 84111
4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
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10. Salt Lake City Corporation complies with all ADA guidelines. If you are planning to attend the public meeting and, due to a disability, need assistance in understanding or participating in the meeting, notify the Planning Office 48 hours in advance of the meeting and we will try to provide whatever assistance may be

BC: 84111310251 *2136-00606-24-46

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

00 01/29/06

841 NIXIE 1

713 E HARRIS
SALT LAKE CITY

5C. PLANNING COMMISSION
Planning Commission Staff Report

MEMORANDUM

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



Planning and Zoning Division
Department of Community Development

TO: The Planning Commissioners

FROM: Sarah Carroll, Associate Planner

DATE: February 8, 2006

SUBJECT: Summary of Subcommittee Meeting for Petition No. 400-05-24, a request to amend the zoning map and master plan for property located at 713 East Harrison Avenue.

This item was tabled at the December 14, 2005 Planning Commission meeting because the Planning Commission members were uncomfortable approving the requested rezone without first reviewing floor plans and elevations of the future town homes.

Subcommittee meeting was held on January 18, 2006 where the applicant presented the proposed floor plans and elevations. The following comments were made by the Subcommittee members:

- 1) The side of the garage that is nearest to 700 East should incorporate windows, and shrubbery should be planted to avoid a blank wall that may attract graffiti tagging.
- 2) A fence along 700 East may prevent graffiti tagging.
- 3) The front door should have a window and be more characteristic of other front doors along the street.
- 4) The columns on the front of the structure should reflect the architecture along the street, (craftsman bungalow).
- 5) More neighborhood architecture should be incorporated.
- 6) A picket fence was suggested.
- 7) Front porches are characteristic of the neighborhood and the commissioners would like to see an extension of the proposed porches.

The applicant has considered these comments and has submitted revised drawings (Exhibit 10). All of the comments, except number 7, have been incorporated into the revised drawings.

Additional comments from the community have been received and are attached (Exhibit 11).

The above information has also been added to pages 8 and 9 of the staff report.

DATE: February 8, 2006

TO: Salt Lake City Planning Commission

FROM: Sarah Carroll
Associate Planner

RE: Petition No. 400-05-24, Request to amend the zoning map and master plan for property located at 713 East Harrison Avenue. This item was tabled on December 14, 2005.

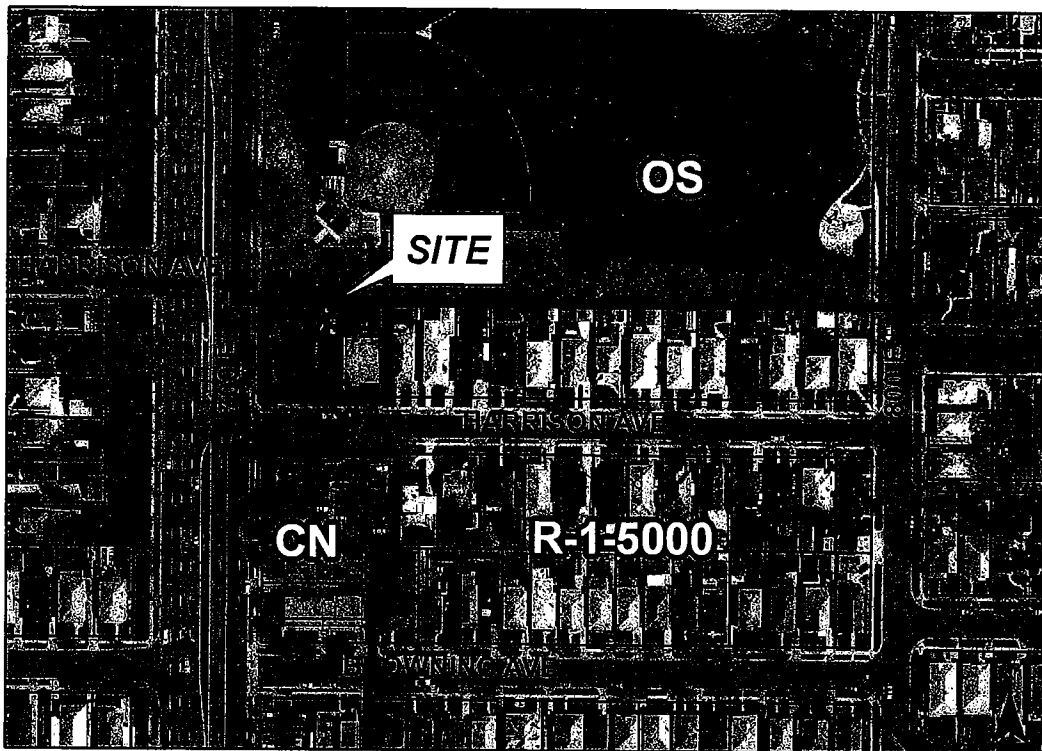
CASE NUMBER: 400-05-24: Request to amend the zoning map and master plan

APPLICANT: Harrison Apartments, LLC (Bob Strasters)

STATUS OF APPLICANT: Property Owner

PROJECT LOCATION: 713 East Harrison Avenue (1375 South)

PROJECT/PROPERTY SIZE: 0.38 acres



COUNCIL DISTRICT:

5 - Council Member Jill Remington Love

SURROUNDING ZONING DISTRICTS:

North – Open Space (OS)

South – Neighborhood Commercial (CN)

East – Single Family Residential
(R-1/5000)

West – Single Family Residential
(R-1/5000)

SURROUNDING LAND USES:

North – City Park

South – Commercial parking lot

East – Residential

West – Residential

REQUESTED ACTION:

This is a request to rezone the property located at 713 East Harrison from R-1/5000 to RMF-35 zoning. This request involves amending the Central Community Master Plan Future Land Use Map from “Low Density Residential (1-15 dwelling units/acre)” to “Low Medium Density Residential (10-20 dwelling units/acre).”

PROPOSED USE(S):

The applicant would like to demolish the existing four-plex apartment building and construct six new town homes that will be sold to individual owners.

APPLICABLE LAND USE REGULATIONS:

The proposed zone change is subject to the Salt Lake City Code, Chapter 21A.50, Amendments and Special Approvals. The proposed master plan amendment is subject to the Utah Code Annotated (10-9a-204) which identifies procedures for adopting and amending general plans. The following will also be considered in evaluating this request:

- The Central Community Zoning map (1995).
- The Central Community Master Plan (2005).
- The Salt Lake City Community Housing Plan (2000).
- The Final Report of the Salt Lake City Futures Commission, Creating Tomorrow Together, (1998).
- The City Vision and Strategic Plan for Salt Lake City, (1993).

MASTER PLAN SPECIFICATIONS:

The Central Community Master Plan, adopted November 1, 2005, identifies this property as Low Density Residential (1-15 dwelling units/acre). The applicant is requesting six units on a 0.38 acre lot, which is the equivalent of approximately 15.8 dwelling units/acre. Therefore, the master plan will need to be amended with this request in order to designate the property as “Low Medium Density Residential (10-20 dwelling units/acre).”

ACCESS: The property is accessed from Harrison Avenue.

HISTORY OF SUBJECT PROPERTY:

The property was recently purchased by a new owner who would like to improve the property and in seeking options for improvements began discussions with the Planning Office. The subject property is located at 713 East Harrison Avenue and contains an existing four-plex that was constructed in 1963 and is compliant with the R-4 zoning that was in place at that time. On June 24, 2005, the applicant submitted a request to rezone the property from R-1/5000 to RMF-45 in order to add an additional four-plex to the property and to help offset improvement costs to the existing four-plex.

An open house was held on August 9, 2005, and after listening to the neighbor's comments and concerns about the potential increase in traffic and density, staff suggested that the applicant amend the proposal to rezone the property from R-1/5000 to RMF-35.

On October 19, 2005, the applicant submitted an amended proposal that reflects the comments made by the public and by Planning staff and is requesting a zoning designation of RMF-35. The applicant also took into consideration neighbors comments about the desire for these units to be owner-occupied and is now proposing to demolish the existing four-plex and develop six new town homes that would be individually owned. Exhibit 2 is the applicant's original request. Exhibit 3 displays the comments given by the public regarding the original request. Exhibit 4 is the amended request submitted by the applicant after considering the public and staff comments. Exhibit 6 shows the final comments from the public and the community council. The proposal was then routed to pertinent City Departments/Divisions (Exhibit 5), and Exhibit 7 is the final proposal that reflects all of the Departments comments.

PROJECT DESCRIPTION:

The property consists of one parcel that is currently zoned R-1/5000 and supports an existing four-plex apartment building, which is nonconforming due to prior down-zoning. In 1986 the entire area was down-zoned from R-4 to R-2 and in 1995 the entire area was down-zoned again from R-2 to R-1/5000.

The property owner would like to rezone the property to RMF-35 in order to demolish the existing structure and construct six individually-owned town homes. The property abuts a major arterial street, 700 East, which is a State Highway, and sound attenuation will be used in the construction of the proposed town homes to decrease the noise impacts associated with the proximity of 700 East. Other abutting land uses include a City park to the North, single family homes to the East and a commercial parking lot to the South. The proposed town homes will create a transition between the Open Space zoning to the North and the Neighborhood Commercial zoning to the South and will help buffer the R-1/5000 neighborhood from the impacts of 700 East, while providing more home ownership options in the Central City. The zoning ordinance requires a ten foot landscape buffer and a fence between RMF-35 and R-1/5000 zoning and the proposed new development includes these additions to help buffer the existing single-family residence to the East (see Exhibit 7).

COMMENTS, ANALYSIS AND FINDINGS

COMMENTS

Comments from pertinent City departments/divisions and the Community Council have been attached and are summarized below (Exhibits 5 and 6).

- **Public Utilities:** Public Utilities has no objection to the proposed zoning change and will work with the developer as plans are submitted.
- **Permits Office (Building Services and Licensing):** The proposal will require creating either a condo plat or a PUD for owner-occupied town homes. There must be a 10 foot landscape buffer along the east property line with landscaping and fencing (the site plan has been modified to reflect this, as seen in Exhibit 7). See attached letter for remaining comments.
- **Transportation:** There is currently a four-plex building on this lot and the revision to a six town homes will not noticeably impact the public transportation corridors. A minimum ten foot wide driveway is required for the proposal, with a minimum of 10 x 10 foot clear sight zone.
- **Police Department:** The Police Department noted that of the two proposals their preference would be the proposal that allows for 6 garages 20 feet wide by 18 feet deep. The proposal with single garages allows for dark non-visible areas which may increase the potential of criminal activity. The applicant's final site plan reflects changes that address this comment, see Exhibit 7.
- **Engineering:** Curb, gutter, sidewalk and drive approach exist on Harrison Avenue along the frontage of the property, in satisfactory condition with the exception of some cracked concrete and an uneven sidewalk joint that must be replaced and/or repaired. The developer must enter into a subdivision improvement construction agreement, with applicable fees as noted in the attached letter. The private drive approach must be approved by UDOT. See attached letter for complete comments (Exhibit 5).
- **Fire Department:** The Fire Department recommends approval of the petition.
- **Community Council:** An open house was held on August 9, 2005 for the original request to rezone the property to RMF-45 in order to add an additional four-plex (Exhibit 2). Six people attended the open house, of which five live on Harrison Avenue. The neighbors were concerned about increased traffic on Harrison Avenue and expressed concern about the condition of the property and the type of tenants who have lived there in the past. The neighbors suggested that more pride would be taken in the property if the units were individually owned (Exhibit 3). After considering these comments the applicant amended the request from RMF-45 (eight apartments), to RMF-35 (six individually-owned town homes), as shown in Exhibit 4. The amended request was e-mailed to the attendees of the open house that provided an e-mail address and to the Community Council Chairs on October 24, 2005, with a request for comments by November 15, 2005. At the preparation of this staff report only one comment, against this amended proposal, has been received (Exhibit 6).

GENERAL ANALYSIS AND FINDINGS

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

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

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

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

- The Central Community Zoning map (adopted in 1995)
- The Central Community Master Plan (adopted November 1, 2005).
- The Salt Lake City Community Housing Plan (adopted April 2000).
- The Final Report of the Salt Lake City Futures Commission, Creating Tomorrow Together, (1998).
- The City Vision and Strategic Plan for Salt Lake City, (1993).

Central Community Zoning Map: This request involves amending the zoning map in relation to the property located at 713 East Harrison Avenue, from R-1/5000 zoning to RMF-35 zoning. The proposed RMF-35 zoning will create a transition between the Open Space zoning to the North and the Neighborhood Commercial zoning to the South and will help buffer the R-1/5000 neighborhood from the impacts of 700 East, while providing more home ownership options in the Central City.

Central Community Master Plan: The goals of the Master Plan are to protect and improve the quality of life for everyone living in the community regardless of age or ability, improve and support community involvement, provide opportunities for smarter and more creative development practices, prevent inappropriate growth and preserve residential neighborhoods. The vision for livable communities is described by the following criteria:

- Land use patterns are compatible with the characteristics of specific neighborhoods within the community.
- A variety of residential land use supports all types of housing and the affordability of the housing stock.
- Preservation of the housing stock is an integral part of maintaining neighborhood character.
- The appropriate transition of multi-family housing with mixed land uses in designated areas supports sustainable development within the community.

This Plan encourages diversity of use, preservation of historic neighborhoods and buildings, and design excellence to maintain and enhance the quality of living in the Central Community. The subject property is located within the East Central South Neighborhood; some of the residential issues for this neighborhood include a desire to protect low-density residential land uses along the east side of 700 East.

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

Final Report of the Salt Lake City Futures Commission: In reference to the built environment this Report asserts that there is a mix of housing types, densities, and costs so that people of various economic groups can co-exist. This Report further states that the ideal neighborhood will: promote public safety; be well maintained; be family and youth friendly; be diverse and encourage persons of different incomes, ages, cultures, races, religions, genders, lifestyles and familial statuses to be active community stakeholders; have a well maintained infrastructure that meets the needs of current and future citizens; and will have close and easy access to open space.

City Vision and Strategic Plan: One objective of this Plan is to include a wide variety of affordable housing opportunities in attractive, friendly neighborhoods that provide a safe environment for families. Another objective is to recognize and protect neighborhood identity through neighborhood involvement in plans and public and private investment.

Finding: Because the Master Plan specifically addresses protecting the low-density development along 700 East, careful consideration of this proposal has been taken to determine whether or not the proposed rezone is appropriate for this location. The current proposal for RMF-35 and six individually-owned units is the result of consideration of the neighbor's comments and concerns that were expressed at the open house held on August 9, 2005 and from additional meetings conducted by City staff and the applicant.

Staff finds that the requested rezone is appropriate for this location and would enhance the goals of the Plans and Reports discussed above. The request will particularly enhance the goals of the Housing Plan and the Futures report by providing a variety of housing uses. Staff finds that the community has been involved in the planning of this project.

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

Discussion: The existing development in the immediate vicinity consists of: Single family homes to the East, a City park to the North, a commercial property to the South and is directly abutting 700 East. The property is currently occupied with a multi-family, four unit apartment structure. The request is to demolish the existing structure and construct six individually-owned town homes.

Finding: The overall character of the immediate vicinity will remain the same. The Transportation Division has stated that a transition from four units to six units will not noticeably impact the public transportation corridors. The proposed units will be individually-owned which will be more harmonious with the overall character of the neighboring single-family residences.

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

Discussion: When the original request for four additional units (eight total units) was proposed the community expressed concerns about increased traffic, the quality of the tenants and lack of care for the property.

Finding: Staff finds that the applicant has addressed these concerns by reducing their proposal to RMF-35 and six individually-owned units. These changes specifically address comments made by the community. If the zoning is changed, the zoning ordinance requires a ten foot landscaped buffer and fencing between the RMF-35 and R-1/5000 zoning designation; thus the single-family residence directly abutting the subject property will be buffered from the current situation and from the proposed intensification. The proposed amendment will 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 property is not within any overlay districts.

Finding: Staff finds that the property is not within an overlay district.

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

Discussion: Staff requested comments from City Departments/Divisions; including Transportation, Engineering, the Fire Department, Public Utilities, Police, and Building Services. These departments/divisions did not have any objections to the proposed zoning amendment (Exhibit 5). The proposed development must comply with City regulations.

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

MASTER PLAN AMENDMENT:

The Central City Master Plan was adopted on November 1, 2005. State Law, Section 10-9a-204, Notice of public hearings and public meetings to consider general plan or modifications, outlines the criteria for noticing an amendment:

- (1) Each municipality shall provide:
 - (a) notice of the date, time, and place of the first public hearing to consider the original adoption or any modification of all or any portion of a general plan; and
 - (b) notice of each public meeting on the subject.
- (2) Each notice of a public hearing under Subsection (1)(a) shall be at least ten calendar days before the public hearing and shall be:
 - (a) published in a newspaper of general circulation in the area;
 - (b) mailed to each affected entity; and
 - (c) posted:
 - (i) in at least three public locations within the municipality; or
 - (ii) on the municipality's official website.
- (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the meeting and shall be:
 - (a) submitted to a newspaper of general circulation in the area; and
 - (b) posted:
 - (i) in at least three public locations within the municipality; or
 - (ii) on the municipality's official website.

A notice for the Master Plan amendment was published in the Salt Lake Tribune and Deseret News on November 30, 2005 (Exhibit 8). A notice was also mailed to affected property owners and posted, meeting State Law requirements for Master Plan amendments.

December 14, 2005 Planning Commission Meeting:

This item was tabled on December 14, 2005 because the Planning Commission members were uncomfortable approving the requested rezone without first reviewing floor plans and elevations of the future town homes.

A Subcommittee meeting was held on January 18, 2006. The applicant presented the proposed floor plans and elevations. The following comments were made by the Subcommittee members:

- 1) The side of the garage that is nearest to 700 East should incorporate windows, and shrubbery should be planted to avoid a blank wall that may attract graffiti tagging.
- 2) A fence along 700 East may prevent graffiti tagging.
- 3) The front door should have a window and be more characteristic of other front doors along the street.
- 4) The columns on the front of the structure should reflect the architecture along the street, (craftsman bungalow).
- 5) More neighborhood architecture should be incorporated.
- 6) A picket fence was suggested.
- 7) Front porches are characteristic of the neighborhood and the commissioners would like to see an extension of the proposed porches.

The applicant has considered these comments and the revised drawings are attached (Exhibit 10). All of the comments, except number 7, have been incorporated into the revised drawings.

Additional comments from the community have been received and are attached (Exhibit 11).

RECOMMENDATION:

Based on the Findings of Fact identified in this report, staff recommends that the Planning Commission transmit a favorable recommendation to the City Council, to approve the proposed zoning map amendment and amend the Central Community Master Plan to identify the property as RMF-35, Moderate Density Multi-Family Residential zoning and Low Medium Density Residential (10-20 dwelling units/acre) land use.

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

Exhibits:

1. Photo's of the Subject Property
2. Original Request from the Applicant
3. Open House Comments, August 9, 2005
4. Amended Request from the Applicant
5. Department/Division Comments
6. Notice of Amended Request and Public Comment
7. Final Proposal, Applying all City Department/Division and Public Comments
8. Newspaper Legal Notices, Published on November 30, 2005
9. Letter's Given to the Commissioners on December 14, 2005
10. Floor Plans and Elevations
11. Additional Comments from the Community

Exhibit 1
Photo's of the Subject Property





Exhibit 2
Original Request from the Applicant



Jones & Stokes

June 3, 2005

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

Subject: **Zoning Map Amendment Request for 713 East Harrison, County Tax Parcel #16-17-105-002**

Dear Madam or Sir:

This letter is an accompaniment to the zoning amendment application for 713 East Harrison, County Tax parcel #16-17-105-002. The request for a zoning map amendment is from R-1/5,000 Single Family Residential to RMF-45 Moderate/High Density Multi-Family Residential. We feel that the adjacent land uses along the east side of 700 East demonstrates a general tendency toward moderate density multi-family dwellings and neighborhood commercial. These existing uses along the busy 700 East corridor act as a transition zone and buffer for the single family homes to the east. We have also found that there is a large demand for moderately priced multi-family housing in this area due to its close proximity to mass transit, parks, shopping and schools. All of these factors would suggest that our proposed re-zone use is congruent with goals of citywide planning initiatives. Consequently we are requesting preliminary approval of the proposed site plan and zoning amendment for the subject parcel.

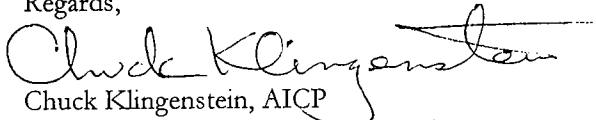
We have had pre-application discussions with members of the City's planning staff to determine which zoning classification may best suit this application. The planning staff initially suggested RMF-30 or RMF-35 for consideration. However, after further investigation and consultation with applicant's architect, we have determined that the square footage, parking and setback requirements of the RMF-45 better suit the site's constraints and allow the applicant to achieve the stated goal of increasing residential density on the property. We believe that our pre-application discussions have demonstrated that we can comply with the standards for zoning amendments:

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

The application is being submitted without first meeting with the Community Council for the Central Community District. We wish to first receive guidance from the City, its planning staff and the assigned

planner about the general process and the additional information requirements so that we may fully inform the Central Community Council. We would like to schedule a meeting with our assigned planner at their earliest convenience.

Regards,


Chuck Klingenstein, AICP
Project Director/Associate Principal

Purpose for Zoning Map Amendment Statement:

Applicant requests a zoning map amendment in the Central Community Zoning District for the parcel (713 East Harrison Ave., SLC UT) from an R-1/5,000 Single Family Residential District to an RMF-45 Moderate/High Density Multi-Family Residential District for the following reasons:

- A fourplex dwelling exists on the property
- The parcel is bordered on the west by 700 East. 700 East is a heavily trafficked roadway and may be considered a transition zone. Single-family residential uses may be considered incompatible or undesirable by potential users. As such the parcel has remained under utilized.
- RMF-45 Moderate/High Density Multi-Family Residential is more compatible with surrounding land uses such as Neighborhood Commercial (see attached photo documentation)
- RMF-45 is compatible with site restrictions, allowing the addition of the four proposed units. Zoning sections, RMF-30 and RMF-35, do not permit the addition of four housing units with existing site conditions and code requirements.
- RMF-45 Moderate/High Density Multi-Family Residential has compatibility with goals set forth in the Central Community Master Plan
 - To provide housing opportunities for a range of family and income types
 - Increased pedestrian mobility and accessibility through higher density residential land uses that are located near commercial areas, light rail stations and open space

Proposed Use Description:

Applicant proposes the development of four additional multi-family units on the property (see attached existing and proposed site plans).

Inappropriateness of present zoning:

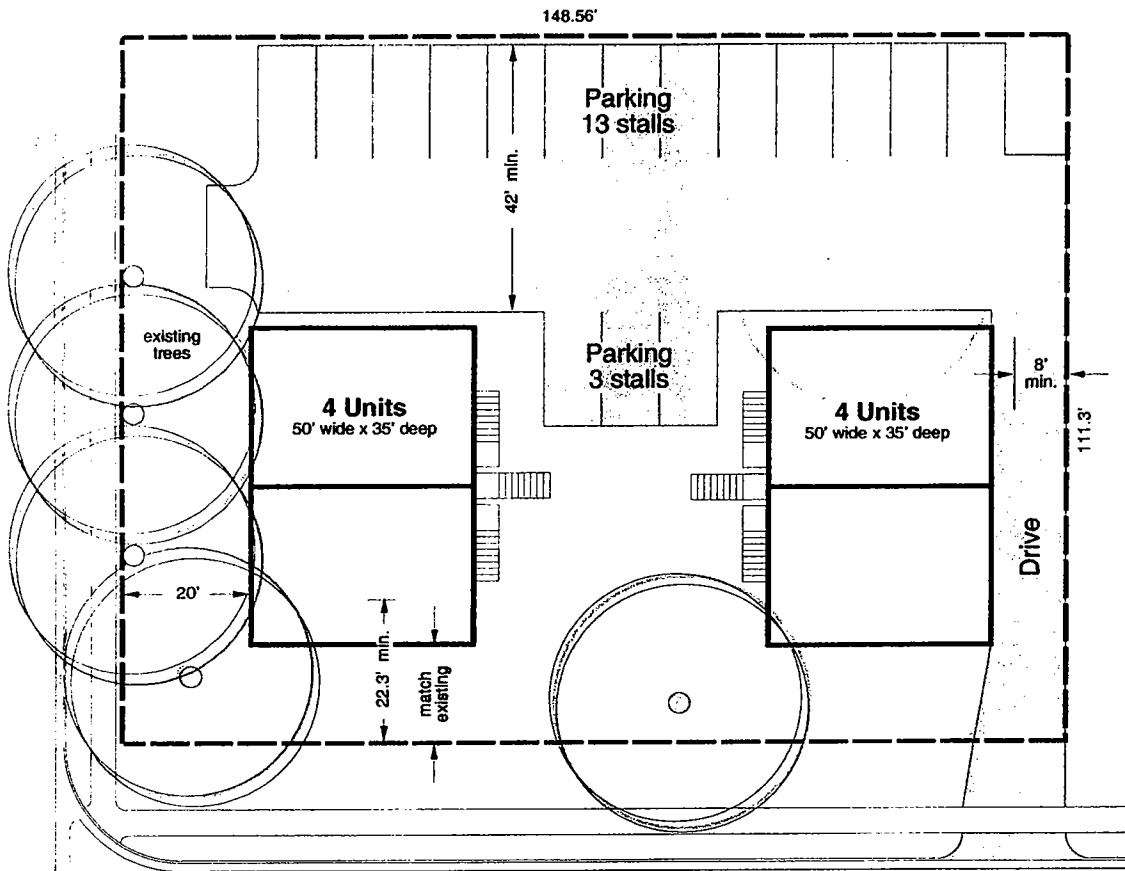
The current zoning is out of character with neighboring properties. This area of 700 East is becoming dominated by multi-family dwellings and neighborhood commercial to the immediate north and south of the property. It is a heavily traveled roadway, close to a bus line that would facilitate more multi-family uses.

Names and addresses of all property owners within 450ft of parcel

See attached mailing label sheets

Legal Description of 713 East Harrison Ave., SLC, UT

Beginning at the Northwest corner of Lot 9, Block 15, Five Acre Plat "A", Big Field Survey, and running thence East 148.5 feet; thence South 110.55 feet; thence West 148.5 feet; thence North 110.55 feet to the point of beginning.



Harrison Avenue

Parking

8 units @2/unit = 16 stalls

Harrison Avenue Apartments

Salt Lake City, Utah

revised 6/7/05

Zone: RMF - 45
Size: 16,535 sq. ft. (0.38 acres)



North

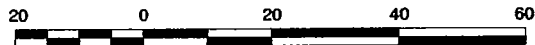


Exhibit 3
Open House Comments, August 9, 2005

SIGN-IN

OPEN HOUSE FOR PETITION 400-05-24
August 9, 2005

<u>name</u>	<u>address</u>	<u>phone</u>
TINA Young	740 E. HARRISON	484-0463
Erin Riley	739 E. Harrison	366-0110
Chris Malone	753 Harrison Ave	484-5455
Marie-Pierre Timothy	738 East Harrison Ave	486-4441
Cindy Gwinn ✓	816 E 100 S	209-9225
Barry Petersen	772 Harrison	661-1250

Concerns Expressed:

- Speed of traffic on Harrison: are speed bumps possible? (No, but the City installed signs)
- Speed and congestion on Harrison: increased density will increase traffic
- Have had problems with negative tenants: Condo owners would take more pride in the property
- Concerned of transient activity in the parking lot.
- Not justified by surrounding land use.

Carroll, Sarah

From: Jeff Paris [jeff.paris@aros.net]
Sent: Friday, August 12, 2005 2:50 PM
To: Carroll, Sarah
Cc: jeff.paris@aros.net
Subject: Comments on Petition 400-05-24

I would really like to see the current building at 713 E. Harrison Avenue upgraded and improved. I realize that the only way this is going to happen is if the owner has a significant financial incentive. That is why I'm not categorically opposed to zoning changes that would allow an additional four rental units to be built at 713 E. Harrison Avenue.

However, I would only support this zoning change if it will truly result in a dramatic improvement to the current property and if other problematic issues can be resolved in the process. Here are some of the concerns that would need to be addressed:

- Assurances that the zoning change will result in significant improvements to the current property.
- Similar assurances that the new building, parking, and landscaping will be developed with high standards, resulting in a truly exceptional property.
- Traffic on Harrison Avenue can be effectively managed. Please see my comments below on this issue.
- Off-street parking is adequately planned for the existing and new units.
- Garbage storage and removal is planned so that it will not detract from adjacent properties. (I live right next to this property and garbage storage and removal has been a problem in the past including causing damage to brick fences and the dumping of garbage into my back yard.)

Traffic on Harrison is one of my biggest concerns as it has become an increasing problem over the past several years. With the addition of the dog park at Hermann Franks park, there are significantly more cars using Harrison than before. These cars travel too fast down a street that is surprisingly narrow. Additionally, people attending events at Herman Franks ball fields park on Harrison and drive down the streeting adding more traffic. More rental units will only add to an already crowded and dangerous situation. A recent guest at my home had their car side-swiped while parked in front of my house.

The West end of the street features the current rental units and an office building. The result is that both sides of the street are frequently filled with parked cars. Turning off 700 East onto narrow Harrison in this type of situation is very problematic as the available driving space can only accomodate one car.

Ideas for responding to the parking and traffic issues could include:

- Posted speed limit signs reminding drivers to slow down.
- Speed bumps to help slow traffic.
- A "No parking" designation on at least one side of the West end of Harrison just off 700 E to reduce the number of parked cars in front of the office building/rental units.
- With the renovations of the property in question, a small, landscaped island (similar to the one at Hollywood and 900 E.) could be added to help slow and manage traffic.

I have lived on Harrison Avenue for nearly ten years and plan to live there many more years. I'm very dedicated to maintaining the charm, vitality, and identity of an area that I consider to be one of Salt Lake's best neighborhoods. For this reason, I take the proposed zoning changes very seriously. If the above concerns can be addressed and the appropriate assurances offered by the developer, I would be willing to consider the zoning change. In order for me to be in favor of a change, it must result in the improvement of our neighborhood, not just additional revenue for the developers.

Carroll, Sarah

From: tyoung@copper.net
Sent: Saturday, August 13, 2005 6:33 PM
To: Carroll, Sarah
Subject: Petition 400-05-24

August 10, 2004

To whom to may concern:

This letter is in regards to Petition 400-05-24 under consideration by the Salt Lake City Planning Commission. I attended the open house that was held on August 9, 2005. I am stating that I am absolutely opposed to the idea of allowing an additional four-plex constructed on this property.

As a neighborhood, people are working hard on their properties to improve the area. People are spending time and money on remodeling interiors, updating exteriors and overall taking pride in their homes. At present time, the current Harrison Apartments is an eyesore for the street. They are poorly maintained, and there have been several abandoned cars and questionable behavior from some of the tenants in the past. I have several reservations about allowing more opportunities for this behavior to take place.

1. Parking- the parking at present time is poor. The tenants park along the street and even in the yard. I realize the owner is planning a parking lot in the back of the property. My concern with this is security. The proposal has one narrow driveway in or out of the lot. Also, it concerns me that this parking area will have security issues not only for the tenants but also from transient and other illegal behavior. Will it be secure in any way?

2. Traffic- the traffic along Harrison Ave is fairly heavy at present time for a neighborhood street. With Liberty Park, the baseball park, the dog park and the apartments, many people use Harrison Ave as access to these areas. There are several small children and young families along the street. Also, most people on the street are pet owners. We observe a lot of cars speeding down the street with little or no regards to the residents. More apartments=More people=More cars=More traffic.

3. Zoning-the property is currently zoned in a single-family residential classification. With the current four plex on the property, it is presently improperly zoned. How did that happen?
Why should we allow it to become more so? It seems to me that this was never the intent of this property.

I appreciate the owner wanting to improve the property, but I would like to see the existing structure be improved first. There is a lot that can be done to improve the existing situation rather than adding more people and potential more problems. As a neighborhood member, I would like some reassurance that changes to this property WILL be an improvement to the area, not only now, but in the future. How can we be secure in knowing that the quality of the tenant will be an asset to the street rather than more problems?

I appreciate the opportunity to voice my concerns to this proposal and look forward to working toward a solution that everyone will be satisfied with.

Thank you for you time
Tina Young
740 E. Harrison Ave.
Salt Lake City, UT 84105
801-484-0463

Carroll, Sarah

From: Erin Riley [eriley@utah.gov]
nt: Tuesday, August 09, 2005 4:54 PM
o: Carroll, Sarah
Subject: Harrison Avenue proposal

Dear Ms. Carroll,

Pursuant to our telephone conversation earlier today, I wanted to send you a few of my comments about the proposal to put in a new 4-plex on Harrison Avenue. Let me just say right up front that I am strongly opposed to the proposal and will do everything within my power to make sure that it does not get approved. It is such an unreasonable proposition that I am shocked anyone is even making the suggestion.

I live at 739 E. Harrison Avenue, approximately 4 houses down from the current 4-plex on the corner of Harrison Avenue and 7th East.

I purchased my house approximately 2 1/2 years ago. I love my house, but I almost did not buy it because of the already existing 4-plex on the corner. I definitely would not have purchased the house had there been an additional 4-plex squeezed into the properly.

Putting in an additional 4-plex will decrease the property values of all of the single family residences on the street. Every neighbor I have spoken with who lives on Harrison Avenue is opposed to the proposal. There is already not enough parking in our neighborhood, and there is definitely not enough parking for the additional cars that would go along with another 4-plex. Traffic is already busy on our street, with people turning onto 7th East. Another 4-plex will increase the traffic and the congestion. Any driveway or parking access would have to be off of Harrison Avenue because Herman Franks park is on the other side of the property and the third side is 7th East.

already have congestion and traffic problems in our neighborhood when ballgames are going on in Herman Franks park. I have a fire hydrant in front of my house, and cars already frequently park in front of the hydrant, precluding access by a fire truck if necessary.

Please keep me notified of any hearings, opportunities to comment, or up-coming decisions about this proposal, so that I may continue to voice my objections.

Thank you,
Erin Riley
366-0110

Carroll, Sarah

From: michelle.balka@wachoviassec.com

Sent: Friday, July 29, 2005 9:34 AM

To: Carroll, Sarah

Subject: 713 E. Harrison Ave.

I will not be able to attend the Open House, but I am OPPOSED to any renovation on the property to increase rentals. The neighborhood needs more single family residences, not more rental properties. I live at 661 Harrison Ave.

Thank you,

Michelle Balka
Assistant Vice President
Sr. Operations Manager
Salt Lake City Complex
(801) 535-4042

7/29/2005

PETITION 400-05-24
ZONING AMENDMENT FOR
713 E. HARRISON AVENUE

RECEIVED
8-12-05

OPEN HOUSE

AUGUST 9, 2005

MAIL COMMENTS TO:
SARAH CARROLL, SENIOR PLANNER
451 S. STATE STREET, ROOM 406
SALT LAKE CITY, UT 84111
OR SEND E-MAIL TO: sarah.carroll@slcgov.com

NAME: Dave & Megan Christopherson

ADDRESS: 731 E. Harrison Ave SLC UT 84105

COMMENTS:

We have enough traffic on our street to contend with. We also have a small child, and we think the neighborhood is fine just the way it is.

Thank you.



PETITION 400-05-24

ZONING AMENDMENT FOR

713 E. HARRISON AVENUE

OPEN HOUSE

AUGUST 9, 2005

MAIL COMMENTS TO:
SARAH CARROLL, SENIOR PLANNER
451 S. STATE STREET, ROOM 406
SALT LAKE CITY, UT 84111
OR SEND E-MAIL TO: sarah.carroll@slcgov.com

Received
8/18/05

NAME: Barry Petersen

ADDRESS: 772 E Harrison

COMMENTS:

I attended the public hearing and after listening to both sides I oppose the rezoning of the corner property. The project does not fit in with the current housing, would cause traffic problems and would set a bad precedent for the rest of the city. I would urge you to oppose the rezone and encourage an upgrade of the existing property

Sincerely

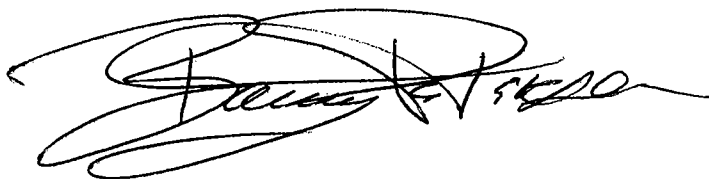


Exhibit 4
Amended Request from the Applicant

October 19, 2005

Ms. Sarah Carroll
Associate Planner
Salt Lake City
Planning Division
451 South State Street, Room 406
Salt Lake City, UT 84111

Subject: Zoning Map Amendment Request for 713 East Harrison, County Tax Parcel #16-17-105-002

Dear Ms. Carroll:

This letter is a formal request to amend my application for a zoning amendment regarding 713 East Harrison, County Tax parcel #16-17-105-002. The original request was for a zoning map amendment from R-1/5,000 Single Family Residential to RMF-45 Moderate/High Density Multi-Family Residential. After carefully listening to the comments received at the Community Council and Neighborhood Open House on August 9th, 2005, and subsequent meeting with staff (Doug Wheelwright, Joel Patterson and Sarah Carroll) on September 9th, 2005, I have decided to amend my request to the RMF-35 Moderate Density Multi-Family Residential District. We have carefully re-evaluated the site and have found the attached revised site plan to be the best solution to accomplish the goals of the City's Neighborhood Plan & Zone, the neighbors and me.

The conceptual site plan will remove all of the existing structures allowing for the building of six town homes fronting Harrison Ave. These units will be ownership units meeting one of the most stressed comments heard from the neighborhood. These new residents will become a part of the community pride expressed by the neighbors in the Community Council and Neighborhood Open House.

We have selected two site plans that place the front of the town homes onto Harrison Ave. These two plans represent two of some possible scenarios. By fronting these units onto the street, careful design can pick up architectural elements from the existing neighborhood to integrate into the new town homes. We can also design the units with sound deadening materials and windows to minimize the street noise from 7th East. This treatment in conjunction with the existing mature tree buffer zone will greatly benefit the unit that is closest to 7th East. Other site planning will include landscaping, new fencing and walls.

The proposed site plans calls for six units that would offer the benefits and features of home ownership including spacious floor plans and garages. These two site plans increases the width of the proposed driveway from an earlier proposal that the city's Transportation

Division saw no issue with and provides for an attractive project design that will enhance the corner, street and immediate community.

We feel that this plan makes sense in response to the neighbors and City's comments;

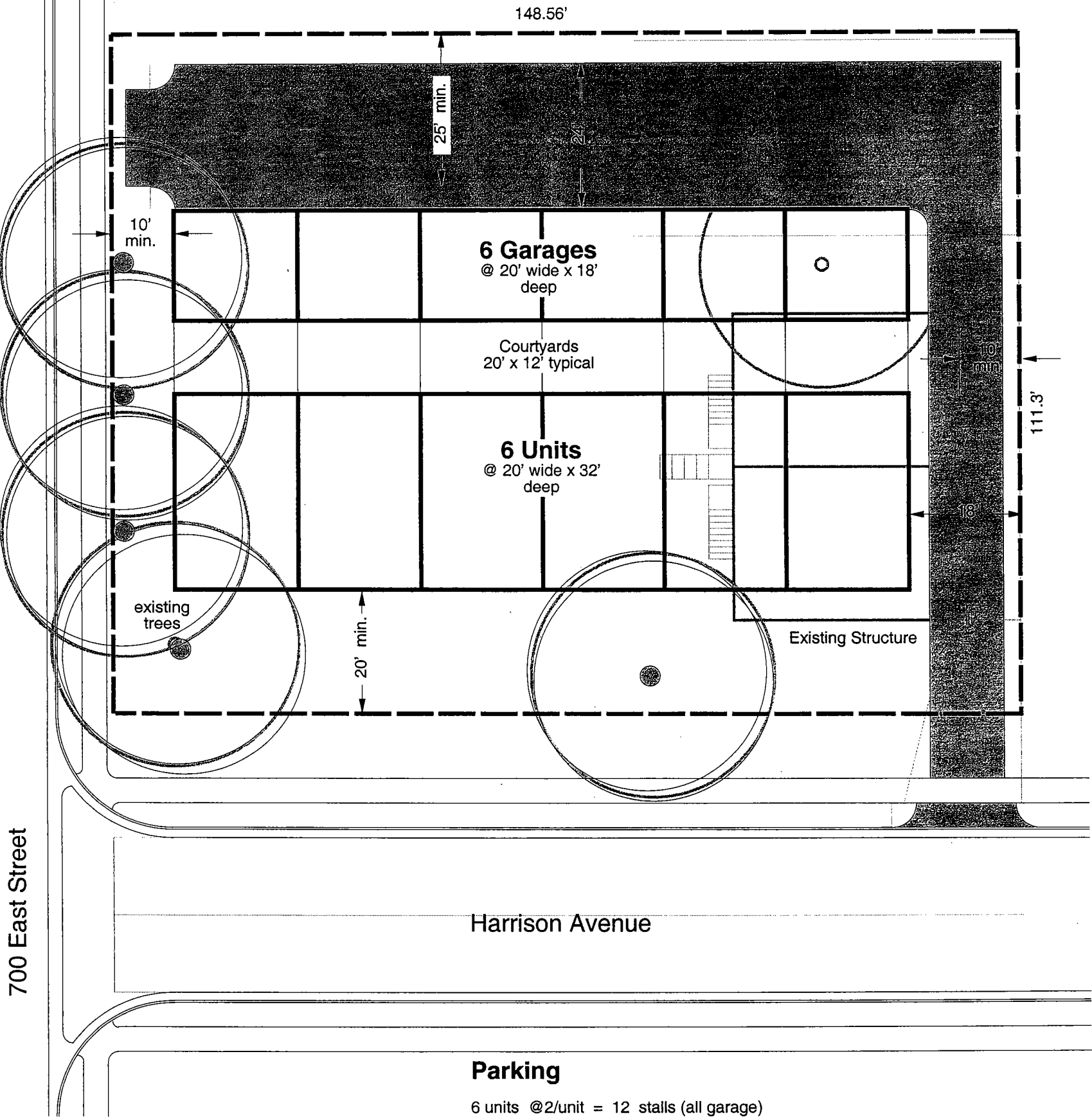
- Off street parking
- All storage will be inside of the town homes and garages
- The building of a new fence or wall that provides privacy for the neighbor to the east
- Allows for the careful screening of the dumpster

Chuck Klingenstein and I are looking forward to the staff's final review of this new information so we can move on to a hearing with the Planning Commission. We understand that the staff feels we do not need to meet the community councils once more since the amended application reduces the scale of the project.

Regards,

A handwritten signature in black ink, appearing to read "Bob Strasters", with a horizontal line extending from the end of the signature.

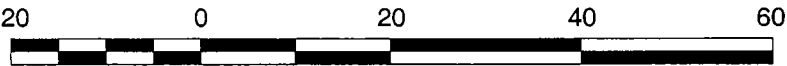
Bob Strasters
Project Applicant

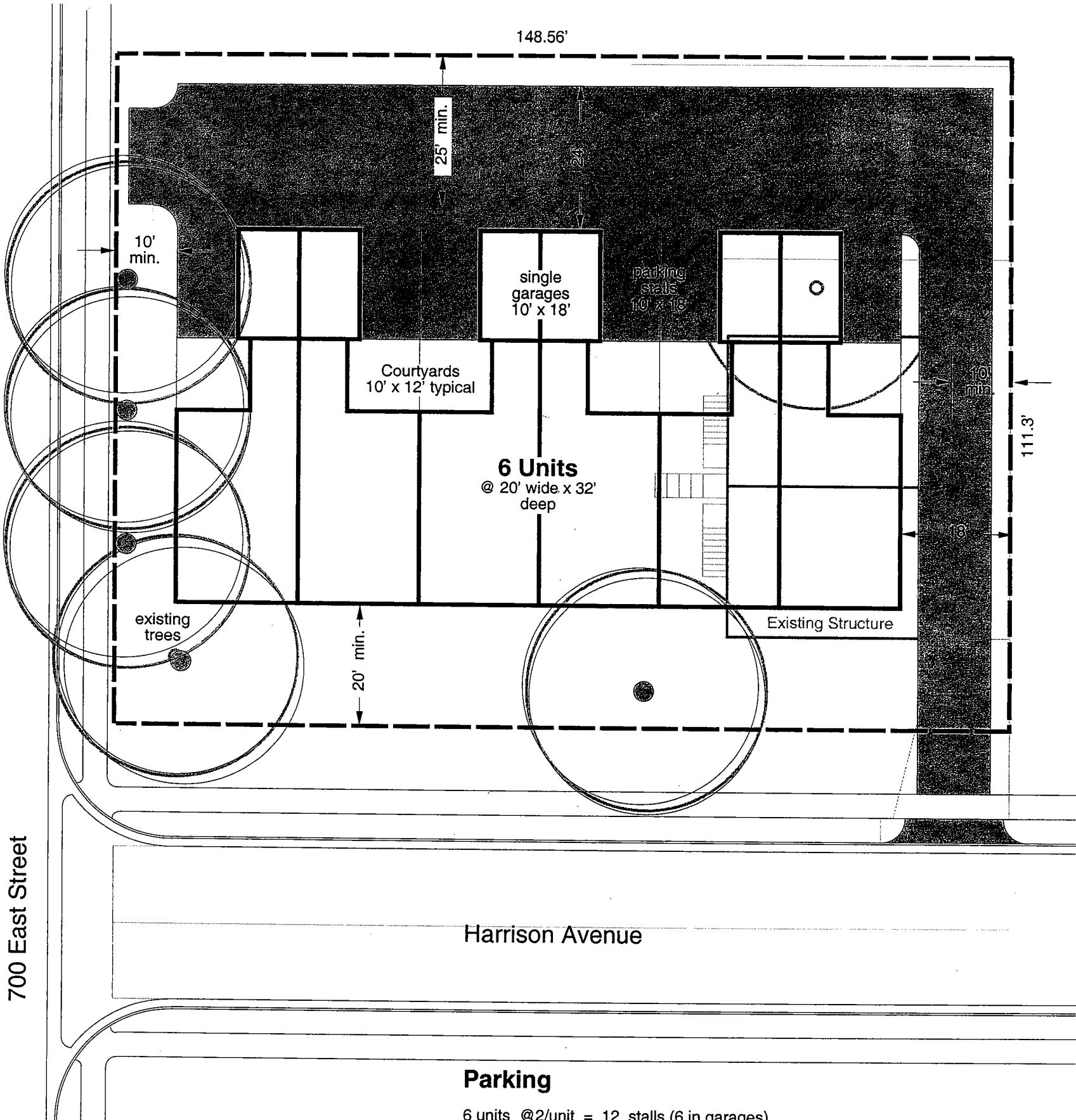


Harrison Avenue Residences

Salt Lake City, Utah
revised 10/13/05

Zone: RMF - 35
Size: 16,535 sq. ft. (0.38 acres)





Harrison Avenue Residences

Salt Lake City, Utah
revised 10/13/05

Zone: RMF - 35
Size: 16,535 sq. ft. (0.38 acres)

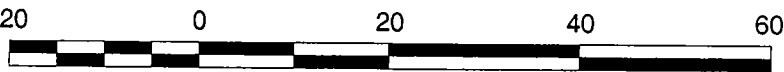


Exhibit 5
Department Comments

PUBLIC UTILITIES

Carroll, Sarah

From: Stewart, Brad
Sent: Thursday, November 10, 2005 11:35 AM
To: Carroll, Sarah
Cc: Garcia, Peggy
Subject: RE: Petition 400-05-24 (Amended) Request to rezone 713 E. Harrison
Categories: Program/Policy

Sarah,

Salt Lake Public Utilities has no objection to the proposed zoning change for the mentioned property.

We will work with the developer, as plans are submitted, to ensure that all applicable regulations and standards are met for the new town houses concerning water, sewer, and storm drainage.

Thank you,

Brad

From: Carroll, Sarah
Sent: Monday, October 24, 2005 3:37 PM
To: Walsh, Barry; Weiler, Scott; Larson, Bradley; Stewart, Brad; Smith, JR; Butcher, Larry
Cc: Boskoff, Nancy; Campbell, Tim; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Oka, Dave; Querry, Chuck; Rutan, Ed; Zunguze, Louis
Subject: Petition 400-05-24 (Amended) Request to rezone 713 E. Harrison

MEMORANDUM

DATE: October 24, 2005

TO: Barry Walsh, Transportation
 Scott Weiler, Engineering
 Brad Larson, Fire
 Brad Stewart, Public Utilities
 J.R. Smith, Officer Christin Parks, (CPTED)
 Larry Butcher, Building Services

FROM: Sarah Carroll, Associate Planner, Planning Division
 535-6260, Sarah.carroll@slcgov.com

RE: Petition #400-05-24 (Amended), Rezone proposal for 713 East Harrison

CC: Boskoff, Campbell, Clark, Dinse, Fluhart, Graham, Harpst, Hooton, McFarlane, Oka, Querry, Rutan, Zunguze

11/14/2005

BUILDING SERVICES

SALT LAKE CITY BUILDING SERVICES

Preliminary Zoning Review

Log Number: Nonlog

Date: October 26, 2005

Project Name: Rezone Petition #400-05-24

Project Address: 713 East Harrison

Contact Person: Sarah Carroll

Fax Number: (801) 535-6174

Phone Number: (801) 535-6260

E-mail Address:

Zoning District: RMF-35 (Proposed)

Reviewer: Alan Hardman

Phone: 535-7742

Comments

Please respond in writing to each of the items below.

Revise the plans where appropriate.

1. The proposal will require creating either a condo plat or a PUD for owner-occupied town homes.
2. Lots in the RMF-35 zone which abut a single-family residential district must provide a 10 foot landscape buffer with landscaping and fencing provided per 21A.48.080.D. This will require a 10 foot landscape buffer along the east property line. It will also require shifting the driveway to the west and will affect the size and location of the main structure and the garages.
3. Document that the maximum building coverage does not exceed 60% of the lot.
4. Dumpsters must be located in the rear yard and screened per 21A.48.120.
5. New driveway approaches must be located at least 6 feet from the property line.
6. Fire Department approval required.
7. Public Utilities approval required.
8. Demolition permit required for existing structure.

TRANSPORTATION

Carroll, Sarah

From: Walsh, Barry
Sent: Wednesday, October 26, 2005 5:43 PM
To: Carroll, Sarah
Cc: Young, Kevin; Weiler, Scott; Larson, Bradley; Stewart, Brad
Subject: RE: Petition 400-05-24 (Amended) Request to rezone 713 E. Harrison
Categories: Program/Policy

October 26, 2005

Sarah Carroll, Planning

Re: Petition 400-05-24, Revised Application to Rezone from R-1/5000 to RMF-35 for 713 East Harrison Avenue.

The Division of Transportations review comments and recommendations for the zoning change proposal is for approval as follows:

Harrison Avenue is a local residential roadway with on street parking permitted, and 700 East is a major arterial (UDOT) roadway. There is currently a four-plex residential building on this lot with one driveway access to Harrison Avenue and the revision to a six-plex town home will not noticeably impact the public transportation corridors.

The new addition will require full site development to current city standards per the permit process. The existing driveway is noted as 8 feet plus, our field review indicates a ten to twelve foot wide corridor is existing. For the twelve stall parking lot (?garage) proposal a minimum ten foot wide driveway is required with a minimum 10 x 10 foot clear sight zone on each side of the approach at the sidewalk.

Sincerely,

Barry Walsh

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

10/27/2005

POLICE

Carroll, Sarah

From: Smith, JR
At: Tuesday, November 08, 2005 10:03 AM
To: Carroll, Sarah
Subject: Petition #400-05-24 (amended)

Categories: Program/Policy

Sarah,

Of the two proposals submitted our preference would be the proposal that allows for 6 garages 20 feet wide by 18 feet deep. The reasoning is that this allows for better visibility along the North side of the property adjacent to the park. With the 1st proposal of the single garages it allows for dark non visible areas which increase the potential of criminal activity.

Also having just one driveway off of Harrison Ave. rather than two driveways with one exiting onto 700 East would make the garage area less susceptible to criminal activity and make the ingress and egress onto 700 East less of a traffic hazard.

J.R. Smith
SLCPD
Community Action Team

ENGINEERING

TO: SARAH CARROLL, PLANNING

FROM: SCOTT WEILER, P.E., ENGINEERING

DATE: NOVEMBER 8, 2005

SUBJECT: **Harrison Avenue Town homes Zoning Amendment
713 E. Harrison Ave.**

City engineering review comments are as follows:

1. Curb, gutter, sidewalk and a drive approach exist in Harrison Avenue along the frontage of the proposed development in satisfactory condition with the exception of cracked concrete in the sidewalk and drive approach, which must be replaced. Curb, gutter and sidewalk exist in 700 east. The uneven sidewalk joint causing a tripping hazard must be ground down or replaced.
2. The developer must enter into a subdivision improvement construction agreement. This agreement requires the payment of a 5% fee based on the estimated cost of constructing the street/driveway improvements. A copy of the agreement is attached. Please forward it to the developer. The developer should contact Joel Harrison (535-6234) to discuss insurance requirements for the project.
3. The proposed drive approach access onto 700 East Street must be approved by UDOT and meet UDOT standards.
4. SLC Transportation must approve all street geometrics and street lighting.
5. Design drawings for the proposed private street must comply with the Salt Lake City Engineering design standards. Some of the significant requirements are:
 - The engineering drawings must show the profile view for top back of curb grade and centerline grade. Minimum curb design grade for the new street is 0.50%.
 - The minimum size lettering shall be 1/10" and capital letters shall be used.
 - The text shall be readable from one of two directions on a given sheet.
 - The north arrow shall point toward the top or left of the sheet with stationing progressing from west to east or from north to south.
 - A geotechnical investigation report containing a pavement section design for the proposed private street must be submitted for review if a pavement section of less than 3" asphalt and 8" road base is proposed.

Sarah Carroll
Harrison Avenue Town homes Zoning Amendment
November 8, 2005

6. The subdivision plat must conform to the requirements on the attached plat checklist.
7. We recommend that the property be addressed as 713 E. Harrison Avenue with the individual town homes identified by unit number. If the developer prefers to name the private street, it should be submitted as soon as possible to Judy Stevens (Salt Lake County, 468-3294) for review. SLC Engineering will provide final approval of the street name and suffix. A certified address must be provided by Alice Montoya (535-7248) prior to issuance of a building permit.
8. The developer must enter into agreements required by the SLC Public Utility Department and pay the required fees.
9. At least one member of the concrete finishing crew must be ACI certified. The name of the ACI certified finisher must be provided at the pre-construction meeting for the subdivision.

cc: Rick Johnston
Brad Stewart
Barry Walsh
Vault

FIRE DEPT.

Carroll, Sarah

From: Larson, Bradley
Sent: Wednesday, August 17, 2005 11:36 AM
To: Carroll, Sarah
Subject: Petition 400-05-24, Rezone proposal for 713 Harrison

Sarah,

My records indicate my original e-mail regarding the above request was not delivered. Please accept this note as Fire Department approval for the above named petition. Please feel free to contact me should you need further assistance. Thank you.

Brad Larson
Deputy Fire Marshal
Salt Lake City Fire Department
801-799-4162 office
801-550-0147 cell
bradley.larson@slcgov.com

8/17/2005

Exhibit 6
Notice of Amended Request
and Public Comment

Carroll, Sarah

From: Carroll, Sarah
Sent: Monday, October 24, 2005 2:38 PM
To: 'dadufo@aol.com'; 'boriskurz@yahoo.com'; 'brian@57wild.com'; 'ccnc@rock.com'
Cc: 'Erin Riley'; 'michelle.balka@wachoviassec.com'; 'tyoung@copper.net'; 'jeff.paris@aros.net'; 'cindycromer@hotmail.com'
Subject: Petition 400-05-24: Request to rezone 713 E. Harrison (Amended)
Attachments: 400-05-23 Letter to amend.pdf; 400-05-23 Site Plans.pdf

Dear Community Council Chairs and Citizens:

Please review the attached amended request for a rezone at 713 E. Harrison. This property currently supports an existing four-plex, is across the street from a business and is abutting 700 East to the West, a park to the North and a single-family residential property to the East. The original petition was a request to rezone the property from R-1/5000 to RMF-45 zoning in order to construct an additional four-plex on the property.

An open house regarding the original request was held on August 9, 2005. At the open house the citizens that live on Harrison Avenue expressed concerns about poor property maintenance, lack of pride/care for the property, and the increased traffic congestion that could occur on Harrison if four more units were added. The neighboring property owners supported improvements at this location but were wary of an additional four units. Citizens commented that they would feel more comfortable if the property were developed with condos or townhouses.

The applicant has worked hard to address the concerns expressed by City staff and the community and has submitted an amendment to the rezone request. The amended request is to rezone the property from R-1/5000 to RMF-35 and then demolish the existing four-plex and construct six townhouses. The applicant's amended request and site plan are attached. This proposal will be heard by the Planning Commission in December or January and you will receive a notice in the mail two weeks prior to the meeting. Another open house will not be held since the amended request addresses many of the concerns that were expressed by the community and is a reduced request.

I have e-mail addresses for four of the eight citizens that attended the open house. Therefore, I ask that you please inform your neighbors of the new information. I would appreciate receiving your comments on the amended proposal no later **November 15, 2005**.

Sincerely,

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

10-25-05 Response regarding amended request

I am 100% against any additional units on this lot. She would be better served by improving the existing units and charging more money per month.

Thank you,

Michelle Balka
Assistant Vice President
Sr. Operations Manager
Salt Lake City Complex
(801) 535-4042

Thank you for your comments. Please state your home address and why you are against the changes.

Thank you,

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

661 Harrison Ave. 84105

I do not want increased traffic & more apt. housing that has turnover. I wish my neighborhood to be permanent residents.

Thank you,

Michelle Balka
Assistant Vice President
Sr. Operations Manager
Salt Lake City Complex
(801) 535-4042

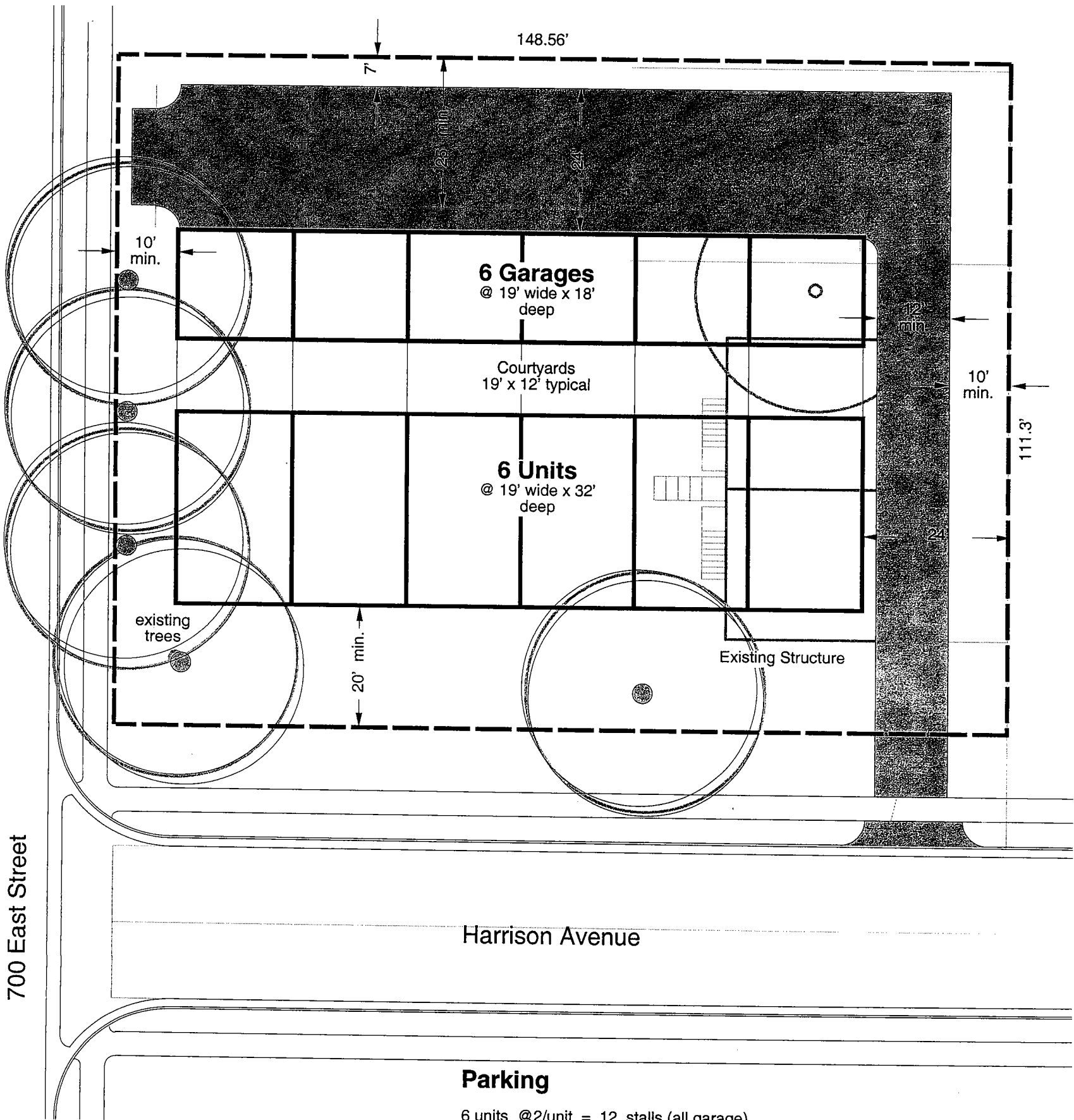
I did mention that they will build town homes (to be individually purchased) not apartments. What are your feelings on that?

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

I would rather not have additional traffic. Thanks.

Michelle Balka

Exhibit 7
Final Proposal, Applying all City
Department and Public Comments



Harrison Avenue Residences

Salt Lake City, Utah
revised 10/13/05

Zone: RMF - 35
Size: 16,535 sq. ft. (0.38 acres)

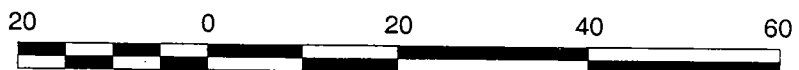


Exhibit 8
Newspaper Legal Notices,
Published on November 30, 2005

percent following a 0.2 percent decline in September. Total goods orders had fallen 2.1 percent in September.

Orders for nondefense capital goods, considered a good barometer of business plans for expansion and modernization, rose by 6.7 percent last month after having fallen by 8.6 percent in September.



Legal Notices

ndalegal@nacom.com • 237-2720

070—Legal Notices

SALT LAKE CITY PLANNING COMMISSION PUBLIC HEARING

On Wednesday 14 December, 2005 at 5:45 P.M., the Salt Lake City Planning Commission will hold a public hearing to take public comment and consider recommending approval of an amendment to the Central Community Zoning Map and Master Plan. The proposed amendment is a request to rezone property located at 713 East Harrison Avenue from R-1/5000, single family residential zoning to R-1/35, moderate density residential zoning. All persons interested and present will be given an opportunity to be heard in this matter. The hearing will be held in Room 326 of the Salt Lake City and County Building, 451 South State Street. Accessible parking and entrance are located on the east side of the building. Hearing impaired individuals who wish to attend this meeting should contact our TDD service number, 535-6021, four days in advance so that an interpreter can be provided. For further information regarding this hearing, call Michael Carroll at 535-2260. 8202X6LJ

MIDVALE CITY NOTICE OF PUBLIC MEETING

The public is invited to attend a public hearing before the Midvale City Planning Commission on Wednesday, December 14, 2005 at 7:00 p.m. in the Midvale City Council Chambers located at 655 West Center Street, Midvale, Utah. The Planning Commission will be considering a request for a conditional use permit, preliminary site plan and preliminary subdivision plat for a 24 unit multi-family residential development at approximately 7398 S. and 7378 S. 1000 E. These requests have been made by Sunstone Corporation.

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

Published: November 30, 2005 802X5EZ

AVOID A WAIT
PLACE YOUR
CLASSIFIED AD
from

7:00 A.M. to
5:00 P.M.
MONDAY THRU THURSDAY
7:00 A.M. to
5:00 P.M.
FRIDAY

070—Legal Notices

MIDVALE CITY NOTICE OF PUBLIC MEETING

The public is invited to attend a public hearing before the Midvale City Planning Commission on Wednesday, December 14, 2005 at 7:00 p.m. in the Midvale City Council Chambers located at 655 West Center Street, Midvale, Utah. The Planning Commission will be considering an amendment to the Conditional Use Permit/Site Plan for the JWCD well house to be located at approximately 273 E. Carol Way.

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

Published: November 30, 2005 8202X5FO

MIDVALE CITY NOTICE OF PUBLIC MEETING

The public is invited to attend a public hearing before the Midvale City Planning Commission on Wednesday, December 14, 2005 at 7:00 p.m. in the Midvale City Council Chambers located at 655 West Center Street, Midvale, Utah. The Planning Commission will be considering a Master Planned Development and Preliminary Subdivision Plat request from Kevin Oakes to allow a 13-unit town home development at 7606 S. 700 E.

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

Published: November 30, 2005 8202X7C9

PLACE YOUR

CLASSIFIED AD

7:00 A.M. to
8:00 P.M.
MONDAY THRU THURSDAY
7:00 A.M. to
8:00 P.M.
FRIDAY

PLACE YOUR

CLASSIFIED AD

7:00 A.M. to
8:00 P.M.
MONDAY THRU THURSDAY
AND
7:00 A.M. to
5:00 P.M.
ON
FRIDAY
237-2000

070—Legal Notices

MIDVALE CITY NOTICE OF PUBLIC MEETING

The public is invited to attend a public hearing before the Midvale City Planning Commission on Wednesday, December 14th, 2005 at 7:00 p.m. in the Midvale City Council Chambers located at 655 West Center Street, Midvale, Utah. The Planning Commission will be considering a Subdivision request by Michael & Miquelle Smith to subdivide the property at 7796 South Grant Street into two residential lots.

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

Published: November 30th, 2005 8202X5GB

COTTONWOOD HEIGHTS NOTICE OF PUBLIC HEARING

Notice is hereby given that Cottonwood Heights will hold a public hearing before the Board of Adjustment to receive comment on a request for a variance for a side yard setback and a front yard setback in the R-1-8 zone. The property is located at 8694 Alpen Circle (3540 East). The hearing will be held at Cottonwood Heights City Offices, 1365 East Fort Union Blvd., Suite 250, on December 15, 2005, at 7:00 p.m. or as soon thereafter as the matter can be heard. Any inquiries should be directed to Michael Black at 543-4160.

ATTEST:

Linda Dunlavy
City Recorder
8202X7QJ

Utah's
Largest
Marketplace
Classifieds
237-2000

070—Legal Notices

NOTICE OF FILING OF APPLICATION FOR FEDERAL DEPOSIT INSURANCE AND NOTICE OF INTENDED MAIN OFFICE LOCATION

Union Charter Holding, LLC, a Delaware Limited Liability Company hereby gives notice that the proposed new Utah Industrial Bank, Union Financial Services Corporation, a Utah Corporation, has filed an amended charter application with the State of Utah, Department of Financial Institutions, and an amended application for federal deposit insurance with the Federal Deposit Insurance Corporation.

The applicant proposes to engage in business at its main office location at 181 East 5600 South, Suite 240, Salt Lake City, Utah 84107. The applicant will not be open to the public until its applications with the State of Utah, Department of Financial Institutions, and the FDIC application for deposit insurance are approved. Prior to opening to the public, the applicant may be contacted at Union Financial Services Corporation, 181 East 5600 South, Suite 240, Salt Lake City, Utah 84107.

Any person wishing to comment on these applications may file his or her comments in writing with the Commissioner, Utah Department of Financial Institutions, P.O. Box 146800, Salt Lake City, Utah 84114-6800 and/or the Regional Director (DOS) of the Federal Deposit Insurance Corporation in its regional office, 25 Ecker Street, San Francisco, California 94105 not later than 30 days following the date of this publication, unless the comment period has been extended or reopened in accordance with Section 303.9(b)(2). The non-confidential portions of the application are on file with the Utah Department of Financial Institutions and the FDIC regional office and are available for public inspection during regular business hours. Portion of the non-confidential portion of the application file will be made available upon request.

Published pursuant to Section 7-1-704(3)(a) of the Utah Code and Section 303.23(a) of the rules and regulations of the Federal Deposit Insurance Corporation.

Union Financial Services Corporation
Wallace M. Jensen, President and CEO
8202X7MO

NOTICE OF PUBLIC HEARING Reform of New Source Review Rules

The Utah Air Quality Board proposes to revise R307-1.01-2, R307-1.01-9 and the state implementation plan (SIP) for Prevention of Significant Deterioration (PSD) R307-2.25, R307-2.26, R307-2.27, R307-2.28, R307-2.29, R307-2.30, R307-2.31, R307-2.32, R307-2.33, R307-2.34, R307-2.35, R307-2.36, R307-2.37, R307-2.38, R307-2.39, R307-2.40, R307-2.41, R307-2.42, R307-2.43, R307-2.44, R307-2.45, R307-2.46, R307-2.47, R307-2.48, R307-2.49, R307-2.50, R307-2.51, R307-2.52, R307-2.53, R307-2.54, R307-2.55, R307-2.56, R307-2.57, R307-2.58, R307-2.59, R307-2.60, R307-2.61, R307-2.62, R307-2.63, R307-2.64, R307-2.65, R307-2.66, R307-2.67, R307-2.68, R307-2.69, R307-2.70, R307-2.71, R307-2.72, R307-2.73, R307-2.74, R307-2.75, R307-2.76, R307-2.77, R307-2.78, R307-2.79, R307-2.80, R307-2.81, R307-2.82, R307-2.83, R307-2.84, R307-2.85, R307-2.86, R307-2.87, R307-2.88, R307-2.89, R307-2.90, R307-2.91, R307-2.92, R307-2.93, R307-2.94, R307-2.95, R307-2.96, R307-2.97, R307-2.98, R307-2.99, R307-3.00, R307-3.01, R307-3.02, R307-3.03, R307-3.04, R307-3.05, R307-3.06, R307-3.07, R307-3.08, R307-3.09, R307-3.10, R307-3.11, R307-3.12, R307-3.13, R307-3.14, R307-3.15, R307-3.16, R307-3.17, R307-3.18, R307-3.19, R307-3.20, R307-3.21, R307-3.22, R307-3.23, R307-3.24, R307-3.25, R307-3.26, R307-3.27, R307-3.28, R307-3.29, R307-3.30, R307-3.31, R307-3.32, R307-3.33, R307-3.34, R307-3.35, R307-3.36, R307-3.37, R307-3.38, R307-3.39, R307-3.40, R307-3.41, R307-3.42, R307-3.43, R307-3.44, R307-3.45, R307-3.46, R307-3.47, R307-3.48, R307-3.49, R307-3.50, R307-3.51, R307-3.52, R307-3.53, R307-3.54, R307-3.55, R307-3.56, R307-3.57, R307-3.58, R307-3.59, R307-3.60, R307-3.61, R307-3.62, R307-3.63, R307-3.64, R307-3.65, R307-3.66, R307-3.67, R307-3.68, R307-3.69, R307-3.70, R307-3.71, R307-3.72, R307-3.73, R307-3.74, R307-3.75, R307-3.76, R307-3.77, R307-3.78, R307-3.79, R307-3.80, R307-3.81, R307-3.82, R307-3.83, R307-3.84, R307-3.85, R307-3.86, R307-3.87, R307-3.88, R307-3.89, R307-3.90, R307-3.91, 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R307-10.26, R307-10.27, R307-10.28, R307-10.29, R307-10.30, R307-10.31, R307-10.32, R307-10.33, R307-10.34, R307-10.35, R307-10.36, R307-10.37, R307-10.38, R307-10.39, R307-10.40, R307-10.41, R307-10.42, R307-10.43, R307-10.44, R307-10.45, R307-10.46, R307-10.47, R307-10.48, R307-10.49, R307-10.50, R307-10.51, R307-10.52, R307-10.53, R307-10.54, R307-10.55, R307-10.56, R307-10.57, R307-10.58, R307-10.59, R307-10.60, R307-10.61, R307-10.62, R307-10.63, R307-10.64, R30

Electrical connector, method for making tools among patents

The following patents were issued this week to Utah inventors and companies.

Internal coaxial cable electrical connector for use in downhole tools, patent No. 6,968,611, invented by David R. Hall of Provo, H. Tracy Hall, Jr. of Provo, David S. Pixton of Lehi, Scott Dahlgren of Provo, Joe Fox of Spanish Fork, Cameron Shedd of Provo, and Michael Briscoe of Lehi, assigned to IntelliServ of Provo.

Method for manufacturing endodontic instruments, patent No. 6,968,619, invented by Paul Lewis of Midvale and Barry L. Hobson of Grantsville, assigned to Ultradent Products of South Jordan.

Portable pressure transducer, pneumotach for use therewith and associated methods, patent No. 6,968,741, invented by Joseph A. Orr of Park City, Scott A. Koford of Salt Lake City, and Kevin Durst of Salt Lake City, assigned to Respiromics of Murfreesville, Pa.

Folding table with central support assembly, patent No. 6,968,789, invented by Kwang-Ho Baik of Sungham, Republic of Korea, and Jeffrey A. Fox of Sunnyvale, Calif., assigned to Lifetime Products of Clearfield.

Selectively cascadeable storage management apparatus, method, and system, patent No. 6,968,975, invented by Coston L. Christensen of Springville.

Portable dispenser drip collection apparatus and method, patent No. 6,968,979, invented by Gerald Dennis Gribble of Provo, Richard Allen Wall of W.V.C. and Gary Arnold Barnes of Provo.

Light for use in activating light-activated materials, the light having at least one light emitting semiconductor chip, the chip being attached to a primary heat sink that is attached to a secondary heat sink using heat conductive and electrically insulating adhesive, patent No. 6,969,253, invented by Densen Cao of Sandy, assigned to Cao Group of Sandy.

Metal complexes for use as gas generants, patent No. 6,969,435, invented by Gerald C. Hinshaw of Farr West, Daniel W. Doll of North Ogden, Reed J. Blau of Richmond, and Gary K. Lund of Malad, Idaho, assigned to Alliant Techsystems of Edina, Minn.

Fuel additive containing ferrous picrate produced by a process utilizing wire, patent No. 6,969,773, invented by David M. Stewart of Taylorsville, assigned to RDI Construction of South Point, Ohio.

Method and apparatus for deriving at least one audio signal from two or more input audio signals, patent No. 6,970,567, invented by Kenneth J. Gundry of San Francisco, Calif., and James W. Fosgate of Heber City, assigned to Dolby Laboratories Licensing of San Francisco.

Apparatus and method for reducing induced drag on aircraft and other vehicles, patent No. 6,970,773, invented by Warren F. Phillips of Paradise, assigned to Utah State University of North Logan.

System and method for connecting to a device on a protected network, patent No. 6,970,934, invented by Eric B. Remer of American Fork, David A. King of Highland, and David L. Remer of Orem, assigned to Intel of Santa Clara, Calif.

Binary compatible software objects, patent No. 6,971,087, invented by Kenneth S. Knapp, III, of Orem, assigned to Intel of Santa Clara, Calif.

Table, patent No. D511,913, invented by Jacob Kears of Plain City, and Thayne B. Haney of Syracuse, assigned to Lifetime Products of Clearfield.

Baluster, patent No. D512,165, invented by Patrick R. Hoggan of North Logan.

This list is compiled by Parsons Behle & Lathmer attorney Daniel McCarthy and agent Everett Robinson, who are registered with the U.S. Patent and Trademark Office.

Legal Notices

naledgal@nccorn.com 2772720

070—Legal Notices	070—Legal Notices	070—Legal Notices	070—Legal Notices
<p>SALT LAKE CITY PLANNING COMMISSION PUBLIC HEARING</p> <p>On Wednesday 14 December, 2005 at 5:45 P.M., the Salt Lake City Planning Commission will hold a public hearing to take public comment and consider recommending approval of an amendment to the Central Community Zoning Map and Master Plan. The proposed amendment is a request to rezone property located at 713 East Harrison Avenue from R-1/5000, single family residential zoning to RMC-35, moderate density residential zoning. All persons interested and present will be given an opportunity to be heard in this matter.</p> <p>The hearing will be held in Room 326 of the Salt Lake City and County Building, 431 South State Street. Accessible parking and entrance are located on the east side of the building. Hearing-impaired individuals who wish to attend this meeting should contact our TDD service number, 801-520-2021, four days in advance to make an interpretation can be provided for further information regarding this hearing, call Sarah Carroll at 801-520-6260. 8202X6U</p> <p>MIDVALE CITY NOTICE OF PUBLIC MEETING</p> <p>The public is invited to attend a public hearing before the Midvale City Planning Commission on Wednesday, December 14, 2005 at 7:00 pm in the Midvale City Council Chambers located at 655 West Center Street, Midvale, Utah. The Planning Commission will be considering a request for a conditional use permit for a mobile food service building on the 3424 West Division Blvd. for a 24 unit multi-family residential development of approximately 7,398 S.F. and 28,828 S.F. These requests have been made by Sunrise Corporation.</p> <p>All interested parties are invited to attend the hearing and contact the hearing officer, Midvale City Planning and Zoning Department at (801) 677-7251 for more information.</p> <p>Published: November 30, 2005 802X5Ez</p> <p>Sandy City Public Hearing Amended Temporary Uses & Permitted Land Use Matrix</p> <p>Notice is hereby given of a public hearing to be held in the Sandy City Hall, City Council Chambers, 10000 South Centennial Parkway, Sandy, Utah, before the Sandy City Planning Commission on December 15, 2005, at approximately 6:15 p.m., to consider the following: A Code Amendment to Sections 15.13.16(A), Temporary Uses, and 15.03.02, Permitted Land Use Matrix, Title 15, Land Development Code, Revised Ordinances of Sandy City. If you have</p>	<p>AMENDED NOTICE OF TRUSTEE'S SALE</p> <p>The following described property will be sold at public auction to the highest bidder at the Main Entrance, Weber County Courthouse, 2525 Grant Avenue, Ogden, Utah, on December 14, 2005, at 10:00 a.m. of said day, for the purpose of foreclosing a trust deed originally executed on June 20, 2003 by Ghenniphur L. Linford and Jason L. Linford as trustees, in favor of First Franklin Financial Corporation, covering the following real property purported to be located in Weber County at 117 Sullivan Road, Ogden, UT 84403 (the undersigned disclaims liability for any error in the address), Lots 35 and 36, Block 8, Florence Park Addition, Ogden City, Utah, together with North half of the vacated alley abutting said property on the South.</p> <p>Together with all the improvements now or hereafter erected on the property and all easements, appurtenances, and fixtures now or hereafter a part of the property.</p> <p>The current beneficiary of the trust deed is National City Bank of Indiana and the record owners of the property as of the recording of the notice of default are Ghenniphur L. Linford and Jason L. Linford.</p> <p>The sale is subject to a bankruptcy filing, a payoff or reinstatement or any other condition of which the trustee is not aware that would cause the cancellation of the sale. If any such condition exists, the sale shall be void, the successful bidder's funds returned, and the trustee and current beneficiary shall not be liable to the successful bidder for any damage.</p> <p>Bidders must tender to the trustee a \$5,000.00 deposit at the sale and the balance of the purchase price by 12:00 noon the day following the sale. The deposit must be in the form of a cashier's check or bank official check payable to Lundberg & Associates. The balance must be in the form of a wire transfer, cashier's check, bank official check (credit union official check are not accepted) or U.S. Federal money order payable to Lundberg & Associates. If the purchase price is less than \$10,000 must be remitted with the purchase price. Cash payments are not accepted. A trustee's deed will be delivered to the successful bidder within three business days after receipt of the amount bid.</p> <p>DATED: November 8, 2005.</p> <p>Scott Lundberg, Trustee 3269 South Main, #100 Salt Lake City, UT 84115 801-313-3400 19011-363-3400 The sale from 8:00 a.m. - 5:00 p.m. L&A Case No. 03-52092 Team C/R</p> <p>THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. 8202W WPB</p>	<p>NOTICE OF TRUSTEE'S SALE</p> <p>The following described property will be sold at public auction to the highest bidder at the Main Entrance, Weber County Courthouse, 2525 Grant Avenue, Ogden, Utah, on December 14, 2005, at 10:00 a.m. of said day, for the purpose of foreclosing a trust deed originally executed on January 20, 2004 by Paul A. Baskin as trustee, in favor of Mortgage Electronic Registration Systems, Inc., as nominee for Academy Mortgage Corporation, its successors and assigns, covering the following real property purported to be located in Weber County at 3623 Porter Avenue, Ogden, UT 84403 (the undersigned disclaims liability for any error in the address) and more particularly described as follows: All of Lots 45 and 46, Block 19, Lake View Addition, Ogden City, Weber County, Utah, according to the official plat thereof.</p> <p>More correctly described as:</p> <p>All of Lots 45 and 46, Block 19, Lake View Addition, Ogden City, Weber County, Utah, according to the official plat thereof.</p> <p>Also: The East 10 feet of the vacated alley abutting the property on the West.</p> <p>Together with all the improvements now or hereafter erected on the property and all easements, appurtenances, and fixtures now or hereafter a part of the property.</p> <p>The current beneficiary of the trust deed is Mortgage Electronic Registration Systems, Inc., as nominee for Wells Fargo Bank, N.A., its successors and assigns, and the record owner of the property as of the recording of the notice of default is Paul A. Baskin.</p> <p>The sale is subject to a bankruptcy filing, a payoff or reinstatement or any other condition of which the trustee is not aware that would cause the cancellation of the sale. If any such condition exists, the sale shall be void, the successful bidder's funds returned, and the trustee and current beneficiary shall not be liable to the successful bidder for any damage.</p> <p>Bidders must tender to the trustee a \$5,000.00 deposit at the sale and the balance of the purchase price by 12:00 noon the day following the sale. The deposit must be in the form of a cashier's check or bank official check payable to Lundberg & Associates. The balance must be</p>	<p>NOTICE OF FILING FEDERAL DEPT. NOTICE OF INTENT</p> <p>Union Charter Holding, LLC Company hereby gives Utah Industrial Bank, Union, a Utah Corporation activation application of Financial Institutions, a Federal deposit insurance and Corporation.</p> <p>The applicant proposes to office location at 131 E. Lake City, Utah 84102, for the public until its Department of Financial Institution for deposit insurance appealing to the public, the Union Financial Services, South, Suite 240, Salt Lake City, Utah 84102.</p> <p>Any person wishing to file his or her comments with the Department of Financial Institutions, please call 1-800-800-8000, Salt Lake City, Regional Director, DPO/ Corporation at 35-800, Francisco, California. Following the date of this period has been extended with Section 301.2(b) of the application of Financial Institutions are available for public access hours, please call the application at 1-800-800-8000.</p> <p>Published pursuant to Code and Section 101 of the Federal Deposit Insurance Act.</p> <p>Union Financial Services Wallace W. Jensen, President 8202XMO</p> <p>NOTICE OF Reform of New</p> <p>The Utah Air Quality Act (UAAQ) is a law that requires the Utah Department of Environmental Quality (UDEQ) to develop and implement a plan to improve air quality in the state. The UAAQ is a law that requires the UDEQ to develop and implement a plan to improve air quality in the state. The UAAQ is a law that requires the UDEQ to develop and implement a plan to improve air quality in the state.</p> <p>In other states, the UAAQ is a law that requires the UDEQ to develop and implement a plan to improve air quality in the state. The UAAQ is a law that requires the UDEQ to develop and implement a plan to improve air quality in the state. The UAAQ is a law that requires the UDEQ to develop and implement a plan to improve air quality in the state.</p> <p>The full text of the plan is available at: http://www.airquality.utah.gov. The hearing will be held at 3:00 p.m. on December 1, 2005, in the Environmental Department of the UDEQ, 1950 West Salt Lake City.</p> <p>The Commission on the 2005-2006 legislative session will be held on December 1, 2005, at 3:00 p.m. in the Environmental Department of the UDEQ, 1950 West Salt Lake City.</p> <p>ATTN: New Source Review Reform of New Source Review Department of Environmental Quality Box 144820 Salt Lake City, UT 84114 8202XWO</p>

Exhibit 9
Letter's Given to the Commissioners
on December 14, 2005

December 7, 2005

To Members of the East Central Community Council
Members of the Salt Lake City Planning Commission
Sarah Carroll
From Cindy Cromer

Subject: 713 E. Harrison

THIS LETTER IS ADDRESSED TO BOTH THE EAST CENTRAL BOARD AND TO THE PLANNING COMMISSION DUE TO THE DEADLINE FOR THE PACKET. cc

At the November 16, 2005 Executive Board Meeting of the East Central Community Council (ECCC), the Board members discussed the rezoning of the property at 713 E. Harrison Avenue from R1-5000 to RMF-35. The following comments summarize my efforts to gather more information about the proposal.

Policy Issue:

The City's policy to increase housing is in opposition to the recently adopted Central Community Master Plan which calls for low density residential at this location. The East Central Neighborhood has viewed with concern the City's recent willingness to upzone properties. The business known as "Traces" and the upzones along 900 South are two examples. Additionally, ECCC is aware of proposed upzones on 100 South and 900 East, and ECCC has repeatedly expressed opposition to the height allowed in the proposed Transit Corridor.

Rezoning Petition:

The property owned by Mr. Chuck Klingenstein at 713 E. Harrison contains a nonconforming 4-plex on a large lot at the corner of Harrison and 700 East.

Sources of Information:

Sarah Carroll, the planner assigned to the petition, indicated that the original proposal was a request for an upzone to RMF-45 to allow the owner to build another 4-plex. I would argue that the RMF-45 zone is not justified in this area where the prevailing residential zone is R1-5000. The RMF-45 is not a typical zone anywhere in East Central and occurs sparingly at the north end.

At an Open House, hosted by Sarah during the summer, residents on Harrison expressed their frustration with the previous management of the 4-plex, traffic and parking issues specific to their street, and the compatibility of an 8-unit project with their single family residences. Another issue with the owner of several buildings was the quality of construction. Harrison is typical of the Emerson Neighborhood with solid bungalows of a consistent size and setback.

The owner/developer reduced the request to an upzone to RMF-35 which would allow 6 townhouses. At this point, the Board drafted a letter regarding the petition and distributed it to residents on the block immediately east of the proposal. The 3 residents who responded just before Thanksgiving were concerned about the lot coverage and scale of 6 townhouses. My personal opinion is that the RMF-35 might be justifiable IF the owner had no other options than a single family residence on a very large lot or an aging nonconforming 4-plex.

So, here are other options that I've looked at.

1. The owner could build duplex and single family residences on the property under the existing ordinance, yielding 3 units of housing consistent with the immediate neighborhood and the Master Plan.
2. If the City would reduce the amount of land required to access the flexibility of a PUD (a change in the ordinance), the owner could build 3 single family residences consistent with

the immediate neighborhood and the Master Plan. East Central has already asked the Planning Commission to make adjustments in the requirements for a PUD.

3. The proposed rezone is adjacent to the Liberty Wells Community. The chair Brian Watkins pointed out that Liberty Wells has some infill houses that are working out very well at Browning (1400 South) and Park (545 East). They are in fact so successful that I am not sure whether there are 3 infill houses or 4. Please go look for yourself. Park is a discontinuous street. You will be due south of Liberty Park when you find them.

So, my conclusion after a bunch of sleuthing is that the owner does have other options besides 6 townhouses.

Here are my thoughts IF the Board's recommendation is to support the owner's request for RMF-35.

1. The townhouse units should be oriented toward both 700 E and Harrison. This would mean windows on the west side of the townhouse next to 700 E. The fronts of the townhouses should include windows and entry doors even though access is likely to occur from the rear. There will be no requirement for compatibility if the redevelopment is for townhouses. So, Planning will not be able to require this design.
2. The rezoning must be tied to the acquisition of a building permit for the 6 units. Under no circumstances should Mr. Klingenstein be allowed to eliminate the nonconforming status of his property for the meager cost of filing for a zoning change. He should have to increase his investment in the neighborhood.

Important factors to consider include

1. The City's Housing Policy (number of housing units)
2. The probable life span of the existing building
3. The concerns of the immediate neighbors expressed at the Open House
4. The location of the property on a State Highway between a large publicly owned open space and a business property
5. The exceptional size of the lot compared to the other residentially zoned lots in the neighborhood
6. The integrity of Harrison's streetscape
7. Consistency with the new Central Community Master Plan
8. The pending ordinance for Compatible Infill which would apply to the existing R1-5000 zone but not to the proposed RMF-35

I'll probably think of something that I've omitted after I rush this down to the Planning Department. Board Members from ECCC: Please respond directly to Dennis ASAP.

Issues related to Harrison Townhouses

	6 Townhouses	1 duplex; 1 s-f house	3 s-f houses
Master Plan	-	+	+
Zoning	-	+	+
Compatibility adopted 12/13/05	-	+	+
Density	+ (+2)	- (-1)	- (-1)
Subdivision Required	No	Yes	Yes
Ordinance Change Required (PUD)	No	No	Yes

submitted by East Central Community Council 12/14/05

December 8, 2005

Salt Lake City Planning Commission
451 South State Street
One Washington Square
Salt Lake City, UT 84111

RE: Petition No 400-05-24 713 Harrison Avenue Apartments

The Emerson Neighborhood is officially in the East Central Planning District, but since this petition is a block from my house, I presented it to the Sugar House Community Council on December 7, at the request of East Central Community Council.

The parcel is currently zoned R1-5000, and has had a 4-plex on the east side of the property for some 40 years. The west side of the parcel is an old orchard, and still has many of the old trees on it. The 700 block of Harrison Avenue is a street of brick bungalows, which reflects the development pattern of most of the Emerson neighborhood. The Central Community Central Master Plan has recently been adopted, and that plan calls for R1-5000 on this parcel. We can see no compelling reason why you should amend the master plan which took 11 years to write, and has been in place less than a month, to approve this petition. A change to the master plan would result in "spot zoning," which is something that our council, in general, disapproves of.

If this remains R1-5000, you could approve a PUD, and the petitioner could put three nice-sized single family homes on this parcel. As it stands, the parcel is just 1.5 feet shy of the 150 feet needed to build three homes on a 50' wide lot. Larger homes allow our neighborhoods to remain viable, families to live in the city, and the schools stay open. If we keep putting in smaller unit, such as the 6 townhouses proposed, we won't achieve that goal. The neighbors on the immediate block, and those I have spoken with in the adjacent 800 block, expressed concern about the additional traffic on the street with the extra units.

The Sugar House Council discussed this petition. The members felt that it was important to support the master plan. The vote was 7 in favor, 3 against, and 3 abstentions. We urge you to keep this parcel at R1-5000 and help the petitioner find another way to configure this parcel.

Sincerely,

Judi Short, Trustee, Sugar House Community Council
Written on behalf of the Sugar House Community Council
862 E Harrison Avenue
Salt Lake City, UT 84105

Carroll, Sarah

From: Mdondcm@aol.com
Sent: Monday, December 05, 2005 12:22 PM
To: Carroll, Sarah
Cc: Love, Jill; cindyc@vmh.com
Subject: proposed zoning upgrade of Harrison Avenue

From:

Don Middleton
725 East Harrison Ave.
Salt Lake City, Utah 84105
801-466-2037

Dear Sarah

This letter is to follow up on our conversation last week regarding zone upgrades on Harrison ave.

I have some concerns regarding this change of zoning.

I own three properties on Harrison ave between 7th and 8th east. My primary residence is at 725 east. I also own the house next door which is 731 east and one down the street at 769 east. I have live here for thirteen years. These are all single family dwellings and run between 1100 and 1300 square feet.

My first concern is that the property values on this street will change adversely.

I would like to see a study paid for by either the city or the investor to show impact on the neighborhood and the market value of the surrounding properties.

I think that this street should remain R-1-5000 so that the people who have lived here for all these years and invested their time and efforts to reclaim this street from its past condition can compete in a fair market should they decide to sell.

There should be **comparability standards** that assure the homeowners who are here already that new housing will be comparable and complimentary to the structures that are here. Also to the price points that are here, (square footage, height, etc.).

The only way to assure that this happens is to leave the zoning at R-1-5000.

This is the only zoning category that requires comparability in its language.

We, (these neighbors and I) have been here for a long time, and to **allow this group to come in, get a zoning change, realize a huge windfall profit at the rest of the neighborhoods expense is absolutely unacceptable to me, and should be to you too.**

My second concern is **the increase in traffic on Harrison Ave. Onto and off of 7th east** that this change will cause for the residents of Harrison Avenue.

This is a "triple size lot" with a four-plex on it now and the parking is at its limits already.

The idea of adding additional tenants, (along with parking and garbage service, which requires a truck to empty the dumpster to service these new tenants) is unreasonable. The traffic in and out of this complex and the noise and commotion at night is already a source of consternation among the people who live on this end of the block. the police have been called several times and there are people coming and going at all hours.

12/5/2005

You have also allowed the Dog Park/baseball park right here and frankly, with all of the baseball traffic in the summer and the dogs all year long, **this particular corner has enough traffic already for it to be a problem for the people who live here.**

There is a business park right across Harrison Ave. and there is an **inordinate amount of traffic from that facility.**

We deserve to have reasonable access to our homes and reasonable access to the rest of the community and you have already limited it excessively by allowing the business- office complex to be there. That gentleman won't co-operate with the people who live here already, and I am afraid that **another corporate interest in our neighborhood is not in our best interests.**

Please let me know how to **best affect these concerns** and to assure the quality of life that we all have worked so hard to preserve here on Harrison Avenue.

Thank You for your time and attention,

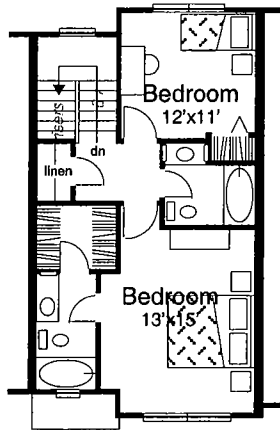
Don Middleton
725 East Harrison Ave.
Salt Lake City, Utah 84105

Exhibit 10

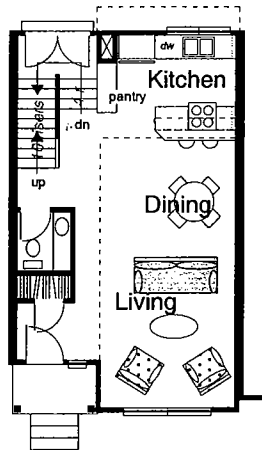
Floor Plans and Elevations

Harrison Townhomes

Salt Lake City, Utah



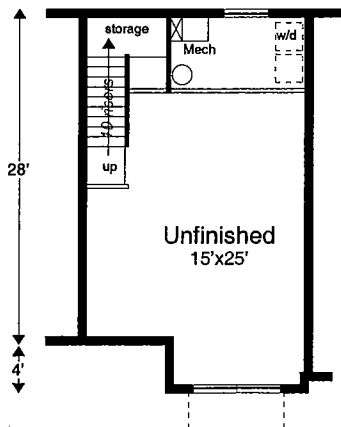
Upper Level



Main Level

Unit "A"
19' wide
2-Bedroom
580 sq.ft. main
618 sq.ft. upper
1198 sq.ft. total

19'



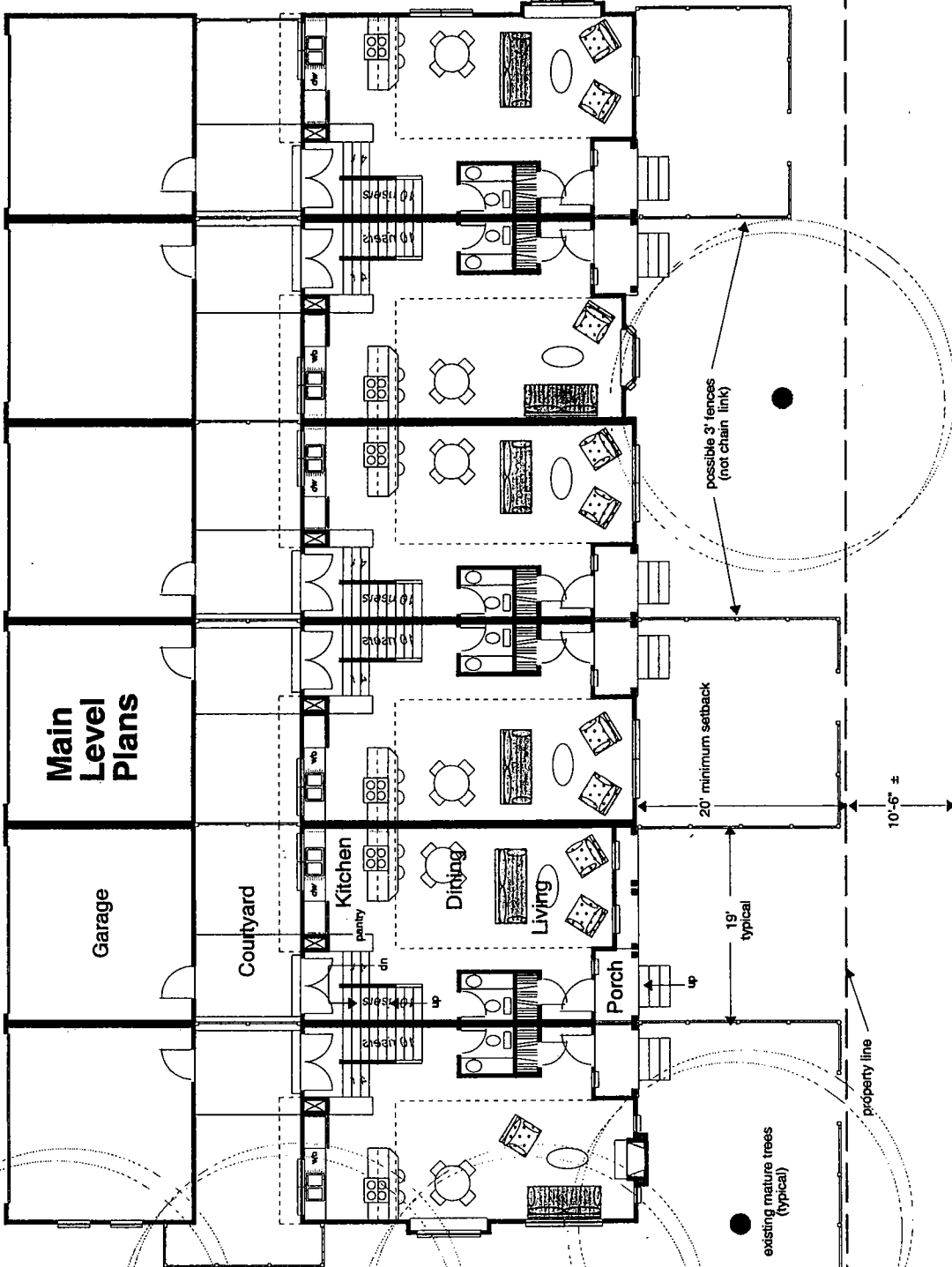
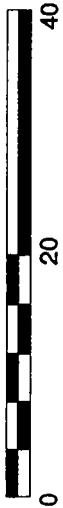
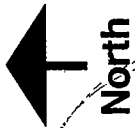
Lower Level

28'

4'

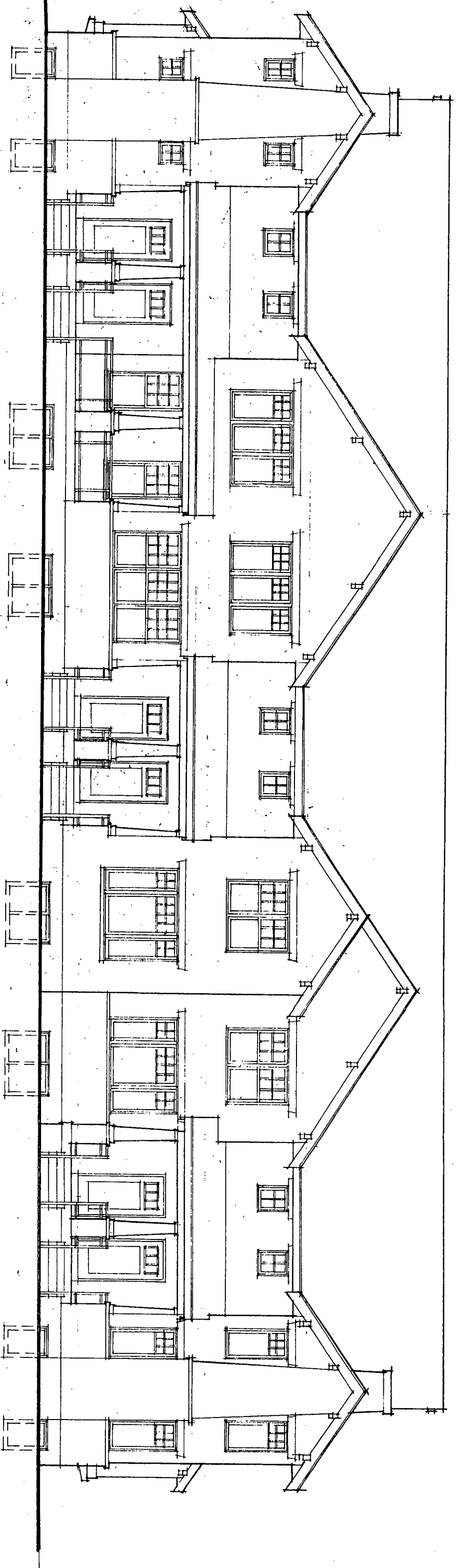
Harrison Townhomes

Salt Lake City, Utah



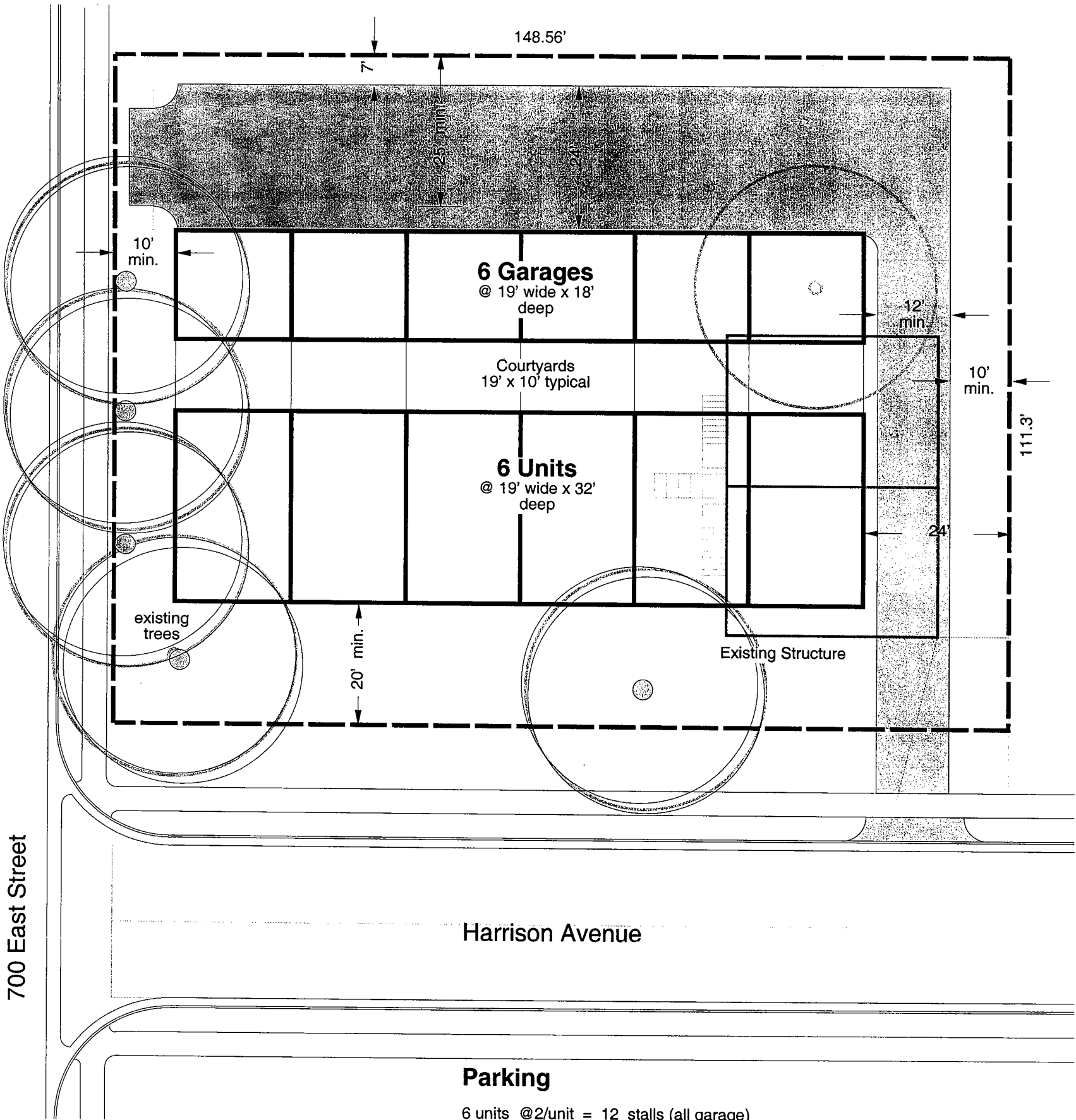
existing sidewalk

street

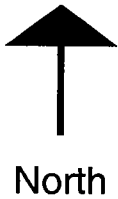


CRAFTSMAN DETAILS

- columns on pedestals
- window detailing
- door detailing
- wide overhanging eaves
- chimneys
- masonry wainscots
- exposed beams



Harrison Avenue Residences



Salt Lake City, Utah
revised 10/13/05

Zone: RMF - 35
Size: 16,535 sq. ft. (0.38 acres)

20 0 20 40 60



Parking Lot

Proposed 6 Garages

Proposed

**Homes
in R-1-5000 zone**

700 East Street

Harrison Avenue

**Parking Lot
in CN zone**

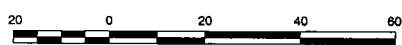
**Homes
in R-1-5000 zone**

Offices in CN zone

Office Building

Homes in R-1-5000 zone

Browning Avenue



Harrison Avenue Residences

Salt Lake City, Utah

Zone: RMF - 35
Size: 16,535 sq. ft. (0.38 acres)

Exhibit 11
Additional Comments from the Community

Patricia Knell
P.O. Box 16958
Salt Lake City, Utah 84116

January 27, 2006

Salt Lake City Planning Commission
451 South State Street
Salt Lake City, Utah 84111

Dear Commissioners:

I am writing regarding petition number 400-05-24 submitted by Harrison Apartments, LLC, to rezone the property at 713 Harrison Avenue.

I have owned the property at 766 Harrison Avenue for over 30 years, having raised my son there. He is now living in the home, choosing to remain in the neighborhood and raise his own family there. I know this neighborhood, the character of the street and, although I do not currently live there, have strong roots and want to maintain the established residential use for my grandchildren. My son and his friends, the other residents on the street, have all expressed great concern for this proposed development.

I would hope that any recommendation to the City Council, as well as the ultimate decision regarding this petition, would be made with careful consideration of applicable portions of the Central Community Master Plan. This plan, under review for a number of years, and long overdue by the time it was approved in November 2005, had considerable well-intentioned input from the community and planning staff. While I understand there may be some minor modifications being considered, none of those should affect the approved portions pertaining to this particular situation. And since the current plan was just recently approved, it does not seem that any action in direct contradiction with the master plan would be appropriate at this juncture.

If I may, I would like to make reference to several very key provisions in the Central Community Master Plan.

- The map reflecting the “future land use” designates all the property on the 700 East block of Harrison as “low density residential,” which is a continuation of the current R-1/5000 zone, which maintains the residential character of the neighborhood.
- On page 18 of the plan, it makes reference to the “East Central South neighborhood planning area” which includes Harrison Avenue and the property in question. In that section of the plan, on page 20, under residential “issues within the East Central South neighborhood” it very clearly indicates a concern to “protect low-density residential land uses along the east side of 700 East.”
- On page 35 of the plan, regarding “residential land use goals,” two items apply:
 - “Ensure preservation of low-density residential neighborhoods.” and
 - “Ensure that new development is compatible with existing neighborhoods in terms of scale, character, and density.”

- On page 35, under the section entitled, “Higher density housing replacing characteristic lower-density structures,” the following statement is made:
“The community does not support the demolition of lower-density residences in order to build multi-family structures. Residents prefer to protect the existing residential character and prevent construction of multiple family dwellings in low-density neighborhoods . . .”
- On page 35 where the plan addresses residential land use policies, under overall land use policy, policy RLU-1.1 states: “Preserve low-density residential areas and keep them from being replaced by higher density residential and commercial uses.”

The proposal is to change the zoning to RMF-35, conflicting with every provision of the master plan identified above. In city code 21A.24.130, the portion of the zoning ordinance pertaining to the RMF-35 zone, it states: “The purpose of the RMF-35 Moderate Density Multi-Family Residential District is to provide an environment suitable for a variety of moderate density housing types, including multi-family dwellings.” Not only does the proposed zoning change strike at the heart of the master plan in regards to maintaining the character of low-density housing and residential neighborhoods, but it would create the potential for an environment where multi-family dwellings (apartments) could be built, directly adversely impacting the established low-density residential neighborhood.

I realize that any planning decision regarding land use cannot hold the developer to a requirement for any specific types of dwelling or specific uses of the property as long as they fall within the approved zone. While this developer, or any other developer, may indicate an intention to build townhouses, my understanding is that any change in zoning cannot preclude a use that is permitted within that zone, including the construction of an apartment building in this case. Approval of this petition would result in potential great harm to the low-density residential character that is both currently in place and so wisely planned for the future in the master plan. Property owners, as well as the community in general, have a reasonable expectation that the community master plan will be followed with only rare exceptions. This does not seem to be a case in which an exception is warranted.

While the proposal, for “six individually owned town homes,” may not seem to present any obvious need for alarm to some, as a long time property owner on Harrison Avenue I must express my utmost objection. On the surface this proposal may appear to present an opportunity to improve the community and help meet the need for additional housing. However a more in-depth study would show that it creates a major concern for the community. This rezone action could very well result in six rental units, creating in effect a sort of “six-plex” with all of the accompanying problems so common in Salt Lake City, or it could in reality result in an apartment building that would certainly be a major concern. In any event, a rezone is just not appropriate. Approval of this petition would undoubtedly begin to change the neighborhood as most encroachment is prone to do.

Unfortunately, in most cases when a residential rental complex of this nature is developed, the calls for service to the area, by both the police and fire departments, is known to be higher, significantly creating a negative reputation with reduced property values for the surrounding

neighborhood. I do not mean to be an alarmist, but based on years of experience in working in the field of community health and safety, this does prove to be the normal result. I trust you will carefully and diligently consider all of these possibilities when making any decision that creates higher density housing in an established single family residential neighborhood.

Many, and certainly including the developer, will no doubt argue that the nature of 700 East makes higher density zoning of any property on that street a logical use. But, as has been seen in many similar situations in the city, the affect does not begin and cease at any one street, in this case 700 East. The rezone would adversely affect the entire street between 700 East and 800 East, and possibly the surrounding neighborhood. And I am sure the developer will argue that the "six individually owned town homes" will add stability to the existing neighborhood. Maybe; but in all probably they will not. They would only be the beginning of the likely deterioration and change for a stable neighborhood.

While I may understand your decision is based on sound and accepted zoning practices, I would encourage you to at least give some consideration to the bigger picture which includes the potential for negative influences brought about by this change. This street, and the neighborhood, has a long history of being a quiet residential setting of single family dwellings. It is not in need of any change and certainly not one quite as dramatic as this proposal would create.

This property, along with the surrounding neighborhood, including the properties on Harrison Avenue, is currently zoned R-1/5000. To maintain the established character of the neighborhood this rezone action should not be approved.

Thank you for your time and understanding of my concerns. I hope I been able to express this issue in proper terms. If I can answer any questions or clarify any of my concerns I can be reached at my home number, 364-3375.

Sincerely,

Signed

Patricia Knell
Homeowner

5D. PLANNING COMMISSION
Agenda and Minutes from December 14, 2005

AMENDED

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, December 14, 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 will be open to the public for observation.

1. APPROVAL OF MINUTES FROM WEDNESDAY, November 30, 2005.

2. REPORT OF THE CHAIR AND VICE CHAIR

3. REPORT OF THE DIRECTOR

4. PUBLIC HEARINGS

- a) **Petition 410-765** – by **Kraig Lodge**, requesting Conditional Use approval to convert “The Republican” to a private club. The property is located at 917 South State Street and is zoned Commercial Corridor (CC). (Staff – *Marilynn Lewis at 535-6409 or marilynn.lewis@slcgov.com*)
- b) **Petition 410-769** - by the **Islamic Society of Greater Salt Lake** for Conditional Use approval for expansion of a Place of Worship. The property is located at 734 South 700 East Street and is zoned RMF-30. The applicant wants to utilize an existing residential structure to accommodate women’s prayer sessions and Sunday school. There is no demolition of residential structures associated with this petition. (Staff – *Marilynn Lewis at 535-6409 or marilynn.lewis@slcgov.com*)
- c) **Petition No. 400-05-31** – by **Micah Christensen** at 612 North Catherine Circle and **Tony Gomez** at 617 North Catherine Circle, requesting that Salt Lake City declare the adjacent properties addressed at approximately 615 North Catherine Circle and 1420 West 600 North as surplus property in order for the applicants to purchase the parcels and combine them with their existing properties. The applicant, Mr. Gomez, also requests that the City approve a lease agreement to allow him to improve the property located at 1480 West 600 North with landscaping. The subject parcels are excess properties obtained by Salt Lake City for the realignment of 600 North and 700 North Streets. (Staff – *Wayne Mills at 535-6173 or wayne.mills@slcgov.com*)
-  d) **Petition No. 400-05-24** – by **Harrison Apartments, LLC** for a zoning map amendment to rezone the property located at 713 East Harrison Avenue from R-1/5000, Single Family Residential to RMF-35, Moderate Density Multi-Family Residential in order to demolish the existing structure and construct six individually owned town homes. The project will also require an amendment to the future land use map of the Central Community Master Plan to identify the property as Low Medium Density Residential rather than Low Density Residential. (Staff – *Sarah Carroll at 535-6260 or sarah.carroll@slcgov.com*)
- e) **Petition Number 400-05-38** – by **Mayor Anderson** to create a High Performance Building Ordinance requiring that applicable building projects constructed with Salt Lake City funds obtain a Leadership in Energy and Environmental Design (LEED) "Certified" designation from the United States Green Building Council. (Staff – *Ray McCandless at 535-7282 or ray.mccandless@slcgov.com or Lisa Romney at 535-7939 or lisa.romney@slcgov.com*)

5. UNFINISHED BUSINESS

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, December 14, 2005**

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

Present from the Staff were Alexander Ikefuna, Planning Director; Doug Wheelwright, Deputy Planning Director; Sarah Carroll, Associate Planner; Marilyn Lewis, Principal Planner; Wayne Mills, Senior Planner; and Maggie Tow, Planning Commission Secretary. Present from the Mayor's Office was Lisa Romney, Environmental Advisor to the Mayor and Orion Goff, Director of Building Services and Licensing.

A roll is kept of all who attended the Planning Commission Meeting. Chairperson Noda called the meeting to order at 5:47 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were Chairperson Laurie Noda, Tim Chambless, Kathy Scott, and Robert Forbis. Planning Division Staff present were Sarah Carroll, Marilyn Lewis, and Wayne Mills.

Petition No. 400-05-24, by Harrison Apartments, LLC for a zoning map amendment to rezone the property located at 713 East Harrison Avenue from R-1/5000, Single Family Residential to RMF-35, Moderate Density Multi-Family Residential in order to demolish the existing structure and construct six individually owned town homes. The project will also require an amendment to the future land use map of the Central Community Master Plan to identify the property as Low Medium Density Residential rather than Low Density Residential.

At 7:14 p.m., Chairperson Noda introduced Petition No. 400-05-24 and Sarah Carroll, Associate Planner. Ms. Carroll stated this request is to rezone the property located at 713 East Harrison from R-1/5000 to RMF-35 zoning. This involves amending the Central Community Master Plan Future Land Use Map from "Low Density Residential (1-15 dwelling units/acre)" to "Low Medium Density Residential (10-20 dwelling units/acre)". The applicant would like to demolish the existing four-plex apartment building and construct six new town homes to be sold to individual owners.

The subject property contains an existing four-plex that was constructed in 1963 and is compliant with the R-4 zoning in place at that time. On June 24, 2005, the applicant submitted a request to rezone the property from R-1/5000 to RMF-45 in order to add an additional four-plex to the property to help offset improvement costs to the existing four-plex.

An open house was held on August 9, 2005, and after listening to the neighbor's comments and concerns about the potential increase in traffic and density, Staff suggested that the applicant amend

the proposal to rezone the property from R-1/5000 to RMF-35. On October 19, 2005, the applicant submitted an amended proposal that reflects the comments made by the public and by Planning Staff. The applicant is requesting a zoning designation of RMF-35.

The property abuts a major arterial street (700 East), which is a State Highway. Sound attenuation will be used in the construction of the proposed town homes to decrease the impacts of the noise associated with the proximity of 700 East. Other abutting land uses include a City park to the north, single family homes to the east and a commercial parking lot to the south. The proposed town homes will create a transition between the Open Space zoning to the north and the Neighborhood Commercial zoning to the south and will help buffer the R-1/5000 neighborhood from the impacts of 700 East, while providing additional home ownership options in the Central City area. The zoning ordinance requires a ten-foot landscape buffer and a fence between RMF-35 and R-1/5000 zoning. The proposed new development includes these additions to help buffer the existing single-family residence to the east.

Based on the Findings of Fact identified in the report, Staff recommends that the Planning Commission transmit a favorable recommendation to the City Council, to approve the proposed zoning map amendment and amend the Central Community Master Plan to identify the property as RMF-35, Moderate Density Multi-Family Residential zoning and Low Medium Density Residential (10-20 dwelling units/acre) land use.

Chairperson Noda asked if there was anyone from Harrison Apartments that wished to speak. Mr. Chuck Klingenstein, Project Director/Associate Principal with Jones & Stokes stated that he has been working with the owner, Mr. Robert Strasters. He asked if the Planning Commission had any questions to address at this time. Commissioner Forbis requested to know the cost to rent the existing units. Rent prices for the existing units range from \$600-\$650 per month. When asked what price the proposed town homes would sell for and the applicant stated that they would be about \$225,000 and that the homes in the neighborhood are selling for a similar amount.

Hearing no further questions, Chairperson Noda opened the public hearing and asked if anyone representing the Community Councils was present.

Cindy Cromer, representing East Central Community, spoke in opposition of the petition. Ms. Cromer referenced a letter in the staff report and distributed a summary to the Planning Commission. Ms. Cromer stated that if the Planning Commission modifies the minimum project size requirements for a Planned Unit Development (PUD), there would be room for three single family houses.

Commissioner Scott stated that she thought the PUD's minimum size had been changed. Mr. Wheelwright stated that it had been discussed many times but there is no change in effect.

Ms. Judy Short spoke for the Sugar House Community Council in opposition to the petition. The Emerson neighborhood is in both the Sugar House Community Council and the East Central Community Council, although it is in the planning district of the East Central Community Council. She has concerns about traffic problems.

Mr. Don Middleton spoke in opposition to the petition. He owns three houses on the street. He likes the original building and said it could be refurbished and upgraded. He is concerned about adverse property values and traffic congestion.

Jeff Paris spoke in favor of the petition. The idea of off-street parking on the lot is appealing and could solve some existing parking problems.

Mary Timothy supports the petition. The existing building is an eyesore in the neighborhood and should be demolished. Town houses are beneficial to the area because much of the surrounding area consists of small houses occupied by singles or couples.

Chris Malone is in support of the petition. The design of the town houses is appealing with the existing neighborhood. If three homes were built instead, a shared driveway might be needed creating inefficiencies.

Chairperson Noda closed the Public Hearing and asked if there were any questions for Mr. Strasters.

Commissioner Chambless asked about the Master Plan. Chuck Klingenstein replied that master plans as we know are evolving documents and they have a tendency to be very broad. As a remnant parcel, the subject property is not addressed in the master plan.

Commissioner Muir requested more information about the development. Commissioner De Lay agreed with the request and asked if the project went to subcommittee. Ms. Carroll stated it would go to subcommittee when the application for the project is submitted. Commissioners were concerned about the final project and the lack of information about the development design. Mr. Wheelwright stated that this is a rezoning recommendation to the City Council, allowing them the final decision. If the rezoning is approved it is possible that an over-the-counter building permit for a six-plex would be issued. Staff has considered the petition extensively over the past 4-6 months with the developer and his consultant and it was determined that the likelihood of anyone building a single-family dwelling at the corner of 700 East was small. The value of the property is higher as a four-plex rather than several single family dwellings. Staff does support this petition for rezoning.

The Planning Commissioners discussed their concerns at length and concluded that the project needed further study. The Commissioners asked for more information, such as a typical unit floor plan, the nature of the courtyard space, or a diagram illustrating the five-unit design versus six-unit design. They wanted to be assured that the product would have some reasonable quality commiserate with what exists in that neighborhood. Issues were raised such as the density of six units, maintaining the character of the neighborhood, using a PUD instead of rezoning and traffic from 700 East.

Mr. Ikefuna recommended that the petition be tabled until the Planned Development Subcommittee of the Planning Commission convenes to study the issues and the developer has an opportunity to make adjustments to the project. Commissioner De Lay, Commissioner Diamond, Commissioner McDonough, Commissioner Muir, and Commissioner Scott will participate in the Subcommittee.

Motion for Petition No. 400-05-24:

Commissioner De Lay moved that the Planning Commission table Petition No. 400-05-24. Commissioner Forbis seconded the motion. Commissioner Chambless, Commissioner De

Lay, Commissioner Diamond, Commissioner Forbis, and Commissioner Muir voted “Aye”. Commissioner Scott abstained. Commissioner Galli, Commissioner McDonough, and Commissioner Seelig were not present. As Chair, Chairperson Noda did not vote. The motion was tabled.

The Commission took a 5-minute recess.

5E. PLANNING COMMISSION
Agenda and Minutes from February 8, 2006

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, February 8, 2006, 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, January 25, 2006.

2. REPORT OF THE CHAIR AND VICE CHAIR

3. REPORT OF THE DIRECTOR

- a) Petition 400-04-21 by the Salt Lake City Planning Division, requesting that Petition 400-04-21, to allow a stand alone retail option as a land use within the Business Park Zoning District be withdrawn by the Salt Lake City Planning Commission.
- 4. PUBLIC NOTICE AGENDA** Salt Lake City Property Conveyance Matters – (John Spencer at 535-6938 or john.spencer@slcgov.com; Matt Williams at 535-6447 or matt.williams@slcgov.com; Doug Wheelwright at 535-6178 or doug.wheelwright@slcgov.com):
 - a) T-Mobile USA and Salt Lake City Property Management — T-Mobile USA received Conditional Use approval for a utility pole installation of a cellular telephone antenna under Case #410-763 at approximately 1200 West and 1000 North Streets, through an Administrative Hearing held September 27, 2005. The subject utility pole is owned by Utah Power and is located within the City owned street right-of-way of 1000 North Street. T-Mobile USA is now seeking a three foot by approximately thirty-one foot telecommunications right-of-way permit from Salt Lake City Property Management, to allow the connection of underground power and telecommunications cables to connect from the power pole to the required equipment shelter structure, located in the rear yard area of an adjoining Residential R-1-7000 zoned property by separate lease agreement. The Property Management Division staff intends to approve the requested right-of-way permit.
 - b) C F J Properties and Salt Lake City Property Management — C F J Properties, dba Flying “J” Truck Stop, is requesting the Property Management Division to approve a short term (up to one year) commercial lease for the temporary use of a City owned alley and a partial street, which were never developed or improved, and which City property impacts the Flying “J” Truck Stop property, in a way as to be inconsistent with the proposed redevelopment of the Flying “J” Property. Flying “J” has submitted building permit plans to reconstruct and expand the existing truck stop facility, located at 900 West and 2100 South Street. During the initial building permit review, City Permits Office staff identified the alley conflict and referred the applicant to the Planning Office. Recently, Flying “J” filed for Alley Closure and Street Closure in petitions 400-05-47 and 400-05-48, which are beginning to be processed by the Planning Staff. Since the alley and street closure processes typically take 6 to 8 months to complete, Flying “J” is requesting a short term lease to allow the street and alley properties to be redeveloped consistent with the proposed redevelopment and expansion plans for the new truck stop facility, while the alley and street closure processes are completed. The subject alley is located at approximately 850 West on 2100 South Street and is approximately 700 feet by 12 feet, and contains 8400 square feet. The subject partial street is located at 800 West and extends north from 2100 South Street approximately 191 feet by 33 feet wide, and contains 6303 square feet. The Property Management staff intends to approve the requested short term commercial lease, pending notification to the Planning Commission and the City Council, consistent with City policy.

5. PUBLIC HEARINGS

- a) Petition 410-774 – A request by Mike Weller of Diamond Parking, for conditional use approval of a commercial surface parking lot in a D-3 zoning district at 179 W. Broadway. *(Staff - Elizabeth Giraud at 535-7128 or elizabeth.giraud@slcgov.com).*
- b) Petition 400-02-41 – A request by the Salt Lake City Planning Commission to modify the text of Capitol Hill Protective Area Overlay District to establish height limits for residential and Urban Institutional zoned properties and to amend the Zoning Map by adjusting the boundaries of the Capitol Hill Protective Area Overlay District in the following locations:
1. Generally, from Main Street and Center Street to 200 West between Girard Avenue and 200 North; and
 2. Generally, from Canyon Road to “A” Street between Fourth Avenue and Second Avenue.
- (Staff – Everett Joyce at 535-7930 or everett.joyce@slcgov.com)*
-  c) Petition No. 400-05-24 – A request by Harrison Apartments, LLC for a zoning map amendment to rezone the property located at 713 East Harrison Avenue from R-1/5000, Single Family Residential to RMF-35, Moderate Density Multi-Family Residential in order to demolish the existing structure and construct six individually owned town homes. The project will also require an amendment to the future land use map of the Central Community Master Plan to identify the property as Low Medium Density Residential rather than Low Density Residential. *(Staff – Sarah Carroll at 535-6260 or sarah.carroll@slcgov.com)*
- d) Petition 400-02-22 - Restaurant Definition, Parking Ratios, Shared Parking, Off-site and Alternative Parking Amendments - Proposal to amend the text of the Salt Lake City Zoning Ordinance relating to small commercial areas zoned CN (Neighborhood Commercial), CB (Community Business) and CS (Community Shopping). Specifically, the proposal is to amend the definition of “restaurant” (large or small), and amend the parking requirements for small restaurants, retail goods establishments, and retail service establishments, such that the requirement is the same for these three uses. The purpose of this parking requirement amendment is to facilitate the interchangeability of these three types of uses. Additionally, the proposal includes a re-evaluation and expansion of shared, off-site, and alternative parking solutions. *(Staff – Lex Traughber 535-6184 or lex.traughber@slcgov.com)*

6. UNFINISHED BUSINESS

The next scheduled Planning Commission meeting will be February 22, 2006. This information can be accessed at www.slcgov.com/CED/planning.

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, February 8, 2006**

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

Present from the Planning Division were Alexander Ikefuna (Planning Director), Cheri Coffey (Deputy Planning Director), Kevin LoPiccolo (Zoning Administrator), Elizabeth Giraud (Senior Planner), Ray McCandless (Principal Planner), Lex Traughber (Principal Planner), Sarah Carroll (Associate Planner) and Deborah Martin (Senior Planning Secretary).

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Noda called the meeting to order at 5:45 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were Tim Chambless, Laurie Noda, Kathy Scott and Robert Forbis Jr. Planning Division Staff present were Cheri Coffey, Elizabeth Giraud, Lex Traughber and Sarah Carroll.

- c) **Petition No. 400-05-24 – A request by Harrison Apartments, LLC for a zoning map amendment to rezone the property located at 713 East Harrison Avenue from R-1/5000, Single Family Residential to RMF-35, Moderate Density Multi-Family Residential in order to demolish the existing structure and construct six individually owned town homes. The project will also require an amendment to the future land use map of the Central Community Master Plan to identify the property as Low Medium Density Residential rather than Low Density Residential. (Staff – Sarah Carroll at 535-6260 or sarah.carroll@slcgov.com)**

(This item was heard at 6:28 p.m.)

Bob Strasters and Chuck Klingenstein were present to represent Harrison Apartments, LLC.

Ms. Carroll explained that the request was originally heard on December 14, 2005 and the Planning Commission tabled it requesting a development plan, including floor and elevation plans. Plans were submitted and reviewed by the Subcommittee in which design features were requested. The Subcommittee asked that windows and shrubbery be provided on the 700 East elevation of the garages, graffiti-proof fencing along 700 East, front doors with windows or doors that would be more characteristic to existing doors along the street, and columns and other architectural features that would reflect the architecture of the streetscape such as picket fences and front porches. Noting the revised elevation drawing, Ms. Carroll explained that the Applicant provided all the suggested features except for front porches.

Responding to questions and concerns from Commissioners regarding design features and support from the neighborhood, the Applicants explained that they strived to incorporate the suggestions of both the Subcommittee and neighbors. The Applicants are satisfied that the design is consistent with the design of the neighborhood. Noting the elevation drawing, the fencing is not depicted in order to show the windows and shrubbery that were requested. Fencing could be installed for each individual unit encompassing individual front yards or encompassing small combined courtyards. Mature trees along the 700 East frontage also were not shown, but exist and will not be removed to provide buffering from

traffic noise emitted from 700 East. It was also suggested to use sound-deadening material to mitigate noise, which the Applicants agree to do. The units will consist of about 1,800 square feet total with two finished levels and an unfinished basement with roughed-in plumbing. The structure as a whole is approximately 24 feet high, in which the RMF-35 zone would allow a maximum height of 35 feet. Most homes in the neighborhood are bungalows at about 16 feet high, and the Applicants believe that the proposed height compliments the heights of surrounding bungalows and the two-story Victorian homes a block away. Each unit will have a detached double-car garage connected to each other located in the rear yard. The garages will be accessed from Harrison Avenue and there will be no access to the property from 700 East. Mr. Klingenstein noted that the Transportation Engineer accepted the design of the driveway and access. The projected market price of a unit is \$200,000 to \$225,000. The Applicants believe that the size and price of each unit are consistent with the size and market value of the neighborhood.

As for neighborhood support, Mr. Klingenstein acknowledged that the project did not initially receive support, but they have worked closely with neighbors and only two of seven immediate neighbors still oppose it. One of the changes made was to offer the units as owner occupied units rather than rental units. In addition, the location is ideal for families (their target market) because of the amenities in the vicinity such as the schools, park and bus stops. They believe that they meet the intent of the Central Community Master Plan which provides opportunities for people to live in the neighborhood.

The Applicants addressed Commissioner's McDonough concern about requesting a moderate density zoning classification rather than a lower density zone and setting a precedent for future development. Mr. Strasters explained that four or five units on the property would not be compatible with the neighborhood in that the units would be larger and more expensive. They are proposing six units because the square footage of the lot supports six units if the lot were zoned RMF-35.

Chairperson Noda entered into the record a letter received by Judi Short at 862 East Harrison Avenue opposing the proposal.

There was no Community Council representative to speak to the issue.

Cindy Cromer, 816 East 100 South, explained that she opposes the rezoning and the process in which the City has taken the request. The request would better serve the Applicants, the neighborhood and the City if it were reviewed under the Planned Development process. A request for rezoning does not have standards for compatibility and design review. She believes that the design elements the Subcommittee requested are beyond the purview of the Planning Commission and may be arbitrary and capricious. Ms. Cromer further believes that the proposal is inconsistent with the Central Community Master Plan which was adopted just a short time ago. Ms. Cromer voiced her disappointment in the fact that other neighborhoods have compatibility design review supported and implemented by the City, but the City has delayed such support for her neighborhood making it appear that it is unworthy. She has requested for several years to implement compatibility design review for in-fill housing in her neighborhood, but the Planning Commission has declined. Porches are the most defining characteristic of the neighborhood, yet stoops rather than porches are being proposed. The mere fact that the property can not support porches is evidence to her that it is a situation of sweating the land. Ms. Cromer added that the subject property is not unique in that several non-conforming four-plexes exist in the Liberty Wells, East Liberty and Emerson areas. Allowing the rezone for the subject development would further set a precedent by allowing others to request the same.

Ms. Coffey explained that the Planning Division has an active petition relating to planned development that includes addressing the issue of obtaining more density without rezoning properties. She noted that a similar review took place in 2005 to reduce square footage requirements for planned developments in the RMF-45 or RMF-75 Zone. Mr. Ikefuna said that Staff will present the status of this review to the Planning Commission at the next meeting scheduled for February 22, 2006.

Mr. Klingenstein said that they recognize the Planning Commission may have asked for information that may have been outside their purview, but the Applicants were willing to accommodate such requests

because it is clear to them that the situation is a legislative act. The Planning Commission is making a recommendation to the City Council rather than an administrative decision based on a set of rules and standards. The Applicants are also willing to enter into a development agreement in order to address the Planning Commissioners' concerns regarding density control for any other future development on the property.

Addressing concerns regarding the front porches, Mr. Strasters explained that one of the porches is larger than the others in that it measures 10 to 12 feet wide and 4 feet deep. The others are 4 feet by 4 feet. Along with the smaller porches, they added features that would bring the existing influence of the neighborhood into the building and onto the property. Mr. Strasters said that they would further review modifications that would allow them to provide significant porches.

The meeting was closed to public comment and the Commissioners discussed the proposal.

The consensus of the Commission was that the Applicants have been sensitive to the economic growth and the characteristics of the neighborhood, and the proposed development would be compatible. However, the Commission was divided in favoring the proposal because it will set a precedent and delay the more important issue of addressing infill housing.

Commissioner McDonough addressed the concern that in the future this same scenario might be presented as a Planned Unit Development and possibly be approved. (This would occur only if the Planned Unit Development process was amended.) She raised concern in relation to the manner in which the project is being approved. Given future development, her concern was that approval of this petition could set an unwanted precedent for spot rezoning, rather than using the more effective tool of the Planned Development Process for unique sites within larger overall zones.

Commissioner De Lay noted that although the approval could occur, the deed restriction placed on the property, limits and restricts the property uses.

Commissioner Seelig added that she finds the proposal conflicts with the Central Community Master Plan that has recently been adopted and the expectations of the community to follow the plan.

Motion for Petition 400-05-24

Based on the Findings of Fact outlined in the Staff Report and the review and discussion set forth, Commissioner McDonough moved to forward a recommendation to the City Council to deny the request to approve the proposed zoning map amendment and the amendment to the Central Community Master Plan to identify the property as RMF-35 Moderate Density Residential zoning and Low Medium Density Residential land use. The Planning Commission finds that the proposal would not meet Standard A of Section 21A.50.050 of the Zoning Ordinance in that the amendment is not consistent with the purposes, goals, objectives and policies of adopted general plans of Salt Lake City including master plans and zoning maps. Commissioner Scott seconded the motion. Commissioners McDonough, Scott, Seelig and Diamond voted aye. Commissioners De Lay, Forbis and Chambless voted no. The motion passed with a four-three vote.

The Applicants may proceed to the City Council with a negative recommendation.

It is noted that Commissioner De Lay moved for the Planning Commission to forward a favorable recommendation to the City Council and the motion was seconded by Commissioner Forbis, but it was defeated with a three-four vote. (This motion was made prior to the break. The motion to forward an unfavorable recommendation to the City Council was made after the break. Commissioner Diamond was excused at 7:30 p.m.)

(The Planning Commission took a break from 7:19 p.m. to 7:27 p.m.)

5F. PLANNING COMMISSION
Letter to Commissioners from Brent Wilde,
dated March 31, 2006

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

Lori Noda
Planning Commission Chair
Office of the Attorney General
160 East 300 South
Salt Lake City, UT 84114

March 31, 2006

Re: Petition #400-05-24 by Harrison Apartments LLC, to rezone the property at 713 East Harrison Avenue from R-1 5000 to RMF-35 to facilitate the construction of six town homes

Dear Lori,

During the course of preparing the City Council transmittal for the above referenced petition, it became apparent from reading the minutes that the Planning Commission was generally supportive of the proposed development but preferred using the planned development process for approving the project rather than a rezoning. A paragraph on page 3 of the minutes seems to summarize the Planning Commission sentiment. This paragraph states:

Commissioner McDonough addressed the concern that in the future this same scenario might be presented as a Planned Unit Development and possibly be approved. She raised concern in relation to the manner in which the project is being approved. Given future development, her concern was that approval of this petition could set an unwanted precedent for spot rezoning, rather than using the more effective tool of the Planned Development Process for unique sites within larger overall zones.

It is important to note that City ordinances do not allow the use of the planned development regulations to address this issue or approve a project of this type in this zoning district. However, there is no indication in the minutes that the Planning Commission understood this or that Planning Staff clearly explained to the Commission that the planned development process is not an option for this type of request. As a result, it is unclear whether the petition for the rezoning was denied based on incompatibility of the proposal or because the ordinance does not allow approval as a Planned Unit Development. The resulting record sends a mixed and confusing message to the City Council regarding the Planning Commission's position on this project.

As the means of avoiding further confusion or risking that the City Council might refer the petition back to the Planning Commission for clarification, I recommend that the Planning Commission take one of the following actions:

- Reaffirm that the Planning Commission's decision on this request was based on a review and determination of findings related to the City's Rezoning and Master Plan Amendment standards and not the Planned Development standards, or
- Recall the petition for a rehearing and reevaluate the request strictly under the Rezoning and Master Plan Amendment provisions.

If you have any concerns about rehearing this petition or any questions, please do not hesitate to contact me. I can be reached at 535-7105 or via e-mail at brent.wilde@slcgov.com.

Sincerely,



Brent Wilde
Community Development Deputy Director

cc: Louis Zunguze, Community Development Director
Alex Ikefuna, Planning Director
Doug Wheelwright, Deputy Planning Director
Cheri Coffey, Deputy Planning Director
Planning Commissioners

5G. PLANNING COMMISSION
Minutes from April 12, 2006

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, April 12, 2006**

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

Present from the Planning Division were Alexander Ikefuna, Planning Director; Cheri Coffey, Deputy Planning Director; Doug Wheelwright, Deputy Planning Director; Joel Paterson, Planning Programs Supervisor; Kevin LoPiccolo, Zoning Administrator; Sarah Carroll, Principal Planner; Marilynn Lewis, Principal Planner; Ray McCandless, Principal Planner; and Cindy Rockwood, Planning Commission Secretary.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Noda called the meeting to order at 5:49 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were Tim Chambless, Laurie Noda, Kathy Scott, and Jennifer Seelig. Planning Division Staff present were Doug Wheelwright, Sarah Carroll, and Marilynn Lewis.

APPROVAL OF MINUTES from Wednesday, March 22, 2006.

(This item was heard at 5:49 p.m.)

Commissioner Scott moved to approve the March 22, 2006 minutes. Commissioner Chambless seconded the motion. Commissioner Chambless, Commissioner De Lay, Commissioner Diamond, Commissioner Forbis, Commissioner McDonough, Commissioner Muir and Commissioner Scott voted "Aye". Commissioner Seelig abstained. The motion passed.

REPORT OF THE CHAIR AND VICE CHAIR

(This item was heard at 5:50 p.m.)

Chairperson Noda raised the attention of the Commissioners to a letter received from Brent Wilde, Community Development Deputy Director regarding the Harrison Apartment Rezone Petition No. 400-05-24.

Discussion commenced regarding the previous decision of the Commission, and the determination was that the minutes clearly stated the desired result of the Planning Commission; a Planned Unit Development proposal would have been supported by the Planning Commission had it been an option for the applicant, rather than a rezone request. As a result of this finding, the Planning Commission initiated a petition to review the requirements of Planned Unit Development proposals.

Commissioner De Lay noted that clarity was the strongest concern and suggested a recall and re-evaluation of the Petition.

At 5:54 p.m., Commissioner McDonough made a motion to reaffirm the decision of the Planning Commission in relation to Petition #400-05-24 to state that the unfavorable recommendation was based on the rezoning and master plan amendment standards. Commissioner Scott seconded the motion. Commissioner Diamond, Commissioner Forbis, Commissioner McDonough, Commissioner Scott, and Commissioner Seelig voted "Aye". Commissioner De Lay and Commissioner Chambless were opposed. Commissioner Muir abstained.

6. ORIGINAL PETITION

PETITION NO. 400-05-24

PETITION CHECKLIST

<u>Date</u>	<u>Initials</u>	<u>Action Required</u>
<u>6/28/05</u>	<u>HLH</u>	Petition delivered to Planning
<u>6/28/05</u>	<u>SC</u>	Petition assigned to: <u>Sarah Carroll</u>
<u>11/29/05, 2/8/06</u>	<u>SC</u>	Planning Staff or Planning Commission Action Date
<u>3/7/06</u>	<u>SC</u>	Return Original Letter and Yellow Petition Cover
<u>2/23/06</u>	<u>SC</u>	Chronology
<u>2/24/06</u>	<u>SC</u>	Property Description (marked with a post it note)
<u>2/24/06</u>	<u>SC</u>	Affected Sidwell Numbers Included
<u>2/23/06</u>	<u>SC</u>	Mailing List for Petition, include appropriate Community Councils
<u>2/23/06</u>	<u>SC</u>	Mailing Postmark Date Verification
<u>2/23/06</u>	<u>SC</u>	Planning Commission Minutes
<u>2/23/06</u>	<u>SC</u>	Planning Staff Report
<u>2/23/06</u>	<u>SC</u>	Cover letter outlining what the request is and a brief description of what action the Planning Commission or Staff is recommending.
<u>3/7/06</u>	<u>SC</u>	Ordinance Prepared by the Attorney's Office
<u>3/7/06</u>	<u>SC</u>	Ordinance property description is checked, dated and initialed by the Planner. Ordinance is stamped by Attorney.
<u>Sarah Carroll</u>		Planner responsible for taking calls on the Petition
_____	_____	Date Set for City Council Action _____
_____	_____	Petition filed with City Recorder's Office

Petition No. _____

Harrison Apartments, LLC

By _____

Is requesting a Zoning Map Amendment
to reclassify the property located at 713
East Harrison Avenue from a R-1/5,000
classification to a RMF-45 classification.

Date Filed _____

Address _____

October 19, 2005

Ms. Sarah Carroll
Associate Planner
Salt Lake City
Planning Division
451 South State Street, Room 406
Salt Lake City, UT 84111

Subject: Zoning Map Amendment Request for 713 East Harrison, County Tax Parcel #16-17-105-002

Dear Ms. Carroll:

This letter is a formal request to amend my application for a zoning amendment regarding 713 East Harrison, County Tax parcel #16-17-105-002. The original request was for a zoning map amendment from R-1/5,000 Single Family Residential to RMF-45 Moderate/High Density Multi-Family Residential. After carefully listening to the comments received at the Community Council and Neighborhood Open House on August 9th, 2005, and subsequent meeting with staff (Doug Wheelwright, Joel Patterson and Sarah Carroll) on September 9th, 2005, I have decided to amend my request to the RMF-35 Moderate Density Multi-Family Residential District. We have carefully re-evaluated the site and have found the attached revised site plan to be the best solution to accomplish the goals of the City's Neighborhood Plan & Zone, the neighbors and me.

The conceptual site plan will remove all of the existing structures allowing for the building of six town homes fronting Harrison Ave. These units will be ownership units meeting one of the most stressed comments heard from the neighborhood. These new residents will become a part of the community pride expressed by the neighbors in the Community Council and Neighborhood Open House.

We have selected two site plans that place the front of the town homes onto Harrison Ave. These two plans represent two of some possible scenarios. By fronting these units onto the street, careful design can pick up architectural elements from the existing neighborhood to integrate into the new town homes. We can also design the units with sound deadening materials and windows to minimize the street noise from 7th East. This treatment in conjunction with the existing mature tree buffer zone will greatly benefit the unit that is closest to 7th East. Other site planning will include landscaping, new fencing and walls.

The proposed site plans calls for six units that would offer the benefits and features of home ownership including spacious floor plans and garages. These two site plans increases the width of the proposed driveway from an earlier proposal that the city's Transportation

Division saw no issue with and provides for an attractive project design that will enhance the corner, street and immediate community.

We feel that this plan makes sense in response to the neighbors and City's comments;

- Off street parking
- All storage will be inside of the town homes and garages
- The building of a new fence or wall that provides privacy for the neighbor to the east
- Allows for the careful screening of the dumpster

Chuck Klingenstein and I are looking forward to the staff's final review of this new information so we can move on to a hearing with the Planning Commission. We understand that the staff feels we do not need to meet the community councils once more since the amended application reduces the scale of the project.

Regards,

A handwritten signature in black ink, appearing to read "Bob Strasters", with a horizontal line extending to the right.

Bob Strasters
Project Applicant



June 3, 2005

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

Subject: Zoning Map Amendment Request for 713 East Harrison, County Tax Parcel #16-17-105-002

Dear Madam or Sir:

This letter is an accompaniment to the zoning amendment application for 713 East Harrison, County Tax parcel #16-17-105-002. The request for a zoning map amendment is from R-1/5,000 Single Family Residential to RMF-45 Moderate/High Density Multi-Family Residential. We feel that the adjacent land uses along the east side of 700 East demonstrates a general tendency toward moderate density multi-family dwellings and neighborhood commercial. These existing uses along the busy 700 East corridor act as a transition zone and buffer for the single family homes to the east. We have also found that there is a large demand for moderately priced multi-family housing in this area due to its close proximity to mass transit, parks, shopping and schools. All of these factors would suggest that our proposed re-zone use is congruent with goals of citywide planning initiatives. Consequently we are requesting preliminary approval of the proposed site plan and zoning amendment for the subject parcel.

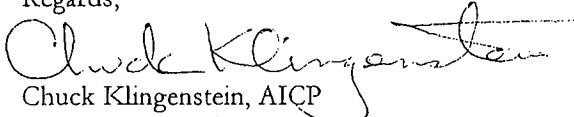
We have had pre-application discussions with members of the City's planning staff to determine which zoning classification may best suit this application. The planning staff initially suggested RMF-30 or RMF-35 for consideration. However, after further investigation and consultation with applicant's architect, we have determined that the square footage, parking and setback requirements of the RMF-45 better suit the site's constraints and allow the applicant to achieve the stated goal of increasing residential density on the property. We believe that our pre-application discussions have demonstrated that we can comply with the standards for zoning amendments:

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

The application is being submitted without first meeting with the Community Council for the Central Community District. We wish to first receive guidance from the City, its planning staff and the assigned

planner about the general process and the additional information requirements so that we may fully inform the Central Community Council. We would like to schedule a meeting with our assigned planner at their earliest convenience.

Regards,


Chuck Klingenstein, AICP
Project Director/Associate Principal

Purpose for Zoning Map Amendment Statement:

Applicant requests a zoning map amendment in the Central Community Zoning District for the parcel (713 East Harrison Ave., SLC UT) from an R-1/5,000 Single Family Residential District to an RMF-45 Moderate/High Density Multi-Family Residential District for the following reasons:

- A fourplex dwelling exists on the property
- The parcel is bordered on the west by 700 East. 700 East is a heavily trafficked roadway and may be considered a transition zone. Single-family residential uses may be considered incompatible or undesirable by potential users. As such the parcel has remained under utilized.
- RMF-45 Moderate/High Density Multi-Family Residential is more compatible with surrounding land uses such as Neighborhood Commercial (see attached photo documentation)
- RMF-45 is compatible with site restrictions, allowing the addition of the four proposed units. Zoning sections, RMF-30 and RMF-35, do not permit the addition of four housing units with existing site conditions and code requirements.
- RMF-45 Moderate/High Density Multi-Family Residential has compatibility with goals set forth in the Central Community Master Plan
 - To provide housing opportunities for a range of family and income types
 - Increased pedestrian mobility and accessibility through higher density residential land uses that are located near commercial areas, light rail stations and open space

Proposed Use Description:

Applicant proposes the development of four additional multi-family units on the property (see attached existing and proposed site plans).

Inappropriateness of present zoning:

The current zoning is out of character with neighboring properties. This area of 700 East is becoming dominated by multi-family dwellings and neighborhood commercial to the immediate north and south of the property. It is a heavily traveled roadway, close to a bus line that would facilitate more multi-family uses.

Names and addresses of all property owners within 450ft of parcel

See attached mailing label sheets

Legal Description of 713 East Harrison Ave., SLC, UT

Beginning at the Northwest corner of Lot 9, Block 15, Five Acre Plat "A", Big Field Survey, and running thence East 148.5 feet; thence South 110.55 feet; thence West 148.5 feet; thence North 110.55 feet to the point of beginning.