
MEMORANDUM

DATE: April 11, 2008

TO: Council Members

FROM: Janice Jardine
Land Use Policy Analyst

SUBJECT: Cowboy Partners request for a time extension in which to fulfill the conditions of Ordinance 11 and 12 rezoning properties located at 550-558 East 300 South and 326-348 South 600 East from Residential Multi-Family RMF-35 and Residential Office RO to Residential Mixed Use

POTENTIAL MOTIONS:

1. ["I move that the Council"] Adopt the resolutions extending the time in which to fulfill the conditions of Ordinance 11 and 12 rezoning properties located at 550-558 East 300 South and 326-348 South 600 East, as requested.
2. ["I move that the Council"] Decline to extend the time in which to fulfill the conditions of rezoning and allow the ordinances to lapse, restoring the zoning to Residential Multi-Family RMF-35 and Residential Office RO.

(Because the attorney working on this issue is out of town on City business, the resolutions will be provided for Council Member's review on Monday.)

NEW INFORMATION:

Council Member Garrott has had very favorable conversations with the Emigration Court developer regarding the proposed development for properties located between 300/400 South and 500/600 East. The City Attorney's Office will be preparing two resolutions to extend the time in which to fulfill the conditions of the ordinances rezoning the properties for your consideration on Tuesday, March 15. The term of the extension in the resolutions will be 3 years, as requested by the developer. The resolutions will also include language that will not require the issue to come back to the Council once approval of the project is obtained from the Planning Commission and Historic Landmark Commission.

The developer intends to step-back the building on 300 South in a 'wedding cake' fashion that will create 3 'layers'. On 600 East there will just be one building step-back. The heights of both buildings will be approximately 5 stories at their highest point, with a roof structure added on. The maximum building height will be approximately 55-60 feet. On 300 South, no more that 40 percent of the structure will be at the 5 story height.

The proposed buildings are designed in a 'U' shape with an interior open space courtyard area. The developer had originally planned to face the open space courtyard area to the interior of the block. He has

now suggested facing that open space courtyard area toward the street frontage, similar with some of the existing structures in the neighborhood. This will reduce the 'blank wall' effect facing the street.

In order to accommodate all of these changes, some existing open space on the interior of the block will need to be converted to parking -- approximately 15 stalls. The open space is the top of the existing underground parking garage and is currently just concrete. It is not available for public use. Also, the developer will need to have fairly small building set-backs from the back of the sidewalks on both 300 South and 600 East. This may be mitigated by the fairly wide park strips in this neighborhood.

Again, all of this will be subject to the approval of Historic Landmark and the Planning Commission.

The developer has been very open to making this development work within the neighborhood. He, of course, needs a certain amount of property to develop to make the project work for him. As previously noted, there is still a chance that the developer will not be able to move forward with the development -- it will depend on Historic Landmark and Planning Commission approvals.

The following information was provided for the Council meeting on March 18, 2008. It is provided again for your reference.

POTENTIAL MOTIONS:

1. ["I move that the Council"] Adopt an intent statement indicating the Council's intent to reconsider the zoning on these parcels to assure that future development allowed is in context with the policy statements outlined in the Central Community Master Plan and considers the concepts raised in the Preservation Plan which will become available in the coming months.
2. ["I move that the Council"] Adopt a resolution extending the time in which to fulfill the conditions for 30 days during which time the City Council will consider a further time extension subject to establishment of a development agreement.
3. ["I move that the Council"] Decline to extend the time in which to fulfill the conditions of rezoning and allow the ordinances to lapse, restoring the zoning to Residential Multi-Family RMF-35 and Residential Office RO.
4. ["I move that the Council"] Adopt a resolution extending the time in which to fulfill the conditions of Ordinance 11 and 12 rezoning properties located at 550-558 East 300 South and 326-348 South 600 East as requested.

KEY ELEMENTS:

- A. This project is within City Council District Four. Council Member Garrott is requesting that the Council support option 2 above to allow time for a development agreement to be established that would address frontage on both 300 East and 600 East.
- B. Cowboy Partners has requested a 3-year extension of time for Ordinances 11 and 12 that were originally approved on March 20, 2003 that would rezone properties located at 550-558 East 300 South and 326-348 South 600 East. (Please see the attached letter for details.)
 - Cowboy Partners are under contract to purchase the properties from Salt Lake Apartment Builders, LLC.

- The properties include Phase II and Phase III of the Emigration Court Apartments/Condominiums development. Construction of Phase I has been completed.
 - They indicate it is anticipated that they will combine the project into one phase and build two buildings either concurrently or in succession.
 - They expect to begin construction some time in the near future and are requesting the time extension so that they are certain that they will not be bringing this issue before the City Council again.
 - The zoning does not become effective until the City approves a building permit for the projects.
- C. Each of the ordinances was subsequently extended on March 11, 2005 and September 12, 2006.
- Ordinance 12 of 2003, Phase III, expires on March 20, 2008.
 - Ordinance 11 of 2003, Phase II, expires on September 20, 2008.
- D. The original petition approved in March 2003, was a request to rezone several properties in the block between 300 and 400 South and 500 and 600 East. This action was intended to facilitate development of approximately 430-residential units in three separate buildings (market rate/tax credit rental apartments and condominiums for purchase). The Administration noted that the final number of units will be approximately 430, but the number will vary based upon the final size of the individual condominium units.
- E. Current zoning is a mix of Residential Office, Residential Multi-Family RMF-35 and Residential Mixed Use. The site is within the Central City Historic District. Zoning on the properties also includes Historic Preservation and Groundwater Source Protection Overlay classifications. If the rezoning is approved, all properties would be zoned Residential Mixed Use. The Overlay districts zoning would remain the same. (Please see the attached maps for reference.)
- F. The project was to be developed on three separate parcels in three phases for financial and marketing reasons and to allow parking to be consolidated. Three ordinances were provided with successive deadlines (from 1-3 years) to rezone the properties as each development phase received approval. Specific ordinances and conditions are summarized below.
1. Phase I - Rezoning property located at 321-331 South 500 East (to Residential Mixed Use)
 - a. Current zoning: Residential Office and Residential Multi-Family RMF-35
 - b. Conditions:
 - Zoning for this property shall not take effect until a building permit has been issued.
 - The mid-block walkway between 500 and 600 East shall be improved with landscaping and pedestrian amenities.
 - Final landscaping plan subject to Planning Director approval.
 - Final building design subject to Historic Landmark Commission and Planning Director approval.
 - c. Ordinance Effective Date: The ordinance will become effective upon the first publication and recording with the Salt Lake County Recorder subject to certification (to the City Recorder) by the Planning Director that conditions have been met.
 - d. Time Restrictions: Conditions must be met within **1 year** or the ordinance shall become null and void. The City Council may extend the time period for satisfying the conditions.
 2. Phase II - Rezoning property located at 550-558 East 300 South (to Residential Mixed Use, Administration may be able to provide information on number of units anticipated.)
 - a. Current zoning: Residential Office and Residential Multi-Family RMF-35
 - b. Conditions:
 - Zoning for this property shall not take effect until a building permit has been issued.
 - The mid-block walkway between 500 and 600 East shall be improved with landscaping and pedestrian amenities.
 - Final landscaping plan subject to Planning Director approval.

- Proposed development must be processed as a planned development subject to Planning Commission approval.
 - Final building design subject to Historic Landmark Commission and Planning Director approval.
- c. Ordinance Effective Date: The ordinance will become effective upon the first publication and recording with the Salt Lake County Recorder subject to certification (to the City Recorder) by the Planning Director that conditions have been met.
- d. Time Restrictions: Conditions must be met within **2 years** or the ordinance shall become null and void. The City Council may extend the time period for satisfying the conditions.
3. Phase III - Rezoning property located at 326-348 South 600 East (to Residential Mixed Use, Administration may be able to provide information on number of units anticipated.)
- a. Current zoning – Residential Multi-Family RMF-35
- b. Conditions:
- Zoning for this property shall not take effect until a building permit has been issued.
 - Proposed development along 600 East subject to the following stipulations:
 - New commercial uses along the 600 East frontage are prohibited.
 - A 15-foot landscaped front yard setback shall be provided along 600 East unless the Historic Landmark Commission approves an alternative design.
 - Building height along 600 East is limited to 50-feet unless the Historic Landmark Commission approves an alternative design.
 - The mid-block walkway between 500 and 600 East shall be improved with landscaping and pedestrian amenities.
 - Final landscaping plan subject to Planning Director approval.
 - Proposed development must be processed as a planned development subject to Planning Commission approval.
 - Final building design subject to Historic Landmark Commission and Planning Director approval.
- c. Ordinance Effective Date: The ordinance will become effective upon the first publication and recording with the Salt Lake County Recorder subject to certification (to the City Recorder) by the Planning Director that conditions have been met.
- d. Time Restrictions: Conditions must be met within **3 years** or the ordinance shall become null and void. The City Council may extend the time period for satisfying the conditions.

cc: David Everitt, Esther Hunter, Ed Rutan, Lynn Pace, Mary De La Mare-Schaefer, Orion Goff, Larry Butcher, Joel Paterson, Doug Dansie, Nick Tarbet, Joyce Valdez

File Location: Community and Economic Development Department, Planning Division, Time Extension Request, Rezoning, 300/400 South 500/600 East

The new
Resolution for
this item will
be provided to
the Council at
Tuesday's
meeting

SALT LAKE CITY ORDINANCE
No. 11 of 2003

(Rezoning property located at 550-558 East 300 South)

AN ORDINANCE REZONING THE PROPERTY LOCATED AT 550-558 EAST 300 SOUTH, FROM RESIDENTIAL OFFICE (RO) TO RESIDENTIAL MIXED USE (R-MU), PURSUANT TO PETITION NO. 400-01-37.

WHEREAS, the Planning Commission and the City Council 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 change of zoning for the property identified herein is appropriate for the development of the community in that area.

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

SECTION 1. Rezoning. The property located at 550-558 East 300 South, which is more particularly described on Exhibit A attached hereto, shall be and hereby is rezoned from Residential Office (RO) to Residential Mixed Use (R-MU).

SECTION 2. Amendment of zoning map. The Salt Lake City zoning map, as adopted by Salt Lake City Code, relating to the fixing of boundaries and zoning districts, shall be, and hereby is amended consistent with the rezoning identified above.

SECTION 3. Conditions. The rezoning approved herein is conditioned upon the following:


- a. The zoning for this property shall not take effect until a building permit has been issued by the City for that property.

- b. The mid-block walkway between 500 and 600 East shall be improved with landscaping and pedestrian oriented amenities. The final landscaping plan must be approved by the Salt Lake City Planning Director.
- c. The development of this property must be processed as a planned development with approval obtained from the Salt Lake City Planning Commission.
- d. Approval of the final design of the buildings must be obtained from the Salt Lake City Planning Director and the Historic Landmark Commission.

SECTION 4. Effective Date. This ordinance shall become effective on the date of its first publication and shall be recorded with the Salt Lake County Recorder. The City Recorder is instructed not to publish or record this ordinance until the conditions identified above have been met, as certified by the Salt Lake City Planning Director.

SECTION 5. Time. If the conditions identified above have not been met within two years from the date that this ordinance is signed, this ordinance shall become null and void. The City Council may, for good cause shown, extend the time period for satisfying the conditions identified above.

Passed by the City Council of Salt Lake City, Utah, this 20th day of March, 2003.


CHAIRPERSON

ATTEST:

Christine Meeker
CHIEF DEPUTY CITY RECORDER

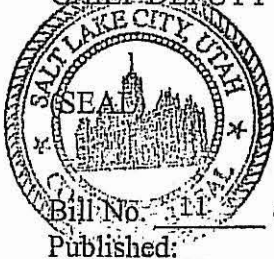
Transmitted to the Mayor on 3/21/03

Mayor's Action: Approved. Vetoed.

[Signature]
MAYOR

ATTEST:

Christine Meeker
CHIEF DEPUTY CITY RECORDER



Bill No. 11 of 2003.
Published: _____

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 1-8-03
By [Signature]

SALT LAKE CITY ORDINANCE
No. 12 of 2003

(Rezoning property located at 326-348 South 600 East)

AN ORDINANCE REZONING PROPERTY LOCATED AT 326-348 SOUTH 600 EAST FROM MULTI-FAMILY RESIDENTIAL (RMF-35) TO RESIDENTIAL MIXED USE (R-MU), PURSUANT TO PETITION NO. 400-01-37.

WHEREAS, the Planning Commission and the City Council 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 change of zoning for the property identified herein is appropriate for the development of the community in that area.

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

SECTION 1. Rezoning. The property located at 326-348 South 600 East, which is more particularly described on Exhibit A attached hereto, shall be and hereby is rezoned from Multi-Family Residential (RMF-35) to Residential Mixed Use (R-MU).

SECTION 2. Amendment of zoning map. The Salt Lake City zoning map, as adopted by Salt Lake City Code, relating to the fixing of boundaries and zoning districts, shall be, and hereby is amended consistent with the rezoning identified above.

SECTION 3. Conditions. The rezoning approved herein is conditioned upon the following:

- a. The zoning for this property shall not take effect until a building permit has been issued by the City for that property.

- b. The proposed development along 600 East is approved only with the following stipulations:
 - 1. New commercial uses along the 600 East frontage are prohibited;
 - 2. A 15 foot landscaped front yard setback shall be provided along 600 East, unless the Historic Landmark Commission approves an alternative design; and
 - 3. The height of the buildings along 600 East is limited to 45 feet unless the Historic Landmark Commission approves an alternative design.
- c. The mid-block walkway between 500 and 600 East shall be improved with landscaping and pedestrian oriented amenities. The final landscaping plan must be approved by the Salt Lake City Planning Director.
- d. The development on this property must be processed as a planned development with approval obtained from the Salt Lake City Planning Commission.
- e. Approval of the final design of the buildings must be obtained from the Salt Lake City Planning Director and the Historic Landmark Commission.

SECTION 4. Effective Date. This ordinance shall become effective on the date of its first publication and shall be recorded with the Salt Lake County Recorder. The City Recorder is instructed not to publish or record this ordinance until the conditions identified above have been met, as certified by the Salt Lake City Planning Director.

SECTION 5. Time. If the conditions identified above have not been met within three years from the date that this ordinance is signed, this ordinance shall become null

and void. The City Council may, for good cause shown, extend the time period for satisfying the conditions identified above.

Passed by the City Council of Salt Lake City, Utah, this 20th day of March, 2003.


CHAIRPERSON

ATTEST:


CHRISTINA MEEKER
CHIEF DEPUTY CITY RECORDER

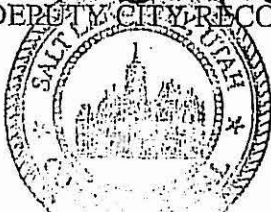
Transmitted to the Mayor on 3/21/03.

Mayor's Action: Approved. Vetoed.

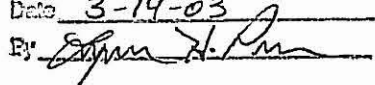

MAYOR

ATTEST:


CHRISTINA MEEKER
CHIEF DEPUTY CITY RECORDER



(SEAL)

APPROVED AND FORWARDED
Salt Lake City Attorney's Office
Date 3-14-03
By: 

Bill No. 12 of 2003.
Published: _____

COWBOY PARTNERS

6440 So. Wasatch Blvd.

Suite 100

Salt Lake City, UT 84121

Tel: (801) 424-4400

Fax: (801) 424-4460

January 7, 2008

Mr. George Shaw
Director, Planning & Zoning
Salt Lake City
451 South State Street, Room 406
Salt Lake City, UT 84114

Ms. Cindy Gust-Jenson
Executive Director, City Council Office
Salt Lake City
451 South State Street, Room 304
Salt Lake City, UT 84114

RE: Emigration Court Zoning

Dear Mr. Shaw and Ms. Gust-Jenson:

This letter is sent to request an extension of time for the Salt Lake City zoning ordinances (Ordinances 11 and 12) that were originally approved on March 20, 2003 that rezone property located at 550-558 East 300 South and 326-348 South 600 East. Each of these ordinances were subsequently extended on March 11, 2005 and September 12, 2006.

The project is known as the Emigration Court Apartments/Condominiums; the Phase III approvals expire on March 20, 2008 (Ordinance 12 of 2003), and the Phase II approvals expire on September 20, 2008 (Ordinance 11 of 2003).

As you are likely aware, Phase I of this project is completed. We are under contract to purchase the property in Phases II and III from Salt Lake Apartment Builders, LLC. We have included as an attachment to this letter an owner's letter of consent to this extension request. We are currently in the process of planning and programming for Phases II and III. It is anticipated that we will combine these projects into one phase and build the two buildings either concurrently or in succession.

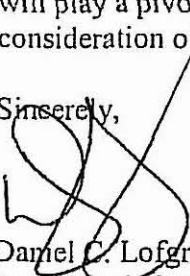
Therefore, we are requesting a three year extension of these ordinances, which provide for the requisite zoning for the project. In particular, we expect to begin construction some time in the near future. As such, we are requesting this extension so that we are certain that we will not be bringing this issue before the City Council again. As you are likely aware, the zoning is not effective until the City issues a building permit for the property.

We are delighted with the prospect of building two buildings that will play an important role in the future of the Central City neighborhood.

Letter to Mr. Shaw and Ms. Gust-Jenson
January 7, 2008
Page 2

We believe these buildings will be a welcome addition to this part of Salt Lake City, and will play a pivotal role in the revitalization of this neighborhood. Thank you for your consideration of this request.

Sincerely,



Daniel C. Lofgren
President & CEO
Cowboy Partners

Attachment: Owner's Consent Letter from Salt Lake Apartment Builders, LLC

cc: Mr. Doug Dansie, Community Planner

Salt Lake Apartment Builders, LLC

760 East 9000 South, Suite A
Sandy, Utah 84094

January 8, 2008

Mr. George Shaw
Planning Director
Salt Lake City
451 South State Street, Room 406
Salt Lake City, Utah 84111

Ms. Cindy Gust-Jenson
Executive Director – City Council Office
Salt Lake City
451 South State Street, Room 304
Salt Lake City, Utah 84111

RE: 300 South / 600 East Zoning
"Emigration Court" Property

Dear Mr. Shaw and Ms. Gust-Jenson:

This letter is to inform Salt Lake City of the pending sale of the above-referenced property to Cowboy Partners. The current owner of Phase I, BlackRock Realty Advisors, has teamed with Cowboy to develop the remaining parcels. Both entities have a proven track record of successful developments and a vested interest in the viability of the downtown market.

Further, Salt Lake Apartment Builders, LLC gives consent to the request by Cowboy Partners, and hereby jointly files an application, for extension of the zoning on the two parcels.

We appreciate all the work the City has contributed to make this project a success, and encourage the City to grant the requested extension.

Cordially,



Craig Nielsen
Manager

cc: Mr. Doug Dansie, Community Planner
Ms. Cheri Coffey, Deputy Planning Director (Historic Landmark Commission)
Mr. Daniel Lofgren, Cowboy Partners