


SALT LAKE CITY CORPORATION
DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR



CITY COUNCIL TRANSMITTAL

TO: David Everitt, Chief of Staff  **DATE:** May 29, 2008

FROM: Mary De La Mare-Schaefer, Community & Economic Development Department
Acting Director 

RE: Petition 400-08-05: Zoning Map Amendment by Mayor Ralph Becker requesting that the property at 313 North 300 West be zoned Mixed Use (MU) rather than Public Lands (PL) and MU 

STAFF CONTACTS: Cheri Coffey, AICP, at 535-6188 or cheri.coffey@slcgov.com

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

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: This rezoning request is associated with the proposal to construct a 45 unit condominium project on the site of a former motel at 313 and 323 North 300 West. The property owner, Newport CitiView LLC, represented by Michael Akerlow, owns two parcels of land, both of which were used for the motel operation. The subject parcel of land at 313 North 300 West was the site of the outdoor swimming pool for the motel. This parcel of land has a split zone of Mixed Use (MU) and Public Lands (PL). The split zone issue was identified as part of the preliminary reviews of the condominium project.

The Planning Staff is of the opinion that the property was incorrectly split zoned in 1995 as part of the Zoning Rewrite Project. It was thought that the property was owned by and part of the Salt Lake City School District operations because the subject property is adjacent to School District property which is a surface parking lot for West High School. Therefore, the Mayor has initiated this petition requesting that the Capitol Hill Zoning Map be amended to identify the subject parcel as Mixed Use (MU).

Analysis: The rezoning would afford the property owner the ability to construct a 45 unit, four-story residential condominium structure with underground parking. Although the parcel subject to the rezoning request totals approximately 5, 227 square feet, the total acreage for the condominium project is approximately 40,075 square feet.

In reviewing the records and documentation used during the 1995 Zoning Rewrite Project, the existing zoning boundary was drawn to be in line with the School District's parcels to the west rather than drawn consistent with the rest of the subject parcel. This resulted in a split parcel line. Since the parcel includes the swimming pool property for the motel, Staff is of the opinion that the property should be zoned Mixed Use, consistent with the rest of the motel property and consistent with the Master Plan's future land use map. Leaving the property split zoned would preclude the developer from using the portion of the property for the condominium development. It would also make it difficult to redevelop the property due to its size.

The applicable City Department/Divisions were contacted. Those who submitted comments did not object to the rezoning request. The overall condominium project also includes conditional use, planned development, and condominium approval to address issues relating to height and rear setback requirements; the location of a utility transformer to serve the project; and the subdivision of the land into the individual condominium units.

Master Plan Considerations:

Capitol Hill Community Master Plan (2001)

The property is located in the boundaries of the Capitol Hill Community Master Plan (2001). The Future Land Use Map classifies the subject property as High Density Mixed Use. Specific language in the plan identifies the encouragement of medium to higher density residential development in the area between 300 – 900 North and 300-400 West Street, which is the West Capitol Hill RDA Target Area. The plan notes that properties which front on 300 West Street are prime locations for market-rate, high density residential development because of their access to a major arterial, as well as their proximity to Warm Springs Park and Downtown.

The specific policies relating to this project include the following:

- Allow moderate increases in multi-family uses in appropriate locations and within the mixed use area.
- Encourage new medium/high density housing opportunities in certain appropriate locations within the West Capitol Hill Neighborhood.

The Salt Lake City Community Housing Plan (2000)

The Housing Plan identifies a variety of policies relating to the encouragement of the type of development for which the applicants are proposing with the CitiView Condominium project. The applicants desire to obtain LEED Certification and will provide parking underneath the structure of the proposed project both of which are consistent with the Housing Plan's policies of encouraging new sustainable housing.

The Final Report Salt Lake City Futures Commission, Creating Tomorrow Together (1998)

Assertion "M" in the Futures Commission Report states that there is a mix of housing types, densities, and costs so that people of various economic groups can co-exist. The

recommendations under this assertion is to promote mixed use in appropriate areas and to include housing in all developments.

The City Vision and Strategic Plan for Salt Lake City (1993)

Objective "E" in the City's Strategic Plan states that the City will include a wide variety of affordable housing opportunities in attractive, friendly neighborhoods that provide a safe environment. The plan includes a specific action step of acquiring vacant and derelict commercial buildings in residential areas and demolishing or rehabilitating them into housing units (14.6).

PUBLIC PROCESS:

The Capitol Hill Neighborhood Council reviewed the project twice: first on March 19, 2008, and again on April 16, 2008, at which time they passed a motion of support for the rezoning of the property.

Other than the community council input, Staff has not received any individual comments from the public on this matter.

The Planning Commission held a Public Hearing on May 14, 2008. Nobody from the public commented on the request. The Planning Commission passed a unanimous motion to transmit a favorable recommendation to the City Council as recommended by Staff.

RELEVANT ORDINANCES:

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 four of the Planning Commission Staff Report (see Attachment 5b).

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- 6. ORIGINAL PETITION**

1. Chronology

PROJECT CHRONOLOGY

- February 13, 2008. Property Owner filed Zoning Amendment application.
- March 27, 2008. Project assigned to Cheri Coffey.
- March 31, 2008 Staff requests appropriate City Departments review and comment on the proposed amendment.
- April 29, 2008 Notices are mailed as per ordinance and notice is sent to those on Division's listserv. Agenda is posted on Division's website.
- April 29, 2008 Sign is posted on property.
- May 2, 2008 Mayor Becker initiates the Petition to rezone the property.
- May 8, 2008 Staff report is sent to Commissioners and report is posted to Division's website.
- May 14, 2008 Planning Commission public hearing is held. Commission passed a motion to transmit a favorable recommendation to City Council.
- May 15, 2008 Staff requests the Attorney's Office prepare an ordinance.
- May 23, 2008 Staff received ordinance from Attorney's Office
- May 28, 2008 Planning Commission ratifies minutes
- May 29, 2008 Transmittal Packet is sent to Community Development.

2. Ordinance

SALT LAKE CITY ORDINANCE
No. _____ of 2008
(Rezoning a Portion of Property Located at 313 North 300 West)

AN ORDINANCE REZONING A PORTION OF PROPERTY LOCATED AT
313 NORTH, 300 WEST AND AMENDING THE ZONING MAP, PURSUANT TO
PETITION NO. 400-08-05

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on May 14, 2008 to consider an application initiated by the office of the Mayor for a zoning map amendment; and

WHEREAS, a portion of the property that is the subject of Petition No. 400-08-05 was erroneously zoned as Public Lands (PL) as part of the City’s 1995 Zoning Rewrite Project based on the incorrect assumption that the subject property was owned, at least in part, by the Salt Lake City School District; and

WHEREAS, the remainder of the subject parcel is zoned Mixed Use (MU); and

WHEREAS, the applicant has requested that the Salt Lake City Council (“City Council”) amend the zoning map to result in the entirety of the subject parcel being zoned Mixed Use (MU); and

WHEREAS, at its May 14, 2008 hearing, the Planning Commission voted in favor of recommending to the City Council that the zoning map be amended as requested in the petitioner’s application; and

WHEREAS, the City Council has determined that the following ordinance is in the City’s best interests,

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

SECTION 1. Rezoning of property. That portion of the property located at 313 North, 300 West currently zoned as Public Lands (PL), which is more particularly identified on Exhibit "A" attached hereto, shall be and hereby is rezoned from Public Lands (PL) to Mixed Use (MU), resulting in the entirety of the subject lot being zoned Mixed Use (MU).

SECTION 2. Amending zoning map. The Salt Lake City zoning map, as 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 identified above.

SECTION 3. Effective Date. This ordinance shall become effective on the date of its first publication and shall be recorded with the Salt Lake County Recorder.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2008.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2008.
Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date MAY 23, 2008
By Paul C. Nielson
PAUL C. NIELSON
SENIOR CITY ATTORNEY

EXHIBIT A

Petition 400-08-05

Rezone Request for 313 N 300 West
Parcel Number 08-36-401-004

Legal Description

BEGINNING 63 feet north from the southeast corner of Lot 1, Block 115, Plat A, Salt Lake City Survey; thence north 82 feet; thence west 65 feet; thence south 82 feet; thence east 65 feet to the POINT OF BEGINNING.

3. Notice of City Council Hearing

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition 400-08-05, a request by Mayor Ralph Becker for a zoning map amendment at approximately 313 North 300 West. The subject property has two zoning designations: Public Lands (PL) and Mixed Use (MU). The proposed zoning map amendment would rezone the entire parcel to a Mixed Use zoning classification. The parcel is 0.12 acres. It is believed that the zoning on this property was made in error during the Zoning Rewrite Process of 1995 because the property is located adjacent to Salt Lake City School District property to the south and it was believed that the property currently zoned Public Lands was owned by the School District, which it was not. The property owner is seeking to redevelop this property and the property directly to the north at approximately 323 North 300 West for a 45-unit residential condominium project.

As part of their study, the City Council will hold an advertised public hearing to receive comments regarding the petition. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME:

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

If you have any questions relating to this proposal, or would like to review the file, please contact Cheri Coffey at 535-6188 or at cheri.coffey@slcgov.com. If you are the owner of rental property, please inform your tenants of the public hearing.

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this City Council Public Hearing. Accommodations may include alternate formats, interpreters and other auxiliary aids. This is an accessible facility. TDD 535-6220.

4. Mailing Labels



RONALD WYMAN
375 W 400 N
SLC UT 84103-1224

MARCEL MONTGOMERY
367 W 400 N
SLC UT 84103-1224

UTAH OPERA COMPANY
123 W SOUTH TEMPLE ST
SLC UT 84101-1402

JENNIFER SEILER
245 W ARDMORE PL
SLC UT 84103-1244

NEWPORT CITIVIEW
261 E BROADWAY ST 100
SLC UT 84111-2413

SEONG CHEOL HONG
2093 E 9510 S
SANDY UT 84092-6300

REX & LINDA MORGAN
1569 W SHENANDOAH CIR
TAYLORSVILLE, UT 84123

SLCITY HOUSING AUTHORITY
1776 S WEST TMLP ST
SLC UT 84115-1816

AARON & CRYSTAL HULL
3365 N ASPEN WAY
WOODRUFF UT 84086

JRB PROPERTIES LLC
1910 E FORT UNION BLVD
COTTONWOOD HTS UT 84121-3054

JILL JOHSON
259 W 400 N
SLC UT 84103-1222

BPW FINANCIAL CORP
404 E 4500 S #B22
MURRAY UT 84107-2762

GEORGE SHAPIRO
369 N 300 W
SLC UT 84103-1215

DIANA HRVATIN
321 W 400 N
SLC UT 84103-1224

DJ ENTERPRISES LLC
3667 WRANGLER WAY
PARK CITY UT 84098

POLLY HART, CHAIR
CAPITOL HILL COMMUNITY COUNCIL
355 N QUINCE ST
SLC UT 84103

CHERI COFFEY
625 E WILSON AVE
SLC UT 84105

244 WEST ENTERPRISES LLC
244 W 300 N #200
SLC UT 84103

LARSEN, DEBORAH
186 E DORCHESTER DR
SLC UT 84103

FELTON, TONI
229 W 300 N
SLC UT 84103

HAMMOND, FAY & WANDA
230 W 300 N
SLC UT 84103

GRONDAHL, HALVARD
1467 S MAIN ST
SOUTH SALT LAKE UT 84115

SALT LAKE CITY CORP
451 S STATE ST, 225
SLC UT 84111

FUCHS, WELLA J
3778 S 4565 W
WEST VALLEY UT 84120

VISION ENTERPS LLC
4408 W 6095 S
SLC UT 84118

SOTIRIOU INVESTMENT GR
242 E 300 S
SLC UT 84111

SCHORI, JANET M
3667 WRANGLER WAY
PARK CITY UT 94098

NORTH THIRD WEST LLC
261 E BROADWAY #100
SLC UT 84111

SIGNATURE BOOKS INC
564 W 400 N
SLC UT 84116

BOARD OF EDUCATION OF SL
440 E 100 S
SLC UT 84111

NIELSEN, RONALD Y
357 W 400 N
SALT LAKE CITY UT 84103

PULLIAM, JEANNE B
335 W 400 N
SALT LAKE CITY UT 84103

RAMIREZ, JOSE L
341 W 400 N
SALT LAKE CITY UT 84103

RENTERIA, SARAH E
358 N 300 W
SALT LAKE CITY UT 84103

STEIGERWALD, DAVID J
365 N 300 W
SALT LAKE CITY UT 84103

TAYLOR, SUZANNE M
367 W 400 N
SALT LAKE CITY UT 84103

THOMAS, CHARLOTTE A M,
321 W 400 N
SALT LAKE CITY UT 84103

WARNER, ELIZABETH
366 N 300 W
SALT LAKE CITY UT 84103

WHITE, DICKIE M
319 W 400 N
SALT LAKE CITY UT 84103

ZABKA, MILAN
616 N WALL ST
SALT LAKE CITY UT 84103



for Easy Peel Feature
Peel and Stick
Sheet



Feed Paper



Use Avery 5160 Template
Easy Peel Labels
Avery 5160



BLAND, JEFFERY M
716 W 3500 S
BOUNTIFUL UT 84010

EQUITY PROPERTY
MANAGEMENT LLC
716 W 3500 S
BOUNTIFUL UT 84010

WILKINSON, DAVID L
1150 S MAIN ST #545
BOUNTIFUL UT 84010

NTS INVS LLC
410 N 75 E
NORTH SALT LAKE UT 84054

STONECREST PROP LLC
11742 S STONE CREST CIR
RIVERTON UT 84065

NBF CLUBHOUSE LLC
123 W SOUTHTEMPLE ST
SALT LAKE CITY UT 84101

333 INVESTORS
333 N 300 W
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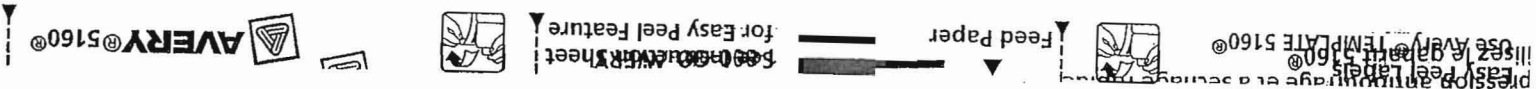
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HARTLEY, BONADEL W
375 N 300 W
SALT LAKE CITY UT 84103

5a. Planning Commission
Original Notice and Postmark

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, May 14, 2008 at 5:45 p.m.**

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. **Work/Training Session** The Planning Commission may also discuss project updates, the Downtown and Gateway Zones, and other minor administrative matters. This portion of the meeting is open to the public for observation.

APPROVAL OF MINUTES FROM WEDNESDAY, April 23, 2008

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

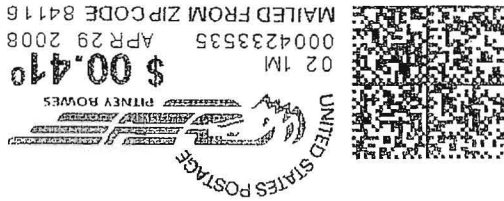
PUBLIC HEARING

1. **Petition 400-08-05 CitiView Condominiums Rezoning Request**—a request by Newport CitiView, LLC represented by Michael Akerlow, for a zoning mapping amendment at approximately 313 North 300 West. The subject property is one of two parcels for the condominium project. The subject parcel has two zoning designations: Public Lands (PL) and Mixed Use (MU). The proposed zoning map amendment would rezone the entire parcel to a Mixed Use zoning classification. The parcel is 0.12 acres. It is believed that the zoning on this property was made in error during the Zoning Rewrite Process of 1995 because the property is located adjacent to Salt Lake City School District to the south and it was believed that the property currently zoned Public Lands, was owned by the School District, which it was not. The property is located in City Council District Three, represented by Eric Jergensen (Staff contact: Cheri Coffey at 535-6188 or cheri.coffey@slcgov.com).
2. **Salt Lake International Center Sunquest Development Zoning Amendment and Conditional Use** – a request by Gordon Jacobsen for a zoning amendment and conditional use for property located at 51 North Tommy Thompson Road. The proposed zoning amendment and conditional use would permit construction of a commercial planned development on the property. The property is zoned M-1 Light Manufacturing District and OS Open Space District. The property is located within City Council District One, represented by Carlton Christensen (Staff Michael Maloy at 535-7118 or michael.maloy@slcgov.com).
 - **Petition 400-08-01.** The applicant has requested amendment of the Salt Lake City Zoning Map for the southernmost portion (0.95 ± of an acre) of the 4.66 acre property from OS Open Space District to M-1 Light Manufacturing District.
 - **Petition 410-07-43.** The applicant has requested approval of a conditional use for a commercial planned development on the property. The proposed planned development is for construction of 72,000 ± square feet of commercial office and warehouse space in three buildings on a single parcel.

Visit the Planning and Zoning Enforcement Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted end of business the Friday prior to the meeting, and minutes will be posted end of business two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

PUBLIC HEARING NOTICE

Salt Lake City Planning Division
451 South State Street, Room 406
PO Box 145480
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 two (2) minutes per person, per item. A spokesperson who has already been asked by a group to summarize their concerns will be allowed five (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 Commission
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. The Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.



841053

5b. Planning Commission
Staff Report

PLANNING COMMISSION STAFF REPORT

CitiView Zoning Amendment

313 N. 300 West

Petition 400-08-05

May 14, 2008



Planning and Zoning Division
Department of Community and
Economic Development

Applicant: Mayor Ralph
Becker

Staff: Cheri Coffey; 535-6188;
cheri.coffey@slcgov.com

Tax ID 08-36-401-004;

Current Zone: MU and PL

Master Plan Designation:
High Density Mixed Use

Council District: District 3;
Council member Jergensen

Acreage: 0.12 or 5,227 square
feet

Current Use:
Vacant Motel (former pool site)

**Applicable Land Use
Regulations:**

- 21A.32.070
- 21A.32.130
- 21A.50.050

Attachments:

- A. Photographs
- B. Pre 1995 Zoning Maps of
Site.
- C. Department Comments
- D. Public Comments
- E. Information from
Applicant

REQUEST

This rezoning request is associated with the proposal to construct a 45 unit condominium project on the site of a former motel at 313-323 North 300 West. The applicant owns two parcels of land, both of which were used as part of the motel operation. The subject parcel of land at 313 North 300 West was the site of the outdoor swimming pool for the motel. This parcel of land has a split zone of Mixed Use (MU) and Public Lands (PL).

The Planning Staff is of the opinion that the property was incorrectly split zoned in 1995 as part of the Zoning Rewrite Project. It was thought that the property was owned by and part of the School District operations because the subject property is adjacent to the Salt Lake City School District property which is a surface parking lot for West High School. Therefore, the Mayor has initiated this petition requesting that the Capitol Hill zoning map be amended to identify the subject parcel as Mixed Use (MU).

Conditional Use and Planned Development approval for the condominium project will be reviewed by the Planning Commission at a latter date.

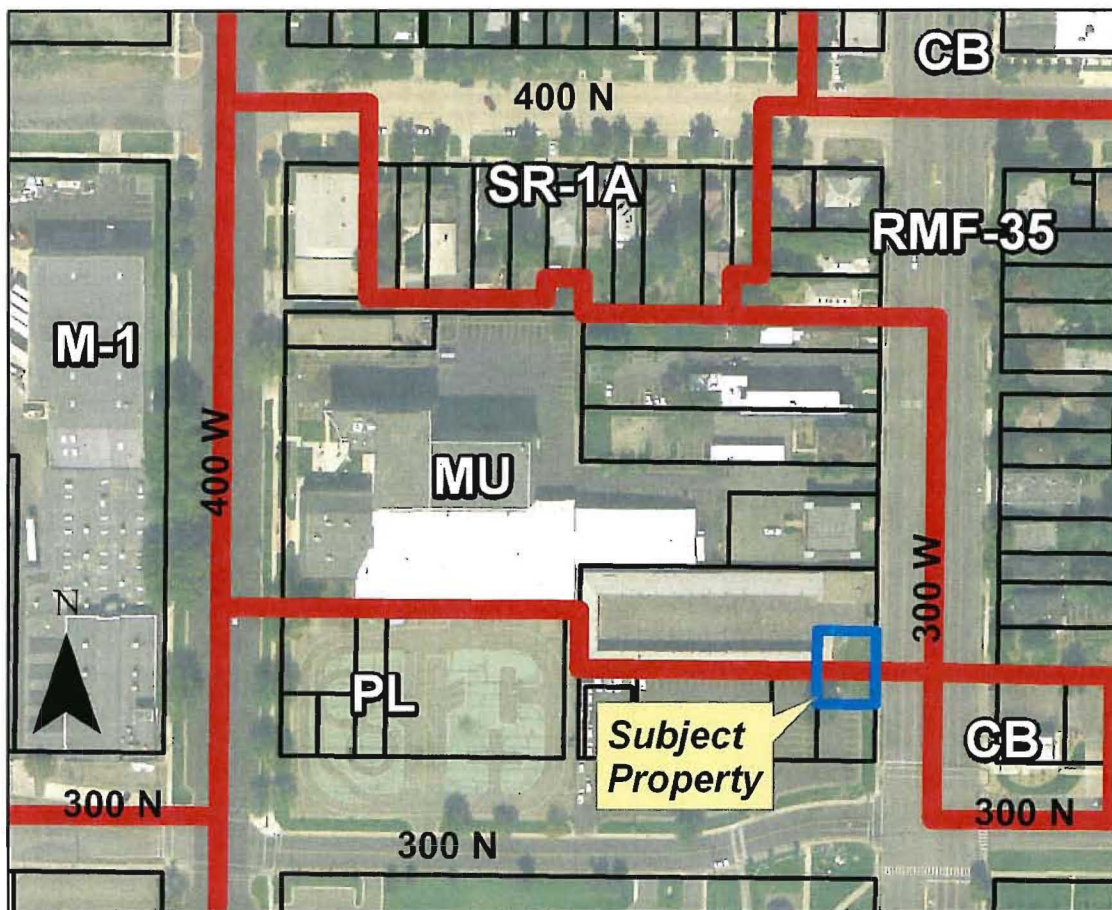
PUBLIC NOTICE

Public notice was mailed on April 29, 2008 to all property owners within four hundred and fifty feet (450') of the subject property which satisfies the Zoning Ordinance requirement for fourteen (14) day notice. A sign was also posted on the property on April 29, 2008 meeting the minimum ten (10) day notification requirement for posting. In addition, the agenda for the Planning Commission was electronically sent to the Planning Division's list serve and was also posted on the Division's webpage.

STAFF RECOMMENDATION:

Based on the findings of fact listed in this staff report, Planning Staff recommends that the Planning Commission transmit a favorable recommendation to the City Council to approve the zoning amendment to zone the property at 313 North 300 West, with parcel number 08-36-401-004, Mixed Use (MU).

VICINITY MAP



COMMENTS

Public Comments: The Capitol Hill Neighborhood Council reviewed the project twice: first on March 19, 2008 and again on April 16, 2008 at which time they passed a motion of support for the rezoning of the property.

City Department Comments: The pertinent City Departments and Divisions have reviewed the proposed project. No major issues were identified. The applicant must comply with all of the comments attached to this staff report, and any that arise during the permit process. All of the Department responses are included in Attachment C. The project was reviewed by the Development Review Team twice (prior to submittal) on March 26, 2007 and on December 12, 2007 as well as routed to the staff of the applicable review departments. The general comments are as listed below.

Permits: No objection to the rezone.

Transportation: No objection to the rezoning.

Public Utilities: No objection to the rezone.

Airport: No objection to the rezone.

Redevelopment Agency: No comments

Engineering: No objection to the rezoning.

Fire: No objection to the rezoning

Police: No comments

Property Management: No objection to the rezoning.

Staff Analysis and Findings

Project History

The applicant owns two parcels of land, both of which were used as part of the motel operation. The parcel of land at 313 North 300 West was the site of the outdoor swimming pool for the motel. The property is adjacent to the Salt Lake City School District property which is used as a surface parking lot for West High School.

This parcel of land has a split zone of Mixed Use and Public Lands. The property was mistakenly split zoned in 1995 as part of the Zoning Rewrite Project because it was thought that the property was owned by and used for school district operations.

Prior to 1995 the entire parcel, along with adjacent properties, were zoned C-1 Commercial.

Pre-Submittal meeting with Planning Staff

Prior to the submittal of the application, the applicant attended a pre-submittal conference on January 17, 2008 with members of the Planning Staff. Most of the discussion during this meeting focused on the conditional use issues. Staff acknowledged that the zoning on the parcel at 313 North 300 West appeared to be a mapping error but would review the matter. Staff noted that amendments to the zoning map require action by the City Council after receiving input from the Community Council and a public hearing and recommendation by the Planning Commission.

Staff Review of Issues

In review of the records and documentation used during the 1995 Zoning Rewrite Project, the existing zoning boundary was drawn to be in line with the school district parcels to the west rather than consistent with the rest of the subject parcel. This resulted in a split parcel line. Since the parcel includes the swimming pool property for the motel, staff is of the opinion that the property should be zoned Mixed Use, consistent with the rest of the motel property and consistent with the master plan's future land use map.

The purpose of the Public Lands zoning district is to specifically delineate areas of publicly owned uses and to control the potential redevelopment of public uses, lands and facilities. The Public Lands zoning district allows limited types of uses. Leaving the property split zoned, would preclude the developer from using the portion of the property for the condominium development. It would also make it difficult to redevelop the property due to its size.

Standards for General Amendments

Section 21A.50.050 of the Salt Lake City Zoning Ordinance states "A decision to amend the text of the Zoning Ordinance 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;

Analysis: The following policy documents were considered in evaluating this request:

Capitol Hill Community Master Plan (2001)

The property is located in the boundaries of the Capitol Hill Community Master Plan (2001). The Future Land Use Map classifies the subject property as High Density Mixed Use. Specific language in the plan identifies the encouragement of medium to higher density residential development in the area between 300 – 900 North and 300-400 West Street, which is the West Capitol Hill RDA Target Area. The plan notes that properties which front on 300 West Street are prime locations for market-rate, high density residential development because of their access to a major arterial, as well as their proximity to Warm Springs Park and Downtown.

The specific policies relating to this project include the following:

- Allow moderate increases in multi-family uses in appropriate locations and within the mixed use area.
- Encourage new medium / high density housing opportunities in certain appropriate locations within the West Capitol Hill Neighborhood.

The Salt Lake City Community Housing Plan (2000)

The Housing Plan identifies a variety of policies relating to the encouragement of the type of development for which the applicants are proposing with the CitiView Condominium project. The applicants desire to obtain LEED Certification and will provide parking underneath the structure of the proposed project both of which are consistent with the Housing Plan's policies of encouraging new sustainable housing.

The Final Report Salt Lake City Futures Commission, Creating Tomorrow Together (1998). Assertion "M" in the Futures Commission Report states that there is a mix of housing types, densities and costs so that people of various economic groups can co-exist. The recommendations under this assertion is to promote mixed use in appropriate areas and to include housing in all developments.

The City Vision and Strategic Plan for Salt Lake City, (1993). Objective "E" in the City's Strategic Plan states that the City will include a wide variety of affordable housing opportunities in attractive, friendly neighborhoods that provide a safe environment. The plan includes a specific action step of acquiring vacant and derelict commercial buildings in residential areas and demolishing or rehabilitating them into housing units. (14.6)

Finding: In addition to general city-wide plans that include policies supporting mixed use and additional housing in the City, the Capitol Hill Community Master Plan and its future land use map

support the amendment to the Capitol Hill Community Zoning Map. The amendment is consistent with this factor.

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

Analysis: The applicant is proposing to combine the subject property with the property at 323 North 300 West to be used to develop a 45-unit Condominium project. Existing development adjacent to these properties includes a surface parking lot to the south, an office to the north, Utah Opera Company's main offices and warehouse to the west and a mix of residential types of uses across the street to the east.

The subject property is surrounded by Mixed Use zoning to the north and west and Public Lands zoning to the south. Across the street, to the east, is the RMF-35 zoning district. The Mixed Use zoning district allows for a variety of uses from single-family residential uses to commercial service uses with outdoor storage. In this instance, the applicant is requesting a mapping amendment in order to allow for the development of a multi-family residential use which is encouraged in the MU zoning district. Specifics of the proposed condominium project will be reviewed by the Planning Commission at a future date.

Finding: The rezoning of the southern portion of the parcel to Mixed Use is consistent with the rest of the parcel and harmonious with the overall character of existing development in the immediate vicinity of the subject property. The amendment is consistent with this factor.

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

Analysis: Amending the zoning map to identify the full parcel as mixed use will eliminate issues presented when a parcel this size has two very different zoning classifications. The existing zoning precludes development that is consistent with the master plan and hampers redevelopment of the site. The rezoning of the property will assist with redevelopment of this parcel, as well as its associated parcel to a use that is consistent with various policies of the City relating to housing development. Noting that it is adjacent to a surface parking lot, warehouse and office, the proposed use of a medium density residential development will not adversely affect adjacent properties.

Finding: Amending the zoning map to identify the whole parcel as mixed use, will allow for the redevelopment of an abandoned commercial use for housing development. The redevelopment of the site will not adversely affect adjacent properties which are more intensive in use, from a zoning standpoint, than the proposed residential development. The amendment is consistent with this factor.

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

Analysis: The property is not within any applicable overlay zoning district.

Finding: The property is not within any applicable overlay zoning 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 wastewater and refuse collection.

Analysis: The property is within a developed portion of the City where infrastructure already exists. This rezoning is associated with a conditional use/ planned development project which will be reviewed by the Planning Commission at a future date. Applicable City Departments and Divisions have reviewed the rezoning request. None of the Departments / Divisions submitted comments objecting to the rezoning request.

Finding: The proposed rezoning request is to correct a mapping error which occurred during the 1995 Zoning Rewrite Project. Departments who submitted comments did not object to the rezoning of this property. The conditional use / planned development process for the proposed condominium project will include a thorough review of the development proposal. The applicant will be required to make improvements to the property, where applicable, to ensure that the public facilities and services intended to serve the proposed development are adequate. The amendment is consistent with this factor.

Attachment A Photographs



Subject Parcel



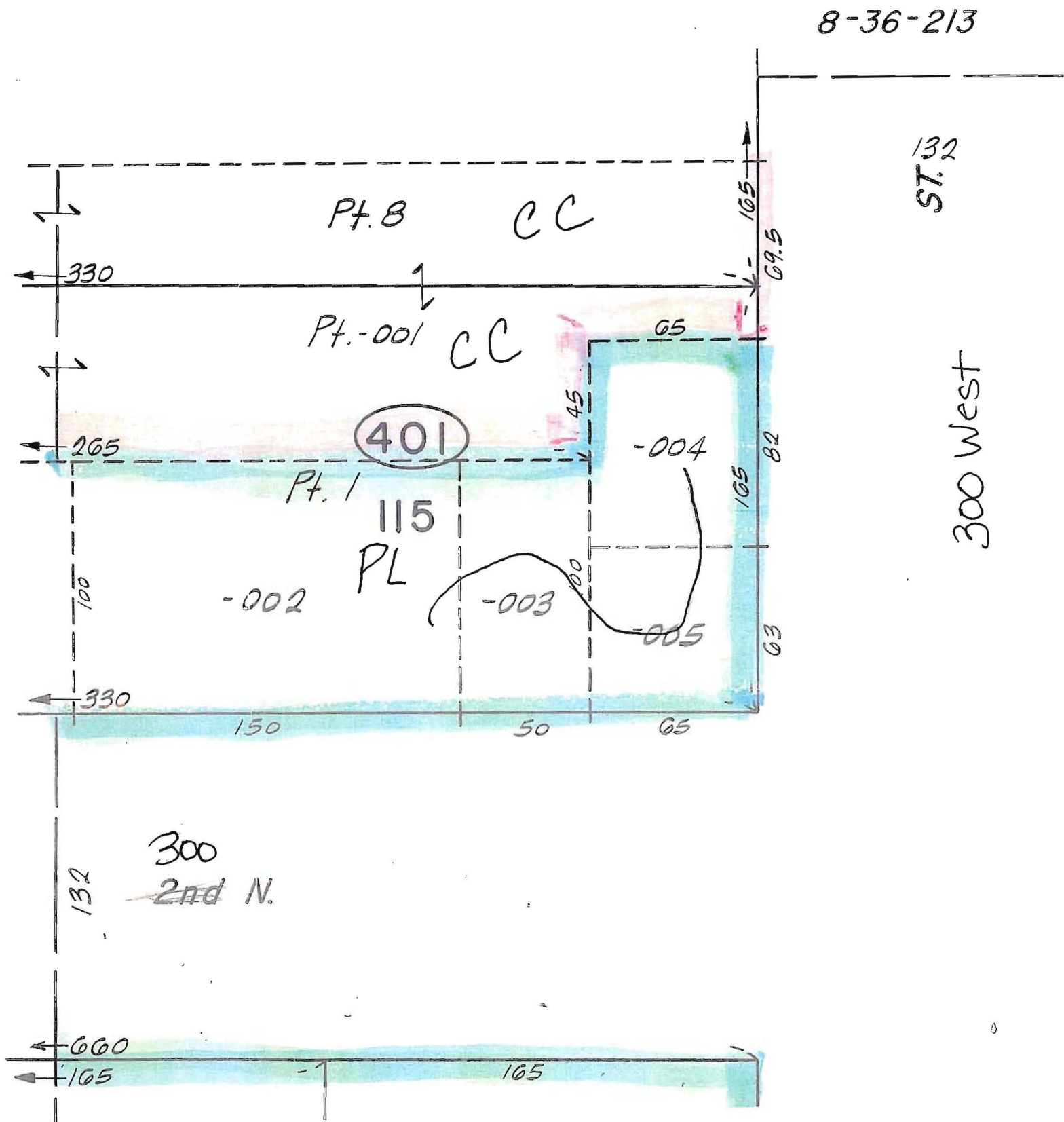
Parcel in Association with School Property

Attachment B

Pre 1995 Zoning Maps





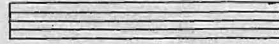
Zoning Rewrite Project

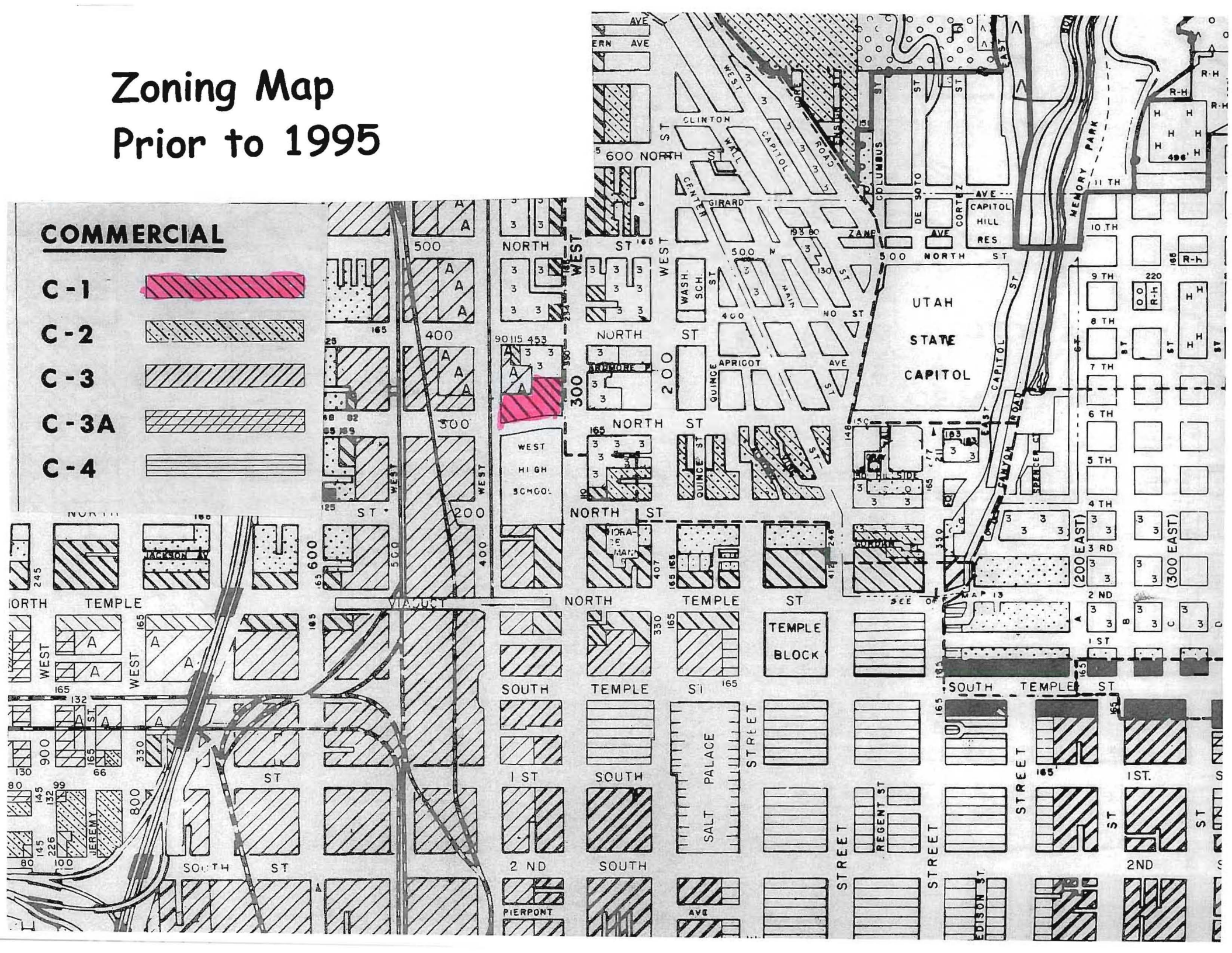
Draft Map



Zoning Map Prior to 1995

COMMERCIAL

- C-1** 
- C-2** 
- C-3** 
- C-3A** 
- C-4** 



Attachment C

Department Comments

Coffey, Cheri

From: Brown, Jason
Sent: Friday, April 11, 2008 11:03 AM
To: Coffey, Cheri
Cc: Garcia, Peggy
Subject: Citiview Condominiums Petitions 400-08-05 and 410-08-06
Categories: Program/Policy

Cheri,

Public Utilities has reviewed the above mentioned petitions and have no comments. Site construction drawings were submitted to our office in October 2007. These plans were redlined and must be corrected and approved by our Department. All permits, agreements and fees must be paid and recorded before construction can begin.

If you have any questions please do not hesitate to contact me.

Jason Brown, PE

Development Review Engineer
Salt Lake City Public Utilities
1530 South West Temple
Salt Lake City, UT 84115
(801) 483-6729
(801) 483-6855 fax

4/11/2008

Coffey, Cheri

From: Walkingshaw, Nole
Sent: Friday, April 11, 2008 1:18 PM
To: Coffey, Cheri
Cc: Butcher, Larry
Subject: Petition 400-08-05 and petition 410-08-06 Citi View Condo Project 313 323 N 300 W
Categories: Program/Policy

Cheri,

Building Services has the following comments:

400-08-05 Rezoning:

- Building Services has no issues with the proposed rezone from PL to MU.

410-08-06 Conditional Use:

- The parking garage encroaches into the required rear yard area. The garage structure is exposed and as such would not be a permitted encroachment, or considered to be "underground".
- The proposed density calculations are conforming and 45 units are permissible.
- MU zoning allows for additional building height up to 60 feet through the Conditional Use Process. The request is for approx. 55 feet
- Building Services has no comments on the power transformers servicing the condominium project, at this time additional issues may be discovered during the DRT review.
- Refuse dumpster/service location are visible from the public way a determination needs to be made stating that the screening minimizes impacts, visibility or appear to be part of the architectural design of the building.

Please contact your applicant and Dee Dee Robinson to discuss scheduling a DRT review of this proposal.

Thanks,

Nole

Nole Walkingshaw
Salt Lake City Planning and Zoning
Senior Planner
801-535-7128

Coffey, Cheri

From: Walsh, Barry
Sent: Tuesday, April 01, 2008 11:10 AM
To: Coffey, Cheri
Cc: Young, Kevin; Weiler, Scott; Garcia, Peggy; Itchon, Edward; Butcher, Larry; Spencer, John
Subject: RE: CitiView Condominium Project
Categories: Program/Policy

April 1, 2008

Cheri Coffey, Planning

Re: CitiView Condominium Project at 313, 323 & 325 North 300 West – Petition 400-08-05 rezone and pet 410-08-06 Conditional Use.

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

This project proposal was reviewed at the December 12, 2007 DRT meeting with standard preliminary review comments for parking geometrics, ADA provisions and bicycle parking. Additional review items were discussed with the architect on January 14, 2008. Final approval is subject to full permit drawing review compliance.

The existing site is a Motel with 45 parking stalls and vehicular access to 300 West, a six lane, major arterial class UDOT roadway restricted to right in right out south bound travel.

The new proposal is for a 45 unit residential condominium with 73 parking stalls in an underground parking structure with vehicular access to 300 West. The proposed driveway revision will need to be reviewed by UDOT for public way permit approvals.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Scott Weiler, P.E.
Peggy Garcia, Public Utilities
Ted Itchon, Fire
Larry Butcher, Permits
John Spencer, Property Management
File

From: Coffey, Cheri
Sent: Monday, March 31, 2008 5:04 PM
To: Baxter, DJ; Butterfield, Edward; Boskoff, Nancy; Burbank, Chris; Clark, Luann; Creswell, Lyn; Goff, Orion; Graham, Rick; Riley, Maureen; Harpst, Tim; Rutan, Ed; Niermeyer, Jeff; McKone, Dennis; De La Mare-Schaefer, Mary

4/1/2008

Cc: Coffey, Cheri; Garcia, Peggy; Itchon, Edward; Weiler, Scott; Walsh, Barry; Butcher, Larry; Askerlund, Dave; Spencer, John; Wilkerson-Smith, Jill

Subject: CitiView Condominium Project

Directors:

The Planning Division is currently reviewing a request from Newport CitiView LLC, for approval of a 45 unit condominium project at approximately 313-323 North 300 West. The project includes requests for a zoning map amendment, conditional use and planned development.

As a Department Director/Cabinet Member, courtesy notice is being sent to you to inform you of the project. You are not required to respond to this email unless you choose to do so. The specific information regarding this proposal has been sent to the following staff members for review:

Peggy Garcia – Public Utilities
Ted Itchon – Fire
Scott Weiler – Engineering
Barry Walsh – Transportation
Larry Butcher – Permits Counter Supervisor
Dave Askerlund – Police
John Spencer – Property Management
Jill Wilkerson-Smith- RDA

If you would like to review the details of this proposal, please let me know by Friday, April 4, 2008, and I will forward information to you. If you have any questions, please do not hesitate to contact me at cheri.coffey@slcgov.com or at 535-6188.

Thanks.

5012038

325 North 300 West

Contact Person Alan Michelsen

Project Description "City View Condos"-New 45 unit condominiums.

Project Notes 12/12/2007

Ken Brown Zoning

Need 45 unit condo. Need to verify out of vault study area. Need to verify adequate lot area for 45 units, adequate setback, building height, open space, adequate parking, etc. Will need parkway strip trees & landscaping.

Barry Walsh Transportation

Need ADA, and 5% bike included on parking calculations. Section notes 7' 6" ceiling A3.3. Det. For ramps sheet A3.2. Grading 8%, 14.3%, 8% run. Trench drain at bottom of ramp not recommended.

Ted Itchon Fire

Dead end 150'+ is not permitted. Auto fire sprinkler, and 0.2 density. Auto detection, fire sprinkler, and stand pipe required with remote station interconnection.

Craig Smith Engineering

Contact Scott Weiler for condominium process, plat, and subdivision agreement.

Coffey, Cheri

From: Itchon, Edward
Sent: Tuesday, April 01, 2008 9:59 AM
To: Coffey, Cheri
Cc: Butcher, Larry; McCarty, Gary; Montanez, Karleen
Subject: Petition 400-08-05 Citi View Condo Project 313 & 323 North 300 West

It appears that the project drawings and the GIS map conflicts with each other. The comments will be based on the reduced set of drawings. The project shall be provided with automatic fire sprinkler system which reports to an approved monitoring station. Further a class III standpipe system shall be installed. The density of the fire sprinkler system in the parking structure shall be a 0.20. the dwelling units shall be provided with local detection system.

4/1/2008

Coffey, Cheri

From: Miller, David
Sent: Thursday, April 03, 2008 2:24 PM
To: Coffey, Cheri
Cc: McCandless, Allen
Subject: RE: CitiView Condominium Project
Categories: Program/Policy

Cheri,

Thank you for the notice regarding a request from Newport CitiView LLC, for approval of a 45 unit condominium project at approximately 313-323 North 300 West. This address is not in an established Salt Lake City airport influence zone. The project does not create any observed impacts to airport operations.

David Miller
Airport Principal Planner
Salt Lake City Department of Airports
P.O. Box 145550
Salt Lake City, UT 84114-5550
801.575.2972
david.miller@slcgov.com

From: Coffey, Cheri
Sent: Monday, March 31, 2008 5:04 PM
To: Baxter, DJ; Butterfield, Edward; Boskoff, Nancy; Burbank, Chris; Clark, Luann; Creswell, Lyn; Goff, Orion; Graham, Rick; Riley, Maureen; Harpst, Tim; Rutan, Ed; Niermeyer, Jeff; McKone, Dennis; De La Mare-Schaefer, Mary
Cc: Coffey, Cheri; Garcia, Peggy; Itchon, Edward; Weiler, Scott; Walsh, Barry; Butcher, Larry; Askerlund, Dave; Spencer, John; Wilkerson-Smith, Jill
Subject: CitiView Condominium Project

Directors:

The Planning Division is currently reviewing a request from Newport CitiView LLC, for approval of a 45 unit condominium project at approximately 313-323 North 300 West. The project includes requests for a zoning map amendment, conditional use and planned development. **As a Department Director/Cabinet Member, courtesy notice is being sent to you to inform you of the project. You are not required to respond to this email unless you choose to do so.** The specific information regarding this proposal has been sent to the following staff members for review:

Peggy Garcia – Public Utilities
Ted Itchon – Fire
Scott Weiler – Engineering
Barry Walsh – Transportation
Larry Butcher – Permits Counter Supervisor
Dave Askerlund – Police
John Spencer – Property Management

Jill Wilkerson-Smith- RDA

If you would like to review the details of this proposal, please let me know by Friday, April 4, 2008, and I will forward information to you. If you have any questions, please do not hesitate to contact me at cheri.coffey@slcgov.com or at 535-6188.

Thanks.

4/3/2008

TO: CHERI COFFEY, PLANNING DIVISION

FROM: RANDY DRUMMOND, P.E., ENGINEERING

DATE: APR. 4, 2008

SUBJECT: **CITIVIEW CONDOMINIUM**
313 – 323 N 300 W
Petition #410-08-06
(Comments on Condominium Project)

SLC Engineering's review comments are as follows:

1. It is our understanding that this project will provide a 45-unit condominium project after the existing buildings are demolished. All improvements and street right-of-way exist as required on 300 West, and the existing condition does not warrant any repairs or replacement. There is an existing driveway into the site, which will appear to be removed at the time of development. The replacement driveway must be built according to APWA Std. Dwgs. #225 and the replacement curb and gutter according to APWA Std. Dwg. #251 or 252. All of this work shall be completed by a licensed, bonded and insured contractor via a Public Way Permit to be obtained from our office. The applicant will need to obtain UDOT permission for the location of the new drive approach on 300 West.
2. No plat was submitted for review. I have included a copy of the plat checklist for use by the applicant's consultant in preparing the plat.

cc: Brad Stewart,
Scott Weiler,
Barry Walsh,
George Ott
Craig Smith
Vault

Coffey, Cheri

From: Lucas, Duran
Sent: Monday, April 07, 2008 2:57 PM
To: Coffey, Cheri
Subject: Petition 400-08-05, 410-08-06

April 7, 2008

Cheri Coffey, AICP

Re: Petition 400-08-05, 410-08-06 CitiView Condominium Project

Property Management has reviewed the referenced petition. The petitioner does not seem to be encroaching on any city property or public right-of-way, however, if at any time the planned development changes and an encroachment results, the petitioner will be required to sign a lease agreement for the encroachment. With that being said, we have no objection to the petitioner's request and will defer to the other City departments' comments.

Duran Lucas
Property Management

4/7/2008

5010925

323 North 300 West

Project Description "Newport City View Condos"-New multi-family condo project.

Project Notes 3/26/2007

Larry Butcher Zoning

Discussed R.O.W. to the West, check with Engineering to determine City interest. May be a civil action to dissolve. 45' height + 5' mechanical parapet. Applicant is not looking for density bonus. Discussed min. & max. set back allowance for underground parking. Parking requirement to meet min. Off-site parking is conditional. Max 20' set back for 75% of bldg. Separate demo permit required for motel. Certified address for new building required from Engineering Div. Open space 20% of lot area. ADA stalls (3 req'd), first is van accessible. Stairs permitted in front yard up to 4' high. On street parking can't be counted towards parking requirement.

Brad Stewart Public Utilities

Investigate 8" sewer on property with intent to abandon. Also check for & abandon easement. Developer is interested in utility easement at West edge of property. Possible ground water issue, no outfall for pumping w/o extension of storm drain. Will need to fire sprinkle, and stand pipe. Need to know sewer loading. Parking garage to SS through sand/oil separator. Is the site environmentally clean? Phase I was clean. Detention not required. Will go for some LEEDS level. Need civil plans.

Lisa Shaffer Building Code

Demolition of existing Temple View Motel. Proposed 43 units w/below grade parking. Vehicle access off of 300 West. 45' to highest. 1B construction below grade parking. V-A construction (4 levels) above for condos. 33'-34' to highest living unit. NFPA-3 sprinkler system req'd.

Scott Weiler Engineering

Any work in 300 West behind curb requires a permit to work in the public way, obtained from SLC Engineering. The access point from 300 West requires UDOT approval and UDOT permit. Due to the limited amount of on-site driveway to reach the structure, a subdivision improvement construction agreement is not required.

Ted Itchon Fire

Condos with below grade parking. Fire sprinkler (NFPA-13). R .2 density, Class III standpipe. Fire alarm, local in units. 13' side yard. 10' side yard. 15' rear yard.

Norm Weiss Transportation

300 West belongs to UDOT. Need their approval for driveway changes. Bike rack needed.

MEMORANDUM

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



Planning and Zoning Division
Department of Community Development

TO: Peggy Garcia – Public Utilities
Ted Itchon – Fire
Scott Weiler – Engineering
Barry Walsh – Transportation
Larry Butcher – Permits Counter Supervisor
Dave Askerlund – Police
John Spencer – Property Management

FROM: Cheri Coffey, AICP
Phone 535-6188
Email: cheri.coffey@slcgov.com

DATE: March 31, 2008

SUBJECT: CitiView Condominium Project at 313 and 323 North 300 West.

Enclosed for your review is a copy of the plans for the above referenced project. The project includes the following requests:

Rezoning (Petition 400-08-05): Parcel 08-36-401-004 at 313 North 300 West is split zoned; Mixed Use (MU) and Public Lands (PL). The applicant is requesting that the whole parcel be rezoned to MU.

Conditional Use (410-08-06):

- Request to exceed the 45 foot maximum height allowed in the MU zoning district and build a structure that is approximately 55 feet.
- Approval for a power transformer on the property at 310 West 300 North, which is owned by the Salt Lake City School District. The power transformer will serve the condominium project.

There is also a question of whether the rear yard setback will be encroached upon by the underground parking structure, which is above grade, due to topography, in the very rear of the structure. If this is an issue, a Planned Development will also be required.

I am also requesting that a zoning review be completed by the Permits Office Staff and that the project be scheduled with the DRT once the zoning review is completed.

Please review this information and respond with any comments as soon as you are able, but no later than **Friday, April 11, 2008**. If you do not have any comments, please respond by email with "no comment" so that I can be sure that you have seen the request. If you have any questions, please do not hesitate to call or email.

Thank you

MEMORANDUM

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



Planning and Zoning Division
Department of Community Development

TO: Jill Wilkerson-Smith

FROM: Cheri Coffey, AICP
Phone 535-6188
Email: cheri.coffey@slcgov.com

DATE: March 31, 2008

SUBJECT: CitiView Condominium Project at 313 and 323 North 300 West.

Enclosed for your review is a copy of the plans for the above referenced project, which is located within the West Capitol Hill Redevelopment Target Area. The project includes the following requests:

Rezoning (Petition 400-08-05): Parcel 08-36-401-004 at 313 North 300 West is split zoned; Mixed Use (MU) and Public Lands (PL). The applicant is requesting that the whole parcel be rezoned to MU.

Conditional Use (410-08-06):

- Request to exceed the 45 foot maximum height allowed in the MU zoning district and build a structure that is approximately 55 feet.
- Approval for a power transformer on the property at 310 West 300 North, which is owned by the Salt Lake City School District. The power transformer will serve the condominium project.

There is also a question of whether the rear yard setback will be encroached upon by the underground parking structure, which is above grade, due to topography, in the very rear of the structure. If this is an issue, a Planned Development will also be required.

Please review this information and respond with any comments as soon as you are able, but no later than **Friday, April 11, 2008**. If you do not have any comments, please respond by email with "no comment" so that I can be sure that you have seen the request. If you have any questions, please do not hesitate to call or email.

Thank you

Attachment D

Public Comments

[Main](#)
[Council Members](#)
[The Bulletin](#)
[Links](#)

Capitol Hill Neighborhood Council

April 16, 2008
State Capitol Senate Cafeteria

Mobile Watch Meeting: 6:00 p.m.
Capitol Hill meeting: 6:30 p.m.

- 6:30 Welcome by Chair, Polly Hart
- 6:35 Police Report, Roger Williams
- 6:45 Mobile Watch, Roger King
- 6:55 Joyce Valdez, Mayor's Office
- 7:10 Reports by Elected Officials
- 7:25 Conditional Use request for utility box, 1725 N 200 W
- * 7:35 Vote on 300 N / 300 W Cityview Condo variances/zoning changes
- 8:10 Update/discussion on conditional use, "The Jam" at "The Hideout" property, 751 N 300 W
- 8:30 Adjourn

Next Meeting: May 21, 2008

Coming May 10, 2008: *Live Green*

The Downtown Alliance presents *Live Green*, the 5th Annual Downtown Sustainable Living Festival.

The event will be Saturday, May 10, 2008, 10 am to 6 pm, Library Square.

This event—which is becoming the most recognized environmental fair in the State of Utah—is educational, entertaining, and engaging.

More than 100 vendors will be at *Live Green*, including a variety of businesses that share the vision of providing green guidance and recyclable resources.

More info: Danica Farley, danica_at_downtownslc.org 801.333.1105

Capitol Hill Neighborhood Council

P.O. Box 522038

Salt Lake City UT 84152

[Click for Trusteeship Map](#) (Requires free Adobe Reader software)

[Click for Bylaws](#) (Requires free Adobe Reader software)

[web site questions](#) (nick at vanburns dot com)

Thank you to XMission for generously hosting our community council web site.

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INTERNET

Site design: Emma Van Burns
Updated April 14, 2008

Coffey, Cheri

From: Polly Hart [polly@sisna.com]
Sent: Monday, March 31, 2008 10:48 PM
To: Coffey, Cheri
Subject: Re: CitiView Project

Cheri-

I left a message for you today. Mike Akerlow already presented in March, and It is on our agenda for an April vote.

Polly

On Mar 31, 2008, at 4:32 PM, Coffey, Cheri wrote:

Polly,

Attached are various documents that relate to the above referenced project for your information. My understanding is that the applicant presented the information to the Capitol Hill Neighborhood Council in March and will return on April 16, 2008 for final review. I will also be there to hear the comments and answer any regulatory or process questions you may have.

If you have any questions, please contact me at 535-6188 or via e-mail at cheri.coffey@slcgov.com

Thanks.

<Community Cncl Letter.doc><CUP site plan.pdf><Elevations.pdf>

**Zoning Amendment, Conditional Use and Planned Development
Community Council / Citizen Group Input**

TO: Polly Hart, Chair Capitol Hill Neighborhood Council

FROM: Cheri Coffey, Planning Division Staff

DATE: March 31, 2008

RE: CitiView Condominium Project

Newport CitiView LLC, represented by Michael Akerlow, is requesting the Salt Lake City Planning Commission approve a Planned Development for modification of the rear yard setback requirement for the underground parking garage and Conditional Use approval to exceed the maximum height requirement of 45 feet in the MU zoning district, in order to build a new 55 foot high 45 unit condominium project at 323 North 300 West. There is currently a vacant motel on the property. The applicant is also requesting the Planning Commission support a request for a Zoning Map Amendment for the property at 313 North 300 West from Public Lands to Mixed Use. This property is also part of the motel property but staff believes a "mapping error" made during the 1995 Zoning Rewrite Project on the property, which is not owned by the school district, was split zoned with half of the parcel being zoned Public Lands and the other half zoned Mixed Use. The applicant is also requesting Conditional Use approval for a Power Transformer, which is a conditional use in the Public Lands zoning district, to serve the condominium project. The address of the proposed transformer, which will be placed on the School District property, is 310 West 300 North and is proposed to be placed immediately adjacent to the project property to the north.

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

The Community Council should submit its comments to me, as soon as possible, after the Community Council meeting to ensure there is time to incorporate the comments into the staff report to the Planning Commission. Comments submitted too late to be incorporated into the staff report, can be submitted directly to the Planning Commission, via the Planning Division, for their review prior to the Planning Commission Public Hearing.

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

Planned Development and Conditional Use Criteria

Conditional Use

1. Master Plan and Code Compliance

- A. The proposed development is supported by the general policies of the City Wide, Community, and Small Area Master plan text and the future land use map policies governing the site;
- B. The proposed development is one of the conditional uses specifically listed in this title; and
- C. The proposed development is supported by the general purposes and intent of the zoning ordinance including the purpose statement of the zoning district.

2. Use Compatibility

The proposed use at the particular location is compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing development. In determining compatibility, the Planning Commission may consider the following:

- A. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets;
- B. The type of use and its location does not create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected with the development of a permitted use. In determining unusual patterns, the Planning Commission shall consider:
 - i. The orientation of driveways and if they direct traffic to the major streets or local streets, and, if directed to the local streets, the impacts to the safety, purpose, and character of the local streets;
 - ii. Parking locations and size, and if parking plans encourage street side parking to the proposed use which impacts the adjacent land uses;
 - iii. Hours of peak land use when traffic to the proposed use would be greatest and that such times and peaks would not impact the ability of the surrounding uses to enjoy the use of their properties; and
 - iv. The hours of operation of the proposed use when compared with the hours of activity/operation of the surrounding uses and the potential of such hours of operation do not create noise, height, or other nuisances not acceptable to the enjoyment of existing surrounding uses or common to the surrounding uses.
- C. The internal circulation system of the proposed development is properly designed for motorized, non-motorized and pedestrian traffic, and mitigates impacts on adjacent properties;
- D. Existing or proposed utility and public services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources; and
- E. Appropriate buffering such as landscaping, setbacks, and building location, is provided to protect adjacent land uses from light, noise and visual impacts.
- F. Detrimental concentration of existing non-conforming or conditional uses substantially similar to the use proposed. The analysis is based on an inventory of uses within a quarter mile radius of the subject property.

3. Design Compatibility

The proposed conditional use is compatible with:

- A. The character of the area with respect to: site design and location of parking lots, access ways, and delivery areas; impact on adjacent uses through loss of privacy, objectionable views of large parking or storage areas; or views and sounds of loading and unloading areas;
- B. Operating and delivery hours are compatible with adjacent land uses; and
- C. The proposed design is compatible with the intensity, size, and scale for the type of use, and with the surrounding uses.

4. Detriment to Persons or Property

- A. The proposed use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious to property and improvements in the community, existing surrounding uses, buildings, and structures. The applicant shall demonstrate that the proposed use:
- B. Does not lead to deterioration of the environment by emitting pollutants into the ground or air that cause detrimental effects to the property or to neighboring properties;
- C. Does not encroach on rivers or streams or direct run off into rivers or streams;
- D. Does not introduce hazards or potentials for damage to neighboring properties that cannot be mitigated; and
- E. Is in keeping with the type of existing uses surrounding the property, and that as proposed the development will improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.

5. Compliance with Other Applicable Regulations

The proposed development complies with all other applicable codes and ordinances.)

6. Imposition of the Conditions of Approval

The Planning Commission may impose conditions on the proposed use which are in addition to any conditions specifically listed within this chapter. All conditions imposed shall meet the following criteria:

- A. The condition is within the police powers of Salt Lake City;

- B. The condition must substantially further a legitimate public purpose;
- C. The condition must further the same public purpose for which it is imposed;
- D. The applicant/owner may not be required to carry a disproportionate burden in furthering the public purpose; and
- E. Dedications of land and other contributions as conditions of approval must be reasonably related and roughly proportionate to the use of the property for which the conditional use permit is required.

7. Mitigating Conditions

- A. As part of their review, the Planning Commission may impose mitigating conditions on the proposed development.
- B. These conditions may include but are not limited to the following areas: landscaping; access; loading and parking areas; sanitation; drainage and utilities; architecture and signage; fencing and screening; setbacks; natural hazards; public safety; environmental impacts; hours and methods of operation; dust, fumes, smoke and odor; noise, vibrations; chemicals, toxins, pathogens, and gases; and heat, light, and radiation.
- C. The conditions which are imposed on a conditional use permit must be expressly attached to the permit and cannot be implied.

8. Denial of Conditional Use Application

The following findings or others may, in the judgment of the Planning Commission, be cause for denial of a conditional use application:

- A. The proposed use is unlawful;
- B. Conditions of approval could not reasonably mitigate the negative impacts of the proposed use.
- C. The proposed use would create or pose a nuisance, conflict, or hazard relating to noise, vibration, light, electrical or electronic interference, traffic, odor, fumes, dust, explosion, flooding, contaminations, or other negative effects on the neighboring properties or the community in general, without adequate mitigation.

Planned Development Standards

Walkability Standards:

- a. The development shall be primarily oriented to the street, not an interior courtyard or parking lot,
- b. The primary access shall be oriented to the pedestrian and mass transit,
- c. The facade shall maintain detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction,
- d. Architectural detailing shall emphasize the pedestrian level of the building,
- e. Parking lots shall be appropriately screened and landscaped to minimize their impact on the neighborhood,
- f. Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods,
- g. Dumpsters and loading docks shall be appropriately screened or located within the structure, and
- h. Signage shall emphasize the pedestrian/mass transit orientation.

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

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

Zoning Amendment Criteria

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

Please submit your written comments to the Planning Division by mail at Salt Lake City Planning Division, 451 South State Street, Room 406, SLC, UT 84111; by Fax at (801) 535-6174 or via e-mail to me at cheri.coffey@slcgov.com. If you have any questions, please call me at 801-535-6188 or via e-mail.

Attachment E

Information from Applicant



Memorandum

Planning Division

Community & Economic Development Department

To: Mayor Becker

From: Cheri Coffey, AICP

Date: April 22, 2008

CC: Mary De La Mare-Schaefer, Community & Economic Development
Department Interim Director;
Joel Paterson, Acting Assistant Planning Director
file

Re: Initiate Petition to correct mapping error at 313 North 300 West.

As part of the 1995 Zoning Rewrite Project, approximately 68,000 parcels of land were analyzed for new zoning classifications. Since that time, several "errors" have been identified to those classifications. In the review of a proposed development of the CitiView Condominium project, on a former motel site, it was discovered that one of the parcels they own was split zoned with Public Lands (PL) and Mixed Use (MU) zoning. The parcel is adjacent to Salt Lake City School District property to the south (please see map). The zoning boundary line was drawn straight across in line with the school district property. Parcels south of the line were zoned PL and parcels north of the line were zoned MU. This split the zoning on the parcel at 313 North 300 West in two. The former pool for the motel property was on this site.

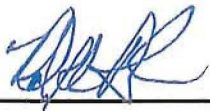
The applicant, Newport CitiView, LLC, represented by Michael Akerlow is proposing to raze the former motel building and construct a new 45 unit condominium project on the site which will need Planned Development and Conditional Use approval. Both the rezoning and the Planned Development and Conditional Uses are tentatively scheduled to be reviewed by the Planning Commission in May, 2008.

Due to the fact that Staff believes the split zoned parcel is a mapping error; Staff would appreciate the Mayor initiating a petition to address the matter. In the past, the City has initiated similar requests to correct these types of mapping errors.

If you have any questions, please contact me.

Thank you.

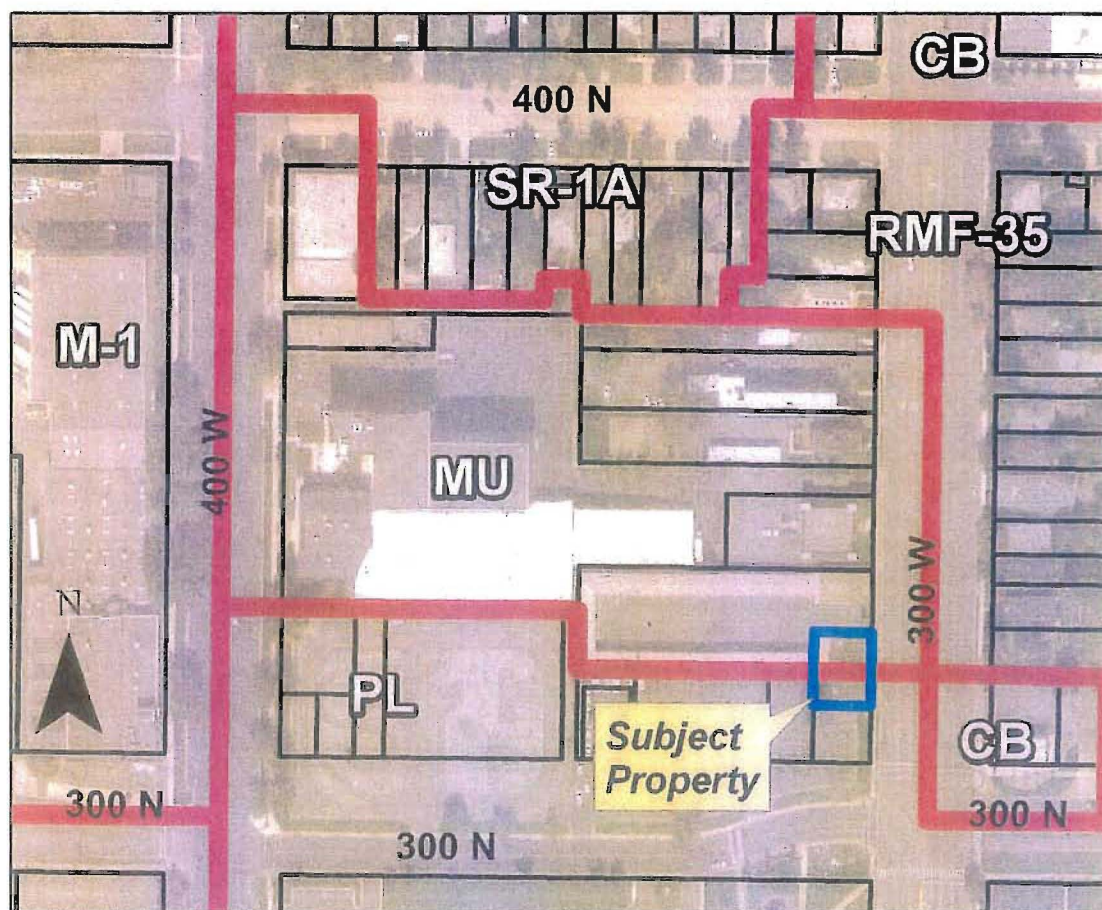
Concurrence to initiating the rezoning petition as noted above.



Ralph Becker, Mayor

5/2/08

Date



Information from Property Owner

ZONING AMENDMENT

1. The property described here appears to have been mistakenly split with two different zones. Half of the property is zoned MU and half of the property is zoned PL. This small piece has actually been used as part of a larger piece of property where a motel currently exists. The subject parcel was a swimming pool area for the motel but is now filled in. When the PL portion is rezoned to MU, the property will be included as part of a residential condominium project. This particular parcel will be connected to underground parking and have condominiums above ground.
2. The property will be used as part of a residential condominium project.
3. The current zoning does not appear to be appropriate because half of the parcel is already zoned MU. The neighboring parcel, owned by the Board of Education, is zoned PL and it appears that at some point a line was drawn from the BOE's piece through the subject parcel and that one portion was zoned PL.

Please describe your project and why a zoning amendment is necessary:

North Third West LLC purchased two parcels of land (see attached plat); one being larger than the other. The larger piece is zoned MU, the smaller piece has a split zone of MU and PL. Both parcels have been used for the now closed Temple View Motel. On the larger piece exists the hotel, on the smaller piece exists a filled in swimming pool. The proposed use for both parcels is 45 residential condominiums. It appears that the smaller piece was mistakenly split when new zoning maps were created some time ago. The adjacent property to the subject piece is zoned PL but the subject piece has not been used for purposes associated with the PL zoning.

The Owner is requesting the rezone so that the proposed development can be built on the entire parcel. The proposed development consists of a building running the length of the property and a connected building facing 300 West. A portion of the 300 West building is to be built on the entire subject parcel.

What are the land uses adjacent to the property?

To the south and the west of a portion of the subject parcel, the land is used as a parking lot for the faculty of West High School. The Owner of the subject parcel has worked closely with the BOE on the proposed development and the impact of construction. The parcel to the north of the subject property is owned by the same Owner and is zoned MU. Across 300 West are two apartment buildings and a vacant lot.

Have you discussed the project with nearby property owners?

All three abutting property owners have been contacted. The Board of Education and the Utah Symphony and Opera (whose property borders ours in one small area) have

been supportive and are aware of the proposed construction and mobilization plans. The owner to the north has shown some concern over construction next to their property, however has expressed their desire to see the proposed project move forward. That property owner has also listed their property for sale and is aware that they might have moved from the building before construction begins.

5c. Planning Commission
Minutes: May 14, 2008

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, May 14, 2008**

Present for the Planning Commission meeting were. Commissioners: Babs De Lay, Peggy McDonough, Robert Forbis, Frank Algarin, Susie McHugh, and Kathy Scott. Commissioners Prescott Muir, Tim Chambless, and Chair Matthew Wirthlin, Vice Chair Mary Woodhead were excused from the meeting.

Present from the Planning Division were; Joel Paterson, Acting Planning Director; Michael Maloy, Principal Planner; Cheri Coffey Programs Analysis; and Tami Hansen, Planning Commission Secretary. Paul Nielson, City Land Use Attorney.

A roll is being kept of all who attended the Planning Commission Meeting. Acting Chair De Lay called the meeting to order at 5:45 p.m. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

PUBLIC HEARING

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

Petition 400-08-05 CitiView Condominiums Rezoning Request—a request by Newport CitiView, LLC represented by Michael Akerlow, for a zoning mapping amendment at approximately 313 North 300 West. The subject property is one of two parcels for the condominium project. The subject parcel has two zoning designations: Public Lands (PL) and Mixed Use (MU). The proposed zoning map amendment would rezone the entire parcel to a Mixed Use zoning classification. The parcel is 0.12 acres. It is believed that the zoning on this property was made in error during the Zoning Rewrite Process of 1995 because the property is located adjacent to Salt Lake City School District to the south and it was believed that the property currently zoned Public Lands, was owned by the School District, which it was not. The property is located in City Council District Three, represented by Eric Jergensen

Acting Chair De Lay recognized Cheri Coffey as staff representative.

Ms. Coffey stated that this petition was initiated by Mayor Becker and noted that the property owners found a mapping error and brought it to the attention to staff. She stated that the property had been zoned incorrectly in 1995, and that the request was to rezone the property to Mixed-Use (MU).

Acting Chair De Lay opened up the public hearing portion of the petition, there was no comment, she then closed the public hearing.

Commissioner Forbis made a motion regarding Petition 400-08-05, the CitiView Condominiums rezoning request, based on the findings of fact listed in the staff report and the evidence presented at the meeting, that the Planning Commission forward a favorable recommendation to the City Council to approve the zoning

amendment, to zone the property at 313 North 300 West, Parcel No. 08-36-401-004, Mixed-Use (MU).

Commissioner McHugh seconded the motion. All in favor voted, "Aye", the motion carried unanimously.

6. Original Petition

Remarks:

Petition No: **400-08-05**

By: **Newport Citiview LLC**

Zoning Amendment

Date Filed: 02/13/2008

Address: **313 North 300 West**



Memorandum

Planning Division
Community & Economic Development Department



To: Mayor Becker

From: Cheri Coffey, AICP

Date: April 22, 2008

CC: Mary De La Mare-Schaefer, Community & Economic Development
Department Interim Director;
Joel Paterson, Acting Assistant Planning Director
file

A handwritten signature in blue ink, possibly reading "MSH".

Re: Initiate Petition to correct mapping error at 313 North 300 West.

As part of the 1995 Zoning Rewrite Project, approximately 68,000 parcels of land were analyzed for new zoning classifications. Since that time, several "errors" have been identified to those classifications. In the review of a proposed development of the CitiView Condominium project, on a former motel site, it was discovered that one of the parcels they own was split zoned with Public Lands (PL) and Mixed Use (MU) zoning. The parcel is adjacent to Salt Lake City School District property to the south (please see map). The zoning boundary line was drawn straight across in line with the school district property. Parcels south of the line were zoned PL and parcels north of the line were zoned MU. This split the zoning on the parcel at 313 North 300 West in two. The former pool for the motel property was on this site.

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If you have any questions, please contact me.

Thank you.

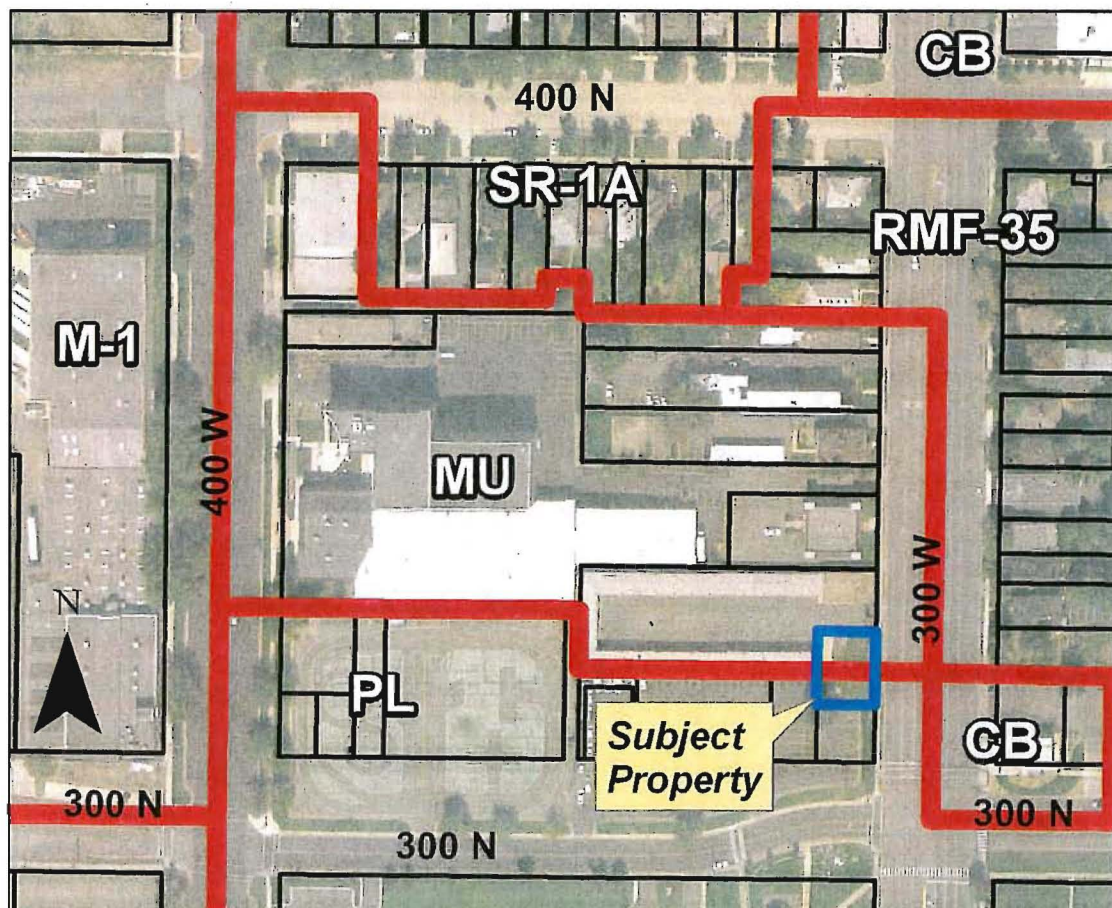
Concurrence to initiating the rezoning petition as noted above.



Ralph Becker, Mayor

5/2/08

Date





Mike Akerle

Zoning Amendment

ZRP map amendment Chen Coffey 3/28/08

OFFICE USE ONLY

Petition No. 400-08-05
Receipt No. 2-13-08 Amount: N/A
Date Received:
Reviewed By: [Signature]
Project Planner: Chen Coffey

Address of Subject Property: 313 N 300 W SLC

Name of Applicant: NEWPORT CITIVIEW LLC

Phone: 363-3390

Address of Applicant: 261 E. BROADWAY STE 100 SLC 84111

E-mail Address of Applicant: michael@newportutah.com Cell/Fax: 244-1070 / 363-3395

Applicant's Interest in Subject Property: OWNER/DEVELOPER

Name of Property Owner: NORTH THIRD WEST LLC

Phone: 363-3390

Address of Property Owner: 261 E. BROADWAY STE 100 SLC UT 84111

Email Address of Property Owner: michael@newportutah.com Cell/Fax: 244/1070/363-3395

Existing Use of Property: filled in swimming pool

Zoning: SPLIT PL/MU

County Tax ("Sidwell #"): 08-36-401-004

- ☐ Amend the text of the Zoning Ordinance by amending Section: (attach map or legal description).
- ☒ Amend the Zoning Map by reclassifying the above property from an { PL } zone to a { MU } zone.

Please include with the application:

1. A statement of the text amendment or map amendment describing the purpose for the amendment and the exact language, boundaries and zoning district.
2. A complete description of the proposed use of the property where appropriate.
3. Reasons why the present zoning may not be appropriate for the area.
4. The names and addresses of all property owners within four-hundred fifty (450) feet of the subject parcel. The name, address and Sidwell number of each property owner must be typed or clearly printed on gummed mailing labels. Please include yourself and the appropriate Community Council Chair. **The cost of first class postage for each address is due at time of application. Please do not provide postage stamps.**
5. Legal description of the property.
6. Six (6) copies of site plans drawn to scale.
7. Related materials or data supporting the application as may be determined by the Zoning Administrator.
8. If applicable, a signed, notarized statement of consent from property owner authorizing applicant to act as an agent.
9. Filing fee of \$800.00 plus \$100 for each acre over one acre is due at the time of application.

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

Sidwell maps & names of property owners are available at:

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

File the complete application at:

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

Signature of Property Owner

[Signature]

Or authorized agent

PLANNING COMMISSION

Coffey, Cheri

From: michael@newportutah.com
Sent: Tuesday, April 22, 2008 6:27 PM
To: Coffey, Cheri
Subject: Re: Scheduling of the Rezoning Petition

Thanks Cheri.

Sent via BlackBerry by AT&T

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

From: "Coffey, Cheri" <Cheri.Coffey@slcgov.com>

Date: Tue, 22 Apr 2008 18:07:05

To: <michael@newportutah.com>

Cc: "Hansen, Tami" <Tami.Hansen@slcgov.com>

Subject: Scheduling of the Rezoning Petition

Mike,

As we discussed on the phone today, we will schedule the rezoning request with the Planning Commission on their May 14, 2008 agenda. Hopefully, this will allow us to get it to the City Council more quickly. In the meantime, I will continue to work on the Conditional Use and Planned Development staff report which we are tentatively targeting for the May 28, 2008 Planning Commission meeting.

The subcommittee will be held on April 30, 2008. There are two items on the agenda and yours will be second so it will probably be around 1:00 P.M. but I'll get with Tami Hansen the PC secretary to get a more precise time for you.

Let me know if you have any questions.

Thanks.

PETITION CHECKLIST

Date	Planner Initials	Supervisor Initials	Director Initials	Action Required
2008 02/14	dm			Petition Delivered to Planning
-	-			Petition Assigned to <u>Cheri Coffey</u>
cc	-		AMP	Planning Staff or Planning Commission Action Date <u>May 14th 2008</u>
5/28/08	CC		AMP	Transmittal Cover Letter Followed Template (margins, headings, returns etc) <u>May 28th</u>
5/28/08	CC		AMP	Table of Contents
5/25/08	CC		AMP	Chronology
5/23/08	CC		AMP	Ordinance Prepared by the Attorney's Office Include general purpose statement of petition (top of ordinance) Include Strike and Bold -(Legislative Copy) (where applicable) Include Clean Copy (Ensure stamped by Attorney) Include Sidwell Numbers (where applicable) Include Legal Description-review, date and initial (where applicable) Ensure most recent ordinance used Ensure Exhibits (tables etc) are attached
5/22/08	CC		AMP	Council Hearing Notice Include Purpose of Request Include zones affected (where applicable) Include address of property (where applicable) Include TDD Language
5/22/08	CC		AMP	Mailing List of Petition and Labels, (include appropriate Community Councils, applicant and project planner) (include photocopy of labels)
5/22/08	CC		AMP	Planning Commission Notice Mailing Postmark Date Verification (on agenda) Newspaper Notice for Rezoning and Master Plan Amendments (proof of publication or actual publication)
5/22/08	CC		AMP	Planning Commission Staff Report
5/22/08	CC		AMP	Planning Commission Minutes and Agenda
				Yellow Petition Cover and Paperwork Initiating Petition (Include application, Legislative Intent memo from Council, PC memo and minutes or Mayor's Letter initiating petition.)
				Date Set for City Council Action: _____
				Petition filed with City Recorder's Office