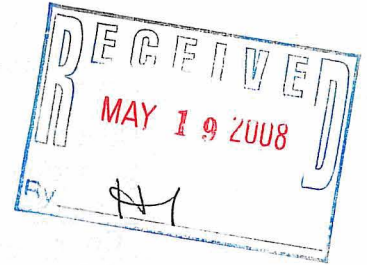


SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR



CITY COUNCIL TRANSMITTAL

TO: David Everitt, Mayor's Chief of Staff *DE* **DATE:** April 21, 2008

FROM: Mary De La Mare-Schaefer, Community & Economic Development Interim Director *MDS*

RE: Petitions 400-07-37 Master Plan Amendment and 400-07-38 Zoning Map Amendment by Capitol Hill Investments Partners, for property at 477 North 300 West requesting rezoning from Community Business CB to Residential Mixed Use RMU-45 and amending the Capitol Hill Community Master Plan Future Land Use Map from General Commercial to Medium Mixed Use

STAFF CONTACTS: Everett Joyce, Senior Planner, at 535-7930 or everett.joyce@slcgov.com

RECOMMENDATION: That the City Council hold a briefing and schedule a public hearing

DOCUMENT TYPE: Ordinance and Development Agreement

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: Capitol Hill Investments Partners has requested approval of a Master Plan amendment (Petition 400-07-37) and the rezoning of property located at 477 N 300 West (Petition 400-07-38). The subject property is zoned CB Community Business. The applicant requests an RMU-45 zoning classification to accommodate multi-family residential development. The existing CB zoning allows commercial, office, and multi-family residential structures up to a maximum of 20,000 square foot, which the proposed residential condominium development exceeds. The conditional allowance for buildings greater than 20,000 square feet is not permitted because the subject parcel is adjacent to a single family zone. The applicant is requesting RMU-45 zoning to accommodate the proposed development.

Analysis: The proposed zoning amendment will accommodate the development of a 22-unit condominium complex on a .63-acre parcel. The current land use is a vacated service station; the last previous use was a maintenance and repair shop for a cab company. Capitol Hill Investments Partners are the property owners.

The design standard differences between the existing zoning and the requested zoning classifications are shown in the following table:

451 SOUTH STATE STREET, ROOM 404
P.O. BOX 145486, SALT LAKE CITY, UTAH 84114-5486
TELEPHONE: 801-535-7105 FAX: 801-535-6005

WWW.SLCCED.COM

RECYCLED PAPER

Standard	CB	RMU-45
Height	30'	45'
Density	No limit	22 units
Setbacks		
Front Yard	0	0 – 15' max
Corner Side Yard	0	0 – 15' max
Side Yard	0	0
Rear Yard	10'	30'
Landscape Buffer	7'	10'

The intent of the requested zoning change is to utilize the density of the RMU-45 Zoning District, which would allow for the 22 residential units proposed by the applicant. The RMU-45 Zoning District allows 15 feet of additional building height than the existing zoning; the proposed development depicts the structure at approximately 35 feet in height. The requested zoning would increase the rear yard setback from 10 to 30 feet.

At the Community Council meeting, there was support expressed for the project. However, those who did not support the project were concerned about the impact of on-street parking within the neighborhood. The existing property consists of numerous large driveway approaches. The redevelopment of the site will require the removal of existing driveways and inclusion of additional on-street parking along 500 North Street. The proposed site plan also provides more off-street parking than required by ordinance.

City Department comments were generally in support of the proposal. One issue identified by Building Services is the need to modify the site plan to accommodate the required 10 foot landscape buffer along the west property line. This issue will be resolved through the project review process for condominium and building permit approvals, subject to a favorable outcome of the rezoning request.

Master Plan Considerations: The subject property is in the Capitol Hill Community. The 2001 Capitol Hill Community Future Land Use Map identifies the subject property for General Commercial land uses. The requested amendment involves modifying the Future Land Use Map of the Capitol Hill Community Master Plan from a General Commercial classification to a Medium Mixed Use classification. The following policy document sources were considered in evaluating this request:

- The Capitol Hill Zoning Map (2008)
- The Capitol Hill Community Master Plan (2001)
- The Salt Lake City Community Housing Plan (2000)
- The Final Report Salt Lake City Futures Commission, Creating Tomorrow Together (1998)
- The City Vision and Strategic Plan for Salt Lake City (1993)

The goal of the Salt Lake City Community Housing Plan is to enhance, maintain, and sustain a livable community that includes a vibrant downtown integrated with surrounding neighborhoods that offer a wide range of housing choices, mixed uses, and transit-oriented design. This Plan

focuses on concepts for creating a wide variety of housing types across the City and encouraging mixed use and mixed income housing.

The Final Report of the Salt Lake City Futures Commission states as an objective that “Salt Lake City Neighborhoods are diverse, exciting, safe, well maintained, and supportive of families and young people. Vibrant neighborhoods are fundamental to the health and vitality of the City, and citizens, business owners, and local government each have a role to play in creating and sustaining ideal neighborhoods.” The requested Master Plan amendment and rezone would support these goals.

PUBLIC PROCESS:

The Capitol Hill Community Council has reviewed the project twice: first on November 21, 2007, and again on February 20, 2008. Public comment received at the second meeting identified support for the requested Master Plan amendment and rezoning. The Community Council vote regarding the proposed changes was 12 in favor and 8 opposed. Comments raised at the meeting related to potential impacts on the limited availability of on-street parking for the neighborhood. Particularly mentioned was Pugsley St., an interior block street located west of the subject site. Individuals stated that there is not adequate off street and on street parking on Pugsley Street. Therefore, some residents utilize 500 North Street for parking. They were concerned that the new development will increase the on street parking demand on 500 North Street.

The Planning Commission held a public hearing on March 12, 2008. Issues raised at the public hearing included the location of the rear yard for the proposed development and a condition of a development agreement limiting building height and placing the rear yard along the west property line.

The Planning Commission unanimously passed a motion regarding Petition 400-07-37 Master Plan Amendment to forward a positive recommendation to the City Council to amend the Capitol Hill Community Master Plan for property at 477 North 300 West (Parcel 08-36-251-007) from General Commercial to a Medium Mixed use future land use designation.

The Planning Commission unanimously passed a motion regarding Petition 400-07-38 Zoning Map Amendment that, based on the analysis and findings in the staff report, the Commission forward a positive recommendation to the City Council to rezone property at 477 North 300 West (parcel 08-36-251-007) from Community Business (CB) to Residential Mixed Use (RMU-45) zoning classification with the following conditions:

1. The applicant enters into a development agreement with the City to ensure:
 - a. The height of the structure does not exceed thirty-five feet (35’), and
 - b. The required rear yard be located along the west property line of the subject parcel;
and
2. That the development agreement is recorded and stays with the land.

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 4 of the Planning Commission Staff Report (see Attachment A).

Sections 10-9a-204 and 205 of the Utah Code Title 10, Chapter 9a, Municipal Land Use, Development and Management Act regulate the requirements for noticing a general plan amendment and land use ordinance amendment. The petitions for zoning and master plan amendment were published in the newspaper on February 27, 2008 meeting State Code noticing requirements.

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- iii. Planning Commission minutes
- iv. Planning Commission Staff Report

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- ii. Petition 400-07-38 Zoning Map Amendment

Exhibit 1

Chronology

Chronology

- November 21, 2007 Applicant presented project proposal to the Capitol Hill Community Council
- November 27, 2007 Petition delivered to the Planning office
- December 11, 2007 Petition assigned to Everett Joyce
- January 3, 2008 Requested City departmental review of petition requests. Mailed Community Council input request form to Polly Hart, Chair of Capitol Hill Community Council
- February 20, 2008 Capitol Hill Community Council meeting on petition requests
- February 26, 2008 Mailed notices for Planning Commission public hearing
- February 27, 2008 Newspaper notice published
- February 29, 2008 Posted public hearing notice on site
- March 6, 2008 Staff report posted on web page
- March 12, 2008 Planning Commission public hearing
- March 19, 2008 Ordinance and development agreement request sent to City Attorney
- March 26, 2008 Planning Commission ratified minutes of March 12, 2008 meeting

Exhibit 2
Ordinance / Development Agreement
Amending the Capitol Hill Master Plan and
Amending the Capitol Hill Community Zoning Map

Exhibit 2i
Ordinance

SALT LAKE CITY ORDINANCE
No. _____ of 2008

(Rezoning Property Located at 477 North 300 West, and Amending the Capitol Hill Community Master Plan and Zoning Map, with conditions and time limitation)

AN ORDINANCE REZONING PROPERTY LOCATED AT 477 NORTH 300 WEST, AND AMENDING THE CAPITOL HILL COMMUNITY MASTER PLAN AND ZONING MAP, PURSUANT TO PETITION NOS. 400-07-37 and 400-07-38.

WHEREAS, after hearings before the Planning Commission and the Salt Lake City Council, the City Council has determined that the following ordinance is in the best interest of the City.

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

SECTION 1. Rezoning of property. The property located at 477 North 300 West, identified as County Tax ID (Sidwell #) 08-36-251-007, shall be and hereby is rezoned from Community Business (CB) to Residential/Mixed Use (RMU-45).

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. Amending master plan. To the extent necessary, the Capitol Hill Master Plan shall be and hereby is amended consistent with the rezoning identified above.

SECTION 4. Conditions. This rezoning is conditioned upon the following:

- a. Execution and recording of a development agreement that specifically addresses the following points:
- i. the height of structures on the subject parcel will not exceed thirty-five feet (35’);
 - ii. the required rear yard will be located along the west property line of the subject parcel; and
 - iii. the development agreement shall run with the land.

SECTION 5. 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 or the Planning Director’s designee.

SECTION 6. Time. If the conditions identified above have not been met within one year after adoption, this ordinance shall become null and void. The City Council may, for good cause shown, by resolution, extend the time period for satisfying the conditions identified above.

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 JUNE 26, 2008
Paul C. Nielson
Paul C. Nielson, SR. CITY ATTORNEY

Exhibit 2ii
Development Agreement

Exhibit 3
City Council Notice
and Mailing List

Exhibit 3i
City Council Hearing Notice

NOTICE OF PUBLIC HEARING

The Salt Lake City Council will review **Petitions No. 400-07-37 and 400-07-38** by Capitol Hill Investment Partners. The petition would amend the Capitol Hill Community Master Plan Future Land Use Map from General Commercial to Medium Mixed Use and rezone property from Commercial Business CB to Residential Mixed Use RMU-45 at approximately 477 N 300 W Street. The amendments would allow for a proposed 22-unit condominium development.

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

DATE:

TIME: 7:00 P.M.

PLACE: City Council Chambers
Room 415
City and County Building
451 South State Street
Salt Lake City

If you have any questions relating to this proposal, please attend the meeting or call Everett L. Joyce at 535-7930, between the hours of 8:30 a.m. and 5:30 p.m. Monday through Friday.

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this City Council meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact Everett Joyce at 535-7930; TDD 535-6220.

Exhibit 3ii
City Council Mailing List



0836204032 RESIDENT 451 S STATE ST # 418 SALT LAKE CITY UT 84111	0836204028 RESIDENT 451 S STATE ST # 418 SALT LAKE CITY UT 84111	0836129014 RESIDENT 358 W 500 N SALT LAKE CITY UT 84103
0836129036 RESIDENT 539 N PUGSLEY ST SALT LAKE CITY UT 84103	0836204034 RESIDENT 526 N PUGSLEY ST SALT LAKE CITY UT 84103	0836129015 RESIDENT 356 W 500 N SALT LAKE CITY UT 84103
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0836204037 RESIDENT 534 N PUGSLEY ST SALT LAKE CITY UT 84103	0836205022 RESIDENT 451 S STATE ST # 418 SALT LAKE CITY UT 84111	0836205026 RESIDENT 451 S STATE ST # 418 SALT LAKE CITY UT 84111
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0836129037 RESIDENT 535 N PUGSLEY ST SALT LAKE CITY UT 84103	0836204030 RESIDENT 451 S STATE ST # 418 SALT LAKE CITY UT 84111	0836204031 RESIDENT PO BOX 711 DALLAD TX 75221
0836205035 RESIDENT 451 S STATE ST # 418 SALT LAKE CITY UT 84111	0836129013 RESIDENT 364 W 500 N SALT LAKE CITY UT 84103	0836204016 RESIDENT 336 W 500 N SALT LAKE CITY UT 84103

Petitions 400-07-37 and 400-07-38

Metaview Condos

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0836204017 RESIDENT 332 W 500 N SALT LAKE CITY UT	84103	0836251001 RESIDENT 329 W 500 N SALT LAKE CITY UT	84103	0836251002 RESIDENT 468 N PUGSLEY ST SALT LAKE CITY UT	84103
0836129012 RESIDENT 376 W 500 N SALT LAKE CITY UT	84103	0836251006 RESIDENT 1006 S OAK HILLS WY SALT LAKE CITY UT	84108	0836254003 RESIDENT 244 W 400 N SALT LAKE CITY UT	84103
0836129031 RESIDENT 511 N PUGSLEY ST SALT LAKE CITY UT	84103	0836251007 RESIDENT 4001 S 700 E # 500 MURRAY UT	84107	0836177026 RESIDENT 467 N PUGSLEY ST SALT LAKE CITY UT	84103
0836177001 RESIDENT 4326 S HERMOSA WY SALT LAKE CITY UT	84124	0836254001 RESIDENT 480 N 300 W SALT LAKE CITY UT	84103	0836251003 RESIDENT 464 N PUGSLEY ST SALT LAKE CITY UT	84103
0836177021 RESIDENT 358 S 700 E # B-108 SALT LAKE CITY UT	84102	0836254014 RESIDENT 10299 S LEILANI DR SANDY UT	84070	0836254004 RESIDENT 2681 E CASTO LN HOLLADAY UT	84117
0836177022 RESIDENT PO BOX 1763 SALT LAKE CITY UT	84110	0836254015 RESIDENT 51 E 400 S # 210 SALT LAKE CITY UT	84111	0836177003 RESIDENT 3425 S EASTWOOD DR SALT LAKE CITY UT	84109
0836177023 RESIDENT 580 N WEST CAPITAL ST SALT LAKE CITY UT	84103	0836254016 RESIDENT 50 E NORTHTEMPLE ST SALT LAKE CITY UT	84150	0836177041 RESIDENT 2045 E 6060 S HOLLADAY UT	84121
0836177024 RESIDENT PO BOX 681336 PARK CITY UT	84068	0836254002 RESIDENT 480 N 300 W SALT LAKE CITY UT	84103	0836177042 RESIDENT 2045 E 6060 S HOLLADAY UT	84121
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0836251008 RESIDENT 457 N 300 W SALT LAKE CITY UT	84103	0836254058 RESIDENT 31 N 'M' ST # 304 SALT LAKE CITY UT	84103	0836254062 RESIDENT 724 S 300 E SALT LAKE CITY UT	84111
0836254005 RESIDENT 2681 E CASTO LN HOLLADAY UT	84117	0836251005 RESIDENT 446 N PUGSLEY ST SALT LAKE CITY UT	84103	0836177039 RESIDENT 333 W OURAY AVE SALT LAKE CITY UT	84103
0836177040 RESIDENT 451 N PUGSLEY ST SALT LAKE CITY UT	84103	0836254007 RESIDENT 31 N 'M' ST # 304 SALT LAKE CITY UT	84103	0836252002 RESIDENT 2251 W DOVE POINT RD SALT LAKE CITY UT	84119
0836251004 RESIDENT 450 N PUGSLEY ST SALT LAKE CITY UT	84103	0836177006 RESIDENT 564 W 400 N SALT LAKE CITY UT	84116	0836252003 RESIDENT PO BOX 58623 SALT LAKE CITY UT	84158
0836251009 RESIDENT 2014 S 865 W WOODS CROSS UT	84087	0836177007 RESIDENT 564 W 400 N SALT LAKE CITY UT	84116	0836252016 RESIDENT 1400 NORTHTEMPLE ST # 230 SALT LAKE CITY UT	84116
0836254057 RESIDENT 452 N 300 W SALT LAKE CITY UT	84103	0836177031 RESIDENT 2888 W CURRY CIR TAYLORSVILLE UT	84118	0836177008 RESIDENT PO BOX 1168 SALT LAKE CITY UT	84110
0836177005 RESIDENT 3425 S EASTWOOD DR SALT LAKE CITY UT	84109	0836254008 RESIDENT 727 S 1100 E SALT LAKE CITY UT	84102	0836254009 RESIDENT 269 ELFIN COVE CIR IVINS UT	84738
0836177030 RESIDENT 447 N PUGSLEY ST SALT LAKE CITY UT	84103	0836254018 RESIDENT PO BOX 526182 SALT LAKE CITY UT	84152	0836254017 RESIDENT 269 ELFIN COVE CIR IVINS UT	84738
0836251010 RESIDENT 443 N 300 W SALT LAKE CITY UT	84103	0836254061 RESIDENT 724 S 300 E SALT LAKE CITY UT	84111	0836252017 RESIDENT 427 N 300 W SALT LAKE CITY UT	84103

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0836252005 RESIDENT 427 N 300 W SALT LAKE CITY UT	84103	0836252006 RESIDENT 425 N 300 W SALT LAKE CITY UT	84103	0836254044 RESIDENT 564 W 400 N SALT LAKE CITY UT	84116
0836177014 RESIDENT 564 W 400 N SALT LAKE CITY UT	84116	0836252007 RESIDENT 425 N 300 W SALT LAKE CITY UT	84103	0836254064 RESIDENT 404 N 300 W # 103 SALT LAKE CITY UT	84103
0836177015 RESIDENT 564 W 400 N SALT LAKE CITY UT	84116	0836177035 RESIDENT 2041 E GRAYSTONE CT DRAPER UT	84020	0836252013 RESIDENT 404 E 4500 S # B21 MURRAY UT	84107
0836177016 RESIDENT 564 W 400 N SALT LAKE CITY UT	84116	0836177020 RESIDENT 1057 DEBORAH DR BOUNTIFUL UT	84010	0836252014 RESIDENT 403 N 300 W SALT LAKE CITY UT	84103
0836254063 RESIDENT 5633 EMIGRATION CANYON RD SALT LAKE CITY UT	84108	0836177033 RESIDENT 616 N WALL ST SALT LAKE CITY UT	84103	0836252015 RESIDENT 403 N 300 W SALT LAKE CITY UT	84103
0836254022 RESIDENT 269 ELFIN COVE CIR MURRAY UT	84738	0836177034 RESIDENT 4362 S DENO DR WEST VALLEY UT	84120	0836252012 RESIDENT 320 W 400 N SALT LAKE CITY UT	84103
0836254023 RESIDENT 269 ELFIN COVE CIR MURRAY UT	84738	0836252009 RESIDENT PO BOX 57754 MURRAY UT	84157	<i>Polly Hart 355 North Quince St. SLC, UT 84103</i>	
0836254024 RESIDENT 9466 S 1335 E SANDY UT	84092	0836252010 RESIDENT 5205 S MORNING CREST DR TAYLORSVILLE UT	84123	<i>Everett Joyce Rm 406 451 So. State St. PO Box 145480 SLC, UT 84111</i>	
0836254025 RESIDENT 249 W BISHOP PL SALT LAKE CITY UT	84103	0836252008 RESIDENT PO BOX 58623 SALT LAKE CITY UT	84158	<i>Capital Hill Invest. Partners 4001 S 700 E. Ste 540 Salt Lake City, UT 84107</i>	

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Petitions 400-07-37 and 400-07-38

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0836252005 RESIDENT 427 N 300 W SALT LAKE CITY UT	84103	0836252006 RESIDENT 425 N 300 W SALT LAKE CITY UT	84103	0836254044 RESIDENT 564 W 400 N SALT LAKE CITY UT	84116
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0836177014 RESIDENT 564 W 400 N SALT LAKE CITY UT	84116	0836252007 RESIDENT 425 N 300 W SALT LAKE CITY UT	84103	0836254064 RESIDENT 404 N 300 W # 103 SALT LAKE CITY UT	84103
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0836177015 RESIDENT 564 W 400 N SALT LAKE CITY UT	84116	0836177035 RESIDENT 2041 E GRAYSTONE CT DRAPER UT	84020	0836252013 RESIDENT 404 E 4500 S # B21 MURRAY UT	84107
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0836177016 RESIDENT 564 W 400 N SALT LAKE CITY UT	84116	0836177020 RESIDENT 1057 DEBORAH DR BOUNTIFUL UT	84010	0836252014 RESIDENT 403 N 300 W SALT LAKE CITY UT	84103
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0836254063 RESIDENT 5633 EMIGRATION CANYON RD SALT LAKE CITY UT	84108	0836177033 RESIDENT 616 N WALL ST SALT LAKE CITY UT	84103	0836252015 RESIDENT 403 N 300 W SALT LAKE CITY UT	84103
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0836254022 RESIDENT 269 ELFIN COVE CIR IVINS UT	84738	0836177034 RESIDENT 4362 S DENO DR WEST VALLEY UT	84120	0836252012 RESIDENT 320 W 400 N SALT LAKE CITY UT	84103
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0836254023 RESIDENT 269 ELFIN COVE CIR IVINS UT	84738	0836252009 RESIDENT PO BOX 57754 MURRAY UT	84157	Polly Hart 355 North Quince St. SLC, UT 84103	
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0836254024 RESIDENT 9466 S 1335 E SANDY UT	84092	0836252010 RESIDENT 5205 S MORNING CREST DR TAYLORSVILLE UT	84123	Everett Joyce Rm 406 451 So. State St. PO Box 145480 SLC, UT 84111	
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0836254025 RESIDENT 249 W BISHOP PL SALT LAKE CITY UT	84103	0836252008 RESIDENT PO BOX 58623 SALT LAKE CITY UT	84158	Capitol Hill Invest Partners 4001 S. 700 E. Ste 540 Salt Lake City, UT 84107	
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Exhibit 4

Planning Commission

**Public Hearing Notice/Postmark/Agenda
Newspaper Ad
Minutes
Staff Report**

Exhibit 4i
Public Hearing Notice/Postmark/Agenda

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, March 12, 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**—Progressive Review of the City's Zoning Districts—Commercial Districts. The Planning Commission may also discuss project updates and other minor administrative matters. This portion of the meeting is open to the public for observation.

APPROVAL OF MINUTES FROM WEDNESDAY, February 27, 2008

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

PUBLIC HEARING

1. **Rehear Petition 480-08-01, Urbana on 11th Condominium Preliminary Plat**—request by Gardiner Properties, LLC, represented by John Gardiner, for **preliminary condominium plat** approval for a proposed residential condominium project that involves construction of a new building for residential condominium units and a detached accessory garage, located at approximately 1988 South 1100 East in the CSHBD2 Sugar House Business District Number 2 Zoning District. Only the preliminary condominium plat application, which involves building ownership, is being reheard due to inadequate public notice of the prior hearing held on February 13, 2008. The related building and site design application was properly noticed and is not being reheard. The proposed development is located in City Council District Seven (Staff—Casey Stewart at 535-6260 or casey.stewart@slcgov.com).

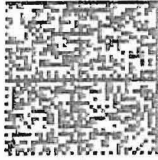
2. **Petition 400-07-37 and Petition 400-07-38, Metaview Condominiums, Land Use Master Plan and Zoning Map Amendment**—a request by Capitol Hill Investments Partners for a **master plan amendment** and **rezoning** of a vacated commercial property located at approximately 477 North 300 West. The applicant requests amendment of the Capitol Hill Community Master Plan's Future Land Use Map from Commercial to Residential Mixed Use and to rezone the property from Community Business (CB) to Residential Mixed-Use (RMU-45), zoning classification. These actions would accommodate a proposed 22 unit residential development with opportunity for residential/office spaces. The property is located in City Council District three (Staff—Everett Joyce at 535-7930 or everett.joyce@slcgov.com).

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.

EVERETT Joyce
451 S. STATE ST. : RM 406

PUBLIC HEARING NOTICE

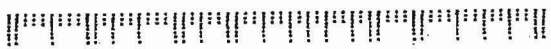
Salt Lake City Planning Division
451 South State Street, Room 406
PO Box 145480
Salt Lake City UT 84111



FIRST CLASS

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.



54119/3480

Box 145480
SLC, UT 84111

Exhibit 4ii
Newspaper Ad

Order Confirmation for Ad #000244383-01

Client	SALT LAKE CITY CORP PLANNING DIVISION	Payor Customer	SALT LAKE CITY CORP PLANNING DI
Client Phone	801-535-7759	Payor Phone	801-535-7759
Account#	1001429373	Payor Account	1001429373
Address	451 S State, Room 406 SALT LAKE CITY UT 84111 USA	Payor Address	451 S State, Room 406 SALT LAKE CITY UT 84111
Fax		Ordered By	Acct. Exec
E-Mail	everett.joyce@slcgov.com	Everett	Imoon

Ad Content Proof Actual Size

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

On Wednesday, March 12, 2008 at 5:45 P.M., the Salt Lake City Planning Commission will hold a hearing to take comment on Petitions 400-07-37 and 400-07-38 to amend the Capitol Hill Community Master Plan and rezone property at 477 N 300 W. Requested is amendment of the Future Land Use Map from Commercial to Residential Mixed Use to allow rezoning of the property from CB Community Business to RMU-45 Residential Mixed Use. All persons interested and present will be given an opportunity to be heard.

The hearing will be held in Room 326 of the Salt Lake City and County Building, 451 South State Street. Accessible parking and entrance is located on the east side of the building. Hearing Impaired Individuals who wish to attend this meeting should contact our TOD service number, 535-6220, four days in advance. For further information regarding this hearing, call Everett Joyce at 535-7930.

Total Amount	\$304.00			
Payment Amt	\$0.00	<u>Tear Sheets</u>	<u>Proofs</u>	<u>Affidavits</u>
Amount Due	\$304.00	0	0	0

Payment Method PO Number

Confirmation Notes:

Text: x

Ad Type	Ad Size	Color
CLS Liner	1.0 X 46 Li	<NONE>

Product	Placement
Salt Lake Tribune::	General Classified

Scheduled Date(s): 02/27/2008

Product	Placement
Deseret Morning News::	General Classified

Scheduled Date(s): 02/27/2008

Product	Placement
sltrib.com::	General Classified

Scheduled Date(s): 02/27/2008

Product	Placement
deseretnews.com::	General Classified

Scheduled Date(s): 02/27/2008

Exhibit 4iii
Minutes

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, March 12, 2008**

Petition 400-07-37 and Petition 400-07-38, Metaview Condominiums, Land Use Master Plan and Zoning Map Amendment—a request by Capitol Hill Investments Partners for a master plan amendment and rezoning of a vacated commercial property located at approximately 477 North 300 West. The applicant requests amendment of the Capitol Hill Community Master Plan’s Future Land Use Map from Commercial to Residential Mixed Use and to rezone the property from Community Business (CB) to Residential Mixed-Use (RMU-45), zoning classification. These actions would accommodate a proposed 22 unit residential development with opportunity for residential/office spaces. The property is located in City Council District three.

(This item was heard at 6:59 p.m.)

Chairperson Wirthlin recognized Everett Joyce as staff representative.

Mr. Joyce noted that this project was in the middle of the West Capitol Hill neighborhood, which had a specific neighborhood plan adopted in 1996 along with an RDA redevelopment parking plan. He stated that the commercial elements identified in the master plan had been strongly met. He noted there are several properties that have commercial uses in them and staff did not feel that changing the zoning was actually in compliance with or met the goals of the master plan. Staff would support the change from commercial to residential mixed-use if it was not a detriment to implementation of the goals of the master plan.

Mr. Joyce stated that the purpose for the RMU-45 zoning related to density on the site. One of the conditions of approval was that the applicant entered into a development agreement with the City that they would not put a project on the site that was higher than 45 feet.

Commissioner Scott inquired about the choice of the RMU-45 zoning versus the RMU-35 zoning, and if it was to control the density based on the zone and not the height.

Mr. Joyce noted that was correct and that the Commercial Business zoning district had no limits, because the parking controlled that density.

Commissioner Scott inquired on this parcel what was considered the rear and side yards.

Mr. Joyce noted that this was a corner parcel and had the opportunity to have the rear yard either to the west or to the south and the opposite of that would become the side yard. There was a proposal to use the rear yard set back along the west property which was currently a Single Family Duplex zoning, and would provide the greatest buffer.

Commissioner McDonough inquired about changing the zoning on a parcel and there was a development agreement associated with this project to limit the height, and was that subject to change by owner.

Mr. Joyce stated that it was recorded with the parcel and not the owner.

Commissioner Scott inquired if there was a condition of approval that the applicant had to stay under 45 feet, and could an applicant request a conditional use to go higher than that.

Mr. Joyce stated that they were contracted to stay within that amount.

Commissioner Forbis noted that as part of the analysis and findings when talking about the project history, this site had underground storage tanks that had been closed and he inquired about how long they had been closed.

Mr. Joyce stated that the tanks were removed via the results of an environmental report in 1990.

Devin Overly introduced Paul Overly and Brent Skipper, with Metaview Development.

Joe Smith, Lead Architect on the project gave a Powerpoint presentation of the project.

Commissioner Chambless inquired about the perimeter lighting.

Mr. Smith noted that it would be sufficient and that the lobby area within the property would serve as a hub of the entire neighborhood and would be constantly lit.

Commissioner McDonough asked the applicant if they felt comfortable with the height limitations running with the land.

Mr. Smith noted that they did feel comfortable with these height issues and there were no ground water issues until about eight to nine feet beneath the property.

Commissioner Forbis inquired if the architects had discussed the ground issues with the Marmalade developers yet, because they thought they were okay and they ran into underground water issues.

Mr. Smith noted that they still planned on talking with them.

Chair Wirthlin opened up the public hearing portion of the meeting.

Commissioner Scott inquired if the reason that the height limitations were discussed in the first place was because of the surrounding single-family structures, and the 35 foot limit was for the roofline, but was there a limit to what the parapet could be.

Mr. Joyce stated that the parapet could be five feet.

Commissioner Scott made a motion regarding Petition 400-07-37 Master Plan Amendment to forward a positive recommendation to the City Council to amend the Capitol Hill Community Master Plan for property at 477 North 300 West (Parcel 08-36-251-007) from General Commercial to a Medium Mixed use future land use designation.

Commissioner Scott made a motion regarding Petition 400-07-38 Zoning Map Amendment that based on the analysis and findings in the staff report the Commission forward a positive recommendation to the City Council to rezone property at 477 North 300 West (Parcel 08-36-251-007) from Community Business (CB) to Residential Mixed Use, (RMU-45) zoning classification with the following condition:

1. **The applicant enters into a development agreement with the City to ensure:**
 - a. **the height of the structure does not exceed thirty-five feet (35'), and**
 - b. **the required rear yard be located along the west property line of the subject parcel.**
2. **That the development agreement is recorded and runs with the land.**

Discussion of the motion:

Commissioner Scott stated that she would like to also add that the applicant indicated that the rear yard would be the west side of the property to ensure the maximum buffer from the single family units and inquired if that could be added to the development agreement.

Mr. Pace stated that this could be done; the rezoning of the property could be conditioned to contain a 35 foot height and also suggested that the project use the rear yard to the west, which would only act as recommendation to the City Council.

Vice Chair Woodhead inquired if Commissioner Scott would be willing to add to the motion that **the development agreement be recorded and run with the land.**

Commissioner Scott stated that she would agree to that.

Commissioner McDonough inquired if in the future the area develops in a different way, could a future project come back through the public process and request a change to the height to match the zoning.

Mr. Pace stated that a contract would dictate these things, and in the future if a developer came in and wanted to make changes they would have to submit a request to amend the contract.

Commissioner Forbis seconded the motion. Commissioners Forbis, Scott, McHugh, Chambless, McDonough, Woodhead, and Muir voted, "Aye". The motion carried unanimously.

Exhibit 4iv
Staff Report

PLANNING COMMISSION STAFF REPORT

Capitol Hill Investment Partners

Metaview Condominiums

Petition 400-07-37 Master Plan Amendment and
Petition 400-07-38 Zoning Map Amendment
for property at 477 North 300 West

March 12, 2008



Planning and Zoning Division
Department of Community
Development

Applicant: Capitol Hill Investment Partners

Staff: Everett Joyce at 535-7930 or email at everett.joyce@slcgov.com

Tax ID: 08-36-251-007

Current Zone: Community Business (CB)

Master Plan Designation: The Capitol Hill Community Master Plan Future Land Use Map designates the subject property for general commercial use.

Council District: District 3 K. Eric Jergensen

Acreage: 0.63

Current Use: Vacant service station

Applicable Land Use Regulations:
21A.50.050 Standards for general amendments. Master Plan and Map amendment

21A.34.060 Groundwater Source Protection Overlay District.

Attachments:

- A. Application
- B. Department Comments
- C. Site Plan and Concept Elevation
- D. Newspaper Notice

REQUEST

A request by Capitol Hill Investments Partners for approval of a master plan amendment (400-07-37) and rezoning (400-07-38) of a vacated commercial property located at 477 N 300 West. The subject property is located in the CB Community Business Zoning District. The applicant requests an RMU-45 zoning classification to accommodate a proposed 22 unit residential development with opportunity for live/work spaces. The applications are included in Attachment A.

Master plan and map amendments require the Planning Commission to forward a recommendation to the City Council for final decision.

PUBLIC NOTICE

On February 27, 2008, a notice for the Planning Commission public hearing was mailed to owners of property within a radius of 450 feet as well as to community council chairs meeting the minimum 14 day notification requirement. In addition, notice was sent to all individuals on the Planning Division's list serve. On February 27, 2008, a notice of the Planning Commission public hearing was advertised in the Salt Lake Tribune and Deseret Morning newspapers. On February 29, 2008, a sign was posted on the property meeting the minimum 10 day posting requirement. The agenda was also posted on the Planning Division's website.

STAFF RECOMMENDATION:

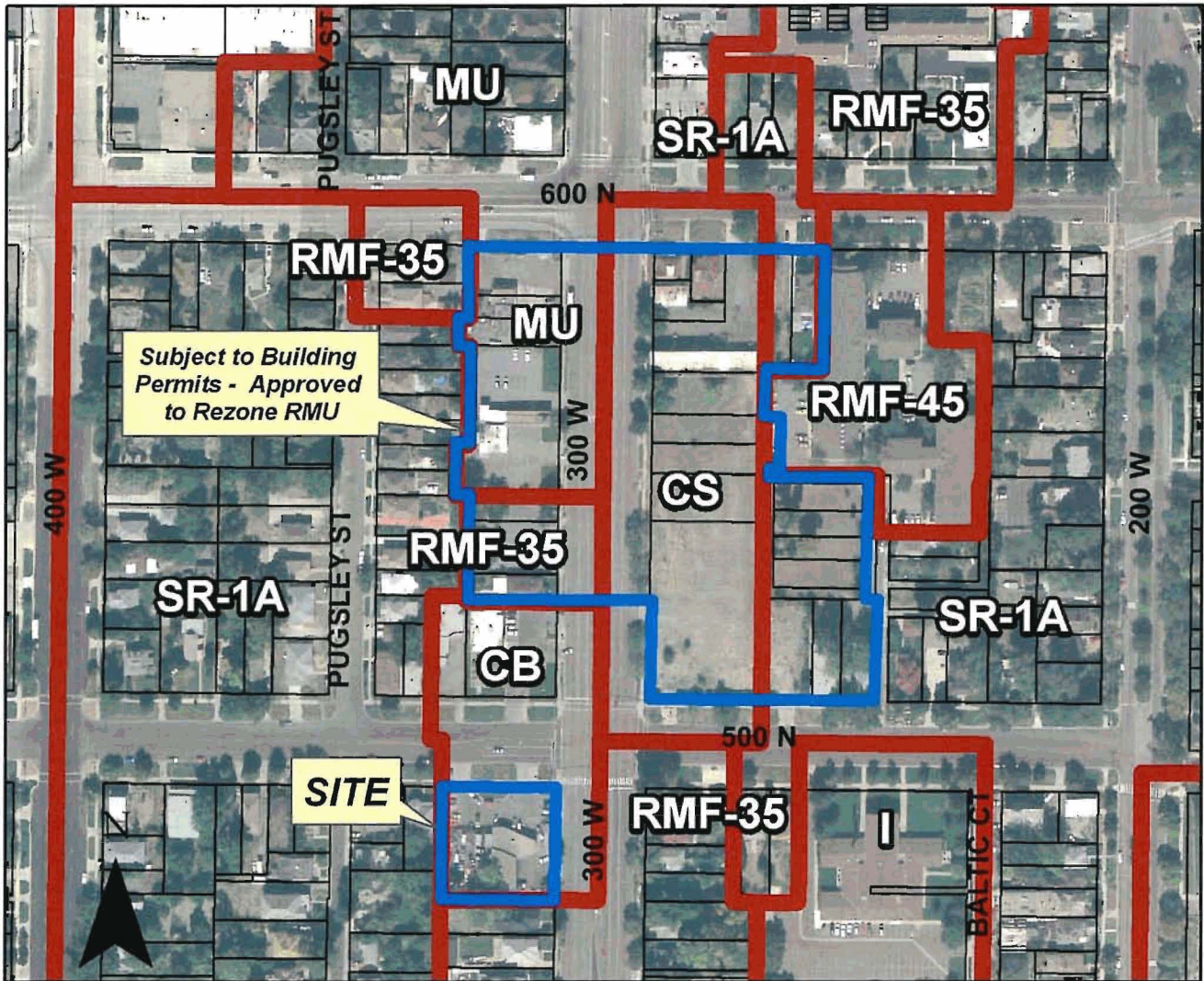
Petition 410-07-37 Master Plan Amendment

Based on the analysis and findings in the staff report, staff recommends that the Planning Commission forward a favorable recommendation to the City Council to amend the Capitol Hill Community Master Plan for property at 477 N. 300 West (Parcel 08-36-251-007) from a General Commercial to a Medium Mixed Use future land use designation.

Petition 400-07-38 Zoning Map Amendment

Based on the analysis and findings in the staff report, staff recommends that the Planning Commission forward a favorable recommendation to the City Council to rezone property at 477 N. 300 West (Parcel 08-36-251-007) from Community Business, CB to Residential Mixed Use, RMU-45 zoning classification with the following condition:

1. The applicant enters into a development agreement with the City to ensure the height of the structure does not exceed thirty-five feet (35').



VICINITY MAP

COMMENTS

Public Comments: The Capitol Hill Community Council has reviewed the project twice: first on November 21, 2007 and second on February 20, 2008. Public comment received at the second meeting identified support for the requested master plan amendment and rezoning. The community council vote was 12 in favor of the proposed development and 8 opposed. Comments raised at the meeting related to potential impacts on the limited availability of on-street parking for the neighborhood. Particularly, mentioned was Pugsley St, an interior block street located west of the subject site. Individuals stated that there is not adequate off street and on street parking on Pugsley Street. Therefore, some residents utilize 500 North Street for parking. They were concerned that the new development will increase the on street parking demand on 500 North Street.

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 B.

Permits: Preliminary comments, which are based upon the RMU-45 district:

- It is difficult to tell from the submitted plans if the structures are attached or detached. If they are detached, a planned development approval is required.
- A 10 foot landscape buffer is required along the west property line per Chapter 48.
- Based upon the submitted plans the project meets lot area and open space requirements.
- The site lies within the Secondary Recharge Area as shown on the Groundwater Source Protection Overlay Map. Uses will be restricted pursuant to Section 21A.34.060 Appendix B.

Transportation: The Division of Transportation identified that 300 West is a State major arterial class roadway and 500 North is a special local class roadway with the intersecting roads having a signalized intersection. The proposed change from a CB zone to the proposed RMU-45 zone will not appreciably affect the traffic generation for these existing roadways. All proposed site development is required to comply with City transportation design standards for access, maneuvering, staging, and parking.

Public Utilities: All design and construction must conform to State, County, City and Public Utilities standards and ordinances.

Airport: The property at 477 N. 300 West is not in an established Salt Lake City airport influence zone. The project does not create any observed impacts to Airport operations.

Redevelopment Agency: The Redevelopment Agency staff had no comments.

Engineering, Fire and Police: No response was received from these Departments.

Staff Analysis and Findings

Project History: The property is currently vacant and was previously used by City Cab as a repair and maintenance facility for their fleet. The original use was a service station with minor repair bays. A review of the State's list of sites with underground storage tanks identified that there are three closed underground tanks on the subject site. Closed underground tanks are not in use and did not have any leaking problems when closed.

Surrounding zoning patterns within the neighborhood consist of single-family / duplex zoned areas adjacent to RMF-35 and RMF-45 multi-family zoning, mixed use zoning and commercial zoning. Immediate surrounding land uses include single-family, duplexes, apartments, commercial uses and a neighborhood park.

Pre-Submittal Meeting with Planning Staff: Prior to the submittal of the application, the applicants, attended a pre-submittal conference on November 15, 2007 with members of the Planning Staff. It was noted in the pre-submittal meeting that previously, it was recommended that the applicant consider rezoning of the property rather than process the proposal as a conditional use, due to a moratorium on conditional uses that affected the CB Zoning District. It was identified in the pre-submittal meeting that a ten foot landscaped buffer adjacent to the single family residential district is required. Recommended that they talk to Rocky Mountain Power and other utilities about the correct placement of utility boxes (outside public view) to ensure that the proposed project was in keeping with the intent of the master plan policies, would be harmonious with the surrounding area and would not have a negative impact on adjacent properties. The applicant will address the site plan issues through the condominium application process.

Staff Review: Staff identified with the applicant when the condominium development proposal is processed that the conceptual site plan will need to be modified to accommodate the required ten foot landscaped buffer along the west property line and detailed site plans will need to be provided and reviewed as to meeting city code requirements.

Standards for general amendments.

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the City Council should consider the following 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 property is located in the boundaries of the Capitol Hill Community Master Plan (2001). The Future Land Use Map classifies the subject property as general commercial. The applicant has submitted an application for amendment of the Capitol Hill Community Master Plan to amend the Future Land Use Map designation from Commercial to Mixed Use.

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

- The Capitol Hill Zoning Map (2008)
- The Capitol Hill Community Master Plan (2001)
- The Salt Lake City Community Housing Plan (2000)
- The Final Report Salt Lake City Futures Commission, Creating Tomorrow Together, (1998)
- The City Vision and Strategic Plan for Salt Lake City, (1993)

Capitol Hill Zoning Map: This request involves amending the zoning map to rezone the parcel from a CB to an RMU-45 zoning classification. The subject parcel is the only property zoned CB in the southwest corner of the 500 N 300 West intersection. Adjacent property to the west is zoned SR-1A and the adjacent property to the south is zoned RMF-35. The requested Residential/Mixed Use (RMU-45) zoning would incorporate all of the CB zoning on the block. The CB zoning also allows multi-family dwellings and mixed use development.

Zoning patterns within the West Capitol Hill Neighborhood show that numerous SR-1A zoned properties are adjacent to RMF-35, RMF-45 and MU Zoning Districts

Capitol Hill Community Master Plan: The 2001 Capitol Hill Community Future Land Use Map identifies the subject property for General Commercial land uses. The Future Land Use Map identifies the adjacent properties to the west for Low Density Residential land use and the properties to the south (along 300 West) for Medium Density Residential land use. (Future Land Use Map - Page 2)

The subject property is in the West Capitol Hill Neighborhood of the Capitol Hill Planning Community. The master plan identifies the following:

This neighborhood has always been an area of mixed uses including residential, commercial and industrial. Today the West Capitol Hill Neighborhood is a mixed-use area with a strong residential component. (Page 6)

Policies

- *Ensure infill development is compatible with neighborhood characteristics.*
- *Incorporate adequate landscaping into all future development.*
- *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.*

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

Many of the existing commercial uses in the community are heavy commercial land uses or are oriented to servicing commuters or tourists and are not neighborhood retail/service oriented. The lack of neighborhood oriented retail services is a major concern voiced by citizens of the community during the public input process of the development of this master plan.

One of the obstacles in providing adequate commercial opportunities for the residents in the Capitol Hill Community is related to the location of the existing commercial land uses and the built environment. Most of the population in the Community lives in the southern half of the community in neighborhoods which consist of a dense concentration of dwellings. The main commercial areas in the Capitol Hill Community are located along 300 West, Beck Street, North Temple and 400 West. Most of the businesses are classified as heavy commercial uses or are tourist related. Furthermore, several of the existing commercial uses are marginal and/or not well maintained. The proximity of the community to the Central Business District, which services not only all City residents but is a regional activity center for retail services, precludes a wide-variety of retail services from locating in the Capitol Hill Community. (Page 7)

Mixed Use. *Portions of the area between 300-900 North Streets and 300-400 West Streets are identified as mixed-use areas. The West Capitol Hill Neighborhood Plan (1996) allows both low-density residential and non-residential development, but medium to higher density residential development is encouraged. 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. Because of limited property depth, desired development along the 300 West Street frontage will likely include retail on the first floor with apartments above. Development in the blocks between 600 and 800 North Streets and 300 to 400 West Streets may also include freestanding buildings of separate retail and residential nature.*

The mixed-use concept varies from traditional zoning approaches designed to separate uses and instead focuses on making different uses more compatible. A mixed use designation will rely on market demand as the key driving force for development. However, guidelines are provided to assure land use balance and compatibility. The mixed-use designation also allows land uses to be interspersed throughout the area in separate structures. Design guidelines in the mixed-use area emphasize compatibility rather than separation. (Page 8)

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

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

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

City Vision and Strategic Plan: An objective of this plan is:

- *The City will include a wide variety of affordable housing opportunities in attractive, friendly neighborhoods that provide a safe environment for families. (Page 5)*

Finding: The Capitol Hill Master Plan specifically addresses the development of a neighborhood shopping node on 300 West, between 500 North and 600 North. Significant implementation of this policy has occurred through the rezoning and planned development approvals for the nearby Marmalade development. This development provides a community commercial node on the east and west sides of 300 West between 500-600 North as well as additional multi-family development. The proposed 22 residential units on the subject site will provide additional residential support base for the commercial node being developed across the 500 North 300 West intersection.

In reviewing the goals of the Master Plan and the project that is being proposed for this location, it is evident that the goals of the Master Plan are coming to fruition. Amending the master plan and rezoning the subject property will result in an encompassing recognition of the Master Plan goals by providing higher density residential land uses, which expands the variety of housing types in the community and promotes the walkable community concepts. Staff finds that the requested master plan amendment and rezone are appropriate for this location, are consistent with the City’s general plan and would implement the goals of the Plans and Reports discussed above.

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

Analysis: The 300 West corridor in the Capitol Hill Neighborhood includes a variety of land uses including single-family detached, multi-family, commercial and mixed use. The project is also within an RDA target area which was adopted in 1996. As such, the RDA has been instrumental in encouraging new multi-family residential development in the area, especially along the 300 West corridor, which is a policy for this area of the community. The RDA was also instrumental in attracting the development of the mixed use Marmalade project which fronts on the east and west sides of 300 West between 500 and 600 North. Most notably in that development is a new high density mixed use structure approved for the northeast corner of 500 North and 300 West; caddy corner from the subject property.

Although the proposed zoning classification would allow a structure to be as high as 45 feet, the conceptual drawings indicate a building which is approximately 35 feet, similar to what is allowed in the

CB and RMF-35 zoning districts which surround the property to the north, south and east. The zoning of structures to the west is SR-1A which allows a maximum height of 23 feet.

The proposed building on the subject site will be constructed of a combination of concrete, concrete fiber and glass as shown on the elevation drawings, similar to the materials and architectural style of the approved mixed use node buildings on the east side of 300 West Street. The concept site plan and elevation drawings are included in Attachment C.

The subject property was identified by the Master Plan as an area that should be revitalized with community oriented businesses that will provide a high level of visual quality and proper maintenance. The RMU-45 zoning district allows for community oriented businesses within a mixed use development. The proposed development is not yet typical of the surrounding area but along with the Marmalade development and other new residential and mixed use developments being built on 300 West north of 500 North, the proposed development will be another catalyst to meet the mixed use goals of the West Capitol Hill neighborhood.

The following related mixed use design guidelines are from the Urban Design Guidelines for Residential Areas in the Capitol Hill Community Master Plan:

Areas in the West Capitol Hill Neighborhood have been zoned to allow for mixed use development. The Mixed Use zoning designation emphasizes compatibility between differing land uses rather than separation. Potential land use conflicts should be mitigated through the application of design guidelines. The following design guidelines should be used in the development of properties within the mixed use zoning district:

- *Massing and scale of structures should be compatible with the surrounding land uses.*
- *Buildings adjacent to streets should be oriented to the street.*
- *Building height maximum for residential uses should be 45 feet permitted and 60 feet as a conditional use.*
- *Building setbacks within the mixed use areas vary. New development should maintain ten foot front yard landscaped setbacks. New development along the 300 West Street frontage should be built to the 10 foot setback line to provide a continuous design characteristic.*
- *Lot coverage should be limited to 70 percent for residential uses.*
- *On-street parking is encouraged.*
- *Off-street parking should be placed within the side or rear yard. Front yard parking should be discouraged. (Page 15)*

Site Design standards related to existing and proposed zoning

This section discusses the design standard differences between the existing zoning, the requested zoning classifications as well as the adjacent RMF-35 multi-family zoning south of the subject parcel.

Standard	CB	RMF-35	RMU-45	Proposal
Height	30'	35'	45'	35'
Density	No limit	13 units	22 units	22 units
Setbacks				
Front Yard	0	20'	0 – 15' max	5'
Corner Side Yard	0	10'	0 – 15' max	5'
Side Yard	0	10'	0	10'
Rear Yard	10'	25'	30'	30'
Landscape Buffer	7'	10'	10'	10'

The RMU-45 Zoning District allows an additional ten feet of building height than the adjacent zoning districts, however; the proposed development is proposed to be at approximately 35 feet in height.

The Capitol Hill Community Master Plan supports community commercial and mixed uses. Most mixed use areas within the West Capitol Hill neighborhood are medium-high density residential with allowance for retaining warehousing type land uses. The increased density of the RMU-45 Zoning District provides more housing units adjacent to the new commercial node along 300 West Street and supports the mixed use and walkable goals of the City's master plan policies.

Finding: Mixed use residential development is appropriate along the 300 West corridor of the West Capitol Hill Neighborhood. The proposed development is similar to other types of architecture approved for this area and the proposed height of the structure, at thirty-five feet, will be similar in height to other existing structures in the area and consistent to what much of the properties surrounding it are zoned. In addition, the architecture of the proposed building and development pattern of the site are appropriate for the site and the 300 West streetscape for this portion of the West Capitol Hill neighborhood. The proposed development concept and zoning are harmonious with the immediate area.

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

Analysis: The existing adjacent land uses include low-density residential and commercial development to the north, high density mixed use to the northeast, and a mixture of low and medium density residential to the east (across 300 West) south and west. In addition, the zoning to the north, east and south is RMF-35 a medium density residential zoning district, which is similar to the RMU-45 zoning district. In addition, the zoning to the northeast is a high density mixed use zoning district. The zoning to the west is SR-1A a typical low-density residential zoning district found throughout the Capitol Hill Neighborhood, which allows single-family and duplex structures. The building site orientation proposed, places the rear yard setback adjacent to the low density residential parcel to the west. This site design layout places the principal building 30 feet from the west property line. Within this 30 foot setback, there will also be a ten foot landscaped buffer. A ten foot setback is proposed from the adjacent RMF-35 zoned parcel to the south.

At the Community Council meeting, there was support for the project. However, those who did not support the project were concerned about the impact of on-street parking within the neighborhood. The existing property consists of numerous large driveway approaches. The redevelopment of the site will require the removal of existing driveways and provide additional on-street parking along both the 500 North and 300 West Street frontages.

Finding: Staff finds that the proposed amendment will not have an adverse affect on adjacent properties, as it will allow for a residential mixed use neighborhood development with appropriate setbacks and buffers and increase the availability of on-street parking opportunities over the existing site layout and design.

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

Analysis: The site lies within the Secondary Recharge area as shown on the Groundwater Source Protection Overlay Map. Uses are restricted pursuant to Section 21A.34.060 Appendix B, but the standards generally apply to more intensive uses rather than residential uses. Removal of the underground storage tanks will be required to accommodate the proposed development.

Finding: The proposed development will be required to comply with 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: Staff requested comments from applicable City Departments/Divisions; including the Airport, Transportation, Engineering, the Fire Department, Public Utilities, Police, and Building Services. The departments that responded did not have any objections to the proposed zoning amendment. The proposed development must comply with City regulations prior to the issuance of a building permit. There is an existing neighborhood park one-half block to the west of the subject parcel. There are adequate utilities and roadways to service the site.

Findings: The project is located in an area served by existing infrastructure and public services. Staff finds that public facilities and services in the area, in general, are adequate to serve the subject property. The final development proposal must meet all City requirements prior to the issuance of a building permit.

MASTER PLAN AMENDMENT:

The Capitol Hill Community Future Land Use Map designates the subject property for “General Commercial” use. The Master Plan specifically discusses a neighborhood shopping node on the east side of 300 West, between 500 North and 600 North and encourages mixed use development in the West Capitol Hill neighborhood. The proposed development will comply with the goals outlined in the Master Plan including higher density residential development along 300 West and a mixture of housing types throughout the City. The Capitol Hill Community Future Land Use Map will need to be amended to reflect “Medium Density Mixed Use,” rather than “General Commercial,” for the subject property.

State Law does not have specific criteria relating to the amendment of a master plan. It does however, have specific noticing requirements. State Law, Section 10-9a-204, Notice of Public Hearings and Public Meetings to Consider General Plan or Modifications, outlines the criteria for amending a master plan relating to the noticing requirements. A notice for the Master Plan amendment was published in the Salt Lake Tribune and Deseret News on February 27, 2008 (Exhibit D). A notice was also mailed to affected property owners and posted, meeting State Law requirements for Master Plan amendments.

Attachment A
Application

Zoning Amendment Application. / Master Plan Amendment Change

Address of Subject Property: 477 North 300 West, Parcel No: 08-36-251-007

1. Request

Amend the City Zoning Map to reclassify the property from a CB zone to a RMU-45 zone. The property is located in the West Capitol Hill district of the Capitol Hill Community district.

2. Complete Description of the proposed use of the property.

We are proposing a 22-unit mixed use project at this location. We feel this will help finish the mixed use node that is being developed at the intersection of 500 North and 300 West, started by the RDA Marmalade project.

Currently standing on the property is a blighted vacant service station. The current structure is an eyesore to the community that attracts vandalism and drifters.

Our proposed project will conform to RMU-45 density requirements and with a height of 35 feet. Our proposed project will encourage pedestrian interaction with street, a direct goal of the West Capitol Hill master plan. We plan to offer live work units, which will increase the integration of our design into the community.

Please see attached conceptual designs from our architects, Method Studios.

3. Reasons why changes to the current zoning and future land use / master plan should be considered.

When the master plan was adopted in 1999, the property was grandfathered into a commercial use as an automotive service station. Our proposal will not remove commercial services from the community. Directly across 500 north is an active car repair shop.

The lot is currently zoned CB. From our research, it is one of the largest CB zoned parcels in Salt Lake City. We would definitely entertain using the conditional use process to reach a project approval. We will leave this route up to the discretion of the planning department officials.

With the automotive market in Capitol Hill serviced, the only best and most economically feasible use of the lot is a new construction build. We feel that the neighborhood is still five to ten years away from being able to sustain average market rates for office and retail project. Therefore the immediate solution to improve this parcel is to build a residential project with a small mixed use component. This will help develop a residential base that will attract further commercial used to the area.

Our proposed project density will match the spirit of the proposed master plan. We will have a smaller density than the RMU-45 zone Marmalade project.

As we've designed this project, we have received support from the community council and positive feedback from pre-submittal conferences with the Salt Lake planning department. We presented our full design concept to the Capitol Hill Community council on November 21st 2007, and received nothing but positive feedback from the citizens. They are concerned with the future use of the lot, and wish to bring affordable residential units to the neighborhood. We believe the proposed amendment is in harmony with the existing development in the area. Our project meets the development goals set by the Salt Lake Redevelopment Agency. This property is located in the RDA Capitol Hill overlay zone. The property is not located within the historical district overlay.

The following statements are taken directly from the Capitol Hill master plan. We believe they support our application and the spirit of our project.

- Describing West Capitol Hill: *This neighborhood has always been an area of mixed uses including residential, commercial, and industrial. Page 6*
- *The high-density residential areas in the West Capitol Hill Neighborhood are limited to North temple generally between 200 and 300 West and the mixed-use area north of 600 North. The North Temple area should develop as an "Urban Neighborhood" which combines high density residential development with supportive retail, service commercial, and small scale office uses." Page 6.*
- Policies for Development:
 - *Ensure infill development is compatible with neighborhood characteristics.*
 - *Encourage the development of an "Urban Neighborhood" which combines high-density residential development.*
 - *Encourage new medium/high density housing opportunities in certain appropriate locations within the West Capitol Hill Neighborhood.*
 - *Incorporate LEED and other environmental building practices.*

- Action Items
 - *Provide improvements along 300 West Street to make 300 West Street less of a barrier and to allow the residential areas west of 300 West to more closely tie into the existing residential area east of 300 West Street.*

- Neighborhood Shopping Node
 - *The West Capitol Hill Neighborhood Plan encourages neighborhood shops to locate on the east side of 300 West Street between 500-600 North Streets to provide a nucleus of neighborhood oriented commercial uses for the Capitol Hill Community*

Our proposal will not adversely affect the traffic flow, right away, or utility access of any adjacent properties.

5. Legal Description of the Property

Commencing at the Northeast corner of Block 120, Plat "A", Salt Lake City Survey; and running thence South 165.0 feet; thence West 165.0 feet; thence North 165.0 feet; thence East 165.0 feet to the place of commencement.

APN number: 08-36-251-007

Supplemental Information

A. Comparable Lot Information

Situs House No./House	Situs Direction/Street/Suffix	Land Use	Zoning	Gross Area	Bldg/Living Area	Lot Acreage	Lot Area
Alpha 775-91	N 300 W	Residential	Cb	4970	4970	0.16	6969.6
775-91	N 300 W	Residential	Cb		1274	0.16	6969.6
775-91	N 300 W	Residential	Cb		3348	0.16	6969.6
775-91	N 300 W	Residential	Cb		348	0.16	6969.6
751	N 300 W	Commercial/industrial	Cb			0.25	10890
659	N 300 W	Bar	Cb	1677	1677	0.3	13068
318	W 500 N	Service Station	Cb	2818	2818	0.17	7405.2
477	N 300 W	Service Station	Cb	2846	2846	0.62	27007.2
427	N 300 W	Retail Trade	Cb	1800	1800	0.1	4356
425	N 300 W	Industrial (nec)	Cb			0.01	435.6
425	N 300 W	Industrial (nec)	Cb	2989	2989	0.15	6534
401-11	N 300 W	Retail Trade	Cb	6376	6376	0.1	4356
401-11	N 300 W	Retail Trade	Cb		4088	0.1	4356
401-11	N 300 W	Retail Trade	Cb		2288	0.1	4356
427	N 300 W	Retail Trade	Cb			0.01	435.6
422	N 300 W	Office Building	Cb	4959	4959	0.27	11761.2
404	N 300 W 103	Office Building	Cb	18162	18162	0.43	18730.8
404	N 300 W 103	Office Building	Cb		11562	0.43	18730.8
404	N 300 W 103	Office Building	Cb		6600	0.43	18730.8
306	N 300 W	Fast Food Franchise	Cb	1818	1818	0.17	7405.2
274	W 300 N	Retail Trade	Cb			0.12	5227.2
29	S State St 7	Office Condo	Cb			0.01	435.6

The table above lists the other CB zone properties in the area.

1. There are existing residential uses in CB zones, within blocks of the subject property
2. Our parcel is the largest CB zoned lot in the area. The size does mesh well with the current permitted residential restrictions in the CB zone language.

B. Current Condition of Property



Attachment B

Department Comments

Permits Office

Everett:

My preliminary comments which are based upon the RMU-45 district:

- It is difficult to tell from the submitted plans if the structures are attached or detached. If they are detached, a planned development review is required.
- A 10' landscape buffer is required along the west property line per Chapter 48.
- Based upon the submitted plans the project meets lot area and open space requirements.
- The site lies within the Secondary Recharge as shown on the Groundwater Source Protection Overlay Map. Uses will be restricted pursuant to Section 21A.34.060 Appendix B.

Larry

Airport

Everett ,

Thank you for the notice regarding Capitol Hill Master Plan and rezone property at 477 N. 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 14550
Salt Lake City, UT 84114-5550
801.575.2972
david.miller@slcgov.com

Transportation

January 7, 2008

Everett Joyce, Planning

Re: Petition 400-07-37: A Master Plan Amendment request at 477 N. 300 W.
Petition 400-07-38: A Zoning Map Amendment request at 477 N. 300 W.

The Division of Transportation review comments and recommendations are as follows:

The 300 West roadway fronting this parcel is a major arterial class roadway, 500 North roadway is a special local class roadway with the intersecting roads having a signalized intersection. The proposed change from a CB zone to the proposed RMF-45 zone will not appreciably impact the traffic generation for these existing roadways.

All proposed site development is required to comply too city transportation design standards for access, maneuvering, staging, and parking.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Craig Smith, Engineering
Peggy Garcia, Public Utilities
Ted Itchon, Fire
Larry Butcher, Permits
File

January 3, 2008

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

RE: Preliminary Project Review
Petition #400-07-37 A Master Plan Amendment request at 477 N 300 W
Petition #400-07-38 A Zoning Map Amendment request at 477 N 300 W

Dear Everett,

Salt Lake City Public Utilities has reviewed the preliminary plans and layout for these proposed requests near 477 North 300 West. The following outlines Public Utilities' requirements that must be met in order to receive approval for this project from our Department:

General Requirements:

All design and construction must conform to State, County, City and Public Utilities standards and ordinances. Design and construction must conform to Salt Lake City Public Utilities General Notes.

All environmental and wetland issues must be approved by the appropriate governing agency prior to Public Utilities approval. The developer must provide written documentation to Public Utilities showing these conditions have been met.

Fire Department approval will be required prior to Public Utilities approval. Fire flow requirements, hydrant spacing and access issues will need to be resolved with the fire department.

Sanitary Sewer and Water:

Utility plans showing all proposed water and sanitary sewer connections for the proposed subdivision must be submitted for review and approval. According to our records there are currently water and sanitary sewer connections to the property. If this project is approved as a planned development then Public Utilities will allow one master meter service to serve the property for culinary water. One additional metered service will be allowed for irrigation purposes. Fire connections must be separately connected at the main from the culinary and irrigation services. Calculations must be submitted showing anticipated sanitary sewer flows from this proposed subdivision and that the downstream system is adequate to support these additional flows adhering to City standards of the downstream pipes not exceeding 75% full.

Utility plans must show all proposed pipe routings, sizes, types, boxes, meters, detector checks, fire lines and hydrant locations. For all culinary water line services larger than 3-inches, the water meter size must be justified by submitting AWWA M-22 method calculations or by a Public Utilities' approved equivalent method. All gravity pipes must be designed and constructed to meet minimum allowable grades. Any potential conflicting private or public utility must be designed to meet minimum State and

City separation standards. A minimum 1.5-foot vertical separation must be provided for between water and sewer crossings. All other utilities should have a minimum 1.5-foot separation with a larger separation required between larger structures and pipes. A stamped geotechnical report must be provided to Public Utilities for review and approval addressing pipe zone and pipe stabilization design for all pipes 10-feet and deeper. Minimum Public Utilities' pipe zone standards must be met. The engineer or contractor must obtain approval from Public Utilities for dewatering activities required during construction.

Storm Water Design and Construction

Drainage and grading plans must be submitted for review and approval. This development will be restricted to a maximum storm water discharge rate of 0.2 cfs per acre. No retention facilities will be allowed. High groundwater is typical in this area and a stamped geotechnical report must be submitted to Public Utilities identifying the expected highest groundwater elevation for this area. All building pads, docks, paved areas, storm grates and on-site storm water detention must be above the 100-year event high water elevation as hydraulically connected to the ditches or the highest expected groundwater elevation, whichever is the worst condition. Building pads should be located several feet above this elevation. The engineer must show that enough hydraulic head is provided to drain storm water away from this subdivision. This high water condition and any related imported fill conditions as needed to properly drain this subdivision must be noted on the final plat and on the drainage and grading plan. An engineered stamped drainage report is required showing all the above-mentioned requirements have been met. Proposed ditch sections or detention facilities must have 3:1 or flatter side slopes with minimum two-foot bottom. Concrete roll gutters are recommended at the bottom of ditch facilities. Bubble-up inlets or sumps used as control structures in detention areas will be discouraged. Temporary and permanent erosion control within detention areas or ditches must be detailed. The developer must comply with UPDES Construction Storm Water Permits. At a minimum, silt fence must be provided along open drainage ways, hay bales must protect any existing grates or inlets and the City's clean-wheel ordinance must be followed. A copy the proposed Storm Water Pollution Prevention Plan required for the UPDES permit must be submitted to Public Utilities for review and approval.

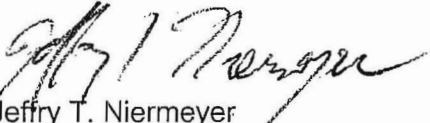
Property Issues Agreements and Fees:

All existing and new easements must be clearly shown and described on the plat prior to final plat recordation. All public utility mains must be located within public road right-of-ways. If power lines, gas lines, communication conduits, etc. exist within this the property, any relocation of these utilities and related easements must be approved by Public Utilities. No buildings, structures, trees, fences, etc. may be constructed within easements dedicated to Salt Lake City Public Utilities.

Utility service connection agreements must be entered into between the developer and Public Utilities for all water, fire and sewer services. The agreement will outline developer and Public Utilities' responsibilities related to construction, maintenance and warranty of these services. Work for public utility system improvements must be bonded based upon an approved engineer's estimate. All agreements must be executed and bonds received by Public Utilities prior to full construction plan set approval and plat sign-off from our department. Prior to full plan set approval and plat recordation all water, fire, sewer, drainage and connection impact and inspection fees must be paid in full. A \$374 per quarter acre drainage impact fee will be assessed on the platted area for this development.

Public Utilities finds this project approvable if all the above-mentioned issues are addressed. If you should need further assistance with this matter, please contact Jason Brown at 483-6729.

Sincerely,



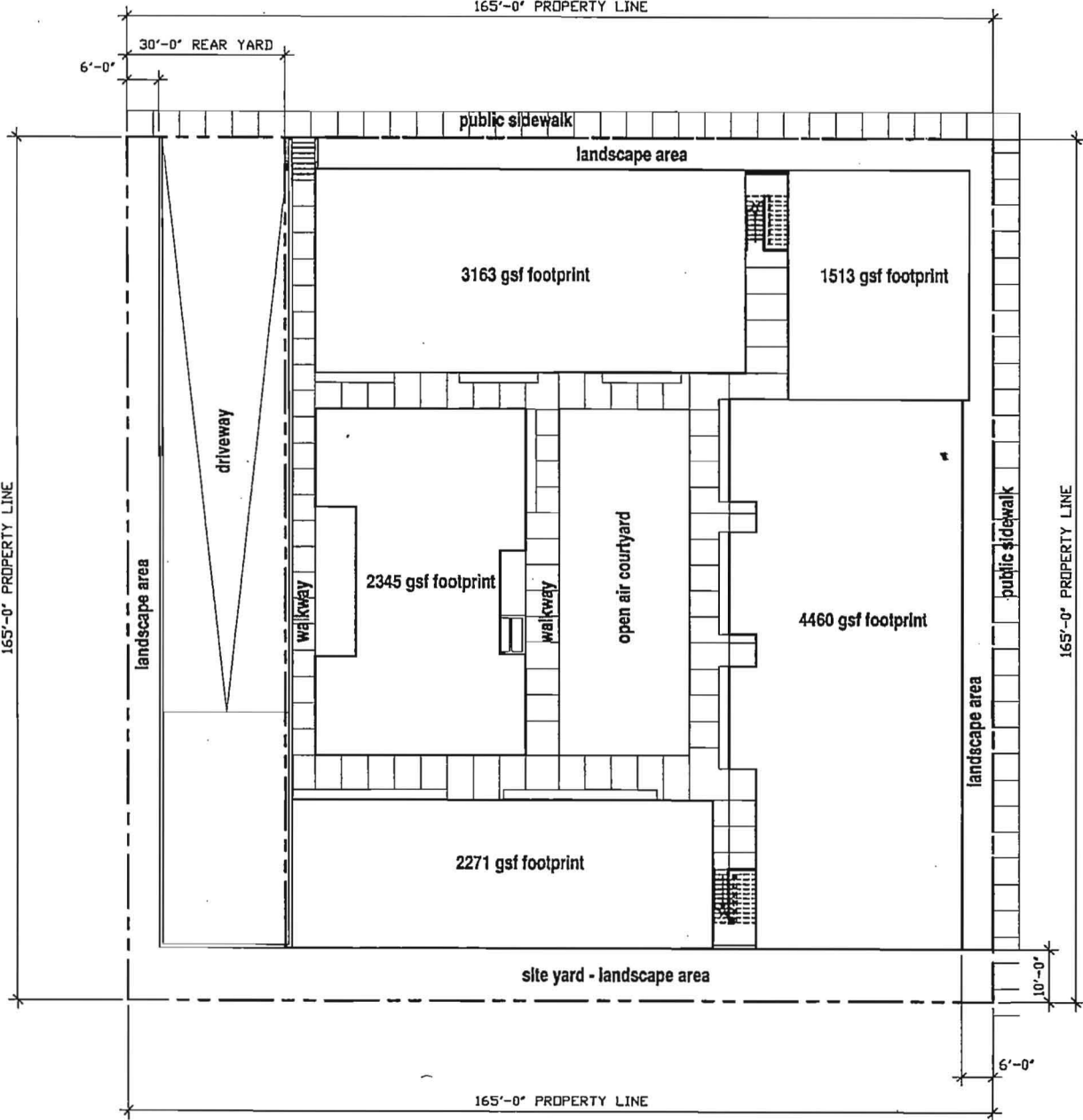
Jeffrey T. Niermeyer
Director

cc:file

JN/pg

Attachment C
Site Plan and Building Elevation

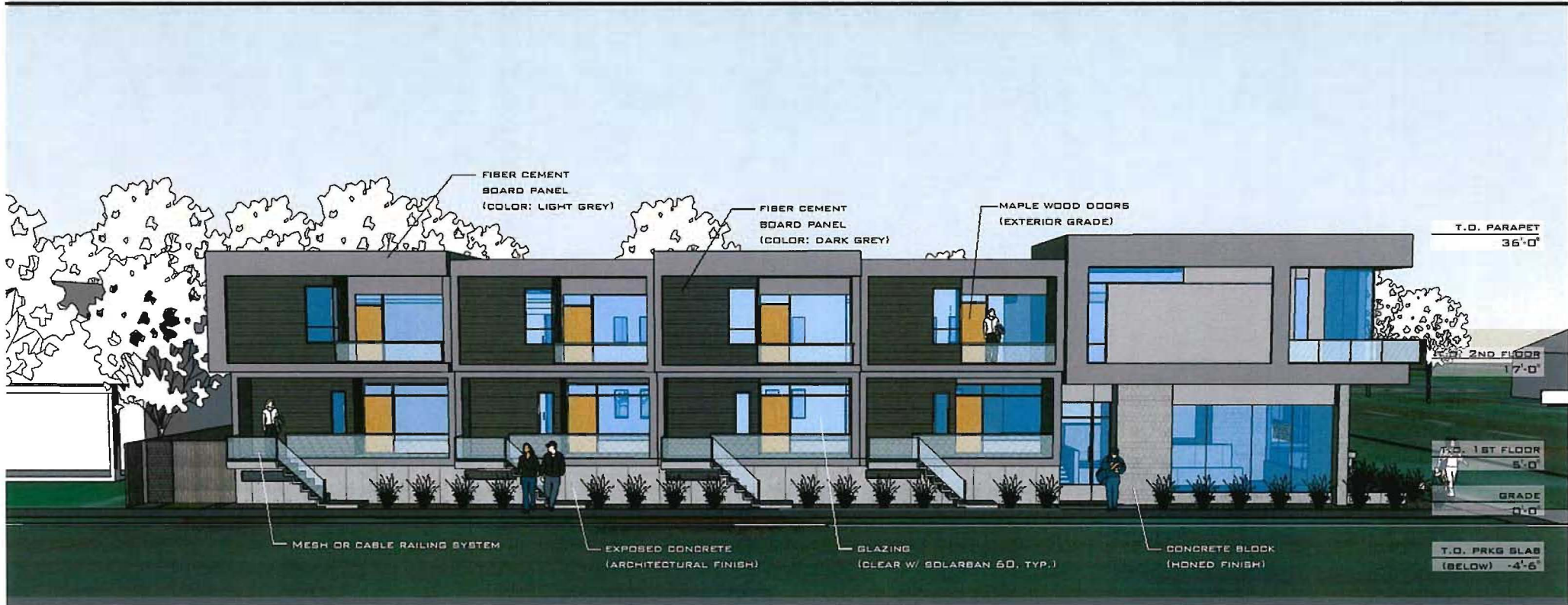
500 north



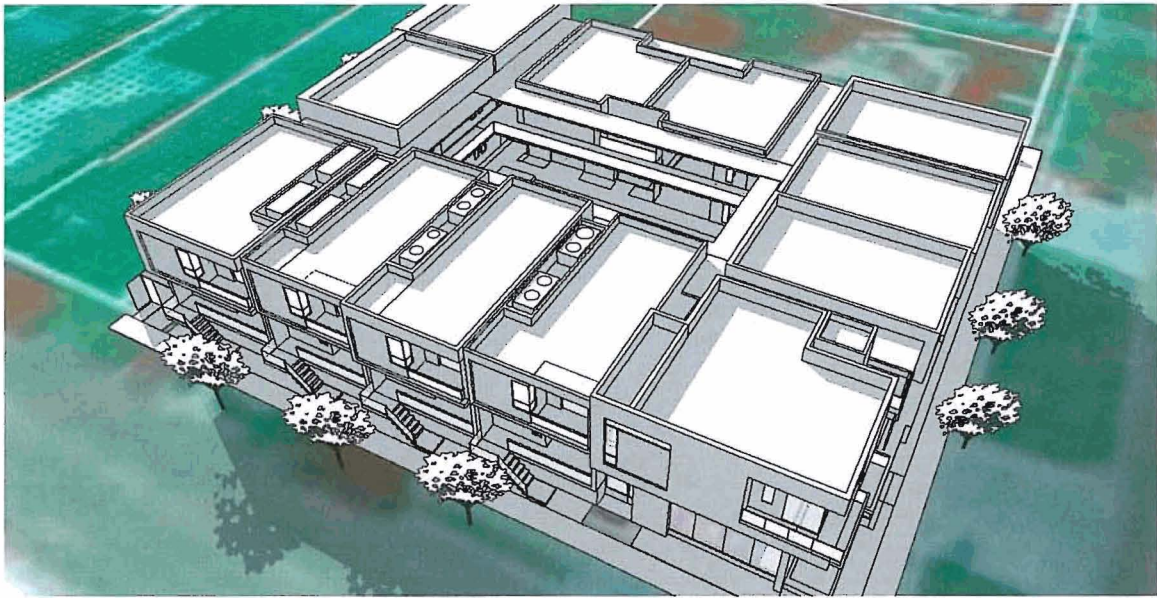
PROJECT SUMMARY

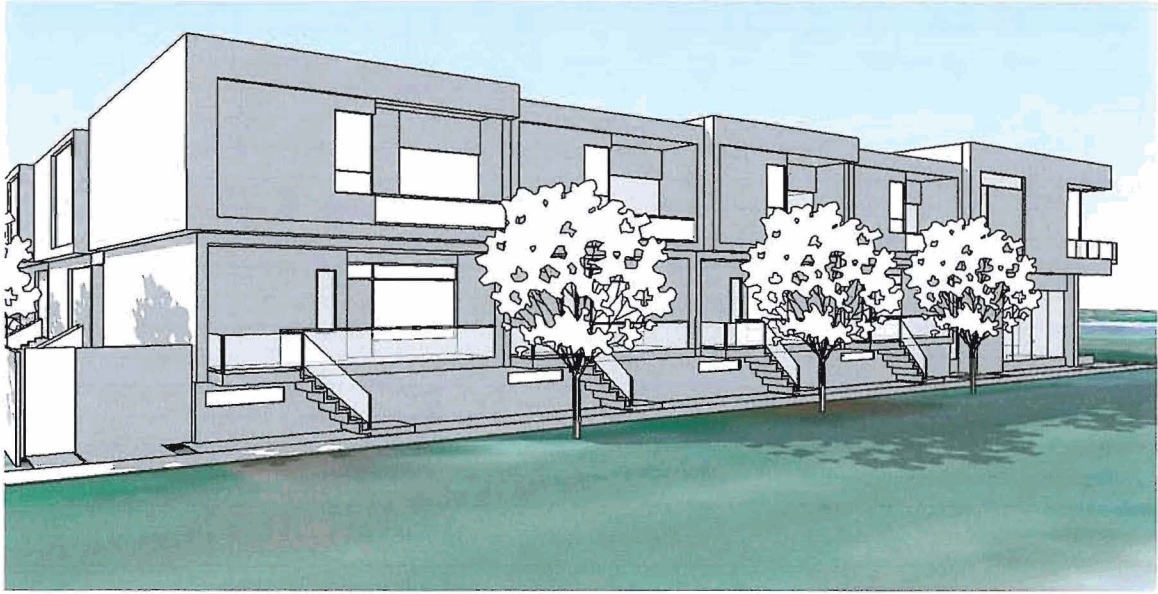
- total site area:
27,225 sq. ft.
- total building area:
30,720 gsf = two story above grade:
- 22 units total
- max. building height: 35'
- required open space: 20% min. of site area
- open space provided: 56% of site area
- total parking (below grade): 46 stalls

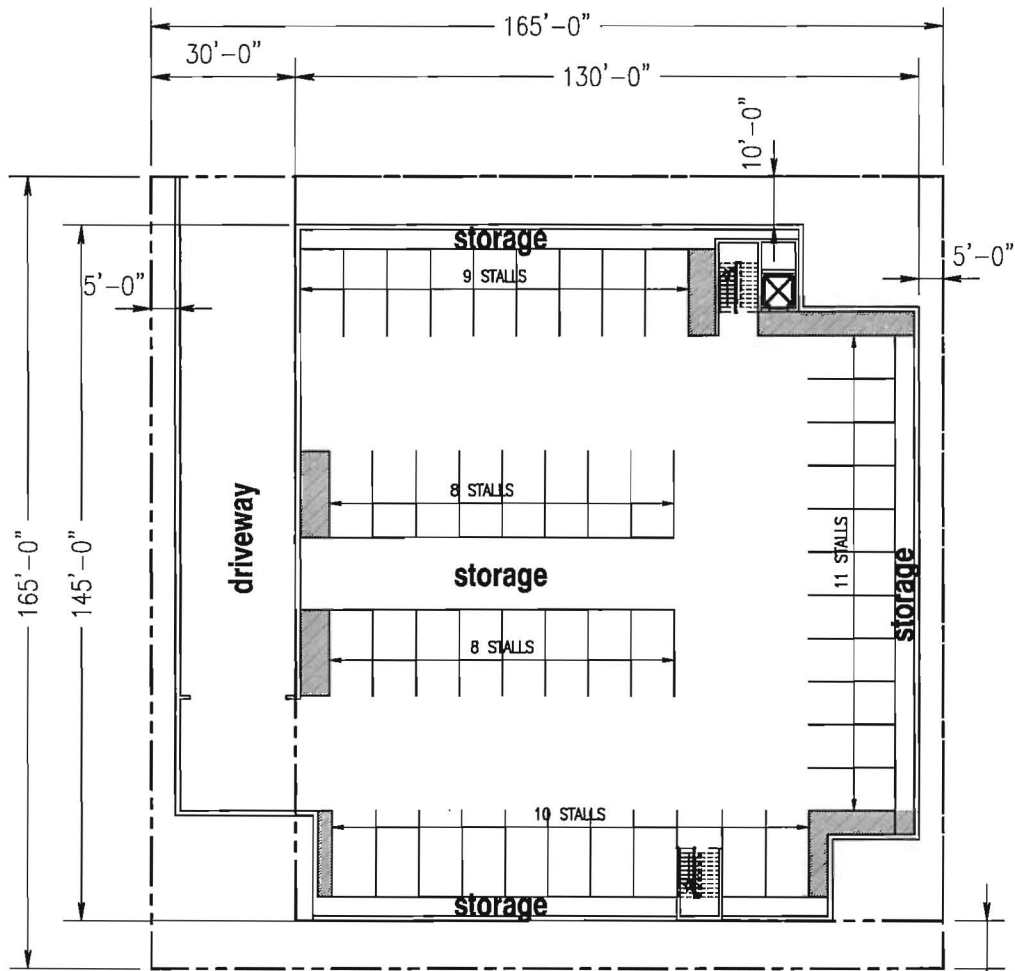




C. Design Concept



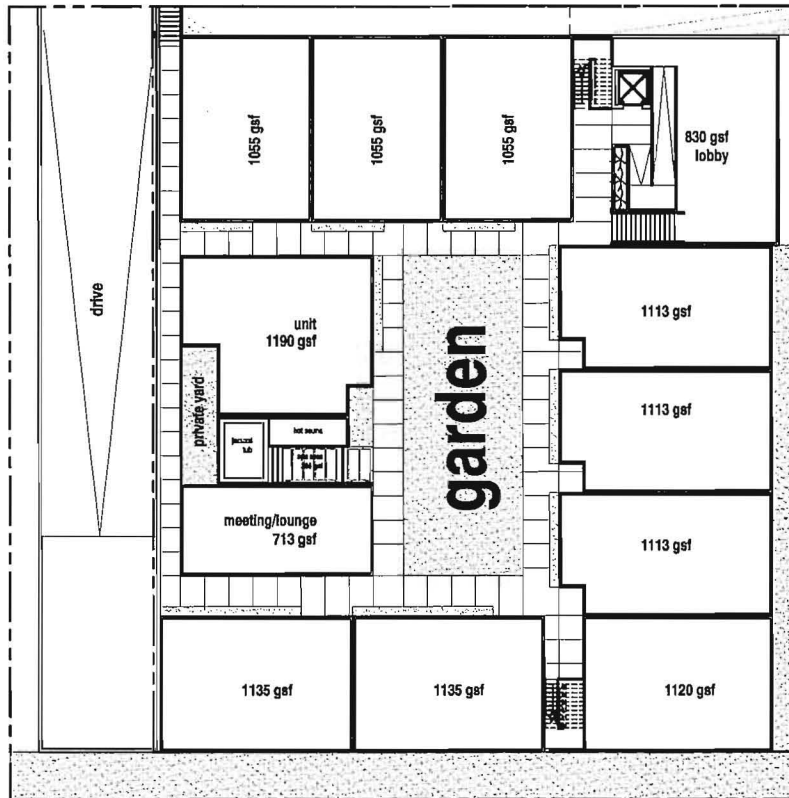




total parking: 17,840 sf
total stalls: 46

site area: 27,225 sf
buildable site area: 20,925 sf

10'-0" landscape
buffer



level one

total building footprint: 13,998 sf

interior common area:

lobby/elevator: 1513 gsf

flex space / lounge: 750 gsf

spa area: 380 gsf

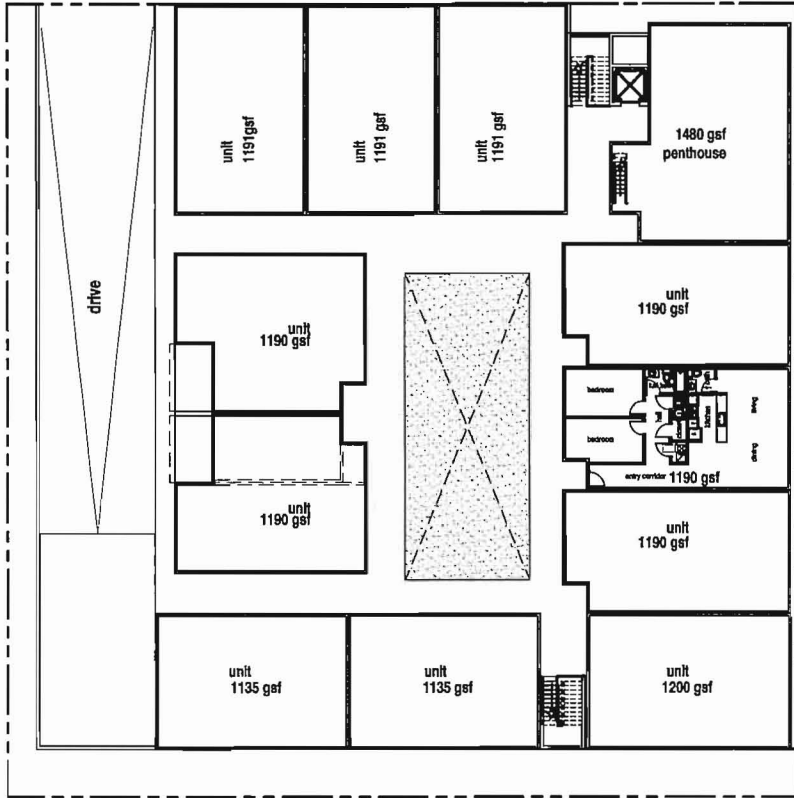
total: 2643 gsf

exterior common area:

(walkways, courtyard, and stairs)

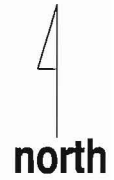
= 6927 sf

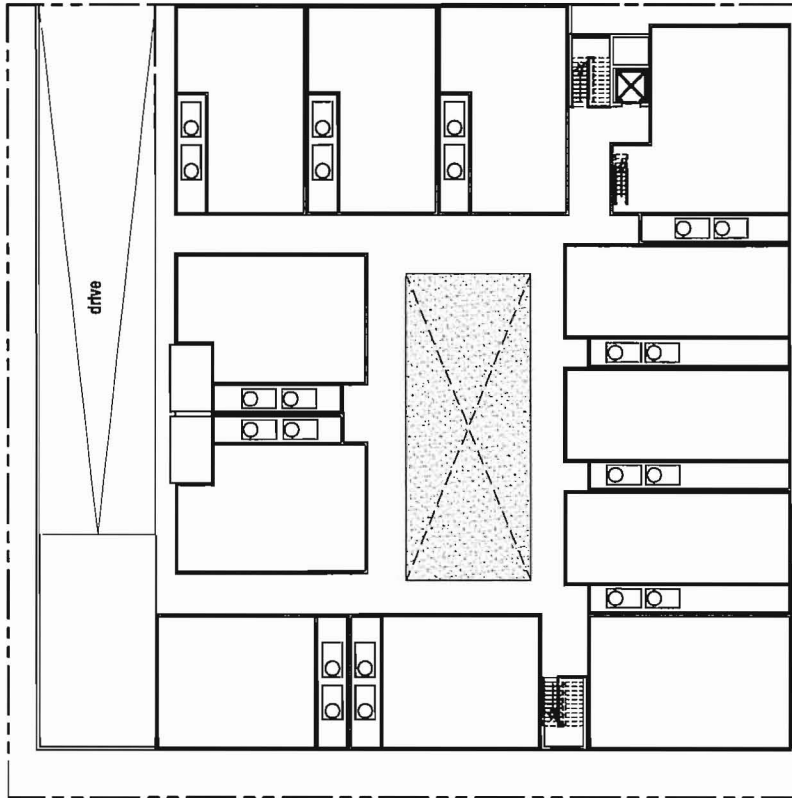




level two
14,708 sf

exterior common area
exterior common area:
(walkways, stairs and elevator)
= 3354 sf





roof plan



Attachment D
Newspaper Notice

Order Confirmation for Ad #0000244383-01

Client	SALT LAKE CITY CORP PLANNING DIVISION	Payor Customer	SALT LAKE CITY CORP PLANNING DI
Client Phone	801-535-7759	Payor Phone	801-535-7759
Account#	1001429373	Payor Account	1001429373
Address	451 S State,Room 406 SALT LAKE CITY UT 84111 USA	Payor Address	451 S State,Room 406 SALT LAKE CITY UT 84111
Fax		Ordered By	Acct. Exec
Email	everett.joyce@slcgov.com	Everett	Imoon

Ad Content Proof Actual Size

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

On Wednesday, March 12, 2008 at 5:45 P.M., the Salt Lake City Planning Commission will hold a hearing to take comment on Petitions 400-07-37 and 400-07-38 to amend the Capitol Hill Community Master Plan and rezone property at 477 N 300 W. Requested is amendment of the Future Land Use Map from Commercial to Residential Mixed Use to allow rezoning of the property from CB Community Business to RMU-45 Residential Mixed Use. All persons interested and present will be given an opportunity to be heard.

The hearing will be held in Room 326 of the Salt Lake City and County Building, 451 South State Street. Accessible parking and entrance is located on the east side of the building. Hearing impaired individuals who wish to attend this meeting should contact our TOD service number, 535-6220, four days in advance. For further information regarding this hearing, call Everett Joyce at 535-7930.

Total Amount	\$304.00			
Payment Amt	\$0.00			
Amount Due	\$304.00	<u>Tear Sheets</u>	<u>Proofs</u>	<u>Affidavits</u>
		0	0	0

Payment Method PO Number

Confirmation Notes:

Text: x

Ad Type	Ad Size	Color
CLS Liner	1.0 X 46 Li	<NONE>

Product	Placement
Salt Lake Tribune::	General Classified
Scheduled Date(s):	02/27/2008
Product	Placement
Deseret Morning News::	General Classified
Scheduled Date(s):	02/27/2008
Product	Placement
sltrib.com::	General Classified
Scheduled Date(s):	02/27/2008
Product	Placement
deseretnews.com::	General Classified
Scheduled Date(s):	02/27/2008

Exhibit 5
Original Petitions

Exhibit 5i
Petition 400-07-37
Master Plan Amendment

PETITION CHECKLIST

Date	Planner Initials	Supervisor Initials	Director Initials	Action Required
2007 11/28	DM			Petition Delivered to Planning
12/11/07	EO			Petition Assigned to <u>Everett Joyce</u>
3/12/08	EO			Planning Staff or Planning Commission Action Date
4/8/08	EO			Transmittal Cover Letter Followed Template (margins, headings, returns etc)
4/4/08	EO			Table of Contents
4/4/08	EO			Chronology
				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
4/7/08	EO			Council Hearing Notice Include Purpose of Request Include zones affected (where applicable) Include address of property (where applicable) Include TDD Language
4/4/08	EO			Mailing List of Petition and Labels, (include appropriate Community Councils, applicant and project planner) (include photocopy of labels)
4/9/08	EO			Planning Commission Notice Mailing Postmark Date Verification (on agenda) Newspaper Notice for Rezonings and Master Plan Amendments (proof of publication or actual publication)
3/6/08	EO			Planning Commission Staff Report
4/4/08	EO			Planning Commission Minutes and Agenda
4/7/08	EO			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

Also see Zoning Amendment
Petition 400-07-38

Petition No. 400-07-37

By Capitol Hill Investment Partners

Master Plan Amendment

Date Filed 11/27/2007

Address 477 North 300 West



Zoning Amendment

OFFICE USE ONLY	
Petition No. 400-07-38	
Receipt No. <i>Online</i>	Amount: 838.70
Date Received: 11-27-07	
Reviewed By: <i>E. Jay</i>	
Project Planner:	

PLANNING COMMISSION

Address of Subject Property: 477 North 300 West

Name of Applicant: CAPITAL HILL INVESTMENT PARTNERS Phone: 801-787-3843

Address of Applicant: 4001 S. 700 E STE 540 SLC. UT 84107

E-mail Address of Applicant: devincmetavien.us Cell/Fax: SAME

Applicant's Interest in Subject Property: REZONE TO RMU-45, RESIDENTIAL DEVELOPMENT

Name of Property Owner: 'SAME AS ABOVE' Phone:

Address of Property Owner: " " "

E-mail Address of Property Owner: " " " "

Existing Use of Property: VACANT SERVICE STATION

County Tax ("Sidwell #"): 08-36-251-007

- 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 { **CB** } zone to a **RMU-45** 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 (exclusive of streets and alleys). 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(s). **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 \$100.00 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.

County tax parcel ("Sidwell") maps and names of property owners are available at:

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

File the complete application at:

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

Signature of Property Owner _____
 Or authorized agent

Title of agent

Exhibit 5ii
Petition 400-07-38
Zoning Map Amendment

PETITION CHECKLIST

Date	Planner Initials	Supervisor Initials	Director Initials	Action Required
2007 11/28	DM			Petition Delivered to Planning
12/11/07	EP			Petition Assigned to <u>Everett Joyce</u>
3/12/08	EP			Planning Staff or Planning Commission Action Date
4/1/08	EP			Transmittal Cover Letter Followed Template (margins, headings, returns etc)
4/4/08	EP			Table of Contents
4/4/08	EP			Chronology
				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
4/7/08	EP			Council Hearing Notice Include Purpose of Request Include zones affected (where applicable) Include address of property (where applicable) Include TDD Language
4/4/08	EP			Mailing List of Petition and Labels, (include appropriate Community Councils, applicant and project planner) (include photocopy of labels)
4/4/08	EP			Planning Commission Notice Mailing Postmark Date Verification (on agenda) Newspaper Notice for Rezoning and Master Plan Amendments (proof of publication or actual publication)
3/6/08	EP			Planning Commission Staff Report
4/4/08	EP			Planning Commission Minutes and Agenda
4/7/08	EP			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

Also see Master Plan Amendment
Petition 400-07-37

Petition No. 400-07-38

By Capitol Hill Investment Partners

Zoning Amendment

Date Filed 11/27/2007

Address 477 North 300 West



Master Plan Amendment

OFFICE USE ONLY	
Petition No.	400-07-37
Receipt No.	Online
Amount:	
Date Received:	11-27-07 750.00
Reviewed By:	EJY
Project Planner:	

Date: 11/25/07

Name of Applicant: CAPITAL HILL INVESTMENT PARTNERS Phone: 801-4787-3863

Address of Applicant: 4001 S. 700 E #540, SLC, UT 84107

E-mail Address of Applicant: DEVIN C METAVIEW . US Cell/Fax: " "

Applicant's Interest in Subject Property: REZONE TO RMV 95

Name of Property Owner: " " Phone:

Address of Subject Property: 477 N. 300 W. SLC.

General description of the proposed Master Plan Amendment:

REZONE MASTER PLAN / FUTURE LAND USE MAP TO
CHANGE THE ZONING OF THIS PARCEL TO A MIXED USE.

Please include with the application:

Use back or additional sheets, if necessary

1. A statement declaring the purpose for the amendment and the exact language. Include proposed boundaries, master plan area, and /or zoning district changes.
2. Declare why the present Master Plan required amending.
3. A copy of the Sidwell Map or Maps.
4. Depending upon the request, the names and addresses of all property owners within four-hundred fifty (450) feet of the subject amendment area (exclusive of streets and alleys) may need to be provided. 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(s). **The cost of first class postage for each address is due at time of application. Please do not provide postage stamps.**
5. A signed statement that the petitioner has met with and explained the proposal to the appropriate Community Council(s).
6. Related materials or data supporting the application as may be determined by the Zoning Administrator.
7. Filing fee of 750.00 plus \$100.00 per acre in excess of one acre, 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

County tax parcel ("Sidwell") maps and names of property owners are available at:

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

Signature of Property Owner
Or authorized agent

Title of agent

SALT LAKE CITY PLANNING

Zoning Amendment Application. / Master Plan Amendment Change

Devin Overly
Capitol Hill Investment Partners
4001 South 700 East Suite 540
Salt Lake City, UT 84107
Cell: 801.787.3863
devin@metaview.us

Address of Subject Property: 477 North 300 West, Parcel No: 08-36-251-007

1. Request

Amend the City Zoning Map to reclassify the property from a CB zone to a RMU-45 zone. The property is located in the West Capitol Hill district of the Capitol Hill Community district.

2. Complete Description of the proposed use of the property.

We are proposing a 22-unit mixed use project at this location. We feel this will help finish the mixed use node that is being developed at the intersection of 500 North and 300 West, started by the RDA Marmalade project.

Currently standing on the property is a blighted vacant service station. The current structure is an eyesore to the community that attracts vandalism and drifters.

Our proposed project will conform to RMU-45 density requirements and with a height of 35 feet. Our proposed project will encourage pedestrian interaction with street, a direct goal of the West Capitol Hill master plan. We plan to offer live work units, which will increase the integration of our design into the community.

Please see attached conceptual designs from our architects, Method Studios.

3. Reasons why changes to the current zoning and future land use / master plan should be considered.

When the master plan was adopted in 1999, the property was grandfathered into a commercial use as an automotive service station. Our proposal will not remove commercial services from the community. Directly across 500 north is an active car repair shop.

The lot is currently zoned CB. From our research, it is one of the largest CB zoned parcels in Salt Lake City. We would definitely entertain using the conditional use process to reach a project approval. We will leave this route up to the discretion of the planning department officials.

With the automotive market in Capitol Hill serviced, the only best and most economically feasible use of the lot is a new construction build. We feel that the neighborhood is still five to ten years away from being able to sustain average market rates for office and retail project. Therefore the immediate solution to improve this parcel is to build a residential project with a small mixed use component. This will help develop a residential base that will attract further commercial used to the area.

Our proposed project density will match the spirit of the proposed master plan. We will have a smaller density than the RMU-45 zone Marmalade project.

As we've designed this project, we have received support from the community council and positive feedback from pre-submittal conferences with the Salt Lake planning department. We presented our full design concept to the Capitol Hill Community council on November 21st 2007, and received nothing but positive feedback from the citizens. They are concerned with the future use of the lot, and wish to bring affordable residential units to the neighborhood. We believe the proposed amendment is in harmony with the existing development in the area. Our project meets the development goals set by the Salt Lake Redevelopment Agency. This property is located in the RDA Capitol Hill overlay zone. The property is not located within the historical district overlay.

The following statements are taken directly from the Capitol Hill master plan. We believe they support our application and the spirit of our project.

- Describing West Capitol Hill: *This neighborhood has always been an area of mixed uses including residential, commercial, and industrial. Page 6*
- *The high-density residential areas in the West Capitol Hill Neighborhood are limited to North temple generally between 200 and 300 West and the mixed-use area north of 600 North. The North Temple area should develop as an "Urban Neighborhood" which combines high density residential development with supportive retail, service commercial, and small scale office uses." Page 6.*
- Policies for Development:
 - *Ensure infill development is compatible with neighborhood characteristics.*
 - *Encourage the development of an "Urban Neighborhood" which combines high-density residential development.*
 - *Encourage new medium/high density housing opportunities in certain appropriate locations within the West Capitol Hill Neighborhood.*
 - *Incorporate LEED and other environmental building practices.*

- Action Items
 - *Provide improvements along 300 West Street to make 300 West Street less of a barrier and to allow the residential areas west of 300 West to more closely tie into the existing residential area east of 300 West Street.*

- Neighborhood Shopping Node
 - *The West Capitol Hill Neighborhood Plan encourages neighborhood shops to locate on the east side of 300 West Street between 500-600 North Streets to provide a nucleus of neighborhood oriented commercial uses for the Capitol Hill Community*

Our proposal will not adversely affect the traffic flow, right away, or utility access of any adjacent properties.

5. Legal Description of the Property

Commencing at the Northeast corner of Block 120, Plat "A", Salt Lake City Survey; and running thence South 165.0 feet; thence West 165.0 feet; thence North 165.0 feet; thence East 165.0 feet to the place of commencement.

APN number: 08-36-251-007

Supplemental Information

A. Comparable Lot Information

Situs House No./House Alpha	Situs Direction/Street/Suffix	Land Use	Zoning	Gross Area	Bldg/Living Area	Lot Acreage	Lot Area
775-91	N 300 W	Residential	Cb	4970	4970	0.16	6969.6
775-91	N 300 W	Residential	Cb		1274	0.16	6969.6
775-91	N 300 W	Residential	Cb		3348	0.16	6969.6
775-91	N 300 W	Residential	Cb		348	0.16	6969.6
751	N 300 W	Commercial/industrial	Cb			0.25	10890
659	N 300 W	Bar	Cb	1677	1677	0.3	13068
318	W 500 N	Service Station	Cb	2818	2818	0.17	7405.2
477	N 300 W	Service Station	Cb	2846	2846	0.62	27007.2
427	N 300 W	Retail Trade	Cb	1800	1800	0.1	4356
425	N 300 W	Industrial (nec)	Cb			0.01	435.6
425	N 300 W	Industrial (nec)	Cb	2989	2989	0.15	6534
401-11	N 300 W	Retail Trade	Cb	6376	6376	0.1	4356
401-11	N 300 W	Retail Trade	Cb		4088	0.1	4356
401-11	N 300 W	Retail Trade	Cb		2288	0.1	4356
427	N 300 W	Retail Trade	Cb			0.01	435.6
422	N 300 W	Office Building	Cb	4959	4959	0.27	11761.2
404	N 300 W 103	Office Building	Cb	18162	18162	0.43	18730.8
404	N 300 W 103	Office Building	Cb		11562	0.43	18730.8
404	N 300 W 103	Office Building	Cb		6600	0.43	18730.8
306	N 300 W	Fast Food Franchise	Cb	1818	1818	0.17	7405.2
274	W 300 N	Retail Trade	Cb			0.12	5227.2
29	S State St 7	Office Condo	Cb			0.01	435.6

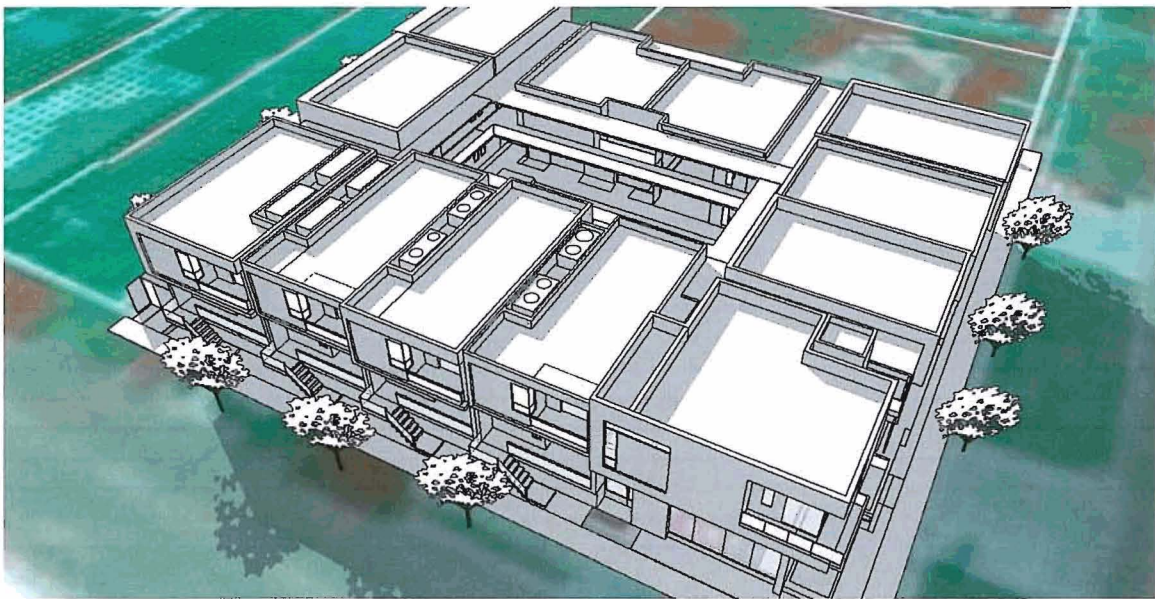
The table above lists the other CB zone properties in the area.

1. There are existing residential uses in CB zones, within blocks of the subject property
2. Our parcel is the largest CB zoned lot in the area. The size does mesh well with the current permitted residential restrictions in the CB zone language.

B. Current Condition of Property



C. Design Concept





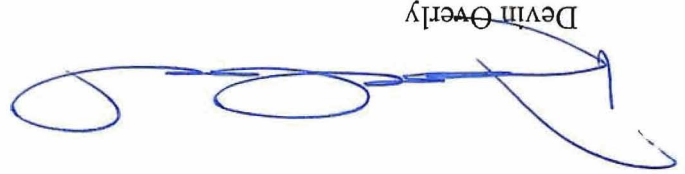
11/26/2007

Salt Lake City Zoning
451 South State Street, Room 406
Salt Lake City, UT 84111
Re: 477 N 300 W, Amendment proposals

To Whom It May Concern:

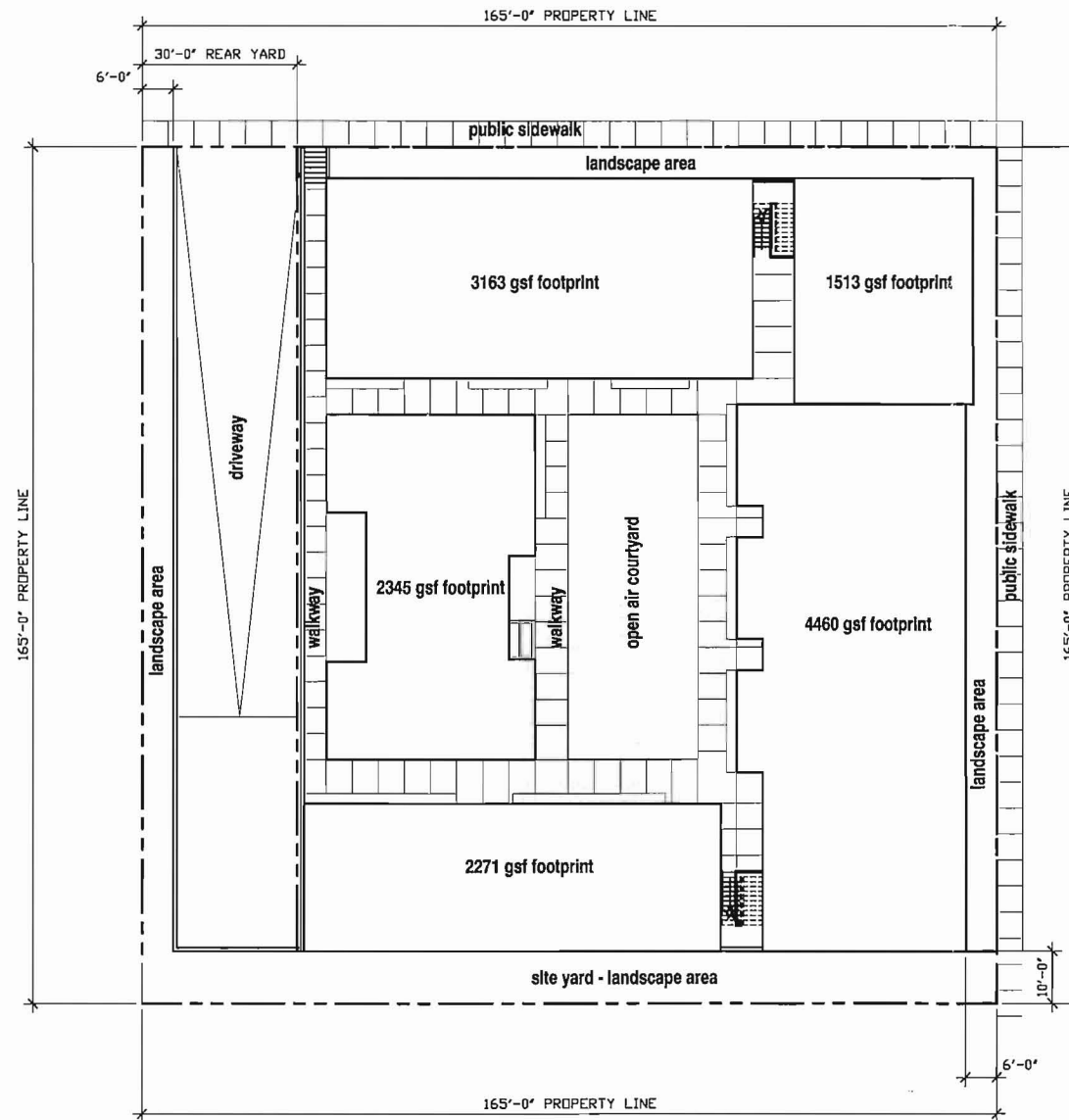
On November 21st 2007, we presented our proposal to change the zoning and amend the master plan to the Capitol Hill Community council. No objections to our proposal were raised.

Please contact me with any concerns.



Devin Overly
Metaview Development
801.787.3863 cell
devin@metaview.us

500 north



PROJECT SUMMARY

total site area:
27,225 sq. ft.

total building area:
30,720 gsf = two story above grade:

22 units total
max. building height: 35'
required open space: 20% min. of site area
open space provided: 56% of site area

total parking (below grade): 46 stalls



300 west



METHOD
STUDIO INC.

242 south 400 east, suite b
salt lake city, utah 84111
phone: (801) 532-4422
fax: (801) 328-4187

metaview
condominiums

477 North 300 West
Salt Lake City, Utah 84103

project#: 07.0100
date: November 26, 2007

revisions:

sheet name

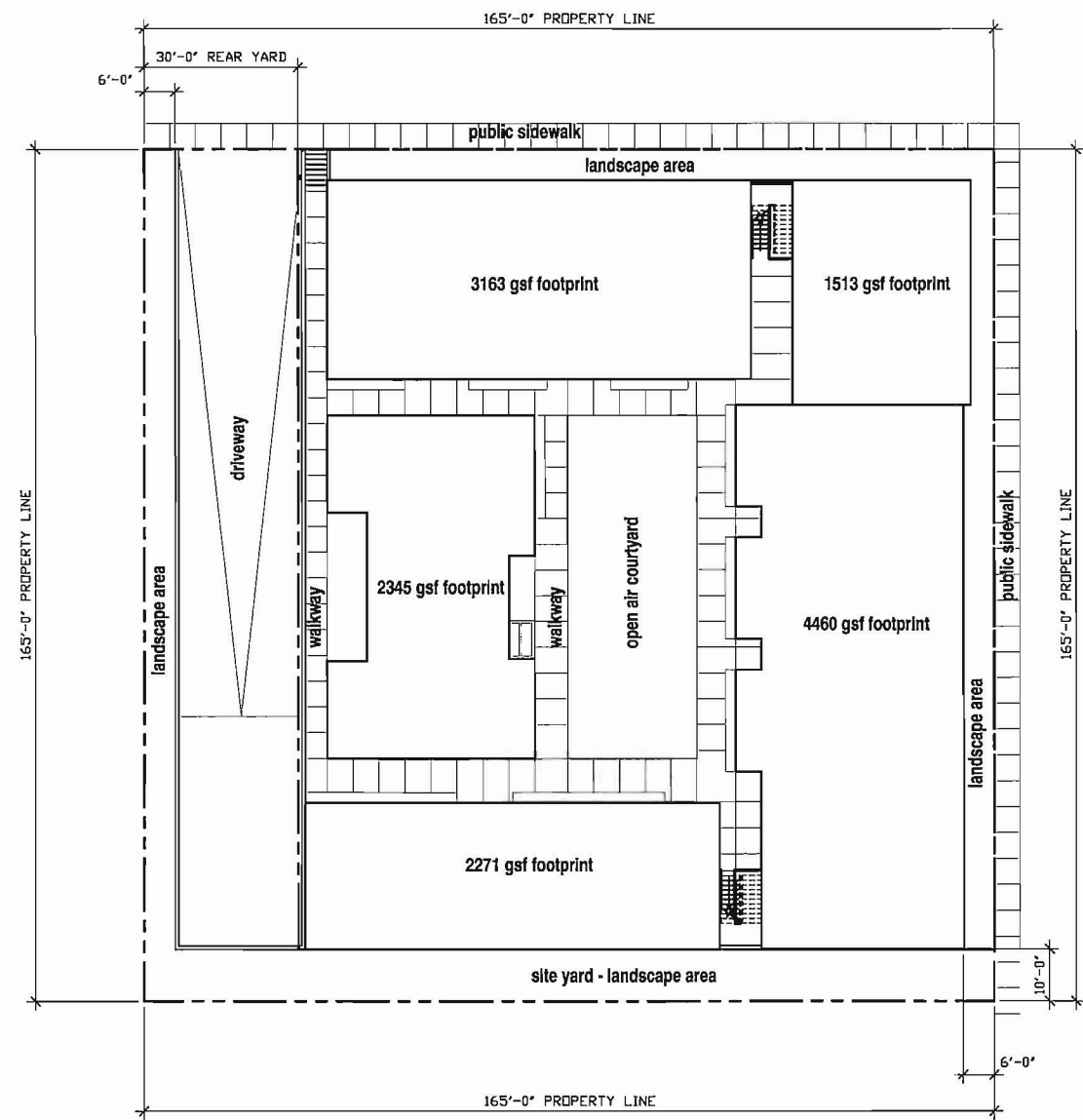
site plan

sheet number

AS101

schematic design

500 north



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27,225 sq. ft.

total building area:
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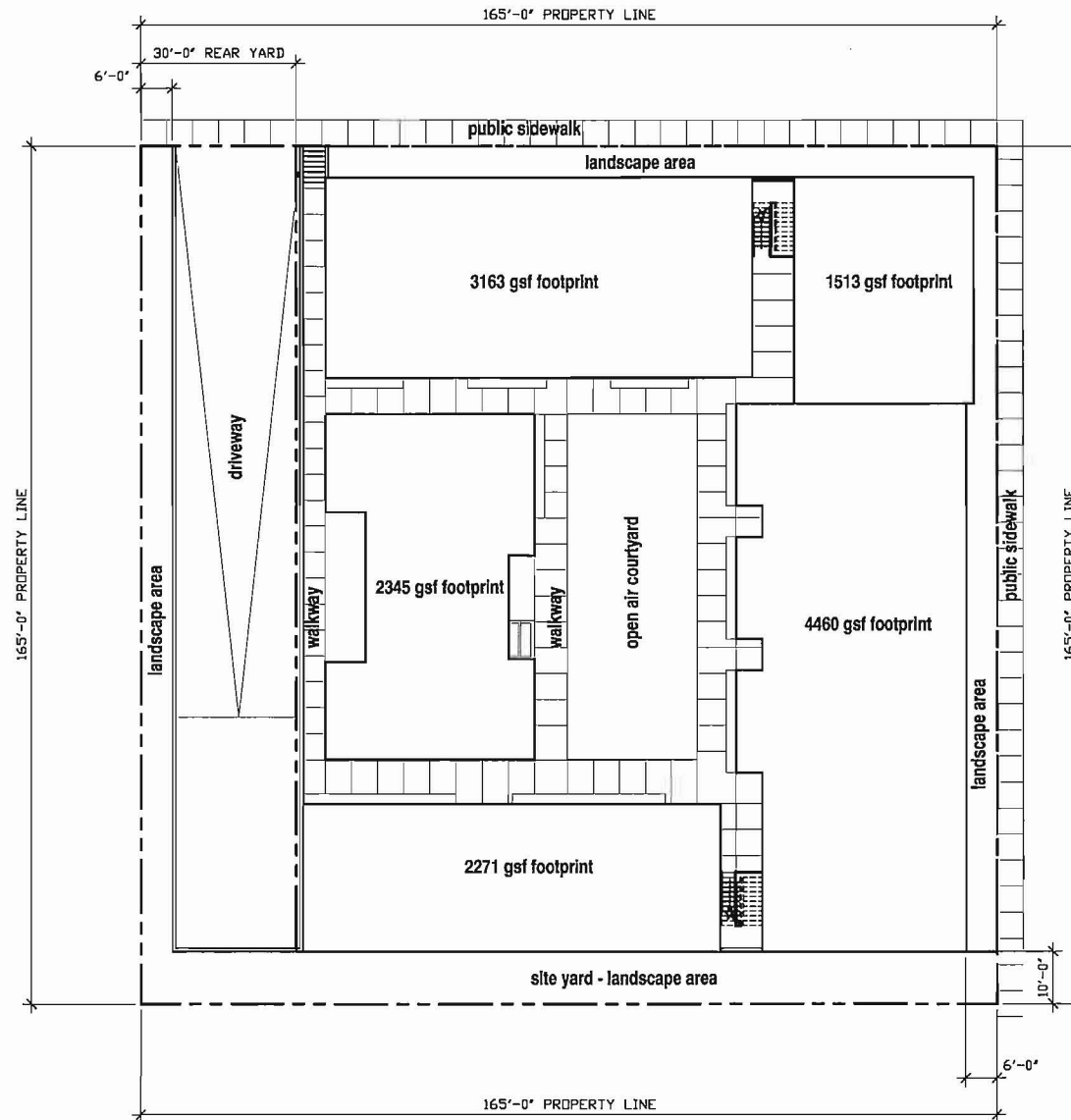
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300 west

500 north



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300 west



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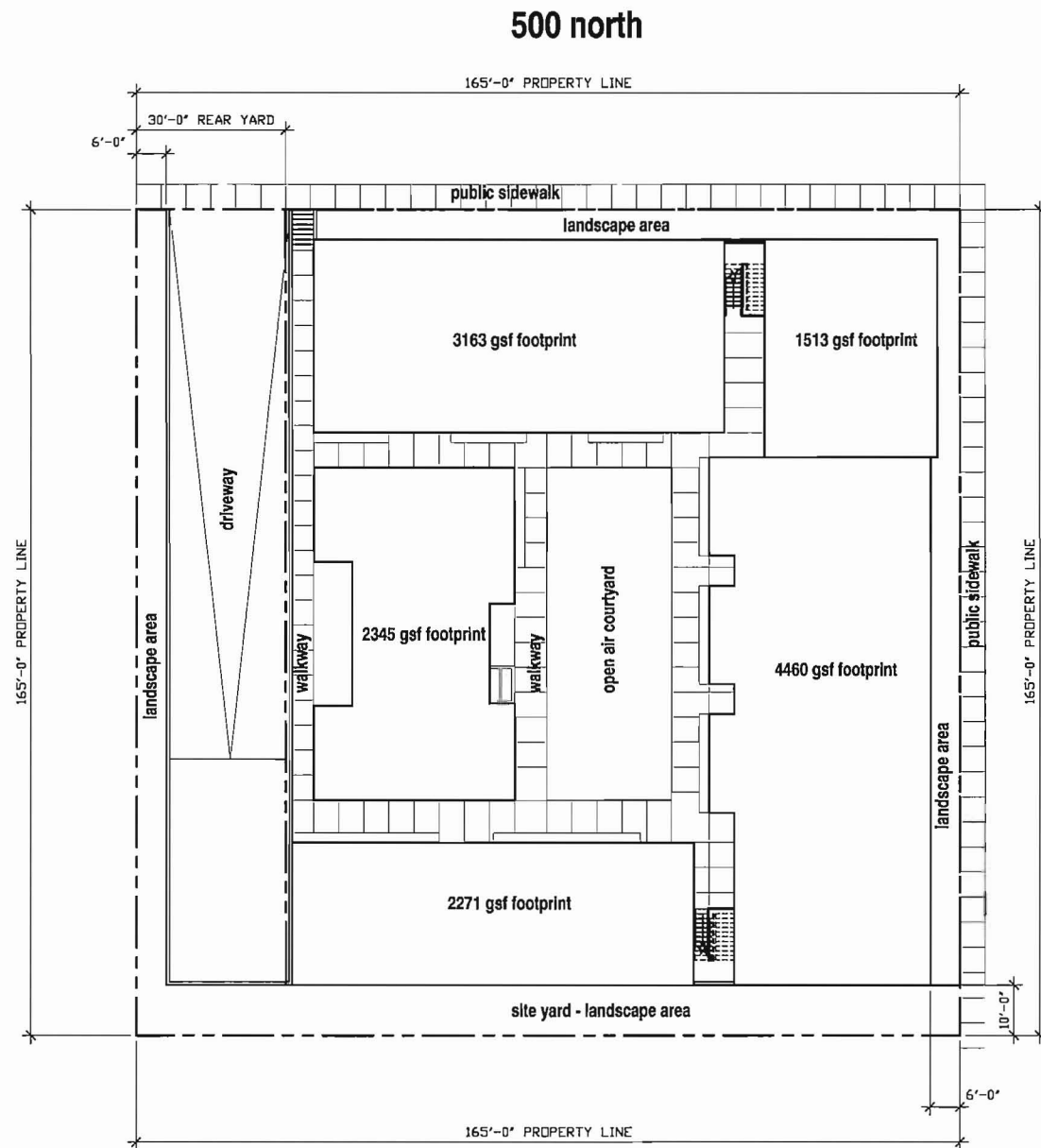
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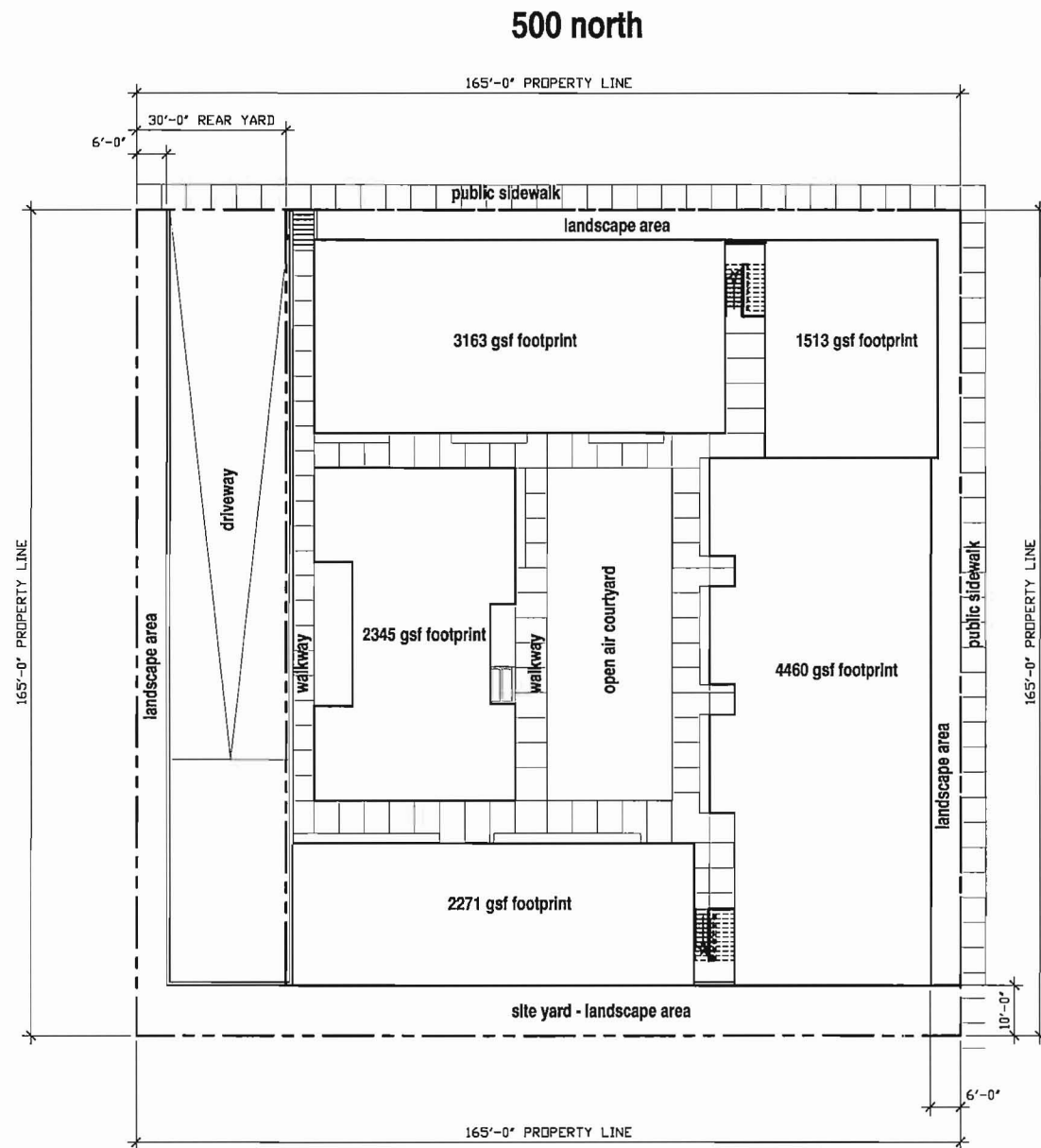
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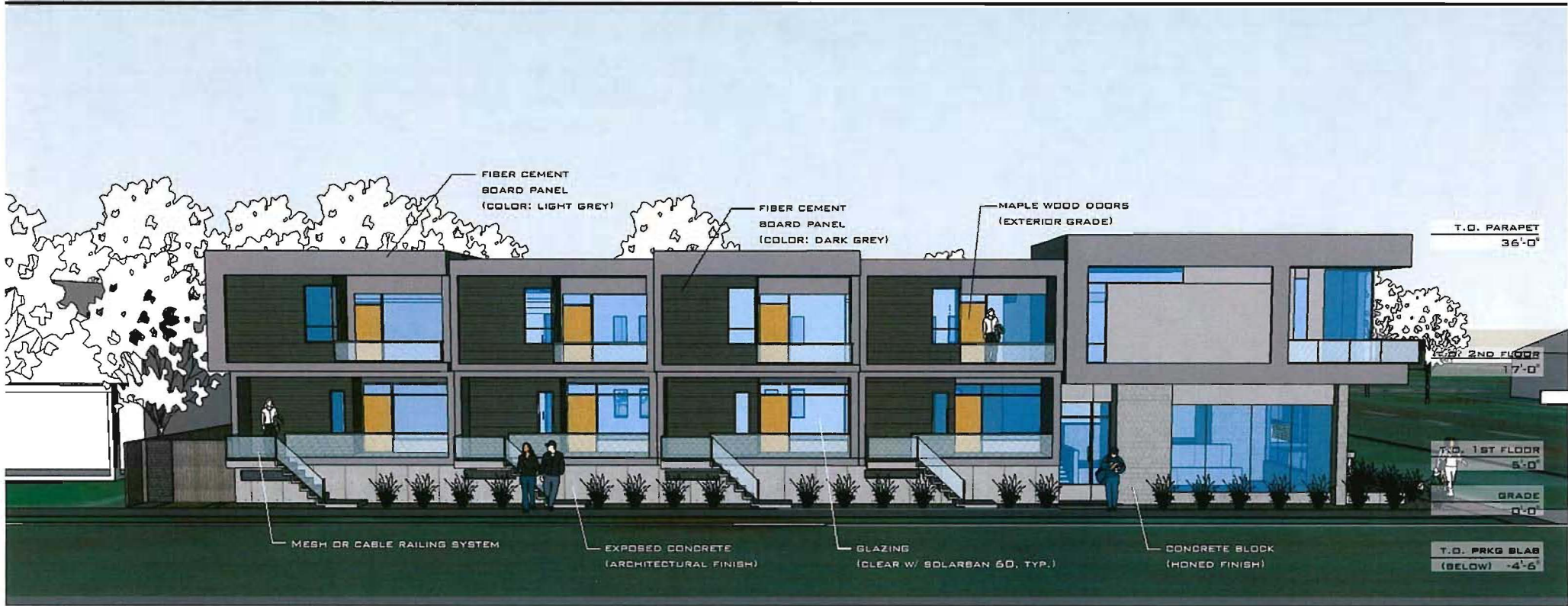
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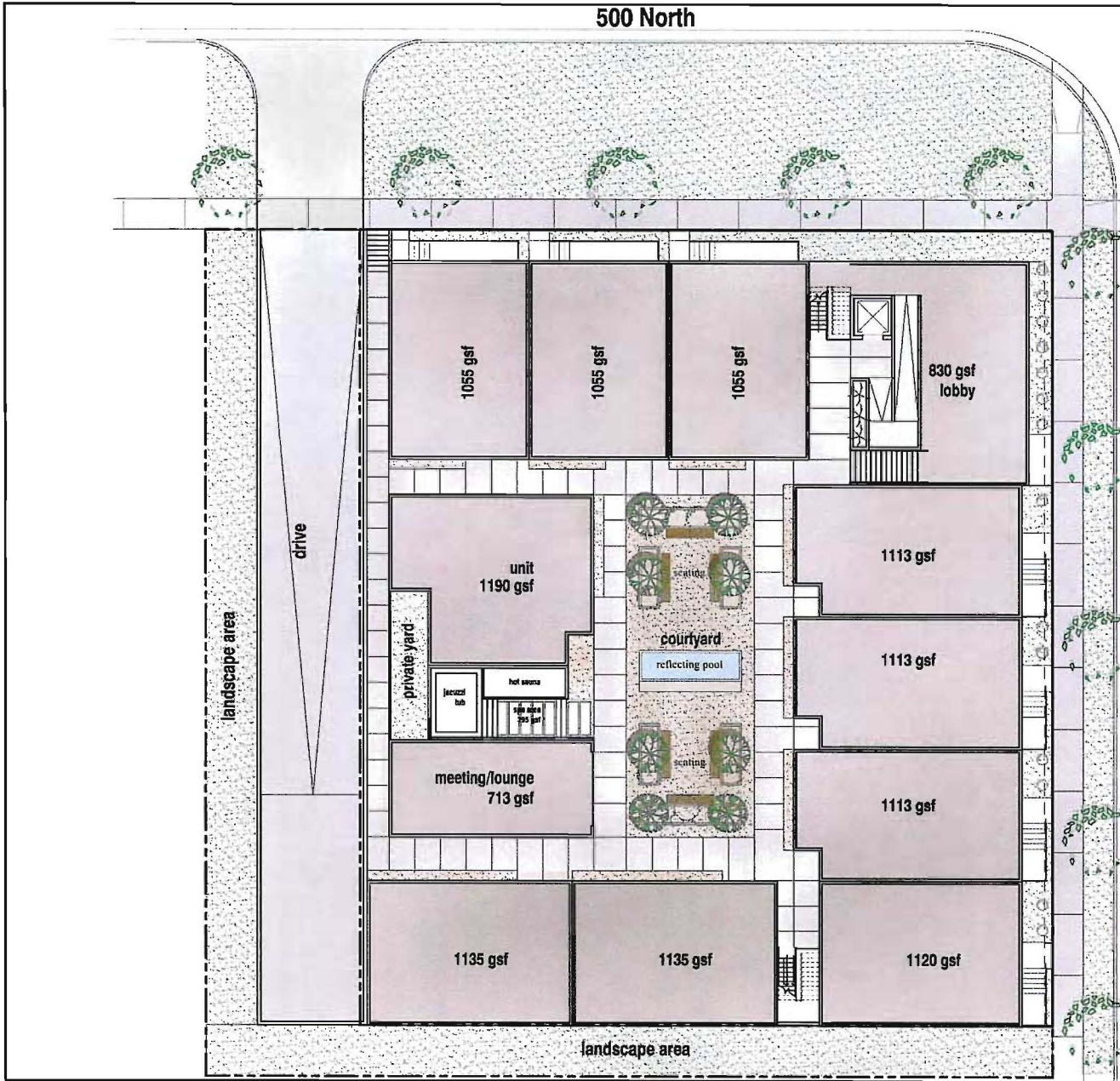
sheet number

AS101

schematic design



METAVIEW CONDOMINIUMS
02.22.08



LEVEL 1

total building footprint: 13,998 sf

interior common area:
 lobby/elevator: 1513 gsf
 flex space / lounge: 750 gsf
 spa area: 380 gsf
 total: 2643 gsf

exterior common area:
 (walkways, courtyard,
 and stairs)
 = 6927 sf

STUDIO INC.

243 south 400 east, suite 5
 salt lake city, utah 84111
 phone: (801) 632-4422
 fax: (801) 328-4187

METAVIEW DEVELOPMENT
 Building Vision to Real Estate



**the flats at
 capitol hill**
 urban
 condominiums

300 North & 300 West
 Salt Lake City, Utah

project#: 07_0100
 date: March 10, 2008

REVISIONS:

level 1 &
 landscaping

A101

Team Leader Check In Memorandum

RECEIVED
APR 11 2008



Planning and Zoning Division
Department of Community Development

To: Ordinance Review & Resolution Team Leader
From: Everett Joyce *EJ*
Date: April 8, 2008
Re: Transmittal of Petitions 400-07-37 and 400-07-38

W. A. / 4/8/08

Petitions 400-07-37 Master Plan Amendment and 400-07-38 Zoning Map Amendment by Capitol Hill Investments Partners, for property at 477 North 300 West requesting rezoning from Community Business CB to Residential Mixed Use RMU-45 and amending the Capitol Hill Community Master Plan Future Land Use Map from General Commercial to Medium Mixed Use.