

FRANK B. GRAY
DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR


RALPH BECKER
MAYOR

MARY DE LA MARE-SCHAEFER
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR

CITY COUNCIL TRANSMITTAL





David Exeritt, Chief of Staff

Date Received: _____

Date Sent to City Council: 7/31/2009

TO: Salt Lake City Council
Carlton Christensen, Chair

DATE: July 31, 2009

FROM: Frank Gray, Community & Economic
Development Department Director

RE: Request for an extension of Ordinance 55 of 2006 regarding Petition 400-05-40 by HOWA Capital. This ordinance amend the Capitol Hill Master Plan and Zoning Map for properties generally located on the east and west sides of 300 West Street between 500 and 600 North Streets from a variety of zoning designations to Residential/Mixed Use (R-MU) zoning

STAFF CONTACTS: Joel Paterson, AICP, Planning Manager, at 801-535-6141 or joel.paterson@slcgov.com

RECOMMENDATION: That the City Council consider the requested extension of Ordinance 55 of 2006

DOCUMENT TYPE: Resolution

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: Ordinance 55 of 2006 was approved by the City Council on August 8, 2006. The ordinance rezoned properties owned by HOWA Capital that are generally located on the east and west sides of 300 West between 500 North and 600 North from SR-1 Special Development Pattern Residential, CS Commercial Shopping, RMF-45 Residential Moderate /High Density Residential, RMF-35 Moderate Density Multi-family Residential and MU Mixed Use to R-MU Residential Mixed Use. The ordinance also amended the Capitol Hill Master Plan as a part of Petition 400-05-40. The petitioner, HOWA Capital, is requesting the extension so that

negotiations with Redevelopment Agency may continue efforts to finalize a development agreement. See the attached letter in Exhibit 1.

Analysis: Ordinance 55 of 2006, attached as Exhibit 3, was approved by the City Council as part of a development proposal that was reviewed and approved by the Historic Landmark Commission and the Planning Commission. The Planning Division supports the petitioner's request to extend the approval of the Zoning Map and Master Plan amendments.

A resolution prepared by the City Attorney's Office is attached as Exhibit 2.

PUBLIC PROCESS:

Time extension requests do not require a public input process.

Exhibit 1
Letter Requesting an Extension
of Ordinance 55 Of 2006



July 29, 2009

Cindy Gust-Jenson
Executive Director of Salt Lake City Council
451 South State Rm 304
PO BOX 145476
Salt Lake City, Utah 84114-5476

VIA: Email- cindy.gust-jenson@slcgov.com

RE: Ordinance 55 of 2006 extension for 1 year

Dear Ms. Gust-Jenson,

We seek to petition the Salt Lake City Council to amend Ordinance number 55 of 2006 and extend it for a period of one year. The ordinance is set to expire on August 8th 2009.

Ordinance 55 of 2006 sets forth a condition that if the Development Agreement between the Redevelopment Agency of Salt Lake City and HOWA Capital remains unsigned by August 2009, then the approved Residential Mixed Project Zoning for the Marmalade project will revert back to its previous zoning.

The signing of the Development Agreement between HOWA and the RDA has been delayed for several reasons. The Development Agreement is now on a different timeframe than anticipated at the time of the original ordinance. We have been working very closely with the RDA on coming up with a plan that will suit the needs and obligations of the Purchase and Sale Agreement.

We thank the City Council for their consideration of this extension and appreciate their patience of the City Council as all parties work together to build a community project of enduring value.

Thank you for your assistance.. Please feel free to contact me if you have any further questions.

Sincerely,

J.R. Howa

CC:
Janice.Jardine@slcgov.com
Eric.jergensen@slcgov.com
Janice.aramaki@slcgov.com
Jill.Wilkerson-Smith@slcgov.com

Exhibit 2

Resolution

RESOLUTION NO. _____ OF 2009

A resolution extending the time period for satisfying
the conditions set forth in Ordinance No. 55 of 2006.
(Properties generally located on the east and west sides
of 300 West between 500 and 600 North)

WHEREAS, the City Council enacted Ordinance No. 55 of 2006 on August 8, 2006; and

WHEREAS, that ordinance imposed the condition that the applicant enter into a
development agreement with the Redevelopment Agency of Salt Lake City that must be
approved and executed within one (1) year from the date that the ordinance was enacted; and

WHEREAS, the ordinance also provided that the City Council may extend the time
period for satisfying the conditions set forth in the ordinance "for good cause shown"; and

WHEREAS, by Resolution 50 of 2007, the City Council extended the one (1) year
deadline an additional year; and

WHEREAS, by Resolution 34 of 2008, the City Council extended the one (1) year
deadline an additional year; and

WHEREAS, the City Council finds that there is good cause to extend the deadline in the
ordinance;

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

SECTION 1. The deadline set forth in Section 5 of Ordinance No. 55 of 2006 as
extended by Resolutions 50 of 2007 and 34 of 2008 shall be and hereby is extended to August 8,
2010 for the applicant to satisfy the condition set forth in Section 4 of that ordinance, and said
ordinance shall become null and void on that date if the condition established therein is not
satisfied.

DATED this _____ day of _____, 2009.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2009.

SALT LAKE CITY COUNCIL

By: _____
CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

APPROVED AS TO FORM

Salt Lake City Attorney's Office

Date: July 31, 2009

By: 
Paul C. Nielson, Senior City Attorney

Exhibit 3

Ordinance 55 of 2006

SALT LAKE CITY ORDINANCE

No. 55 of 2006

(Rezoning Properties on the East and West Sides of 300 West Street, Between 500 North Street and 600 North Street, and Amending the Capitol Hill Master Plan)

REZONING PROPERTIES GENERALLY LOCATED ON THE EAST AND WEST SIDES OF 300 WEST STREET, BETWEEN 500 NORTH STREET AND 600 NORTH STREET, FROM THEIR RESPECTIVE ZONING DESIGNATIONS, INCLUDING SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT (SR-1), COMMUNITY SHOPPING DISTRICT (CS), MODERATE/HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (RMF-45), MODERATE DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (RMF-35), AND MIXED USE DISTRICT (MU), TO RESIDENTIAL/MIXED USE DISTRICT (R-MU), AND AMENDING THE CAPITOL HILL MASTER PLAN, PURSUANT TO PETITION NO. 400-05-40.

WHEREAS, the Planning Commission and the City Council of Salt Lake City, Utah, have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and any local master plan as part of their deliberations. Pursuant to these deliberations, the City Council has concluded that the proposed amendments to the Master Plan and change of zoning for the properties generally located on the East and West sides of 300 West Street, between 500 North Street and 600 North Street, is appropriate for the development of the community in that area and in the best interest of the city.

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

SECTION 1. REZONING OF PROPERTIES. The properties generally located on the East and West sides of 300 West Street, between 500 North Street and 600 North Street, which are more particularly described on Exhibit "A" attached hereto and identified therein as the "East Parcel" and "West Parcel," shall be and hereby are rezoned from their respective zoning designations, including: 1) Special Development Pattern Residential District (SR-1), 2) Community Shopping District (CS), 3) Moderate/High Density Multi-Family Residential District (RMF-45), 4) Moderate Density Multi-Family Residential District (RMF-35), and 5) Mixed Use District (MU), to

Residential/Mixed Use District (R-MU).

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

SECTION 3. AMENDMENT OF MASTER PLAN. The Capitol Hill Master Plan, as previously adopted by the Salt Lake City Council, shall be, and hereby is amended consistent with the rezoning set forth herein and shall be further amended to reflect "high density mixed use" rather than "general commercial" for the properties located on the East side of 300 West Street, between 500 North Street and 600 North Street, which are more particularly described on Exhibit "A" attached hereto and identified therein as the "East Parcel."

SECTION 4. CONDITIONS. This Ordinance is conditioned upon a Development Agreement executed by the RDA Board and confirmed by resolution of the City Council.

SECTION 5. EFFECTIVE DATE. The City Recorder is instructed not to publish or record this Ordinance until the Director of the RDA has identified that the conditions set forth herein have been satisfied. If the conditions set forth herein have not been satisfied within one year after adoption, the Ordinance shall become null and void.

SECTION 6. TIME. The City Council may, by resolution, for good cause shown, extend the deadlines set forth herein.

Passed by the City Council of Salt Lake City, Utah this 8th day of August, 2006.

Bill No. 55 of 2006.

Published: has conditions.