
SALT LAKE CITY COUNCIL STAFF

Memorandum

DATE: March 24, 2010

SUBJECT: Petition 400-06-49 – Request to re-adopt an ordinance rezoning property at 1955 East Stratford Avenue (approximately 2570 South 2000 East) from Open Space (OS) to Institutional (I) (Redeemer Lutheran Church and School)

STAFF REPORT BY: Janice Jardine and Nick Tarbet

ADMINISTRATIVE DEPT. AND CONTACT PERSON: Community Development Department, Planning Division
Nick Britton, Principal Planner

POTENTIAL MOTIONS:

1. ["I move that the Council"] Adopt an ordinance amending Ordinance 58 of 2008 rezoning property located at approximately 1955 East Stratford Avenue and extend the time period for satisfying conditions of the rezoning.
 2. ["I move that the Council"] Not adopt a resolution reactivating action taken by the Council on July 22, 2008 to rezone property located at approximately 1955 East Stratford Avenue from Open Space (OS) to institutional (I).
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The following information was provided previously for the Council Work Session on March 2, 2010. It is provided again for background purposes.

- The original Council staff report prepared for this rezoning request is attached for additional background.

KEY ELEMENTS:

- A. An ordinance has been prepared that would reactivate action taken by the Council on July 22, 2008 to rezone property located at approximately 1955 East Stratford Avenue from Open Space (OS) to institutional (I) subject to specific conditions. (Please see items B-D below for additional details.) The Council's motion was to adopt the ordinance rezoning the property and adopt a legislative intent requesting that the Administration:
 1. Outline the cost of capital improvements to Hillcrest Park in a manner consistent with the Sugar House Master Plan.
 2. Provide information as to whether these improvements are included in the City's Ten Year CIP.
 3. Begin the process of amending the land use map in the Sugar House Master Plan to reflect the adopted ordinance.
- B. Ordinance No. 58 of 2008 approved by the Council in 2008 included specific conditions (listed below) and required that all conditions be met within one year (July 22, 2009) or the ordinance would expire.
Conditions:

1. Petitioner will transfer to Salt Lake City the land originally intended to be retained by Salt Lake City.
 2. Petitioner shall modify the current irrigation system, at his, her or its sole expense, so that the irrigation system for Hillcrest Park will still remain intact and useable after the proposed church expansion, as certified by the City's Director of Public Services.
 3. Petitioner shall revise the current use agreement with the City to properly reflect the adjusted boundaries and public access and public parking areas of the property to be rezoned, as certified by the City's Director of Public Services.
 4. Petitioner shall revise the current use agreement with the City to properly reflect that the petitioner is required to modify the current irrigation system, and will also acknowledge that maintenance of the irrigation system will not transfer to the City until modifications have been satisfactorily completed.
- C. In November 2009, the Council office received paperwork from the Administration to extend the ordinance time expiration date. (The original ordinance expired on July 22, 2009.) The Administration noted the following:
1. Redeemer Lutheran Church and School has been working with various departments within the City since the ordinance was adopted by the Council and had met all of the conditions prior to the expiration deadline.
 2. Toward the end of June, Public Utilities added additional requirements which delayed the permitting process.
 3. Redeemer requested a time extension prior to the ordinance expiration date in a letter to the Planning Division dated July 1, 2009.
 4. The delay in forwarding this to the City Council occurred because the letter was not directly delivered to the appropriate staff and additional research was needed to determine what was required by the Public Utilities office.
- D. In response to questions raised by the Council Chair and Vice Chair relating to whether the Council could extend the expiration date for an ordinance that had expired, the Attorney's office provided the following information.
1. The validity of the original ordinance has expired by its terms and it therefore has no legal significance at this time.
 2. If the Council wants to allow the Redeemer Lutheran Church to have more time to meet the conditions, the Council may do so without going back to the Planning Commission if the applicant demonstrates to the Council's satisfaction that there have been no significant changes in circumstances that would make it inappropriate to continue to work from the original Planning Commission recommendation.
 3. If the Council wants to proceed on that basis, it would adopt a new ordinance with a new date. The ordinance would have to be properly noticed for Council action, including a new public hearing before the Council and would include a finding that there has been no significant change in circumstances.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

- A. The Council may wish to request an update from the Administration regarding the Legislative Intent initiated with the adoption of this ordinance. This included a request that the Administration:
1. Outline the cost of capital improvements to Hillcrest Park in a manner consistent with the Sugar House Master Plan.
 2. Provide information as to whether these improvements are included in the City's Ten Year Capital Improvement Program.

3. Begin the process of amending the land use map in the Sugar House Master Plan to reflect the adopted ordinance.
- B. The Council may wish to discuss implementing a formal policy regarding ordinances approved by the Council to clearly articulate the Council's policy position that expired ordinances are indeed expired. In addition, the Council may wish to establish a procedure to require ordinance expiration time extensions be processed by the Administration prior to the expiration date. The purpose would be to allow Council action in a timely manner. The policy would include the following rationale and additional items identified by Council Members.
1. An ordinance is the Council's strongest legislative tool.
 2. Expired ordinances would only be reconsidered by the Council based on extraordinary circumstances and significant findings documenting what makes the reconsideration unique.
 3. Time extension requests should be submitted to the Council at least 2 months in advance of the expiration date.

cc: David Everitt, Karen Hale, Bianca Shreeve, Holly Hilton, Ed Rutan, Lynn Pace, Paul Nielson, Frank Gray, Mary De La Mare-Schafer, Wilf Sommerkorn, Pat Comarell, Cheri Coffey, Joel Paterson, Nick Brintton., City Council Liaisons, Mayors Liaisons

File Location: Community and Economic Development Dept., Planning Division, Rezoning, Redeemer Lutheran Church and School, 1955 East Stratford Avenue

SALT LAKE CITY ORDINANCE
No. _____ of 2010

(Amending Ordinance 58 of 2008)
(Property located at 1955 East Stratford Avenue)

An ordinance amending Ordinance No. 58 of 2008 to extend the time period for satisfying the conditions set forth therein.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on October 24, 2007 to consider a request made by Redeemer Lutheran (“Applicant”) (petition no. 400-06-49) to amend the zoning map to change the zoning designation of property located at 1955 East Stratford Avenue from Open Space (OS) to Institutional (I); and

WHEREAS, the Salt Lake City Council (“City Council”) held a public hearing on July 22, 2008 and enacted Ordinance No. 58 of 2008; and

WHEREAS, in approving Ordinance 58 of 2008, the City Council imposed certain conditions, as expressed therein, and required that those conditions be met within one (1) year from the date that the ordinance was approved; and

WHEREAS, because of additional requirements imposed by the City, the Applicant was unable to meet all of the conditions by the one-year deadline; and

WHEREAS, the Applicant requests that Ordinance 58 of 2008 be reactivated and amended to extend the deadline for its performance of the conditions set forth therein with no substantive modifications to that ordinance other than the performance deadline; and

WHEREAS, the City Council finds that there are no changed circumstances that would require this matter receive additional recommendation from the Planning Commission and that there is good cause to extend the deadline in the ordinance;

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

SECTION 1. The deadline set forth in Section 4 of Ordinance No. 58 of 2008 shall be and hereby is extended from July 22, 2009, to July 22, 2010 for the Applicant to satisfy the conditions set forth in Section 2 of that ordinance, namely that:

- a. Applicant shall transfer to the City property that was originally intended to be retained by the City, which is more particularly identified on Exhibit "B" attached [to Ordinance 58 of 2008], as certified by the City's Property Manager; and
- b. Applicant shall modify the current irrigation system, at its sole expense, so that the irrigation system for Hillcrest Park will still remain intact and useable after the proposed church expansion, as certified by the City's Director of Public Services.

SECTION 2. Effective Date. This Ordinance shall become effective on the date of its first publication. 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 Property Manager and the Director of the City's Public Services Department.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____,
2010.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER
Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2010.
Published: _____.

<p>APPROVED AS TO FORM Salt Lake City Attorney's Office</p> <p>Date: <u>MARCH 23, 2010</u></p> <p>By: <u><i>Paul C. Nielson</i></u> Paul C. Nielson, <i>Senior City Attorney</i></p>

DATED this _____ day of _____, 2010.

SALT LAKE CITY COUNCIL STAFF

Memorandum

DATE: February 25, 2010

SUBJECT: Petition 400-06-49 – Request to re-adopt an ordinance rezoning property at 1955 East Stratford Avenue (approximately 2570 South 2000 East) from Open Space (OS) to Institutional (I) (Redeemer Lutheran Church and School)

STAFF REPORT BY: Janice Jardine and Nick Tarbet

ADMINISTRATIVE DEPT. AND CONTACT PERSON: Community Development Department, Planning Division
Nick Britton, Principal Planner

- The original Council staff report prepared for this rezoning request is attached for additional background.

KEY ELEMENTS:

- A. An ordinance has been prepared that would reactivate action taken by the Council on July 22, 2008 to rezone property located at approximately 1955 East Stratford Avenue from Open Space (OS) to institutional (I) subject to specific conditions. (Please see items B-D below for additional details.) The Council's motion was to adopt the ordinance rezoning the property and adopt a legislative intent requesting that the Administration:
1. Outline the cost of capital improvements to Hillcrest Park in a manner consistent with the Sugar House Master Plan.
 2. Provide information as to whether these improvements are included in the City's Ten Year CIP.
 3. Begin the process of amending the land use map in the Sugar House Master Plan to reflect the adopted ordinance.
- B. Ordinance No. 58 of 2008 approved by the Council in 2008 included specific conditions (listed below) and required that all conditions be met within one year (July 22, 2009) or the ordinance would expire.
- Conditions:
1. Petitioner will transfer to Salt Lake City the land originally intended to be retained by Salt Lake City.
 2. Petitioner shall modify the current irrigation system, at his, her or its sole expense, so that the irrigation system for Hillcrest Park will still remain intact and useable after the proposed church expansion, as certified by the City's Director of Public Services.
 3. Petitioner shall revise the current use agreement with the City to properly reflect the adjusted boundaries and public access and public parking areas of the property to be rezoned, as certified by the City's Director of Public Services.
 4. Petitioner shall revise the current use agreement with the City to properly reflect that the petitioner is required to modify the current irrigation system, and will also acknowledge that maintenance of the irrigation system will not transfer to the City until modifications have been satisfactorily completed.

- C. In November 2009, the Council office received paperwork from the Administration to extend the ordinance time expiration date. (The original ordinance expired on July 22, 2009.) The Administration noted the following:
1. Redeemer Lutheran Church and School has been working with various departments within the City since the ordinance was adopted by the Council and had met all of the conditions prior to the expiration deadline.
 2. Toward the end of June, Public Utilities added additional requirements which delayed the permitting process.
 3. Redeemer requested a time extension prior to the ordinance expiration date in a letter to the Planning Division dated July 1, 2009.
 4. The delay in forwarding this to the City Council occurred because the letter was not directly delivered to the appropriate staff and additional research was needed to determine what was required by the Public Utilities office.
- D. In response to questions raised by the Council Chair and Vice Chair relating to whether the Council could extend the expiration date for an ordinance that had expired, the Attorney's office provided the following information.
1. The validity of the original ordinance has expired by its terms and it therefore has no legal significance at this time.
 2. If the Council wants to allow the Redeemer Lutheran Church to have more time to meet the conditions, the Council may do so without going back to the Planning Commission if the applicant demonstrates to the Council's satisfaction that there have been no significant changes in circumstances that would make it inappropriate to continue to work from the original Planning Commission recommendation.
 3. If the Council wants to proceed on that basis, it would adopt a new ordinance with a new date. The ordinance would have to be properly noticed for Council action, including a new public hearing before the Council and would include a finding that there has been no significant change in circumstances.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

- A. The Council may wish to request an update from the Administration regarding the Legislative Intent initiated with the adoption of this ordinance. This included a request that the Administration:
1. Outline the cost of capital improvements to Hillcrest Park in a manner consistent with the Sugar House Master Plan.
 2. Provide information as to whether these improvements are included in the City's Ten Year Capital Improvement Program.
 3. Begin the process of amending the land use map in the Sugar House Master Plan to reflect the adopted ordinance.
- B. The Council may wish to discuss implementing a formal policy regarding ordinances approved by the Council to clearly articulate the Council's policy position that expired ordinances are indeed expired. In addition, the Council may wish to establish a procedure to require ordinance expiration time extensions be processed by the Administration prior to the expiration date. The purpose would be to allow Council action in a timely manner. The policy would include the following rationale and additional items identified by Council Members.
1. An ordinance is the Council's strongest legislative tool.
 2. Expired ordinances would only be reconsidered by the Council based on extraordinary circumstances and significant findings documenting what makes the reconsideration unique.
 3. Time extension requests should be submitted to the Council at least 2 months in advance of the expiration date.

cc: David Everitt, Karen Hale, Bianca Shreeve, Holly Hilton, Ed Rutan, Lynn Pace, Paul Nielson, Frank Gray, Mary De La Mare-Schafer, Wilf Sommerkorn, Pat Comarell, Cheri Coffey, Joel Paterson, Nick Brintton., City Council Liaisons, Mayors Liaisons

File Location: Community and Economic Development Dept., Planning Division, Rezoning, Redeemer Lutheran Church and School, 1955 East Stratford Avenue

SALT LAKE CITY COUNCIL STAFF REPORT

DATE: July 18, 2008

SUBJECT: Petition 400-06-49: Zoning Map request by Redeemer Lutheran Church and School to rezone a segment of 2570 South 2000 East from “Open Space” to “Institutional” (located at approximately 1955 East Stratford Avenue)

AFFECTED COUNCIL DISTRICTS: If the ordinance is adopted the proposed amendments would affect Council District 7

STAFF REPORT BY: Sarah Church, Policy Analyst

ADMINISTRATIVE DEPT. AND CONTACT PERSON: Community Development Department, Planning Division
Nick Britton, Principal Planner

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

POTENTIAL MOTIONS:

1. [“I move that the Council”] **Adopt an ordinance** rezoning property at approximately 1955 East Stratford Avenue from “Open Space” to “Institutional” pursuant to petition 400-06-49.
2. [“I move that the Council”] **Not adopt the proposed ordinance** rezoning property at approximately 1955 East Stratford Avenue from “Open Space” to “Institutional” pursuant to petition 400-06-49.

LEGISLATIVE INTENTS:

1. [“I further move that the Council”] request information from the Administration to outline the cost of capital improvements to Hillcrest Park in a manner consistent with the Sugar House Master Plan and to provide information as to whether these improvements are included in the City’s 10 year plan.
2. [“I further move that the Council”] request that the Administration begin the process of amending the land use map in the Sugar House Master Plan to reflect the adopted ordinance.

NEW INFORMATION:

- At the work session briefing on July 1st, Council Member Simonsen noted that a constituent had raised an issue with the proposed ordinance. Council Staff followed up with the constituent, who voiced concern that the overall area of Hillcrest Park as it is currently laid out will be reduced due to Redeemer Lutheran Church’s proposed development plan. As noted in the July 1st staff report, the amount of open space will decrease, however the rezone would be in line with the Council’s original intent in 1987. In addition, public access to Hillcrest Park through the Redeemer Lutheran Church property will remain, as stipulated in one of the conditions in the proposed ordinance.

ATTACHMENTS:

- A. Ordinance
- B. Attachment A – Vicinity Map
- C. Attachment B – Site Plan
- D. Attachment C – Proposed Property Line
- E. Attachment D – Original 1987 Property Line
- F. Attachment E – Original 1989 Quit Claim Deed

The following information was provided previously for the July 1, 2008 Council Work Session.

KEY ELEMENTS:

- A. An ordinance has been prepared for Council consideration to rezone property located at approximately 1955 East Stratford Avenue from “Open Space” to “Institutional” subject to the following conditions. The City Recorder is instructed not to record the ordinance until the conditions have been met and certified by the Planning Director. If the conditions have not been met within one year the ordinance shall become null and void. The City Council may, for good cause shown, by resolution extend the time period for satisfying the conditions.

Conditions:

1. Petitioner will transfer to Salt Lake City the land originally intended to be retained by Salt Lake City (refer to Exhibit “B” in the proposed ordinance).
 2. Petitioner shall modify the current irrigation system, at his, her or its sole expense, so that the irrigation system for Hillcrest Park will still remain intact and useable after the proposed church expansion, as certified by the City’s Director of Public Services.
 3. Petitioner shall revise the current use agreement with the City to properly reflect the adjusted boundaries and public access and public parking areas of the property to be rezoned, as certified by the City’s Director of Public Services.
 4. Petitioner shall revise the current use agreement with the City to properly reflect that the petitioner is required to modify the current irrigation system, and will also acknowledge that maintenance of the irrigation system will not transfer to the City until modifications have been satisfactorily completed.
- B. Key points from the Administration’s transmittal and Planning Staff Report are summarized below. (Please see the Administration’s transmittal letter dated February 7, 2008 and the Planning Staff Report dated October 4, 2007 for additional details).
 1. The proposed petition would rezone 0.372 acres from Open Space to Institutional (Exhibit “A” in proposed ordinance).
 2. The proposed petition would included the transfer of 0.372 acres to Salt Lake City which would also be zoned Open Space (Exhibit “B” in the proposed ordinance).
 3. The proposed petition would institute several conditions:
 - a. Petitioner will transfer to Salt Lake City the land originally intended to be retained by Salt Lake City (refer to Exhibit “B” in the proposed ordinance).
 - b. Petitioner shall modify the current irrigation system, at his, her or its sole expense, so that the irrigation system for Hillcrest Park will still remain intact and useable after the proposed church expansion, as certified by the City’s Director of Public Services.

- c. Petitioner shall revise the current use agreement with the City to properly reflect the adjusted boundaries and public access and public parking areas of the property to be rezoned, as certified by the City's Director of Public Services.
 - d. Petitioner shall revise the current use agreement with the City to properly reflect that the petitioner is required to modify the current irrigation system, and will also acknowledge that maintenance of the irrigation system will not transfer to the City until modifications have been satisfactorily completed.
4. This action would allow the Redeemer Lutheran Church and School to expand their current parking lot and add a recreation facility to their campus (For details, see attachments to this staff report: Attachment A – Vicinity Map; Attachment B – Proposed Site Master Plan).
5. This ordinance seeks to correct the deed, property lines, and zoning for the subject parcel, as was intended in 1987. (See Administration's transmittal letter dated February 7, 2008) Key points include:
- a. The City closed a segment of Hillcrest Avenue (2570 South 2000 East) in 1987 (Ordinance No. 74 of 1987).
 - b. Redeemer Lutheran Church purchased 0.359 acres of the vacated street; the remainder of the street was to be retained by the City and incorporated into a proposed park (Hillcrest Park).
 - c. The quit-claim deed recorded in 1989 included an incorrect legal description and as a result the entire street was deeded to Redeemer Lutheran Church.
 - d. In 1994 Redeemer Lutheran Church and the City entered into an agreement that allowed the City to use and maintain Redeemer Lutheran Church's half of the abandoned street for use as part of Hillcrest Park.
 - e. The proposed petition would deed back to the City, the 0.372 acres of the vacated street originally intended to remain in City ownership.
- C. The purpose of the "OS" Open Space District is to preserve and protect areas of public and private open space and exert a greater level of control over any potential redevelopment of existing open space areas.
- D. The purpose of the "I" Institutional District is to regulate the development of larger public and semipublic uses in a manner harmonious with surrounding uses. The uses regulated by this district are generally those having multiple buildings on a campus like site.
- E. The public process included two presentations to the Sugar House Community Council, two public hearings before the Planning Commission, and written notification of the Planning Commission public hearing to property owners within a 450 foot radius of the subject property. The Planning staff report notes:
- **Sugar House Community Council**
 - a. February 7, 2007: The Sugar House Community Council did not vote to forward a recommendation to the Planning Commission. Concerns expressed included traffic cutting through the proposed parking lot, the possibility of the applicant placing a fence between their property and the park, and confusion regarding ownership of the subject parcel.
 - b. September 5, 2007: The Sugar House Community Council expressed concern over the protection of existing open space. Members of the community council were generally supportive of rezoning the property to reflect the proposed modified parcel boundaries.
- F. The Planning staff report provides findings for the Zoning Ordinance Section 21A.50.050 - Standards for General Amendments. The standards were evaluated in the Planning staff report and considered by the Planning Commission (Discussion and findings for the standards are found on pages 5-6 of the Planning staff report dated October 24, 2007).

- G. The project has been reviewed by the appropriate City Departments/Divisions. The Building Services Division noted that parking setback and open space requirements must be met, and that at the time of applying for a building permit, the applicant must provide parking calculations. Public Services did not have objections but recommended certain conditions to be included as part of the rezoning approval. The Fire Department, Public Utilities Department, and Transportation Division had no objections to the proposed rezoning or addition; however, all requested more information as the applicant's proposed development progresses.
- H. On October 24, 2007, the Planning Commission held a public hearing and voted to forward a positive recommendation to the City Council to rezone the property subject to the conditions identified by the Planning Commission.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

- A. The Council may wish to consider amending the land use map in the Sugar House Master Plan in a future action. Amending the land use map is not included as a potential Council action within the Administration's transmittal and ordinance. The transmittal notes: "The subject parcel does not appear as a parcel on the future land use map (it still appears as an open street)."
- B. The Council should be aware that if the rezoning is approved, the amount of open space will decrease, however the rezone would be in line with the Council's original intent in 1987. In addition, public access to Hillcrest Park through the Redeemer Lutheran Church property will remain, as stipulated in one of the conditions in the proposed ordinance.
- C. The Council may wish to consider that the Sugar House Community Council recommended a condition be included in the ordinance that would allow for the completion of improvements to Hillcrest Park as noted in the Sugar House Master Plan.
- D. The Council may wish to discuss with the Administration how parking and traffic concerns have been addressed.
- E. The Council may wish to discuss with the Administration whether the church's proposed new parking lot and recreation facility would affect the inclusion of Hillcrest Park into the Parley's Creek Corridor trail system as identified in the Salt Lake City Open Space Plan.

BUDGET RELATED FACTS

The proposed petition includes the transfer of 0.393 acres to Salt Lake City. Property Management indicates that the City has no obligation to purchase the property, as the legal description included in the deed which conveyed the title in 1989 to the property to Redeemer Lutheran Church was in error.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Administration's paperwork and Planning staff report notes:
 - 1. The Sugar House Master Plan adopted in 2001 shows the subject property as an open street and does not appear as a parcel on the future land use map. The parcel to the north (Hillcrest Park) has a future land use of "Parks and Open Space" and the parcel to the south (Redeemer Lutheran Church and School) has a future land use of "Institutional and Public Lands".
 - 2. The future land use map in the Sugar House Master Plan shows the vacated Hillcrest Avenue as the dividing line between Open Space and Institutional uses.

3. The Salt Lake City Open Space Plan, adopted in 1992 identifies this area (including Hillcrest Park) as a park and indicates that it should be retained to provide access to the Parley's Creek Corridor. Planning Staff notes that approval of this petition will not substantially affect the inclusion of Hillcrest Park in the Parley's Creek Corridor system.
- B. The Sugar House Master Plan (2005) notes support of open space and details needed improvements to Hillcrest Park. The Master Plan also indicates the need to evaluate transportation impacts to any changes in land use, which could be pertinent to Redeemer Lutheran's intended expansion project.
1. Hillcrest Park is a 0.75-acre Mini Park. Needed improvements include grading, improved drainage, additional benches, trash receptacles, landscaping, lighting, and concrete walkways. There is also an opportunity to connect this park to the Parley's Creek Corridor trail system that will run east-west from Parley's Canyon to the Sugar House Business District (p.8).
 2. General Master Plan Policy (p.1) Policies that support the maintenance and enhancement of recreational and natural resources such as parks, open space and trails.
 3. Open Space Policy (p.8 - 9):
 - i. Create sufficient park space for residents to walk to within their neighborhood.
 - ii. Improve and maintain existing park facilities and support ongoing funding.
 - iii. Support the implementation of the Salt Lake City Open Space Plan, and the continued development of greenways and trails. This plan incorporates the Salt Lake City Open Space Plan by reference into the Sugar House Master Plan.
 4. Land Use and Transportation Policies (p.11):
 - i. Ensure that decisions made for planning, zoning, public works projects, or any other public or private investment are guided by a full understanding of the relationships between land use and transportation impacts.
 - ii. Require traffic impact studies for projects considered significant to determine the cumulative impact of adding the new development to the area.
- C. The Transportation Master Plan (1996) provides direction that residential neighborhoods should be protected from the negative impact of overflow parking from adjacent land uses (p.9).
- D. The Council's growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
1. Is aesthetically pleasing;
 2. Contributes to a livable community environment;
 3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
 4. Forestalls negative impacts associated with inactivity.

CHRONOLOGY:

The Administration's transmittal provides a chronology of events relating to the proposed rezoning and master plan amendment. Key dates are listed below. Please refer to the Administration's chronology for details.

- November 30, 2006:** Application received by Planning Division.
- February 7, 2007:** Proposal presented by applicant to Sugar House Community Council.
- March 14, 2007:** First Planning Commission public hearing. Item tabled for further review.
- September 5, 2007:** Planning presented modified proposal to Sugar House Community Council.
- October 24, 2007:** Second Planning Commission public hearing. Motion to recommended approval passed unanimously.
- November 2, 2007:** Ordinance requested from City Attorney's Office.
- November 15, 2007:** Ordinance received.
- November 19, 2007:** Legal descriptions received from Engineering.
- February 15, 2008:** Transmittal received in City Council office

cc: David Everitt, Esther Hunter, Lyn Creswell, Ed Rutan, Lynn Pace, Melanie Reif, Paul Neilson, Frank Gray, Mary De La Mare -Schaefer, Cheri Coffey, Joel Paterson, Nick Britton, Val Pope, Rick Graham, Max Peterson, John Spencer, Steve Fawcett, Lynn Curt, City Council Liaisons, Community Affairs Specialists

File Location: Community and Economic Development Dept., Planning Division, Rezoning, Redeemer Lutheran Church and School, 1955 East Stratford Avenue (approximately 2570 South 2000 East)

JUN 25 2008

SALT LAKE CITY ORDINANCE

No. _____ of 2008

(Redeemer Lutheran Rezone: Rezoning Property Generally Located at 1955 East Stratford Avenue from Open Space (OS) to Institutional (I), with conditions and time limitation)

AN ORDINANCE REZONING PROPERTY GENERALLY LOCATED AT
1955 EAST STRATFORD AVENUE, FROM OPEN SPACE (OS) TO
INSTITUTIONAL (I), PURSUANT TO PETITION NO. 400-06-49.

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 generally located at 1955 East Stratford Avenue, which is more particularly identified on Exhibit "A" attached hereto, shall be and hereby are rezoned from Open Space (OS) to Institutional (I).

SECTION 2. Conditions. This rezoning is conditioned upon the following:

a. Petitioner shall transfer to the City property that was originally intended to be retained by the City, which is more particularly identified on Exhibit "B" attached hereto, as certified by the City's Property Manager.

b. Petitioner shall modify the current irrigation system, at his, her or its sole expense, so that the irrigation system for Hillcrest Park will still remain intact and useable after the proposed church expansion, as certified by the City's Director of Public Services.

c. Petitioner shall revise the current use agreement between itself and the City to properly reflect the adjusted boundaries and public access and public parking areas of the property rezoned herein, as certified by the City's Director of Public Services.

d. Petitioner shall also revise the current use agreement between itself and the City to properly reflect that petitioner is required to modify the current irrigation system, as explained in paragraph 2b above, and shall further acknowledge that maintenance of the current irrigation system will not transfer to the City until petitioner has satisfactorily completed the modification of said system, as certified by the City's Director of Public Services.

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

SECTION 4. 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 25, 2008
By Melanie Pfeiffer

HB_ATTU-#2555-v1-Rezoning_property_located_at_1955_East_Stratford_Avenue.DOC

EXHIBIT "A"

Beginning at a point that is east 16.92 feet and south 1.69 feet and $S00^{\circ}10'01''W$ 50.90 feet from the Southwest corner of Lot 1, South Country Club Heights Subdivision, part of the Southwest Quarter of Section 22 and part of the Southeast Quarter of Section 21, Township 1 South, Range 1 East, Salt Lake Base and Meridian; thence $S89^{\circ}49'59''E$ 78.51 feet; thence $S55^{\circ}07'39''E$ 46.70 feet to a point of curve, radial line bears $S34^{\circ}52'21''W$; thence southeasterly 222.02 feet along a 617.01 foot radius curve to the right; thence $S34^{\circ}30'39''E$ 56.04 feet; thence $S00^{\circ}09'36''W$ 74.32 feet to the south line of the closed Hillcrest Avenue; thence northwesterly along the south line of said avenue the following four courses, $N34^{\circ}30'39''W$ 117.16 feet to a point of curve, radial line bears $S55^{\circ}29'21''W$; thence northwesterly 206.80 feet along a 574.73 foot radius curve to the left; thence $N55^{\circ}07'39''W$ 53.49 feet to a point of curve, radius bears $S34^{\circ}52'21''W$; thence northwesterly 53.51 feet along a 133.09 foot radius curve to the left; thence $N00^{\circ}10'01''E$ 9.97 feet to the point of beginning, contains 0.3721 acres more or less.

EXHIBIT "B"

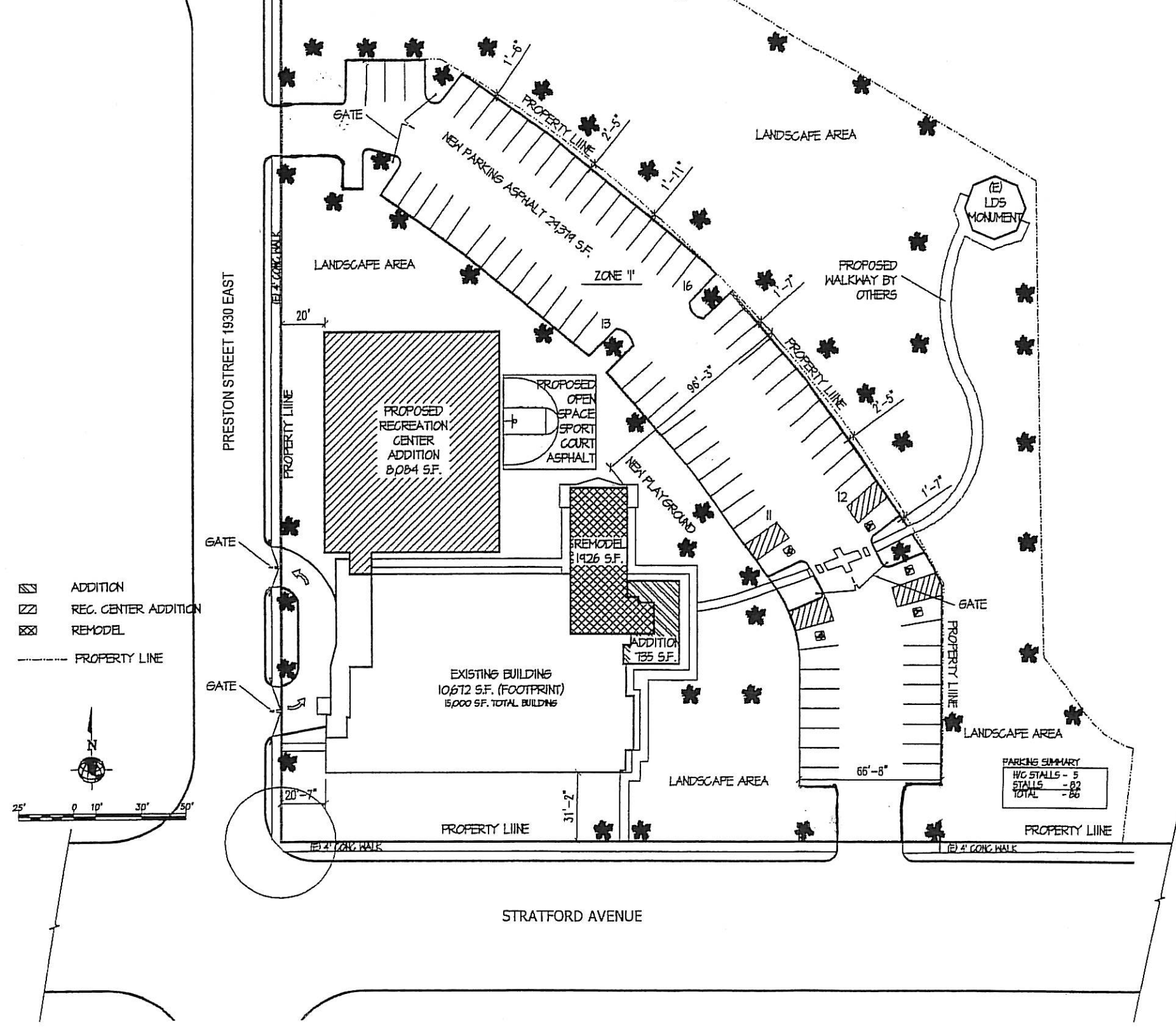
HILLCREST AVENUE (SLC PORTION OF ABANDONED ROAD)

BEGINNING AT A POINT ON A CURVE THAT IS EAST 16.92 FEET AND SOUTH 1.69 FEET FROM THE SOUTHWEST CORNER OF LOT 1, SOUTH COUNTRY CLUB HEIGHTS SUBDIVISION, PART OF THE SOUTHWEST QUARTER OF SECTION 22 AND PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN. RADIAL LINE BEARS S08°10'52"W AND A RADIUS OF 193.09 FEET; THENCE ALONG THE CURVE TO THE RIGHT 89.95 FEET TO A POINT OF TANGENCY; THENCE S55°07'39"E 53.49 FEET TO A POINT OF CURVE, RADIAL LINE BEARS S34°52'21"W AND A RADIUS OF 634.73 FEET; THENCE ALONG THE CURVE TO THE RIGHT 228.39 FEET TO A POINT OF TANGENCY; THENCE S34°30'39"E 145.64 FEET TO A POINT OF CURVE, RADIAL LINE BEARS N55°29'21"E AND A RADIUS OF 46.43 FEET; THENCE ALONG THE CURVE TO THE LEFT 30.53 FEET TO THE WEST RIGHT OF WAY LINE OF 2000 EAST STREET; THENCE S05°34'12"W ALONG SAID RIGHT OF WAY 44.50 FEET TO THE NORTH RIGHT OF WAY LINE OF STRATFORD AVENUE; THENCE N89°50'24"W ALONG SAID RIGHT OF WAY 51.74 FEET TO A POINT OF CURVE, RADIAL LINE BEARS S61°09'47"W AND A RADIUS OF 310.44 FEET; THENCE ALONG THE CURVE TO THE LEFT 30.74 FEET TO A POINT OF TANGENCY; THENCE N34°30'42"W 30.77 FEET; THENCE N00°09'36"E 74.32 FEET; THENCE N34°30'39"W 56.04 FEET TO A POINT OF CURVE, RADIAL LINE BEARS S55°29'21"W AND A RADIUS OF 617.01 FEET; THENCE ALONG THE CURVE TO THE LEFT 222.02 FEET TO A POINT OF TANGENCY; THENCE N55°07'39"W 46.70 FEET; THENCE N89°49'59"W 78.51 FEET TO THE EAST RIGHT OF WAY LINE OF PRESTON STREET; THENCE N00°10'01"E ALONG SAID RIGHT OF WAY 50.90 FEET TO THE POINT OF BEGINNING, CONTAINS 0.372 ACRES MORE OR LESS.





Attachment A

Vicinity Map





10672 S.F. - EXISTING BUILDING
1355 S.F. - ADDITION TO EXISTING BUILDING
8084 S.F. - PROPOSED RECREATION CENTER
24038 S.F. - NEW PARKING ASPHALT
49544 S.F. - TOTAL USED AREA
85863 S.F. - TOTAL ADJUSTED LOT AREA
36314 S.F. - REMAINING OPEN SPACE (O.S.)
O.S. OR I = 43% OF TOTAL LOT SPACE

-  ADDITION
-  REC. CENTER ADDITION
-  REMODEL
-  PROPERTY LINE

PARKING SUMMARY	
HVC STALLS	- 5
STALLS	- 82
TOTAL	- 87

SITE MASTER PLAN

11-02-07

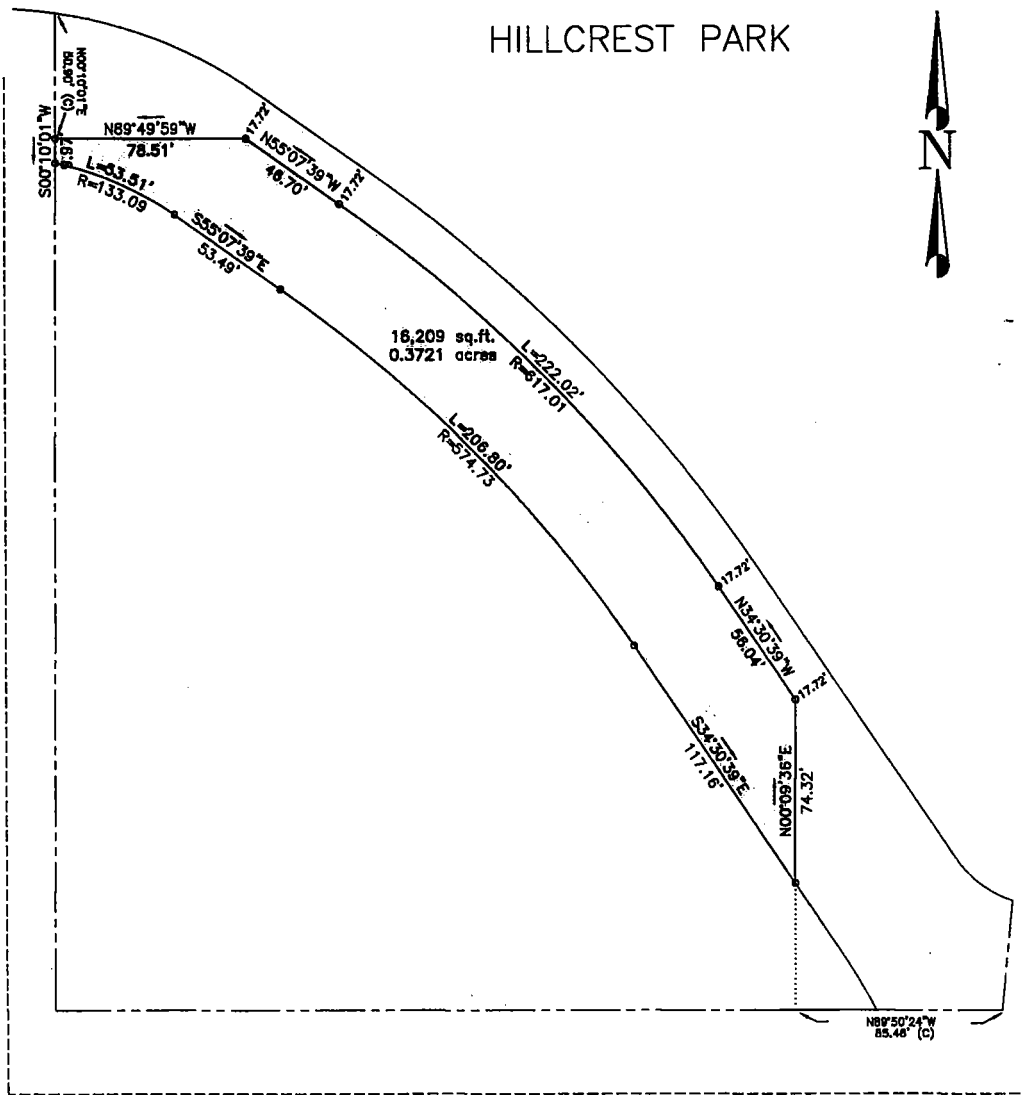


Redeemer Lutheran Church

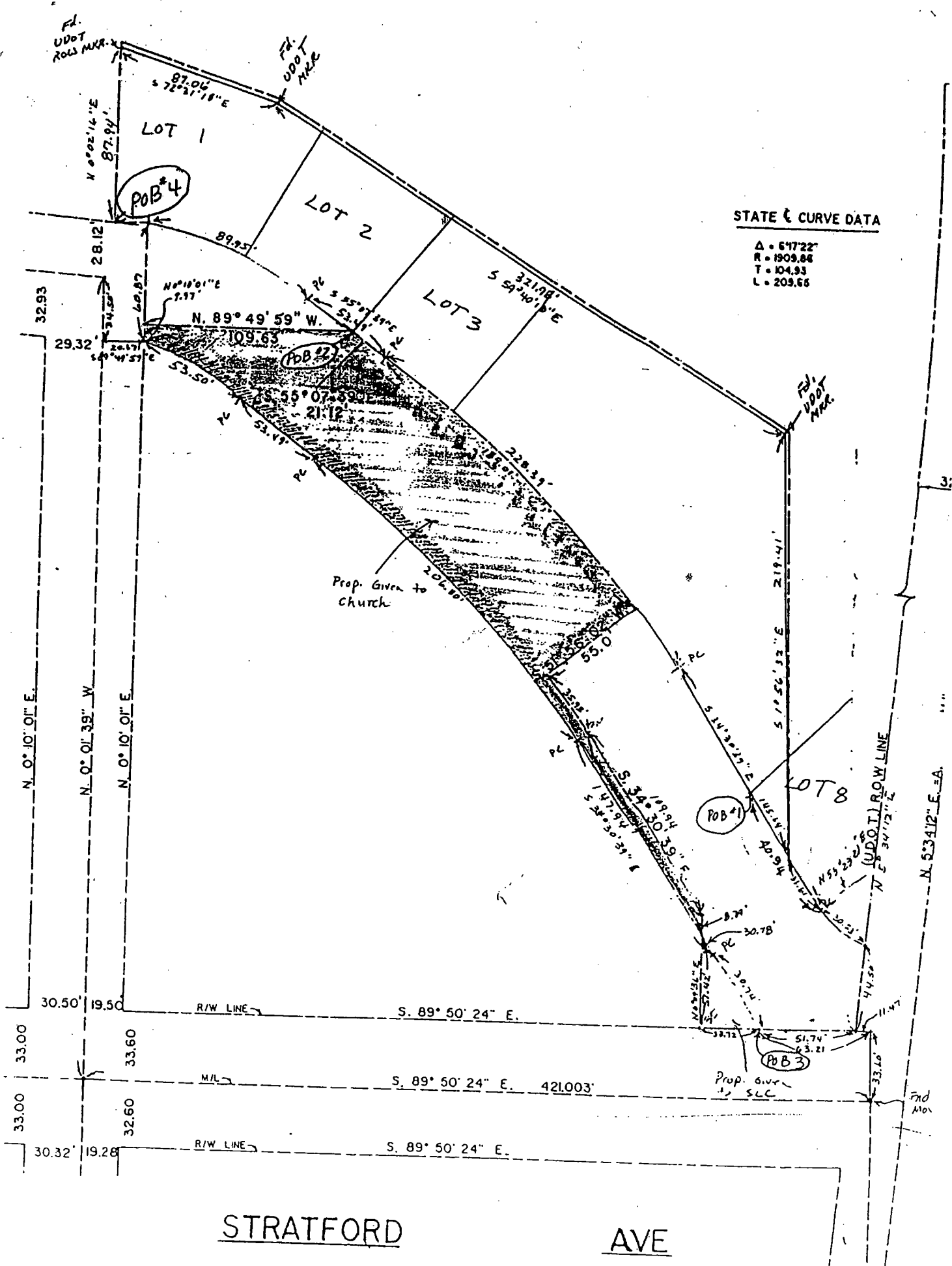
1955 East, Stratford Avenue

Attachment B

Attachment C - Proposed Property Line



Attachment D - Original 1987 Property Line



STRATFORD AVE

Attachment E - Original 1989 Quit Claim Deed

Grantee
1955 E Stratford Ave
SLC, UT 84106

APPROVED

JAN 31 1989

QUIT CLAIM DEED

CITY RECORDER

8217037

SALT LAKE CITY CORPORATION, a municipal corporation of the State of Utah, "GRANTOR", hereby quit claims to the REDEEMER EVANGELICAL LUTHERAN CHURCH, a non-profit corporation of the State of Utah, "GRANTEE", for the sum of TEN AND NO/100ths DOLLARS (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described tract of land located in Salt Lake County, State of Utah, to-wit:

A description of the abandoned portion of Hillcrest Avenue between Preston Street and 2000 East Street, South Country Club Heights Subdivision, part of the southwest quarter of Section 22 and part of the southeast quarter of Section 21, T1S, R1E, Salt Lake Base and Meridian; also, Atlas Plat number 26, Salt Lake City Survey; also, Salt Lake City Record of Survey Certificate #1040, herein described as follows: beginning at the southwest corner of Lot 8, South Country Club Heights Subdivision; thence along the northerly right-of-way line of abandoned Hillcrest Avenue S 34°30'39" E 40.94 feet to a point of curvature, radial line bears N 55°29'21" E; thence, southeasterly along the arc of a curve to the left 30.53 feet, radius 46.43 feet, central angle 37°40'15" to the intersection of the northerly right-of-way line of Hillcrest Avenue and the west right-of-way line of 20th East Street; thence along the west right-of-way line of 20th East Street S 5°34'12" W 44.50 feet to the intersection of the west right-of-way line of 20th East Street and the north right-of-way line of Stratford Avenue; thence N 89°50'24" West 51.74 feet to the intersection of the north right-of-way line of Stratford Avenue with a curve on the southerly right-of-way line of Hillcrest Avenue, radial line bears S 61°09'48" W; thence northwesterly along the arc of a curve to the left 30.74 feet, radius 310.44 feet, central angle 5°40'27" to a point of tangency on Hillcrest Avenue's southerly right-of-way line; thence along the right-of-way line N 34°30'39" W 147.94 feet to a point of curvature, radial line bears S 55°29'21" W; thence northwesterly along the arc of a curve to the left 206.80 feet, radius 574.73 feet, central angle 20°37'00" to a point of tangency on the southerly right-of-way line of Hillcrest Avenue; thence along the right-of-way line

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N 55°07'39" W 53.49 feet to a point of curvature, radial line bears S 34°52'21" W; thence northwesterly along the arc of a curve to the left 53.50 feet, radius 133.09 feet, central angle 23°02'02" to a point of intersection of the southerly right-of-way line of Hillcrest Avenue and the east right-of-way line of Preston Street; thence along the east right-of-way line of Preston Street N 00°10'01" E 60.87 feet to an intersection with a point on curve on the northerly right-of-way line of abandoned Hillcrest Avenue, radial line bears S 8°10'52" W; thence southeasterly along the arc of a curve to the right 89.95 feet, radius 193.09 feet, central angle 26°41'29" to a point of tangency on the northerly right-of-way of Hillcrest Avenue; thence along the right-of-way line S 55°07'39" E 53.49 feet to a point of curvature, radial line bears S 34°52'21" W; thence southeasterly along the arc of a curve to the right 228.39 feet, radius 634.73 feet, central angle 20°37'00" to a point of tangency on the northerly right-of-way line of Hillcrest Avenue; thence along the right-of-way line S 34°30'39" E 104.70 feet to the point of beginning, containing 0.744 acres more or less.

WITNESS the hand of said Grantor this day of JAN 31 1989, 1989.

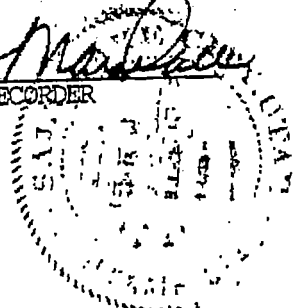
Rolund A. DePaulis

MAYOR
 APPROVED AS TO FORM
 City of Lake City Attorney's Office

Date 1/31/89
 by [Signature]

Attest:

[Signature]
 CITY RECORDER



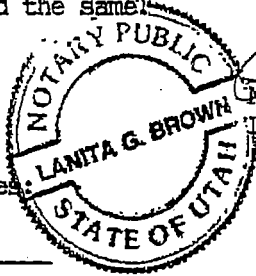
APPROVED
 FINANCE DEPARTMENT
 FUNDS NOT NEEDED

[Signature]

BK 8321 PG 3814

STATE OF UTAH)
 : ss.
County of Salt Lake)

On the _____ day of JAN 31 1989, 1989, personally appeared before me PALMER A. DePAULIS and KATHRYN MARSHALL, who being by me duly sworn, did say that they are the Mayor and City Recorder, respectively, of Salt Lake City Corporation of the State of Utah, and that said instrument was signed in behalf of said corporation, and said persons acknowledged to me that said corporation executed the same:



Lanita G. Brown

NOTARY PUBLIC, residing in Salt
Lake County, Utah

My Commission Expires:

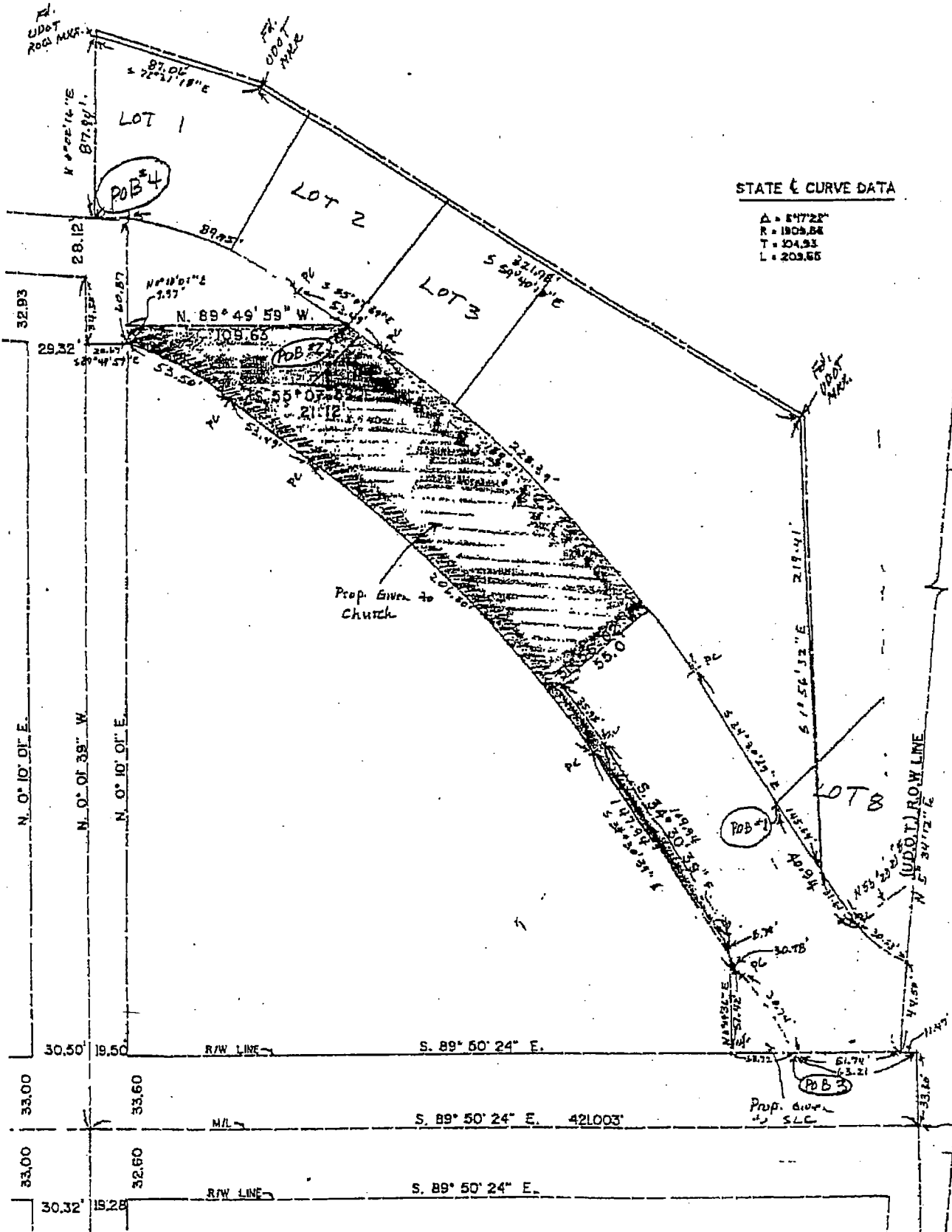
APR 30 1991

BK8321PG3815

PLAT 21 PG 3816

STATE & CURVE DATA

A = 84722'
R = 1809.84
T = 324.93
L = 203.66



STRATFORD AVE

BM 21 PG 3816

SALT LAKE CITY CORPORATION

FRANK B. GRAY
DIRECTOR

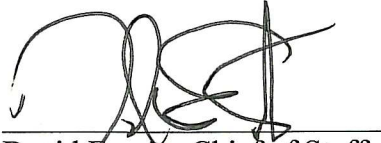
DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

RALPH BECKER
MAYOR

MARY DE LA MARE-SCHAEFER
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR

CITY COUNCIL TRANSMITTAL

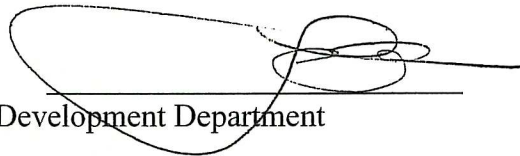

David Everitt, Chief of Staff

Date Received: 01/28/2010
Date sent to Council: 02/02/2010

TO: Salt Lake City Council
JT Martin, Chair

DATE: January 21, 2010

FROM: Frank Gray, Director
Community & Economic Development Department



SUBJECT: Redeemer Lutheran Church & School Rezoning at 1955 E. Stratford Avenue

STAFF CONTACT: Nick Britton, Principal Planner, 801-535-6107

DOCUMENT TYPE: Ordinance

RECOMMENDATION: That the Council adopt the ordinance to extend the time period for Ordinance 58 of 2008.

BUDGET IMPACT: None

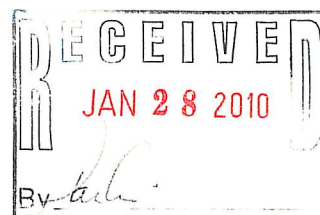
BACKGROUND/DISCUSSION:

Attached is an updated ordinance for Petition #400-06-49, a request to rezone a property at approximately 1955 E. Stratford Avenue from Open Space (OS) to Institutional (I).

The request was approved by the City Council as Ordinance No. 58 of 2008 on July 22, 2008. The applicant worked with the City to meet the conditions of the ordinance within the year, but was unable to finalize the plans with regard to the drainage. They made a request to reactivate Ordinance No. 58 and amend the deadline, as the necessary approvals were obtained after the original deadline.

There are no other changes to the ordinance or its conditions.

SCANNED TO: *David Hally*
SCANNED BY: *David Hally*
DATE: *1-28-10*



451 SOUTH STATE STREET, ROOM 404
P.O. BOX 145486, SALT LAKE CITY, UTAH 84114-5486
TELEPHONE: 801-535-6230 FAX: 801-535-6005

WWW.SLCGOV.COM/CED



SALT LAKE CITY ORDINANCE
No. _____ of 2010

(Amending Ordinance 58 of 2008)
(Property located at 1955 East Stratford Avenue)

An ordinance amending Ordinance No. 58 of 2008 to extend the time period for satisfying the conditions set forth therein.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on October 24, 2007 to consider a request made by Redeemer Lutheran (“Applicant”) (petition no. 400-06-49) to amend the zoning map to change the zoning designation of property located at 1955 East Stratford Avenue from Open Space (OS) to Institutional (I); and

WHEREAS, the Salt Lake City Council (“City Council”) held a public hearing on July 22, 2008 and enacted Ordinance No. 58 of 2008; and

WHEREAS, in approving Ordinance 58 of 2008, the City Council imposed certain conditions, as expressed therein, and required that those conditions be met within one (1) year from the date that the ordinance was approved; and

WHEREAS, the Applicant requests that Ordinance 58 of 2008 be reactivated and amended to extend the deadline for its performance of the conditions set forth therein with no substantive modifications to that ordinance other than the performance deadline; and

WHEREAS, the City Council finds that there are no changed circumstances that would require this matter receive additional recommendation from the Planning Commission and that there is good cause to extend the deadline in the ordinance;

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

SECTION 1. The deadline set forth in Section 4 of Ordinance No. 58 of 2008 shall be and hereby is extended from July 22, 2009, to July 22, 2010 for the Applicant to satisfy the conditions set forth in Section 2 of that ordinance, namely that:

- a. Applicant shall transfer to the City property that was originally intended to be retained by the City, which is more particularly identified on Exhibit "B" attached [to Ordinance 58 of 2008], as certified by the City's Property Manager; and
- b. Applicant shall modify the current irrigation system, at its sole expense, so that the irrigation system for Hillcrest Park will still remain intact and useable after the proposed church expansion, as certified by the City's Director of Public Services.

SECTION 2. Effective Date. This Ordinance shall become effective on the date of its first publication. 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 Property Manager.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2010.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2010.

Published: _____.

<p>APPROVED AS TO FORM Salt Lake City Attorney's Office</p> <p>Date: <u>FEBRUARY 25, 2010</u></p> <p>By: <u>Paul Nielson</u> Paul C. Nielson, Senior City Attorney</p>

DATED this _____ day of _____, 2010.

HB_ATTYY-#11429-v1-Ordinance_amending_Ordinance_58_of_2008_-_Redeemer_Lutheran.DOC

