



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Appeals Hearing Officer

From: Maryann Pickering, AICP, Principal Planner
(801) 535-7660

Date: May 4, 2016

Re: **PLNAPP2016-00186** – Appeal of Planning Commission decision regarding McClelland Enclave at 546 S. McClelland Street – PLNSUB2015-00358 (Preliminary Subdivision) and PLNSUB2015-00567 (Planned Development)

Appeal of Planning Commission Decision

PROPERTY ADDRESS: 546 S. McClelland Street

PARCEL ID's: 16-05-452-017, 16-05-452-018, 16-05-454-007, 16-05-454-008, and 16-05-454-032

ZONING DISTRICT: SR-3 (Special Development Pattern Residential District)

COMMISSION HEARING DATE: March 9, 2016

APPELLANTS: Joseph T. Redd, Jessika Ward and Austin Cowden

Attached is the documentation for appeal (PLNAPP2016-00186) regarding the decision of the Planning Commission to approve applications PLNSUB2015-00358 (Preliminary Subdivision) and PLNSUB2015-00567 (Planned Development), a request by Jacob Ballstaedt of Garbett Homes to develop a new six lot subdivision at the above listed address. Currently the land is used for residential purposes and is zoned SR-3 (Special Development Pattern Residential District). The appeal was submitted by three adjacent property owners: Joseph T. Redd, Jessika Ward, and Austin Cowden.

PROJECT DESCRIPTION:

The project involves a preliminary subdivision (PLNSUB2015-00358) to create a six lot subdivision and a planned development (PLNSUB2015-00567) for the subdivision to have a private street and to reduce the setbacks for some of the proposed lots in the subdivision.

Garbett Homes proposed a new six lot subdivision on five existing lots. The properties are located within an interior court in the Central City area and the access to the site is through McClelland Street. This portion of McClelland Street is designated as a private right-of-way by the City. Access to McClelland Street is from 600 South and the subject property is located between 1000 and 1100 East.

The proposed subdivision will contain one existing home and five new single-family residences. All six of the residences will be located on their own property and will be stand alone units, meaning they will not be connected or attached in any way. All residences are proposed to be accessed from the private right-of-way. The proposed access way to the subdivision (along

McClelland Street) is no more than 10 feet wide and a little less in some places. It is a single lane private right-of-way that is basically a driveway. Due to the narrow width of the driveway, City services, such as trash and recycling collection would need to be along 600 South as a truck would not be able to navigate the narrow access way.

The Planning Commission held a public hearing for the subdivision and the planned development simultaneously on March 9, 2016. The Planning Commission unanimously approved both the preliminary subdivision and planned development based on the determination that “the Commission did not feel that the waste collection would be overly impactful, nor the increased traffic from the two additional units. The applicant was preserving the home that was in good condition and would be adding to the housing stock.”

BASIS FOR APPEAL:

The appellant has filed the appeal on the following grounds as summarized below. The applicant’s detailed basis for the appeal is included in Exhibit B.

Claim 1: The project as proposed does not meet the applicable standards and therefore should have been denied.

Claim 2: The plan as approved is illegal and constitutes a ‘nonconforming use’ as it does not conform to the regulations and applicable standards that now govern the use of the land.

This is an appeal of a Planning Commission decision. Therefore, the Appeal Hearing Officer’s decision must be made based on the record. This is not a public hearing; therefore, no public testimony shall be taken. Because the appeal is being made by a third party, the original applicant and applicant’s representative should be given an opportunity to speak as per the Appeals Hearing Officer Policies and Procedures.

EXHIBITS:

- A.** Vicinity Map
- B.** Appeal Application and Documentation
- C.** Applicant’s Response to Appeal
- D.** City Attorney’s Brief
- E.** Record of Decision
- F.** Minutes
- G.** Planning Commission Staff Report
- H.** Agenda and Notice of Commission Hearing
- I.** Mailing Labels
- J.** Information Submitted at Hearing

NEXT STEPS:

If the decision is upheld, the decision of the Planning Commission stands and can be appealed to the Third District Court within 30 days of a written decision. If the Planning Commission’s decision is not upheld, the decision can be overturned or it can be remanded back to the Commission for further consideration.

EXHIBIT A: Vicinity Map

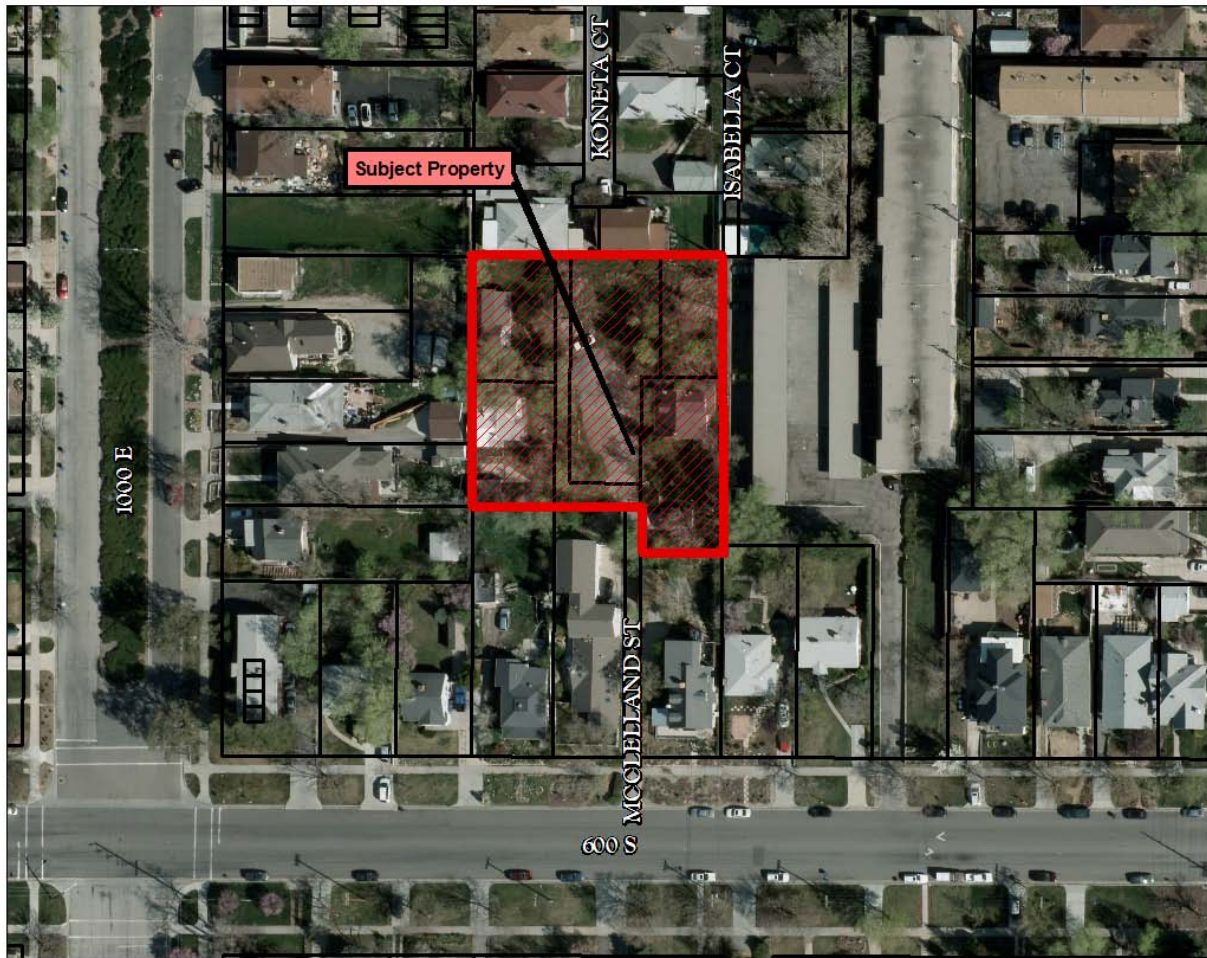


EXHIBIT B: Appeal Application and Documentation



Appeal of a Decision

SALT LAKE CITY PLANNING

OFFICE USE ONLY

Appeal #: <u>DLNAPP2016-00186</u>	Project # Being Appealed: <u>PLNSUB2015-00358</u> <u>PLNSUB2015-00567</u>	Received By: <u>W. King</u>	Date Received: <u>3/21/2016</u>
Appealed decision made by:			
<input checked="" type="checkbox"/> Planning Commission	<input type="checkbox"/> Administrative Decision	<input type="checkbox"/> Historic Landmark Commission	
Appeal will be forwarded to:			
<input type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Appeal Hearing Officer	<input type="checkbox"/> Historic Landmark Commission	
Project Name: <u>McClelland Enclave</u>			

PLEASE PROVIDE THE FOLLOWING INFORMATION

Decision Appealed: Approval of Petitions PLNSUB2015-00358, PLNSUB2015-00567	
Address of Subject Property: <u>1029 East 600 South, 545 S. McClelland Street, 1035 East 600 South</u>	
Name of Appellant: <u>Joseph T. Redd, Jessika Ward, Austin Cowden</u>	Phone: <u>(914)714-0939, (801)369-6185</u>
Address of Appellant: <u>1029 East 600 South, 1035 East 600 South</u>	
Email of Appellant: <u>JRedd@OconnorLawfirm.com, Jessika.Ward.12895@gmail.com</u>	Cell/Fax:
Name of Property Owner (if different from appellant): <u>See above</u>	
Email of Property Owner: <u>See above</u>	Phone:
Appellant's Interest in Subject Property: <u>Both Appellants property about the subject 9 1/2 foot wide lane</u>	

AVAILABLE CONSULTATION

- ☐ Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

APPEAL PERIODS

- ☐ An appeal shall be submitted within ten (10) days of the decision.

REQUIRED FEE

- ☐ Filing fee of \$243.
☐ Plus additional fee for required public notices.

SIGNATURE

- ☐ If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent: 	Date: <u>3/20/16</u>
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Updated 7/8/15

SUBMITTAL REQUIREMENT



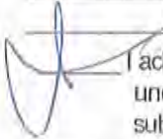
A written description of the alleged error and the reason for this appeal.

WHERE TO FILE THE COMPLETE APPLICATION

Mailing Address: Planning Counter
PO Box 145471
Salt Lake City, UT 84114

In Person: Planning Counter
451 South State Street, Room 215
Telephone: (801) 535-7700

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.

Additional Guidelines for Those Appealing a Planning Commission or Landmarks Commission Decision

A person who challenges a decision by the Planning Commission or the Landmarks Commission bears the burden of showing that the decision made by the commission was in error.

The hearing officer, according to state statute, must assume that the decision is correct and only reverse it if it is illegal or not supported by substantial evidence in the record.

"Substantial evidence" means information that is relevant to the decision and credible. Substantial evidence does not include public clamor and emotion. It involves facts and not mere speculation. A witness with particular expertise can provide substantial evidence, but conjecture and public opinion alone are not substantial evidence.

The "record" includes information, including the application by the person seeking approval, the staff report, the minutes of the meeting, and any information submitted to the commission by members of the public, the applicant or others, before the decision was made. It does not include facts or opinion, even expert opinion, expressed after the decision is made or which was not available to the commission at the time the decision was made.

A decision is "illegal" if it is contrary to local ordinance, state statute or case law, or federal law. An applicant is entitled to approval if the application complies with the law, so a person challenging a denial should show that the application complied with the law; a person challenging an approval should show that the application did not conform to the relevant law. Issues of legality are not restricted to the record of the decision, but the facts supporting or opposing the decision are limited to those in the record.

With regard to the factual information and evidence that supports a decision, the person bringing the appeal, according to a long line of decisions handed down by the Utah State Supreme Court and the Court of Appeals, has a burden to "marshal the evidence" and then to demonstrate that the evidence which has been marshaled is not sufficient to support the decision.

The appellant is therefore to:

1. Identify the alleged facts which are the basis for the decision, and any information available to the commission when the decision is made that supports the decision. Spell it out. For example, your statement might begin with: "The following information and evidence may have been relied upon by the Commission to support their decision . . ."
2. Show why that basis, including facts and opinion expressed to the commission is either irrelevant or not credible. Your next statement might begin with: "The information and evidence which may have been relied upon cannot sustain the decision because . . ."

If the evidence supporting the decision is not marshaled and responded to, the hearing officer cannot grant your appeal. It may be wise to seek the advice of an attorney experienced in local land use regulation to assist you.

Updated 7/8/15



Appeal of a Decision

SALT LAKE CITY PLANNING

OFFICE USE ONLY

Appeal #:	Project # Being Appealed:	Received By:	Date Received:
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Appealed decision made by:	Administrative Decision	Historic Landmark Commission
Planning Commission		

Appeal will be forwarded to:	Appeal Hearing Officer	Historic Landmark Commission
Planning Commission		

Project Name:

PLEASE PROVIDE THE FOLLOWING INFORMATION

Decision Appealed:
Approval of Petitions PLNSUB2015-00358, PLNSUB2015-00567

Address of Subject Property:
1029 East 600 South, 545 S. McClelland Street, 1035 East 600 South

Name of Appellant:	Phone:
Joseph T. Redd, Jessica Ward, Austin Cowden	(914) 714-0939, (801) 369-6185

Address of Appellant:
1029 East 600 South, 1035 East 600 South

Email of Appellant:	Cell/Fax:
JRedd@OconnorLawfirm.com, Jessica.Ward.12895@gmail.com	

Name of Property Owner (if different from appellant):
See above

Email of Property Owner:	Phone:
See above	

Appellant's Interest in Subject Property:
Both Appellants property about the subject 9 1/2 foot wide lane

AVAILABLE CONSULTATION

<input type="checkbox"/> Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

APPEAL PERIODS

<input checked="" type="checkbox"/> An appeal shall be submitted within ten (10) days of the decision.
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REQUIRED FEE

<input checked="" type="checkbox"/> Filing fee of \$243.
<input type="checkbox"/> Plus additional fee for required public notices.

SIGNATURE

<input type="checkbox"/> If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent:	Date:
	3/20/15

Updated 7/8/15

APPEAL OF ADMINISTRATIVE DECISION

Decision Appealed:

The improper Approval of Proposed Development of McClelland Drive Enclave,
Case numbers: PLNSUB2015 00567 & PLNSUB 2015 - 00 358.

Alleged Errors:

1) The project as proposed does not meet the applicable standards and therefore should have been denied. In reviewing the decision, it is clear that the Boards decision was arbitrary, capricious, and per Utah Code Ann. § 17-27a-801(3)(a) (2009) not supported by "substantial evidence", which is that quantum and quality of relevant evidence that is adequate to convince a "reasonable minded" person to support a conclusion.(see Hatch v. Kane County Bd. of Adjustment, 2013 UT App 119).

2) The plan as approved is **ILLEGAL** and constitutes a "nonconforming use" as it does not conform to the regulations and applicable standards that now govern the use of the land. Utah Code Ann. § 17-27a-103(36) (Supp. 2012). In order for a nonconforming use to retain its lawful character once the applicable law changes, it must continue in essentially the same form as when it began. Thus, a change to or abandonment of a nonconforming use may result in the property becoming subject to the version of the law currently in effect. The proposed plan materially changes the use of the "non-conforming lots" (divided up over 100 years ago), and thus mandates that the proposed project conform to current ordinance requirements.

Simply put, the proposed plan is **ILLEGAL** as it does NOT conform to current ordinance requirements.

Applicable Standards Ignored, Not Considered, and/or Not Addressed:

Specific standards that were not considered, addressed and/or improperly ignored by the Planning Commission, and for which NO "substantial evidence" was submitted by the builder to refute, include:

21A.55.050(C)(1):

Access to the project is not compatible with the area. The proposed access to the site is through an existing private right-of-way that is approximately ten feet in width, and in some places as narrow as 9 ½ feet. **This access is substandard and would not be currently allowed by the Zoning Ordinance.** Adding additional residential units than what would be permitted by zoning to the access of this road is not appropriate for the

area. The impact of the additional vehicles and weekly sanitation collection will be a negative impact to the two existing residences (**appellants homes**) on either side of the private lane. A private street or way accessing six dwelling units should be wider than a 9 ½ wide lane driveway

21A.55.055(C)(2):

The proposed development will create **DANGEROUS** and unusual pedestrian or vehicle traffic patterns due to the access to the site. There will be a negative impact for both vehicles and pedestrians along the private access as there is not adequate space for both vehicles and pedestrians. Along with the lack of space along the access drive, the traffic **will be at least doubled** with the addition of a total of five new residences. Several vehicle trips will be made in and out of the subdivision each day which will have a negative impact on the existing residences on either side of the private drive (**appellants homes**). The noise from the increase in traffic will also have a negative impact on the surrounding area,

21A.55.050(C)(5):

There will be very significant impacts to appellant's adjacent properties from vehicles, trash disposal, and deliveries that are generated or associated with the proposed subdivision. Trash collection could result in up to 24 cans being wheeled down the private drive once a week and **left in front of Appellants homes**. Noise from the cans and possible conflicts with traffic could occur. In addition residents will most likely have packages delivered from various companies at some point and access to the residences along the private drive will not be easy for some of the larger trucks. These drivers may need to park along 600 East and then wheel packages to the residences. This could again create conflicts with vehicles and may be noisy.

Reason for Error:

The decision is not supported by "substantial evidence" as it does not address the **safety hazards created** by this overly ambitious and expansive project, which directly and negatively impacts, 1) the existing property owners with homes on the lane; 2) pedestrians using the lane; 3) pedestrians on the 600 South Sidewalk; and 4) automobiles drivers who are forced into the more than 100 - 150 foot long, 9 1/2 - 10 foot wide lane ("the Lane").

The basis for this appeal is laid out in the exhaustive 200 plus page report of Maryann Pickering, AICP, Principal Planner and her Staff ("Staff Report") which is part of the underlying record, and which is respectfully incorporated by reference herein. We respectfully refer the hearing officer to the photos contained with the Staff Report, one of which is embedded below. The below photo clearly shows the extreme narrowness of the lane. Under no circumstance could two vehicle pass each other on the lane, forcing one of the vehicles to back up through the narrow lane up to 150 feet. There is also no means for a pedestrian, with or without garbage cans to negotiate

around a vehicle on the lane.



Plan As Approved:

As approved the builder Garbett homes, will construct five homes on the "McClelland Drive Enclave", with all of those home, plus three existing (not to be torn down) homes utilizing "the Lane" as their sole means of ingress/egress for BOTH pedestrian, garbage, and automobile traffic. Since the lots were subdivided more than 125 years ago (and before the era of automobiles) there was NEVER more than three homes located within "the enclave" plus the two homes that are bisected by "the lane" using the lane.

The project, if realized, will permit a more than twofold increase of pedestrian and automotive traffic on "the Lane" . Nowhere in its decision did the Planning Commission address this problem. Moreover, nowhere in the proposed building plans - or in the Planning Commissions decision - were these safety and quality of life issues addressed.

As supported in the underlying record: to break down and illustrate the change in the raw number of cars, pedestrian and garbage cans the current property Owners (appellants) will have to contend with everyday into the future if these plans go forward:

Houses

Houses using the lane at this time:	4
Houses using the lane should the proposal go forward:	8
Increase in homes	double

Cars

Average number of cars per house:	2
Current number of cars using the 9 ½ foot wide lane:	8
Number of cars using the 9 ½ foot lane if plans go forward:	16
Increase in vehicle traffic on lane	Double
Number of car on car "back up" situations created:	Double

Garbage/Recycling Cans

Average number of garbage/recycling cans per house:	3
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Current number of garbage cans being brought down the lane and placed in front of appellants homes:	12
Number of garbage cans being dragged down the lane and placed in front of appellants homes should project go through:	24
Increase	double

Summary of Relevant Facts

Your appellants homes rest on either side of the 100 - 150 foot long, 9 ½ - 10 foot wide lane. There is no way for cars coming in opposite directions to pull over and let another car by. One car must back up through the narrow lane to let the other pass. Backing up towards 600 South is BLIND. The 600 South sidewalk is busy with pedestrian traffic with students walking to the high school one block away, or the University of Utah a few blocks to the east. Backing up "the Lane" also requires that the vehicle back into a very busy 600 South. There is no room for a person to walk - with or without garbage cans -on "the Lane" while a car is going by.

As its stands RIGHT now, and as testified to by J.T. Redd at the hearing, current users of "the Lane" are ALREADY encountering a must back up scenario at least once per week. There was no current home owner and user of "the Lane" in favor of the project as proposed. There was - and is - uniform agreement that development consistent with existing usage is welcome.

The builder's traffic "expert", Hales Engineering findings SUPPORT this Appeal as their conclusions prove the "real world" problems created by this proposed development. Per Hales Engineering "peak" travel hour in the morning there will be "19 trips" on the lane (14 exiting and five coming in) which will cause backup situations. The so called "expert" isn't even considering the increased pedestrian traffic with people dragging their 24 garbage cans down the lane (should they back up too?). The experts disturbing conclusion - because the bad situation was manageable before - it is somehow and inexplicably "manageable" now.

While only a layperson, and not a paid expert, how does **DOUBLING** the risks and dangers to car drivers and pedestrians become acceptable or manageable? That "opinion" does not constitute "substantial evidence" supporting the builders plans and the decision below. It is respectfully submitted that Hales "expert" opinion constitutes "substantial evidence" in support of the instant appeal to reverse the underlying decision.

Without appealing to "public glamor" or "emotion", it is respectfully submitted that the approval of these plans was wrong, as it has now left those who live on "the Lane" to contend with the newly created safety hazards and dangers associated with the misguided plans. Beyond the most important safety issue, is the destruction of the existing Owners right to quiet enjoyment of their properties, and the diminishment of the value of their homes. Would anybody want 19 vehicles at 24 garbage cans coming down "the Lane" less than two feet from the eastern wall of the home where you live? I am sorry if this sounds "emotional", but these facts are true, accurate, and - yes - downright infuriating.

While there were a number of persons who voiced an opinion that they did not like the dilapidated condition of the current buildings in "the enclave", and hence welcomed the project, none of them live on "the Lane" and none have to contend with the new hazards posed by this construction, 24 garbage cans being dragged and dumped in front of their homes every week, a diminishment of their overall right to quiet enjoyment, and an erosion of their property values.

Like the other neighbors, Appellants are NOT opposed to reasonable development of "the enclave", and in fact welcome it. However, we ask that any new development be consistent with the existing use, be compatible with existing Ordinances, and not cause "the Lane" to become burdened /choked with a dangerous doubling of pedestrian, garbage can and automobile traffic.

In sum, we wish that the comprehensive and well supported recommendations of the PLANNING DIVISION COMMUNITY & ECONOMIC DEVELOPMENT Staff rejecting the building plan be followed, and that the decision of the Planning Commission, which is 1) neither "reasoned" or "supported by substantial evidence", or 2) **LEGAL** be **OVERTURNED**.

Respectfully submitted,

Joseph T Redd (owner home west side of "the Lane" 1029 East 600 South)

Jessika Ward (owner home on east side of "the Lane" 1035 East 600 South)

Austin Cowden (owner home on east side of "the Lane" 1035 East 600 South)

Without appealing to "public glamor" or "emotion", it is respectfully submitted that the approval of these plans was wrong, as it has now left those who live on "the Lane" to contend with the newly created safety hazards and dangers associated with the misguided plans. Beyond the most important safety issue, is the destruction of the existing Owners right to quiet enjoyment of their properties, and the diminishment of the value of their homes. Would anybody want 19 vehicles at 24 garbage cans coming down "the Lane" less than two feet from the eastern wall of the home where you live? I am sorry if this sounds "emotional", but these facts are true, accurate, and - yes - downright infuriating.

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Jessika Ward (owner home on east side of "the Lane" 1035 East 600 South)

Austin Cowden (owner home on east side of "the Lane" 1035 East 600 South)

EXHIBIT C: Applicant's Response to Appeal

BRUCE R. BAIRD PLLC

ATTORNEY AND COUNSELOR

2150 SOUTH 1300 EAST, FIFTH FLOOR

SALT LAKE CITY, UTAH 84106

TELEPHONE (801) 328-1400

BBAIRD@DIFFICULTDIRT.COM

April 27, 2016

VIA EMAIL ONLY

Craig M. Call, Esq.
Hearing Officer, Salt Lake City
c/o Maryann Pickering, Principal Planner

**Re: McClelland Enclave – 546 McClelland Street
Planning Commission Decision dated March 9, 2016
Redd/Ward/Cowan Appeal - # PLN2016-00186,
Hearing on May 4, 2016
Response of Garbett Homes**

Dear Mr. Call:

I am counsel for Garbett Homes. This letter is the response of Garbett to the above-referenced appeal (“Appeal”) of the Planning Commission’s approval (“Commission Approval”) of the McClelland Enclave (“Enclave”) as proposed by Garbett.

The Appeal appears to raise two grounds allegedly supporting the overturning of the Commission Approval. First, Appellants claims that the Commission Approval was “arbitrary, capricious, and [] not supported by ‘substantial evidence’”. Second, that the Commission Approval was [sic] “ILLEGAL” and, that somehow the Commission Approval would create the Enclave as a “nonconforming use”. This letter will address those arguments *seriatim* after a brief discussion about the standard of review and burden of proof.

As the appeal form itself makes clear, as also stated in the “Salt Lake City Appeals Hearing Officer Policies and Procedures”, Section F.1, in compliance with LUDMA and with the *Salt Lake City Code*:

- a. The burden of proving that the decision was erroneous is on the appellant.
- b. The Hearing officer is required to presume that the decision was correct.
- c. The Planning Commission’s decision will be sustained unless the appellant demonstrates that the decision was either not supported by “substantial evidence in the record” or violates a law, statute or ordinance in effect when the decision was made.
- d. The appellant is required to “‘marshal the evidence’ and then to demonstrate that the

evidence which has been marshalled is not sufficient to support the decision.”¹

Since the Appellants have utterly failed to “marshal the evidence” the appeal fails automatically. The Appellants cannot, after the filing of the appeal, try to correct this fundamental flaw. Put simply, instead of “marshal[ing] the evidence”, all the Appellants have really claimed is that the Commission Approval was somehow “wrong” for all of the same reasons that they argued, unsuccessfully, before the Planning Commission.

Arbitrary and Capricious/Substantial Evidence.

‘Substantial evidence’ is that quantum and quality of relevant evidence that is adequate to convince a reasonable mind to support a conclusion. *First Nat’l Bank of Boston v. County Bd. of Equalization of Salt Lake County* [799 P.2d 1163](#), 1165 (Utah 1990). It is “more than a mere ‘scintilla’ of evidence ... though ‘something less than the weight of the evidence.’” *Grace Drilling Co. v. Board of Review*, [776 P.2d 63](#), 68 (Utah App.1989) (quoting *Idaho State Ins. Fund v. Hunnicutt*, [110 Idaho 257](#), [715 P.2d 927](#), 930 (1985)).

See, fn 7 to *Patterson v Utah County Board of Adjustment*, 893 P.2d 602, 604 (UT App 1995).²

Here, there is substantial evidence to support the Commission Approval as more fully specified in the attached Exhibit “A”. If Appellants had met their burden of “marshal[ing] the evidence” they should have presented (or at least acknowledged) the evidence in the Record established by Garbett in Exhibit “A” and at least tried to explain why it was insufficient to support the Commission Approval.

Legality. It is not enough for Appellants to nakedly state that the Commission Approval was “illegal” (even if Appellants try to make it so by flaming CAPITAL LETTERS). Appellants were required to specify what “law, statute or ordinance in effect when the decision was made” was violated. Appellants have not even tried to meet that burden and cannot supplement their arguments now.

Moreover, the Enclave is fully compliant with all applicable laws. The Planning Department, in its Staff Report did not identify any “illegalities” in the proposal for the Enclave. Instead, the Staff Report merely identified certain areas of the City’s Code where the Planning Commission needed to consider various facts and exercise its discretionary authority. Exercising

¹ There is, of course, some confusion about what the requirement to “marshal the evidence” means in the practical world of litigation. Compare, *State v Nielsen*, 2014 UT 10, ¶ 42; 326 p.3d 65 with *Hodgson v Farmington City*, 2014 Utah App 188 ¶ 13, 334 P. 3d 484. However, what is clear from the case law is that an appellant cannot just say “I disagree” with the decision below and not even bother to address the evidence in the record that supports the decision being challenged.

² Of course, *Patterson* also makes it clear that any ambiguities in the City’s Zoning Code regarding uses is to be resolved in favor of the landowner proposing the use; a proposition so basic that it needs no detailed citation to the Hearing Officer.

discretion is not “illegal” even if the Appellants do not like it (nor even if Staff recommended against it).

Simply put, the Staff Report to the Planning Commission missed the boat on the “Compatibility” and “Preservation” components of a Planned Development Review under sections 21A.55.050.C. and E, respectively. And the Appellant is similarly misguided (even if these items were not discretionary).

Specifically, as noted in Exhibit “A”, there is no evidence that the proposed project “materially degrad[es]” the level of service. (C.1.) Merely because Appellant claims, erroneously, that the traffic would “DOUBLE” is not the same as saying that the increase is “material”; going from 1 to 2 is a doubling but that is not the same as going from 1,000,000 to 2,000,000. The proposed project does not “create” the traffic and width issues. (C. 2). It does not even materially exacerbate any pre-existing issues. There is no evidence that the project creates any impact on the local public streets. (C.2.a.) The parking plans for the project have no impact on the neighborhood. (C.2.b.) The peak hour traffic impacts of, literally, a few extra cars per hour are, at worst, *de minimis*. (C.2.c.)

The internal circulation for the project is, indisputably, an improvement on the existing historical mess. (C.3.) There is no evidence regarding any insufficiency of any utility service. (C.4.) Issues regarding landscaping, trash collection and other matters were specifically considered by the Planning Commission and are discretionary in terms of determining “compatibility”. (C.5.) Finally, the new construction will comply with all applicable standards and is in keeping with the size and scale of the neighborhood. (C.6.)

Concerning Subsection E., there are no “historical” or “architectural” features that deserve to be “preserve[d]”. The “environmental” features on site are not currently favorable to the City or to anyone who does not like junk and trash.

Regarding the Appellants’ claim that the Commission Approval would render the Enclave “nonconforming”, that position simply manifests a complete misunderstanding of the concept of “nonconformity” under Utah law and requires no detailed response in this letter as it is so misguided. See, Section 10-9a-511, Utah Code Ann., and, generally, Chapter 21A.38, *Salt Lake City Code*.

Conclusion. The Appellants have failed to “marshal the evidence” supporting the Commission Approval (or even acknowledge its existence). The Commission’s Approval was supported by “substantial evidence” in the Record and Appellants have not overcome their burden of proving to the contrary. The proposed development was, as determined by the Commission Approval was fully legal and Appellants have not even bothered to specify any supposed illegality. The Staff Report raised no issue of illegality and fundamentally misunderstood the standards of the Code on discretionary issues. The Commission Approval should be sustained.

Craig M. Hall, Esq., Salt Lake City Hearing Officer
April 27, 2016
Page 4

Thank you for your consideration of the response and I look forward to representing Garbett at the hearing on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'BR', with a long horizontal stroke extending to the right.

Bruce R. Baird

cc: Garbett Homes
Nora Shepard, Director, Salt Lake City Planning Division (via email only)
Paul, Nielson, Esq., Senior City Attorney (via email only)

McClelland Appeal
Updated: 4-27-16

Allegation	By Whom	Citation	Response	Citation to Substantial Evidence in the Record
Access to the project is incompatible with the area. Ordinance 21A.55.050(C)(1)	Maryann Pickering	Page 7 of the Staff Report	1. This matter is discretionary and subjective. All of the interior properteries on this block are accessed by a narrow lane. Koneta Ct is 14 feet wide. Isabella Ct is less then 10 feet wide. 2. The 10 foot wide lane has serviced the existing lots for nearly 100 years. At one time there were 5 homes on the subject property. 3. Planning Commissioner Gellagos said the development would add benefit to the neighborhood and that an extra housing unit or two would not be detrimental. A second Commissioner agreed. 4. Commissioner Fife said that it was a great project. An additional Commissioner stated that the development would add benefit to the neighborhood.	1. See aerial map. 2. The 1950 Sanborn maps show 5 homes on the existing property (http://content.lib.utah.edu/cdm/singleitem/collection/sanborn-jp2/id/1600/rec/381). 3. Page 33 of the Transcript shows the comments made by Commissioner Gallegos. 4. See page 33 of the transcripts to see the comments from Commissioner Fife and the other Commissioner quoted in the transcript.
21A.55.055(C)(2) The development will create unusual pedestrian and vehicle traffic patterns due to the access to the site.	Maryann Pickering	Page 7 of the Staff Report	1. "Unusual" even if true, is not synonomous with "illegal" or "arbitrary and capricious". Merely stating an opinion that something is "unusual" merely recognizes that history leave remanant parcels that have to be dealt with. The pedestrian and vehicular traffic patterns are the same today as they will be after Garbett builds the PUD. 2. The net increase in homes will be 3 (not a "doubling" as claimed by Appellant". The increased traffic as shown in the traffic study is marginal. The net 3 new homes would add 6 trip to the am peak hour and 5 to the PM peak hour. 3. The current condition of the lane is a problem for vehicles and pedestrians. Garbett's replacement and ongoing maintenance of the lane would improve the safety of pedestrians and vehicles. 4. Commissioner Clark stated that the added traffic to the lane will not be overly impactful. 5. The traffic engineer also concluded that the traffic on the lane is manageable by the 10' wide lane.	2. See page 2 of the updated traffic study that was part of Garbett's presentation. 3. See page 11 of the Transcript to view Garbett's comments regarding the replacement and maintenance of the lane. 4. See page 40 of the Transcript to view Commissioner Clark's comments regarding the <i>de minimis</i> and acceptable impact of the small additional traffic. 5. See page 2 of the updated traffic study that was part of Garbett's presentation.
21A.55.055(C)(3) Access can not be mitigated by a better internal circulation design	Maryann Pickering	Page 7 of the Staff Report	1. The internal circulation of Garbett's purposed development greatly improves the existing condition. There will now be a turnaround that can accommodate emergency vehicles. The widened right of way allows for cars to park and wait for motorists or pedestrians traveling in the opposite direction to clear the lane. This is currently not available in the existing condition. Any impact is marginal and not grounds for denial.	1. See page 9 on the Transcript for Garbett's comments on the emergency turnaround. The site plan on page 11 of the Staff Report shows the area where motorists can park and wait.
21A.55.055(C)(5) The development will create negative impacts to the neighbors including develiveries and garbage collection. It will add 24 additional can to the street.	Maryann Pickering	Page 7 of the Staff Report	1. This is discretionary. Any delivery to the exisiting properties in the current condition will use the same access. Garbett's development will improve the access by replacing the existing road and maintaining it, including snow removal. Most deliveries can be made on foot if the delivery driver parks on 600 South and walks up the lane. 2. The existing 5 homes can have a maximum of 20 garbage cans. The 5 new homes will not need yard waste garbage cans because the lawns and yards will be professionally maintained by the HOA. Glass can be recycled at various locations in Salt Lake City. Garbett will limit the number of cans that each home owner can have to two. Thus, the maximum number of garbage cans for all 8 homes will be 22, verse 20 with the current conditions. A net of 2 additional garbage cans is marginal. There is a total of 84 feet on either side of McClelland street on 600 South that is designated as "No Parking" any time. In addition to the 84 feet there is room to accommodate additional garbage cans. 3. Commissioner Clark stated the additional cans are not going to be overly impactful. Commissioner Fife said that is was a great project. An additional Commissioner stated that the development would add benefit to the neighborhood. 4. Any minor impacts created by the garbage cans is not grounds for denial.	1. See page 11 of the Transcripts to view Garbett's comments regarding the replacement and maintenance of the lane. 2. See page 13 of the Transcript to read Garbett's comments regarding the number of garbage cans. 3. Commissioner Clark's Statement about the garbage can collection can be found on page 40 of the Transcript. See page 33 of the Transcript to see the comments from Commissioner Fife and the other Commissioner.
21A.55.055(C)(6) Reduced corner setbacks should not be allowed	Maryann Pickering	Page 7 of the Staff Report	1. The lot sizes are permitted by the zoning regulations and this is a discretionary item. The setback reduction is on an interior corner of the property. There is no neighbor for that redcution to negatively impact. 2. The reduced side setback allows Garbett to build a home with a side-by-side 2-car garage and a larger front elevation which will improve the architectural integrity of the neighborhood. 3. A Commissioner stated that the plan does not seem to be overly impactful. 4. Any impact is minor and not grounds for denial.	1. The site plan on page 11 of the Staff Report shows the side setbacks. 2. See the elevations on page 16 and 17 of the Staff Report. 3. See page 38 of the Transcript to see the comments from the Planning Commissioner.

21A.55.055(E) All three existing structures should not be demoolished	Maryann Pickering	Page 7 of the Staff Report	<p>1. Garbett modified its original proposal to keep one of the existing structures. This is the only house in the area worth saving. The second has been condemned for nearly 10 years. The third is adobe and has no historical value.</p> <p>2. Commissioner Clark stated that he feels like Garbett is preserving the one home that looks to be in fairly good condition.</p> <p>3. A Commissioner stated that the area is blighted.</p> <p>4. A second Commissioner said that based on his site visit and testimony from the neighbors we are preserving the one house that is good.</p> <p>5. This area is not historic and no building in the proposed PUD is historic.</p>	<p>1. See the original plan on page 22 of the Staff Report.</p> <p>2. Commissioner Clark's Comments can be found on page 40 of the Transcript.</p> <p>3. See the Commissioners' comments about blight on page 33 of the Transcript.</p> <p>4. The second Commissioner's comments can be found on page 38 and 39 of the Transcript.</p>
Concerns that the shrubbery east of the lane will block motorists view of pedestrians walking on the sidewalk	Maryann Pickering	Page 5 of the Transcript	<p>1. Garbett will install a stop bar at the end of the lane before the sidewalk and work with the neighbor to maintain their shrubs.</p> <p>2. The City's Transportation Department is a reviewing department and Maryann said that all reviewing department said that they could make the project work.</p>	<p>2. See page 4 of the Transcript.</p>
Trash collection will be a disturbance to the neighbors and crowd up 600 South	Maryann Pickering	Page 6 of the Transcript	<p>1. The HOA will limit the number of trash cans each homeowner can have to two. The residents don't need yard waste cans because the yards will be maintained by the HOA. The additional net 3 new homes will add 2 cans to the street on 600 south. On either side of McClelland lane there is 84 feet of no parking, giving the project plenty of room for the cans. Any impact from the garbage cans is marginal and not grounds for denial.</p>	<p>1. See page 13 of the Transcript to read Garbett's comments regarding the number of garbage cans</p>
Is 10' wide enough to allow heavy equipment to access the property?	Commisioner Gallegos	Page 15 of the Transcript	<p>1. If anyone wants to drive a vehicle, even a large truck, on a public road it can't be wider then 8'. Because the lane is 10' wide Garbett's construction vehicles will be able to access the lane. There is an additional 3 or 4 feet of air space on the east side of the lane if it is needed.</p> <p>2. Mr. Jones states that they have had trucks and large construction trucks use the lane without causing damage to the existing homes.</p>	<p>1. See page 16 of the Transcript to read Garbett's comments concerning the width of the construction vehicles and access on the lane.</p> <p>2. Mr. Jones comments can be found on page 20 of the transcripts. There is no evidence in the record (other than sheer speculation) that the width doesn't work.</p>
The property line is 9 inches from a neighboring home. The fence that has been there for decades is about 2 feet from the property line. The neighbor wants the fence to be the new property line	Dean Moore Nieghbor	Page 24 of the Transcript	<p>1. Garbett has agreed that the fence will be the new property line.</p>	<p>1. Page 11 of the Staff Report illustrates that the existing fence on the northern boarder will be the new property line. Also, see page 28 of the Transcript.</p>
The neighbor is also worried that our development will interrupt or damage the sewer line to his house.	Dean Moore Nieghbor	Page 24 of the transcript	<p>1. Garbett has plans for the sewer and its improvements will not negatively effect the neighbor's sewer line or service.</p>	<p>1. Page 11 of the Staff Report illustrates the civil engineering plans, including the sewer line.</p>
Safety of the road, only one car can pass at a time.	JT Redd	Page 26 of the Transcript	<p>1. The 10' wide lane has always been 10' wide. This was the condition of the property when Mr. Redd purchased his property West of the lane. It is only 170 feet long.</p> <p>2. The increased traffic on this lane will be marginal.</p> <p>3. The development will actually improve motorist ability to nagivate the lane. Cars can use the 24' right of way as a waiting place for the lane to clear of vehicles and pedestrians before they drive down the lane.</p>	<p>1. Page 11 of the staff report illustrates the size of the lane.</p> <p>2. See page 2 of the updated traffic study that was part of Garbett's presentation</p> <p>3. The site plan on page 11 of the Staff Report shows the 24 foot right of way and space for motorist to park and wait for the lane to clear of vehicles and pedestrians.</p>
Fire access is a safety issue	JT Redd	Page 26 of the Transcript	<p>1. Fire trucks will not need to drive down the lane. The fire department approved an alternate means and methods for this project.</p>	<p>1. Page 4 of the Transcript shows that all reviewing departments and divisions can make Garbett's plan work. Page 10 and 11 of the Transcript details Garbett's approved plan for fire access.</p>
The project is close to a faultline	JT Redd	Page 26 of the Transcript	<p>1. The project is out of the faultline area. Garbett's geotechnical study showed no issues with the faultline.</p>	<p>1. See the Geotechnical report in the Record.</p>
Neighbor's "quiet enjoyment" of the property is being compromised. 24 garbage can rolling past his house is going to effect his quality of life	JT Redd	Page 26 of the Transcript	<p>1. Garbett is only going to add 2 garbage cans.</p> <p>2. The additional traffic is marginal and not grounds for denial. An allegation of "quiet enjoyment" is not a legitmate basis for denial.</p>	<p>1. See page 13 of the Tanscript to read Garbett's comments regarding the number of garbage cans.</p> <p>2. See page 2 of the traffic study.</p>
How many garbage cans will this new development generate?	Commissioner	Page 31 of the Transcript	<p>1. The 2 existing homes on 600 South and the one home at the back of the lane that will stay are each allowed a maximum of 4 garbage cans. Each of the new 5 homes can have a maximum of 2 each. In the CC&R's we will restrict each of the 5 homes to two garbage cans. When the development is built the max number of garbage cans that will be allowed is 22. The current condition can allow as many as 20 cans.</p>	<p>1. See Garbett's comments on page 31 and 32 of the Transcript. When Garbett stated that the maximum was 19 Garbett had forgotten about the optional glass collection cans.</p>
All reviewing departments and division have agreed that they can make the plans work for the subdivision	Maryann Pickering	Page 4 of the Transcript	<p>1. Garbett agrees with the reviewing departments and divisions which have reviewed and approved the plan. The reasons for the Planning Staff's recommendation for denial were discrectionary and are not impactful enough to justify denial in light of the substantial evidence supporting the decision.</p>	<p>1. The Planning Commission agreed. See page 38 of the Transcript.</p>

EXHIBIT D: City Attorney's Brief

ADMINISTRATIVE HEARING OF A LAND USE APPEAL
(Case No. **PLNAPP2016-00186**)
(Appealing Petition Nos. PLNSUB2015-00358 and PLNSUB2015-00567)
May 4, 2016

Appellants:	Joseph T. Redd, Jessika Ward, Austin Cowden
Decision-making entity:	Salt Lake City Planning Commission
Address Related to Appeal:	Several lots at approximately 546 S. McClelland Street
Request:	Appealing the planning commission’s approval of preliminary subdivision and planned development approval.
Brief Prepared by:	Paul C. Nielson, Senior City Attorney

Land Use Appeals Hearing Officer’s Jurisdiction and Authority

The appeals hearing officer, established pursuant to Section 21A.06.040 of the *Salt Lake City Code*, is the city’s designated land use appeal authority on appeals of planning commission decisions.

Standard of Review for Appeals to the Appeals Hearing Officer

In accordance with Section 21A.16.030.A of the *Salt Lake City Code*, an appeal made to the appeals hearing officer “shall specify the decision appealed, the alleged error made in connection with the decision being appealed, and the reasons the Appellants claim the decision to be in error, including every theory of relief that can be presented in district court.” It is the Appellants’ burden to prove that the decision made by the land use authority was erroneous. (Sec. 21A.16.030.F). Moreover, it is Appellants’ responsibility to marshal the evidence in this

appeal. Carlsen v. City of Smithfield, 287 P.3d 440 (2012), State v. Nielsen, 326 P.3d 645 (Utah, 2014), and Hodgson v. Farmington City, 334 P.3d 484 (Utah App., 2014).

“The appeals hearing officer shall review the decision based upon applicable standards and shall determine its correctness.” (Sec. 21A.16.030.E.2.b). “The appeals hearing officer shall uphold the decision unless it is not supported by substantial evidence in the record or it violates a law, statute, or ordinance in effect when the decision was made.” (Sec. 21A.16.030.E.2.c).

This case deals with application of Chapters 20.16 (Preliminary Plats), 21A.55 (Planned Developments) and Sections 21A.24.100 (SR-3 Special Development Pattern Residential District), 20.12.010.E.1 (Design Regulations: Access to Public Streets), and 21A.36.010.C (Frontage of Lot on Public Street) of the *Salt Lake City Code*.

Background

This matter was heard by the planning commission on March 9, 2016 on a request by Garbett Homes (“Petitioner”) for a preliminary subdivision plat to modify the boundaries of five existing lots in order to create a total of six lots, and for planned development approval to provide relief from corner side yard setback requirements as well as the requirements that the lots provide public street frontage. There are three dwelling units presently existing on the existing five lots. The proposal would result in six dwelling units on the six lots created by the subdivision. The lots are accessed by a narrow private road over which the lots have a right of access, however the ownership of the private road is unclear.

Planning division staff prepared a report for the planning commission wherein the planning staff member opined that the proposal did not meet the standards for a planned development provided in Sections 21A.55.050.C and 21A.55.050.E. The planner concluded that the proposal did not meet the compatibility requirements of Section 21A.55.050.C because the

challenges presented by the existing, narrow private roadway that is the only means of access to the proposed subdivision would create ingress/egress, pedestrian safety and potential noise problems. The staff report also includes the planner's determination that the proposal did not satisfy the historic preservation criteria set forth in Section 21A.55.050.E because structures that would be demolished would likely be classified as "contributing structures" under Section 21A.34.020 if the proposed subdivision were in an historic district. Finally, the staff report includes the planning division staff opinion that the request to modify corner lot side yard setbacks through this planned development petition was not warranted, though staff did indicate in the report under the analysis of Section 21A.55.050.C.6 that the request complied with the standard, noting that a wider private road would better serve the subdivision.

Following a public hearing at its March 9, 2016 meeting, the planning commission granted Petitioner's applications for preliminary subdivision plat and planned development approval. The commission's decision was based, in part, on its acceptance of some of the findings of fact in the staff report along with its own finding that, although the narrow private roadway was a concern, it was a condition in existence that would affect any development of the property, and that only adding one additional building lot would not appreciably add to the problem. The commission's decision was also based on testimony and materials presented at its March 9, 2016 meeting.

Appellants, Joseph T. Redd, Jessika Ward, and Austin Cowden ("Appellants") contend that the planning commission's March 9, 2016 decision was "arbitrary, capricious, and...not supported by 'substantial evidence'". (Appellants' Appeal Document at p. 1). Appellants also

preliminarily argue that the commission's decision is illegal and results in the creation of a nonconforming use, but Appellants' submission fails to develop that argument or provide any meaningful information to support it.

Video of the commission's public meetings are found at <http://www.slcgov.com/slctv/slctv-videos-demand>, and the video of the March 9, 2016 public meeting is part of the record of this matter.

DISCUSSION

Appellants; Argument that the Decision was Arbitrary, Capricious and Unsupported by Substantial Evidence.

Appellants contend that the planning commission's "decision is not supported by 'substantial evidence' as it does not address the **safety hazards created** by" the proposed development. (Appellants' Appeal Document at p. 2 (emphasis in original)). The safety hazards Appellants focus on are those they suggest will be created by the very narrow private road.

Though there is no dispute as to whether the private lane that provides access to the parcels in question is very narrow, the question at hand is whether the planning commission's decision was supported by substantial evidence in light of the relevant standards. The commission accepted the findings in the planning staff report except for those concerning the planned development standards set forth in Sections 21A.55.050.C and 21A.55.050.E of the *Salt Lake City Code*. Section 21A.55.050.C requires that a proposed planned development "be compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located" and that in assessing the compatibility of the proposal, "the planning commission shall **consider**" the criteria listed in subsections C.1 through C.6. (SLC Code § 21A.55.050.C (emphasis added)). It is important to note that the

language of that section doesn't mandate a specific finding on each of those criteria but that they be considered. The planning commission certainly considered those factors, which are to be considered in light of whether the proposed planned development will cause the undesired impacts addressed in those criteria. The commission, in discussing its findings contrary to those provided by planning staff on the Section 21A.55.050.C analysis, concluded that the narrow roadway was an existing circumstance that would be a challenge no matter what development activity was proposed on the site and that only adding one building lot would not contribute any appreciable impacts. (See Video of March 9, 2016 Planning Commission Meeting at 39:45 to 40:45). Simply put, the commission rejected planning staff's determination that the planned development would create pedestrian and traffic problems, because those problems already exist. Considering all of the evidence in the record, the commission determined that the proposed planned development met the compatibility criteria of Section 21A.55.050.C

As to whether the proposal met the Section 21A.55.050.E requirements concerning preservation of "historical, architectural, and environmental features of the property" the commission found, and expressed in its motion, that the proposed development would preserve the one existing structure that was in satisfactory shape. Although the planning staff report contained the finding that the petition did not comply with Section 21A.55.050.E as to preservation, it is significant that the staff report also clearly notes that the subject property is not in a city-adopted historic district and that the city has no means whereby it can require the preservation of the existing structures. The petitioner could have demolished the structures before ever submitting its applications and preservation would have been a non-issue.

On the issues of compatibility and preservation for the planned development, and on all issues relevant to the preliminary subdivision plat application, the planning commission

considered all evidence submitted to it and found that the project met all standards. Though the findings included in the planning division staff reports are given significant weight by the commission, the commission is within its right to reject some or all of those staff findings where its conclusions are supported by substantial evidence. Appellants' arguments that the decision was unsupported by substantial evidence in the record are based on existing circumstances that are beyond the Petitioner's control and not whether the proposed planned development would cause the problems Appellants' allege.

CONCLUSION

For the reasons stated above, Appellants' arguments must be rejected and the planning commission's decision be upheld.

EXHIBIT E: Record of Decision

Salt Lake City Planning Division
Record of Decision
Wednesday, February 10, 2016, 5:30 p.m.
City & County Building
451 South State Street, Room 326

1. **McClelland Enclave at approximately 546 S. McClelland Drive** – A request by Jacob Ballstaedt, Garbett Homes, for approval to develop a new six lot subdivision at the above listed address. Currently the land is used for residential purposes and is zoned SR-3 (Special Development Pattern Residential District). This type of project requires Subdivision and Planned Development review. The subject property is within Council District 4, represented by Derek Kitchen. (Staff contact: Maryann Pickering at (801)535-7660 or maryann.pickering@slcgov.com)
 - a. **Preliminary Subdivision**-In order to build the project noted above, a preliminary subdivision is required to create six lots and a private street as part of the development. Case number **PLNSUB-2015-00358**.
 - b. **Planned Development** -In order to build the project noted above, a Planned Development is required for the subdivision to have a private street and to reduce the setbacks for some of the proposed lots in the subdivision. Case number **PLNSUB2015-00567**.

Decision: Approved

2. **Merrill Residence Planned Development & Height Special Exception at approximately 214 East 10th Ave** – A request by David and Colleen Merrill for approval to reduce the front yard setback and increase the allowed height of a new single family residence at the above listed address. Currently the land is occupied by one single family dwelling, which would be demolished. This type of project must be reviewed as a Planned Development and Special Exception. The subject property is within Council District 3 represented by Stan Penfold. (Staff contact: Casey Stewart at (801)535-6260 or casey.stewart@slcgov.com.) Case numbers PLNSUB2015-00965 and PLNPCM2016-00004

Decision: Approved

3. **Trolley Square Ventures Zoning Map Amendment** - A request by Douglas White, representing the property owner Trolley Square Ventures, LLC, to amend the zoning map for the following seven properties: 644 E 600 S (Parcel #16-06-481-019), 603 S 600 E (Parcel #16-06-481-001), 652 E 600 S (Parcel #16-05-353-001), 658 E 600 S (Parcel #16-05-353-002), 664 E 600 S (Parcel #16-05-353-003), 628 S 700 E (Parcel #16-05-353-016), 665 E. Ely Place (Parcel #16-05-353-014). The subject parcels are currently zoned RMF-45 (Moderate/High Density Multi-Family Residential District), RMF-30 (Low Density Multi-Family Residential District) and SR-3 (Special Development Pattern Residential District). The applicant is requesting that the properties be rezoned to FB-UN2 (Form Based Urban Neighborhood District) with the intent to redevelop the site in the future as a mixed-use (residential & commercial) development. The properties are located within City Council District 4 represented by Derek Kitchen. (Staff Contact: Lex Traughber, (801) 535-6184 or lex.traughber@slcgov.com) Case Number PLNPCM2015-00031

Decision: A Positive Recommendation was forwarded to the City Council

4. **Master Plan and Zoning Map Amendment at approximately 1964 S 900 E** – A request by Cottonwood Residential to amend the master plan and zoning map designation of eight properties near the intersection of Ramona Avenue and 900 E. The intent of the proposal is to consolidate the parcels into one and then construct a multi-family residential development. The applicant proposes to rezone the subject properties from RMF-35 (Moderate Density Multi-family Residential) to R-MU-45 (Residential/Mixed Use) to allow for structures up to 45' tall and allow more apartments. The subject properties are currently residential uses ranging from a single family home to multi-family buildings. The Planning Commission may consider other zoning designations that are equal or less intense to what is being proposed. (Staff contact: Chris Lee at (801)535-7706 or chris.lee@slcgov.com.) Case numbers PLNPCM2015-00956 and PLNPCM2015-00957

Decision: A negative Recommendation was forwarded to the City Council

Dated at Salt Lake City, Utah this 10th day of March, 2016.

Michelle Moeller, Administrative Secretary

EXHIBIT F: Minutes

**Excerpt of
SALT LAKE CITY PLANNING COMMISSION MEETING
Room 126 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, March 9, 2016**

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:31:48 PM](#). Audio recordings of the Planning Commission meetings are retained for an indefinite period of time.

Present for the Planning Commission meeting were: Vice Chairperson Andres Paredes; Commissioners Maurine Bachman, Michael Fife, Michael Gallegos,Carolynn Hoskins, Matt Lyon and Clark Ruttinger. Chairperson Emily Drown and Commissioner Angela Dean and Jamie Bowen were excused.

Planning Staff members present at the meeting were: Cheri Coffey, Assistant Planning Director; Nick Norris, Planning Manager; Casey Stewart, Senior Planner; Lex Traughber, Senior Planner; Christopher Lee, Principal Planner; Maryann Pickering, Principal Planner; Michelle Moeller, Administrative Secretary and Paul Nielson, Senior City Attorney.

Field Trip

A field trip was held prior to the work session. Planning Commissioners present were: Michael Fife, Maurine Bachman, Carolynn Hoskins, Andres Paredes and Clark Ruttinger. Staff members in attendance were Nick Norris, Lex Traughber, Casey Stewart, Christopher Lee and Maryann Pickering.

The following sites were visited:

- **546 S. McClelland Drive** - Staff gave an overview of the proposal.
 - The Commission asked if they could acquire more land for access. Staff stated the neighbor would not sell.
- **214 East 10th Ave** - Staff gave an overview of the proposal.
 - The Commission asked what the purpose for the request was. Staff stated it was to increase the yard area on the south side of the building.
- **Trolley Square** - Staff gave an overview of the proposal.
 - The Commission asked could they build to full height along Ely Place? Staff stated the zone allowed it, but all new construction would require review by the Historic Landmark Commission for scale and compatibility.
- **1964 S 900 E** - Staff gave an overview of the proposal.

McClelland Enclave at approximately 546 S. McClelland Drive – A request by Jacob Ballstaedt, Garbett Homes, for approval to develop a new six lot subdivision at the above listed address. Currently the land is used for residential purposes and is zoned SR-3 (Special Development Pattern Residential District). This type of project requires Subdivision and Planned Development review. The subject property is

within Council District 4, represented by Derek Kitchen. (Staff contact: Maryann Pickering at (801)535-7660 or maryann.pickering@slcgov.com)

- a. **Preliminary Subdivision**-In order to build the project noted above, a preliminary subdivision is required to create six lots and a private street as part of the development. Case number PLNSUB-2015-00358.
- b. **Planned Development** -In order to build the project noted above, a Planned Development is required for the subdivision to have a private street and to reduce the setbacks for some of the proposed lots in the subdivision. Case number PLNSUB2015-00567.

Ms. Maryann Pickering, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff was recommending the Planning Commission deny the petition as presented.

Commissioner Lyon recused himself from the meeting.

Mr. Jacob Ballstaedt, Garbett Homes, reviewed the project, history and purpose of the proposal. He reviewed the traffic, access and waste program for the property.

The Commission, Staff and Applicant reviewed the following:

- If the eight homes included the two existing homes.
- If the existing homes would be part of the HOA.
- The access to the site for construction vehicles.

PUBLIC HEARING [5:55:32 PM](#)

Vice Chairperson Paredes opened the Public Hearing.

The following individuals spoke to the petition: Ms. Cindy Jones, Mr. Dave Jones, Mr. Craig Webb, Mr. Dean Mohr and Mr. Joseph Redd.

The following comments were made:

- Concerned over the egress and ingress of the lane.
- Parking was an issue and the proposal would make it worse.
- Current property owners use the subject area for parking.
- The proposal would help to improve the area.
- The proposal fit the area and should be allowed.
- A limited number of places existed in the city where this plan worked and this area was one of those.
- Something needed to be done to improve the property as it was not being maintained.
- In its current state, the area was a magnet for crime.
- Would like the property line measurements moved to reflect the current fence line.

- How would the sewer lines be configured for the proposal and current homes.
- Plan should be denied as no more than three homes should be allowed on the property.
- The car and pedestrian traffic in the area was all ready an issue.
- The use of the road would cause problems for the existing home owners.
- The road was too narrow for emergency vehicles.
- Builder had the right to develop the property and maximize the use of the property but not at the expense of the current residence.

Vice Chairperson Paredes closed the Public Hearing.

The Applicant stated the property line would be moved to match the existing fence line. He addressed the sewer line updates and how it would affect the neighborhood. The Applicant stated the development would improve the area under the zoning.

The Commission, Staff and Applicant discussed the following:

- If the proposal met the standards.
- The ownership of the private lane.
- The potential risk for the home owners without knowing who owned the lane.
- The easements to the properties.
- Waste removal program for the proposal.

The Commission discussed the following:

- The access to the property.
- The area was blighted and changes needed to be made.
- The development would add to the area.
- A couple extra housing units would not be a detriment to property access.
- Anyone trying to develop the area would have issues with the narrow drive.

MOTION [6:17:10 PM](#)

Commissioner Ruttinger stated regarding, PLNSUB2015-00358 McClelland Enclave at 546 S. McClelland Street Preliminary Subdivision and PLNSUB2015-00567 Planned Development, based on the Staff Report, testimony and proposal presented, he moved that the Planning Commission approve the planned development and subdivision request for the property located at approximately 546 S. McClelland Street. Commissioner Gallegos seconded the motion.

Mr. Norris stated the Staff Report identified that standards C and E were not met. He explained the motion should state the Commission's findings on how the standards were met.

The Commission and Staff discussed the standards of approval and the findings. They discussed the eight standards in the Staff Report, if the proposal met the standards and the findings needed in the motion.

Mr. Nielson disclosed that a member of the public approached him regarding giving a statement. He stated the Commission did call for additional comments during the Public Hearing, a motion was on the table and the Public Hearing had been closed.

Commissioner Ruttinger amended the motion to state based on the Commission's discussion, testimony, information from the applicant and public, the Commission did not feel that the waste collection would be overly impactful nor the increased traffic from the two additional units. The applicant was preserving the home that was in good condition and would be adding to the housing stock, and it fit within the existing requirements with conditions one through eight in the Staff Report. Commissioner Gallegos seconded the amendment. The motion passed unanimously.

SALT LAKE CITY PLANNING COMMISSION MEETING

TRANSCRIPTION OF ELECTRONICALLY RECORDED PROCEEDINGS
HELD MARCH 9, 2016

* * *

RENEE L. STACY
Registered Professional Reporter
Certified Realtime Reporter

March 9, 2016

VICE CHAIR: Let us go ahead and begin by mentioning our minutes from last meeting, which took place on the 24th of February I need a motion to approve those meetings -- those minutes.

COMMISSIONER: Mr. Chair, I'll move to approve that, those minutes.

VICE CHAIR: Thank you. We have a motion for approval of the minutes and --

CAROLYN: Second.

VICE CHAIR: -- a second by Carolyn. Let's commence voting. Mike Gallegos?

MR. GALLEGOS: Abstain.

VICE CHAIR: Matt?

MATT: Aye.

VICE CHAIR: Carolyn?

CAROLYN: Aye.

VICE CHAIR: Mike Fife?

MR. FIFE: Aye.

VICE CHAIR: Maureen?

MAUREEN: Aye.

VICE CHAIR: And Clark?

CLARK: Aye.

1 VICE CHAIR: Thank you. It passes. And
2 we'll go ahead and move on to our next item, which we
3 have -- being the vice chair, I don't have anything
4 to report on at this time. Do we have anything from
5 our planning directors?

6 Okay. Thank you very much. We'll go ahead
7 and commence with our matters for today. Our first
8 item on -- of business that we have is the McClelland
9 and Clave at approximately 546 South McClelland
10 Drive, and this is for a PLN SUB 2015-00567, and we
11 have Mary Ann with us.

12 MARY ANN: Thank you. Good evening. As
13 you mentioned, this is a request for a preliminary
14 subdivision to create a new subdivision with six
15 lots. You're also reviewing a planned development to
16 have a subdivision -- or a private street within the
17 subdivision and reduce the interior setbacks for two
18 of the lots.

19 Staff is recommending denial of this --
20 both requests based on the findings and standards
21 that you have in your staff report.

22 In detail, with the subdivision request, as
23 I mentioned, it's to create six new lots, and access
24 from the existing private right-of-way is
25 approximately ten feet wide into the subdivision.

1 The subdivision can be built according to the plans
2 that were submitted, and all reviewing departments
3 and divisions have agreed that they can make the
4 plans work for the subdivision; however, planning
5 staff does have concerns with the limited access of
6 only ten feet to the site, and the potential impacts
7 on the surrounding properties in the area.

8 The planned development is needed in
9 conjunction with the subdivision, and that is to
10 request -- the request to build the private street
11 within the subdivision, and it would not be built to
12 normal city standards in terms of width.

13 The applicant is also requesting to reduce
14 two of the interior side yard setbacks for two lots,
15 and as with the subdivision, staff does have concerns
16 with the limited access to the site, and, again,
17 that's why we're recommending denial.

18 On the screen you'll see a layout of the
19 site. This here is the ten-foot access that we have
20 concerns with. This is the location of the house
21 that will remain, and then these are the other
22 existing lots on the property at this -- today.

23 Here's a layout of the proposed
24 subdivision. This is 600 South on this side and,
25 again, this is the ten-foot access, and then once you

1 get into the applicant's property, that access would
2 widen to 24 feet. This turnaround has been designed
3 so that a fire truck -- or, excuse me, there is
4 adequate room for vehicles to move around.

5 The applicant has worked with the fire
6 department. Because of the access, a fire truck
7 could not physically get back to the site, but they
8 have worked with fire to develop a firefighting
9 system within the subdivision, and, if approved, all
10 houses would have sprinklers.

11 The two lots that want to have the reduced
12 setbacks are Lot 101, and it's five feet instead of
13 ten feet, and it's the same situation over here for
14 Lot 104 where the interior side yard setback would be
15 five feet instead of ten feet. The project does meet
16 all other setbacks on the perimeter of the property.

17 This is a view of the private access that
18 staff has concerns with. It is shown as ten feet
19 wide, but due to vegetation that's existed for years,
20 in some points it is less than ten feet.

21 We also have some concerns with this
22 shrubbery right here. It's not part of the project,
23 but our concern is that vehicles leaving from the
24 subdivision might not have a clear view of
25 pedestrians walking along 600 South. We think that

1 creates a bad situation for them.

2 This is a view of the access if you were
3 standing at the end of the private access looking out
4 towards 600 South, and you can see how close it is
5 here with these flowers, and then there's trees, and
6 these two items and obviously this house are not part
7 of the applicant's property.

8 Out front there is some no-parking area
9 that goes on either side of the private drive, but we
10 do have concerns that there would be all -- a bunch
11 of trash cans and recycling bins put out there once a
12 week and it would really crowd up the street.

13 There have been residents in the area that
14 expressed concern with the project, and all of the
15 comments that I have received have been negative.
16 Concerns are mostly related to the limited access and
17 the trash and recycling collection. Some concerns
18 have been expressed about the physical development
19 and lack of fire access to the site.

20 Again, we do not believe that the project
21 meets all the standards and plannings for both
22 subdivisions and planned developments, and, again,
23 the primary concern is the lack of access and the
24 potential negative impacts to the two existing
25 residences on either side of that private drive. And

1 I'd be happy to answer questions.

2 VICE CHAIR: Okay. Thank you. Any
3 questions from commissioners?

4 COMMISSIONER: I'm actually going to recuse
5 myself real quick. Thanks.

6 VICE CHAIR: Okay. Noted. Thank you. Any
7 questions from commissioners at this point for staff?
8 Okay. Well, let us invite the applicant, if he's in
9 the room, and --

10 MARY ANN: He's here.

11 VICE CHAIR: Okay. Thank you. Choose a
12 mic and then tell us your name, please.

13 MARY ANN: Okay. I'm going to have to
14 eject this to put his presentation in.

15 VICE CHAIR: Okay.

16 MR. BALLSTAEDT: My name is Jacob
17 Ballstaedt. My address is 273 North East Capitol
18 Street, and I wanted to thank the staff and the
19 commission for hearing us tonight. The staff has put
20 a lot of work in helping us put this plan together
21 and work out some of the challenges that this site
22 has.

23 Just to give a little history about who we
24 are, Garbett Homes is a local company. We're
25 headquartered here in downtown Salt Lake on Capitol

1 Hill. We're a company that prides ourselves on
2 sustainable building practices. Our mantra is always
3 building energy efficient homes. We have -- we've
4 had homes featured in major national publications
5 highlighting our energy efficiency and our green
6 building techniques.

7 We use techniques such as geothermal,
8 solar, tankless water heaters, energy recovery
9 ventilators, advanced framing techniques, enhanced
10 insulation, and advanced air sealing and much more.
11 This is part of who we are and this is part of what
12 we would do in our construction of these homes here
13 on McClelland Street.

14 Just to give you a little background, about
15 a year ago we started this process, and as we did,
16 we -- we --

17 MARY ANN: You should be able to just --
18 no. I'll just (inaudible).

19 MR. BALLSTAEDT: Okay. There's an image of
20 some of our homes that we developed at Daybreak that
21 was actually on the cover of Builder Magazine a
22 couple years ago. This next page, if you can see
23 that, this was the original plan that we submitted to
24 planning. It included seven new homes and it also
25 included removing the existing three structures that

1 are there on-site.

2 During this time we had a neighborhood
3 meeting and we invited folks from the neighborhood to
4 come and look at our plan and give feedback and
5 discuss our plans and see what they liked and what
6 they didn't like. At the time, the response was
7 mixed. Some were concerned; some were positive.
8 Among the concerns that were there were primarily
9 number of units, traffic generated on the lane, and
10 overall density, and also some concern about historic
11 preservation.

12 So, as we went further down the road, we
13 made an effort to try to incorporate some changes.
14 We came and made some modifications. In this effort,
15 we -- in this new plan, we now only have five homes,
16 five new homes, and we are saving -- preserving one
17 of the existing homes.

18 The plan changed quite a bit. This
19 helped -- eliminated one house, reduced the number of
20 traffic, preserving some of the historical building
21 that's there, and improved -- improved the turnaround
22 that is there. We now have a full turnaround with
23 radiuses and lengths that are appropriate for
24 emergency vehicles and such.

25 Moving on, specifically some of the issues

1 that are addressed is the zoning. So this zone is
2 RSR3. It's a special development pattern residential
3 district. Our application -- our plan meets the
4 zoning as it relates to lot size and density. We're
5 not asking for any additional density that's there.

6 This is kind of a unique zone, and it's
7 specifically limited as to where it's at in the city,
8 and there -- this zone, in my view, was designed so
9 that these little middle-of-the-lot subdivisions
10 could be developed. This is the only section of that
11 block that's zoned this, and, in my view, the city
12 developed these zones so these parcels could be
13 developed, and so that is our desire today.

14 One of the major issues as we worked
15 through the planning was fire and safety. Right now
16 on that lane, the lane -- the ten-foot lane heading
17 back to those homes is ten feet wide. At the back of
18 that lane there is no fire hydrant. The homes that
19 are there are not fire sprinklered. The vegetation
20 that's there is overgrown and a fire hazard.

21 As we worked with the local fire
22 department, we found alternative means that would
23 allow us to ensure the protection of that area.
24 Under the direction of the fire marshal, we agreed to
25 fire sprinkler the homes. We also are going to

1 install what's known as an FDC and a standpipe,
2 essentially which will allow the fire department to
3 fight fires without driving a fire truck down the
4 lane. There will be a standpipe on 6th South near
5 the entrance of McClelland Street. That pipe will
6 then run underneath the lane and pop out in the
7 middle of our subdivision, so the fire truck will be
8 able to pull up, plug in at the standpipe, and fight
9 the flame, fight any potential fires there.

10 This represents a significant improvement
11 not only to any development, but specifically to this
12 one, because the dangers and the fire hazards are
13 there in the existing environment.

14 There was also some concern about ambulance
15 and ambulance access. Today I took the time to visit
16 with the company Gold Cross Ambulance. This was
17 contracted by Salt Lake Fire. I spoke with Mike
18 Reynolds about his ambulance size and access. The
19 physical box and cab of their ambulances are eight
20 feet wide. This lane is ten feet wide, so their
21 access is feasible. They'd have to take it slow and
22 be careful, but it is feasible.

23 In addition to these things, the actual
24 physical lane of McClelland that's ten feet wide is a
25 problem. It's private, but it's not maintained well.

1 It's full of potholes and cracked asphalt. Our
2 proposal would totally remove that existing lane and
3 replace it with new asphalt, and it would then be
4 much more -- much more accommodating to vehicular
5 traffic than it currently is.

6 During the process, we've conducted a
7 traffic study by Hales Engineering to evaluate how
8 much traffic our subdivision would actually create.
9 So right now there are five homes that use that lane.
10 Four of the homes are occupied and one is not. After
11 our subdivision, there would be eight homes that
12 would occupy that lane, increase of three homes.

13 According to the Hales traffic study, the
14 peak hours of traffic would be in the a.m. and the
15 p.m. The peak traffic hours would only generate 16
16 trips during the peak a.m. hour. That's for the
17 entire subdivision. That's for a total of eight
18 homes. That's not just our homes. That's all of the
19 homes that are there. The existing homes would
20 generate ten traffic trips during that peak hour, so
21 we are -- our development essentially is adding six
22 trips during that a.m. traffic hour. And then the
23 p.m., the total eight homes would be 14 trips.
24 Without our homes, there would be six fewer, so about
25 eight, so the overall impact of traffic on this lane,

1 there will -- it will increase, but it is very
2 marginal.

3 One of the concerns that was in the staff
4 report and was brought up is garbage collection,
5 recycling. Right now, the homes at the back of that
6 lane wheel their cans out to 600 South for the
7 collection. As you know, Salt Lake City residents
8 can have up to three garbage can, one for recycling,
9 one for trash, and one for yard waste. With eight
10 homes back there, that's a potential of 24 garbage
11 cans.

12 At the entrance on either side of
13 McClelland Street, there is approximately 84 feet of
14 curb and gutter where there is no parking ever that
15 is available for trash collection.

16 Our homes will have an HOA and the yards
17 will be maintained. There will be no need for the
18 yard waste collection, because it will be taken care
19 of professionally. Our cans -- if you take into
20 consideration the two cans that our homes will have,
21 plus the existing homes, there won't be any more than
22 19 cans on McClelland Street -- or on 600 South, and
23 84 feet is ample width to accommodate the 19 cans.

24 As developers, we want to be sensitive to
25 the area and to the neighbors. We understand that

1 our -- that what we're proposing will have an impact
2 on McClelland Street and that lane and the
3 surrounding neighbors, but I think, as you heard from
4 me tonight and as you heard later, that our
5 development will actually improve the conditions
6 there. It will improve safety, it will improve the
7 historic nature of the area, it will remove the
8 blight that's there, and it will be done so in a
9 responsible manner as we make efforts to build things
10 and for using our energy efficiency techniques, and
11 we're excited to be there. We think this is a great
12 development and we think this is what the city had
13 envisioned when they zoned this property SR3.

14 So we're happy to be here and I'm happy to
15 answer any questions the planning commission may
16 have.

17 VICE CHAIR: Okay. Thank you very much.
18 Any questions at this point from commissioners?

19 COMMISSIONER: Yeah. I just have one. You
20 mentioned eight homes. Does that include the two
21 homes that are existing on 600 South?

22 MR. BALLSTAEDT: Yes.

23 COMMISSIONER: Okay.

24 MR. BALLSTAEDT: Yeah. Exactly. There
25 will be a total of eight that use the lane.

1 Currently there's five.

2 VICE CHAIR: Okay. Any other questions at
3 this point from commissioners?

4 COMMISSIONER: Are those two -- sorry.

5 VICE CHAIR: Go ahead.

6 COMMISSIONER: Are those two that face 600
7 South, are they part of the HOA, then?

8 MR. BALLSTAEDT: I would like them to be,
9 but I can't force them to be, so, as part of our
10 development, the six homes in the back will be part
11 of the HOA, and we will maintain and pay for the
12 maintenance of that lane, the entire lane.

13 COMMISSIONER: All right.

14 MR. BALLSTAEDT: Yeah. Do you have a
15 question?

16 COMMISSIONER: Yes. You mentioned about
17 the access on that lane with the use of emergency
18 vehicles. Not knowing -- is this construction going
19 to be slab on grade?

20 MR. BALLSTAEDT: No. There will be
21 basements.

22 COMMISSIONER: So then you'll have some
23 heavy-duty equipment. Have you checked if that's
24 going to be an issue?

25 MR. BALLSTAEDT: Yeah. So -- great

1 question. So the concern is access in the lane for
2 construction. Just like any other vehicle on the
3 road, our construction vehicles cannot be any wider
4 than eight feet. So, for example, our lumber
5 packages, our trusses, they can't be more than eight
6 feet, so, although the lane is ten feet and eight
7 feet, there's not a lot of room to give. There is
8 room there, so the construction vehicles can access
9 that lane.

10 COMMISSIONER: Uh-huh. Is it ten feet
11 straight up? I mean, are you crossing over onto
12 beyond the ten feet on any of the vehicles?

13 MR. BALLSTAEDT: I --

14 COMMISSIONER: From the airspace with
15 regards to -- just looking at the concern about the
16 house on the west side.

17 MR. BALLSTAEDT: Yeah.

18 COMMISSIONER: And with that roofline
19 that -- which protrudes over into the lane.

20 MR. BALLSTAEDT: Yeah. You know, I know
21 that the house to the west is the big concern,
22 because the house is closely built to the lane, and
23 from my understanding today when I spoke with our
24 construction team, even lumber loads have to be
25 within that eight-feet limit, and -- for example, if

1 there's a truss system that's 12 feet high or ten
2 feet high, they build the trusses in two sets so
3 they're not wider than eight feet. If there was an
4 instance where it was wider than eight feet, there is
5 room on the east side of the lane. The nearest
6 structures on the east side of the lane are three or
7 four feet away, so there's airspace there for it to
8 pass.

9 COMMISSIONER: Okay. Thank you.

10 VICE CHAIR: Okay. Well, thank you very
11 much. Let me ask you to step down. I'll open it up
12 to our public comment section of the -- of this
13 petition.

14 MR. BALLSTAEDT: Thank you.

15 VICE CHAIR: Thank you.

16 COMMISSIONER: Mr. Chair, I don't know -- I
17 don't know how long the line is outside or if there
18 is one, but I'd suggest if there is anybody out there
19 who wants to speak specifically to this issue, that
20 we have them come forward.

21 VICE CHAIR: We have the McClelland issue
22 at this time.

23 COMMISSIONER: And I think you probably
24 already have some cards for this issue, right?

25 VICE CHAIR: I do. I have some cards, yes.

1 COMMISSIONER: We can get started, and
2 then whoever is out there can get in line.

3 VICE CHAIR: Let us begin with the cards I
4 have here in my hands. I have Cindy Jones.

5 COMMISSIONER: Is there a committee council
6 rep?

7 VICE CHAIR: Oh, yes. I'm sorry. Is there
8 a committee council member present in this particular
9 case before we begin? Okay. Not seeing any hands
10 up, Cindy Jones, please.

11 COMMISSIONER: Also, just before people
12 come up, you guys all can see there's a lot of people
13 here tonight, and we have several packed issues, so
14 if you can make your comments concise -- they'll be
15 limited to two minutes, and try to add something of
16 substance rather than just repeating what else has
17 been said.

18 VICE CHAIR: Thank you. And if you could
19 choose a mic, and tell us your name, if you could,
20 please, and then your thoughts. Like was mentioned,
21 there's a two-minute limit, so you'll hear the timer
22 go off when that time is up.

23 MARY ANN: Be sure to speak right into it
24 so they can hear you.

25 CINDY JONES: Okay. Yes. My name is Cindy

1 Jones and I'm a property owner on McClelland. 546,
2 actually. My husband and I have owned that for
3 probably 38 years. And, you know, I also am
4 sensitive to the ingress and egress of that property;
5 however, we've used it for many years. In fact,
6 there are a lot more people using that access than
7 actually what's been presented today. 1029 East 600
8 South have several vehicles that use that interior to
9 park several cars. I've gotten calls -- a couple of
10 different calls from our tenant about not being able
11 to get past because of the cars that are there and
12 the one across the street. I've taken photos of as
13 many as four cars back there.

14 Now, I know the property owner that's
15 there -- if I'm not mistaken, I think he drives a big
16 double-cab truck. He has a three-car garage, and yet
17 there are four cars essentially using that as a
18 parking lot. We've struggled with different issues
19 back there. There have been a couple of different
20 fires, and Judge kids love to hang out, for whatever
21 reason.

22 But, anyway, I think this would be an
23 incredible addition to our neighborhood. Thank you
24 very, very much.

25 VICE CHAIR: Okay. Well, thank you. Thank

1 you very much. And I have another card. I have Dave
2 Jones. And if you would choose a mic and tell us
3 your name, please.

4 DAVE JONES: Okay. So my name is Dave
5 Jones, and that was my wife that just spoke, so I'll
6 really try not to duplicate the comments, but we've
7 owned the house on the northwest corner of this
8 property that we're talking about since 1938. We
9 lived in it for five years, and we invested in it.
10 We have had tenants in that place for a long, long
11 time and have always tried to keep it up nice.

12 The problem is, you've got a boarded-up
13 house right next to it that's never going to be
14 renovated. You've got empty lots that were
15 originally zoned for construction of houses with
16 rights of way into the property. If not this time,
17 I'm afraid nothing will ever be built in this area
18 and it will continue to be a blight, it will continue
19 to be a drag on property values.

20 This is a very nice plan that's been put
21 forth, and we do have limited access in there, but
22 trucks have driven in and out of there for years,
23 including construction trucks that we've brought in
24 to work on our properties, without damage to those
25 homes.

1 So we respectfully request that you look
2 favorably on this request. There are only a limited
3 number of holdings in inner block areas in this city
4 that could still support some significant housing and
5 nice housing. This is one of them. But if you
6 reject this plan, I'm afraid nobody else is going to
7 come around and do it, and it will be what it is, a
8 blighted area in the heart of Salt Lake City for the
9 rest of the century, I'm afraid. Thank you.

10 VICE CHAIR: Thank you very much for your
11 comments. I have a Craig Webb. Choose a mic and
12 tell us your name, please.

13 CRAIG WEBB: My name is Craig Webb and I
14 live at 540 Conita Court. My house borders the
15 proposed subdivision. I can understand the concern
16 about the way you get in and out, but for the last
17 20, 25 years, I have done nothing but fight with the
18 city and everybody else to get this thing cleaned up.
19 There's a house that's condemned by the city that has
20 been broken into several times. Nothing -- the
21 gentleman from the city I've dealt with has been very
22 good about it. He has been -- he's boarded it up.
23 And just recently, within the last two or three
24 months, there's been two more homeless people trying
25 to get in, and I confront them. I don't back down to

1 anything like that. I'm tired of it.

2 The fact of the -- like everybody said
3 before, this field is just absolutely nonmaintained.
4 There's trees back there that are dead. The
5 house that's condemned has a couple of trees on it,
6 right next to Dave and Cindy Jones' place, that limbs
7 have fallen down, huge. I'm surprised somebody
8 hasn't been killed just by that alone. The tree
9 behind it is at least 150 feet high. I watched the
10 wind blow the other night, and I thought that
11 thing -- if that thing comes down, it's going to take
12 out their house, the one that's condemned. Who knows
13 about the properties on 10th East? Plus the fact
14 we've had issues with the kids at Judge over there
15 smoking, which could cause the field to be on fire,
16 because it's not maintained.

17 The other thing is we've had several cars
18 that were stolen that were brought up there and
19 stripped down, one right -- one brand-new one off the
20 car lot right behind my house, because people know
21 they can get in and out of there. And I can't tell
22 you how many times in the middle of the night I've
23 had to get up, chase people literally off my
24 property, the neighbors' property, and I've used --
25 taken a baseball bat and met the cops out on 6th

1 South trying to -- these people have tried to break
2 into our house and our cars, and they know that's an
3 empty area and they take advantage of it, plus the
4 fact of being not being maintained and stuff is
5 decreasing my property value, and I can't -- I can't
6 see anything that -- it would be nothing but
7 positive, the way that Garbett has this thing set out
8 now, to -- that would increase the property value and
9 get rid of a lot of the problem back there.

10 I just -- I'm tired, really, of fighting
11 it. It's been 20, 25 years, and it's just the same
12 thing. Nothing has changed. That field is not
13 maintained. That house has not been taken down.
14 It's -- all the time there's somebody trying to get
15 in it. And the problem -- anyway, thanks.

16 VICE CHAIR: Thank you for your comments.
17 Appreciate that. We're going over the petition for
18 McClelland. If anybody out in the hallway has a
19 comment for this particular case, please step forward
20 so we know you are here. Let.

21 Us move on. I have another name, Dean
22 Moore. Thank you. If you could choose a mic and
23 tell us your name, please.

24 DEAN MOORE: My name is Dean Moore. I
25 reside at 539 Conita Court. We're also on the north

1 end. We're the property owner right to the north of
2 this proposed subdivision.

3 We have two issues with that. According to
4 the survey, which we disagree with, the property line
5 is only about nine inches from the back of my house,
6 so if somebody were to put a fence up along there,
7 there's no way I could maintain that. The -- there's
8 a fence back there from when the original property
9 was, you know, kind of done, and over the last
10 hundred-plus years, as technologies have proved, you
11 know, now if you survey it, it comes really close to
12 my property line, and we're -- we'd like the property
13 line to be where the fence line is, and then the
14 subdivision measurements taken from there. And so
15 we're -- we've been working with Garbett, but we
16 don't have anything set up for that.

17 The other issue I have is that my sewer
18 line actually goes into the sewer main that they're
19 taking out, and that's not shown on any of the plans
20 and that (inaudible) has not been completed, and we'd
21 like to see that -- where are they going to put my
22 sewer line and how are they going to hook it back up?
23 Because it -- like I said, it currently connects into
24 the sewer line that they're taking out, so I'd like
25 to see that resolved before the plan is approved.

1 VICE CHAIR: Okay. Thank you for your
2 comments. Anybody else here to speak on the issue
3 with McClelland, please raise your hand. Oh, yes.
4 Come on forward, please, and choose a mic and tell us
5 your name.

6 JT REDD: My name is JT Redd. I live on
7 1029 East 600 South, so right on McClelland there.
8 First off, I want to thank the planning staff
9 generally and Mary Ann Pickering for her work in
10 accommodating for all the neighbors.

11 I agree with the recommendations of the
12 planning staff to deny the proposed building project.
13 First off, the lots were subdivided in the 1800s when
14 the means of access were via horse carriage, so there
15 was never more than three homes back there, so to
16 simply alter the use of that road would cause many
17 problems.

18 The first of these problems are safety
19 concerns. How does -- now I drive the truck on that
20 road, and multiple times a day, at least once a week,
21 I have to back up down that alley across a busy
22 sidewalk and onto 600 South. Again, that sidewalk is
23 heavily used. 600 South is a busy road. You know,
24 incredibly dangerous how it is. So, by adding these
25 homes, we're nearly going to double, you know, the

1 amount of these instances per person. So, again,
2 it's just a, you know, massive safety hazard.

3 You know, you cannot get two vehicles on
4 that road. And he had mentioned that construction
5 vehicles could get through that road safely. Yeah,
6 they could get through safely, but I can't get out of
7 my house if they're trying to get those vehicles in
8 and out, which is a big problem. We have people with
9 full-time jobs, going to school full time. Big
10 issue.

11 Next, as it relates to fire safety, you
12 know, the road is incredibly narrow, and to simply
13 get a truck back there to put out a fire is not
14 incredibly efficient, so that would not work out too
15 well. You know, Faultline Park is about a block
16 away, so if there is any kind of earthquake damage,
17 there would be a massive safety hazard.

18 Next is the quiet enjoyment of all the
19 homes, you know, so about 24 garbage cans coming
20 down, you know, on garbage day would be a massive
21 problem as well. How it is, if I'm working on the
22 alley and there's a car coming down the alley, I
23 cannot move.

24 So the point is, the builder has every
25 right to develop the property and to maximize the

1 profit, but not at the expense of the neighbors.
2 They're merely looking to maximize profits, which is
3 incredibly offending, so the safety is being
4 compromised, quiet enjoyment eroded, and property
5 values are diminished.

6 VICE CHAIR: Okay. Perfect. Thank you
7 very much for your comments. I appreciate those.
8 Okay. Anybody else for comments with this particular
9 case at hand? Okay. Seeing no hands go up, we'll go
10 ahead and close the public comment section of this
11 case.

12 Let us invite the applicant back.

13 COMMISSIONER: Mr. Chair, just real
14 quickly, not related to this at all, but for those
15 that are standing, the audio and video feed is live
16 across the hall. If you want to be more comfortable
17 if you're here for a later item, feel free to take
18 advantage of that, and we will -- as we get to future
19 items on the agenda, we'll make sure there's enough
20 time for people who are done to leave and for people
21 who want to come back in to find a seat and
22 everything else, so -- thank you.

23 VICE CHAIR: Thank you for those comments.
24 Anything to say to the -- any response to the
25 comments you've heard?

1 MR. BALLSTAEDT: Yeah. Regarding the
2 comment from Mr. Moore, I believe -- he owns the
3 property directly north of the subdivision. When we
4 did the open house originally, a year ago, him and
5 his wife brought to our attention the possibility of
6 the issue with the property line being not exactly
7 the same as where the fence line is, so over the last
8 few months we've been working with them and their
9 attorney, and we've agreed to actually modify -- I
10 should say move the property line to match the
11 existing fence line, and that included pulling the
12 line onto our property about 18 inches for the entire
13 length of their parcel. And if you look at our plan,
14 the proposed property line for our development
15 actually mirrors the fence, and not only the fence
16 line for his property but the fence line for his
17 neighbor to the west, and we still fit within the
18 setbacks that are requested for the perimeter
19 setbacks.

20 He also brought up a concern about the
21 sewer, and, you know, as we looked at it, I don't
22 think our sewer is going to interfere with his sewer
23 lateral. There is a sewer manhole right there in our
24 property. We will sewer to the south. We don't
25 sewer to the north through his property. I don't see

1 any issues with the sewer, but that is certainly
2 things that we can guarantee through the process with
3 staff.

4 I think -- in closing, I think I have to
5 echo some -- the comments of the neighbors. This
6 area has been a serious blighted problem. It creates
7 fire hazards and issues, and they're tired of it.
8 And our proposal is reasonable. It's within the
9 zoning. We're not asking for any more density than
10 what's zoned. This zone was created so this parcel
11 could develop, and we're doing it reasonably and
12 we're doing it with input from neighbors, and we're
13 doing all we can to appease them and to make them
14 happy. So that's all I have.

15 VICE CHAIR: Okay. Thank you. Any
16 questions from commissioners?

17 COMMISSIONER: I have a question, maybe for
18 Mary Ann, with regards to the density there. So the
19 five units are allowed?

20 MARY ANN: Yes. It meets all of the zoning
21 standards. It does.

22 COMMISSIONER: Okay. And then the lane
23 there, that's private?

24 MARY ANN: Correct.

25 COMMISSIONER: It's a private lane?

1 MARY ANN: Correct.

2 COMMISSIONER: So, with this development,
3 who does ownership reside with?

4 MARY ANN: Right now, the gentleman that
5 owns the property to the west has indicated that it's
6 shared between everybody, but he has not provided any
7 documentation to that. Jacob might know how the
8 ownership is set up.

9 MR. BALLSTAEDT: The lane has been there a
10 hundred years. All the houses on that lane have used
11 it.

12 COMMISSIONER: So it falls into some type
13 of -- Paul, is there any type of public right-of-way?

14 PAUL: If it were a public road -- excuse
15 me. I don't believe we have record of that. There
16 are processes where use over time can establish that
17 a road has become a public road, but you have to go
18 through a process to petition -- either petition the
19 city to do that or go through the courts. There's
20 a -- it's under the transportation section of the
21 Utah Code where it talks about continuous use
22 becoming a public road.

23 We have a lot of these in the city where,
24 at some point, a subdivision was divided up and
25 nothing specific was done with respect to the rights

1 of the road. It wasn't dedicated to the city and it
2 wasn't reserved for one particular parcel, so --

3 COMMISSIONER: Is there a potential risk
4 for any of the homeowners or projected -- or expected
5 homeowners based on not knowing who has control of
6 that lane?

7 PAUL: If there's risk, it's something that
8 they would have to resolve amongst themselves.

9 MARY ANN: And I checked twice with
10 engineering and they told me that it was definitely
11 private. They had no indication that it had ever
12 been dedicated.

13 COMMISSIONER: So there's no easement
14 recorded as well?

15 MR. BALLSTAEDT: Well, the parcel -- the
16 parcels at the back of the lane have a deeded right
17 to the alley, to the ten-foot McClelland lane, so --

18 COMMISSIONER: Share access?

19 MR. BALLSTAEDT: Yeah.

20 COMMISSIONER: All right. Thank you.

21 VICE CHAIR: All right. Thank you. Any
22 other questions for the applicant from commissioners?

23 COMMISSIONER: I'm sorry. I do have an
24 additional question. You mentioned potential of 19
25 garbage cans being out on the front.

1 MR. BALLSTAEDT: I would say a maximum of
2 19.

3 COMMISSIONER: Maximum of 19. That
4 includes some of the existing homes?

5 MR. BALLSTAEDT: That includes all the
6 existing homes that use that private lane.

7 COMMISSIONER: Yeah. Do you agree with
8 that, Mary Ann?

9 MARY ANN: We came up with 24 based on the
10 six homes in the subdivision, because the city does
11 have the option for four cans, so that would be the
12 worst-case scenario if every resident did take all
13 four. If you add in the two existing residences, it
14 could be potentially eight more.

15 MR. BALLSTAEDT: And the reason I say only
16 19 is because one of the cans is for yard
17 maintenance, yard waste. Our five homes are going to
18 be professionally maintained, and we'll have in the
19 covenants that they cannot have that fifth can --
20 that extra can, because, one, there's not room for it
21 on 6th South, and two, they don't need it.

22 MARY ANN: And the optional fourth can is
23 glass recycling.

24 COMMISSIONER: Thank you.

25 VICE CHAIR: Okay. Thank you. Anything

1 else from commissioners for the applicant? Okay.
2 Let me ask you to step back. Thank you very much for
3 your insight. We can deliberate at this point
4 amongst commissioners.

5 COMMISSIONER: So I think it's a great
6 project. I'm still mulling over the access issue.

7 COMMISSIONER: Looking at the -- Mr. Chair,
8 with our tour today, there -- you know, it is
9 blighted. It doesn't look like there's been any
10 attempt to make change there over a period of time.
11 I think, in general, the development would add
12 benefit to the neighborhood. The main issue here is
13 that access, but if it's been used all this time, I
14 think an extra housing units or two would not be that
15 detrimental, being the fact that we haven't had also
16 overwhelming objection to the project from the
17 community, so I may lean in favor of granting the
18 petition.

19 COMMISSIONER: I kind of -- I agree with
20 you. Anybody trying to develop this is going to face
21 that narrow driveway, and that's not going away, so I
22 don't know, in my mind, that having an extra home in
23 there substantially increases things. Do we make a
24 motion, Mike?

25 VICE CHAIR: Yeah. If everybody is ready

1 for a motion, please go ahead and put it forward.

2 COMMISSIONER: Thank you. Yeah. Let me
3 see if I can pose together -- regarding PLN SUB
4 2015-00358, this is a -- this is the McClelland on
5 Clave at 546 South McClelland Street. Based on the
6 analysis and the findings of the staff report --

7 COMMISSIONER: Are you going to do the
8 planned development one at the same time?

9 COMMISSIONER: Oh, sorry. There are two
10 here. I apologize. Also, then -- which one did I
11 say? The 358. Also, then, PLN SUB 2015-00567.
12 Based on the staff report and the testimony that's
13 been heard today, I move that the planning commission
14 approve the planned development and subdivision
15 request for the property located at approximately 546
16 South McClelland Street. I was thinking -- should we
17 add in a specification that there can't be more than
18 18 or 19 garbage cans?

19 COMMISSIONER: I think, based on the
20 comments by having an HOA, that will probably be
21 controlled, to some degree.

22 COMMISSIONER: Yeah.

23 COMMISSIONER: But --

24 COMMISSIONER: I think -- if there's a
25 motion, I think we need to have a second before we

1 start discussing that, but --

2 COMMISSIONER: Okay. I'll second that.

3 VICE CHAIR: Okay. We have a first -- a
4 motion made by Clark, a second by Mike Gallegos.

5 COMMISSIONER: Then I would just like to
6 add two comments. One is that the staff report
7 identifies Standard C and E as not complying, so part
8 of that motion should specifically address -- if you
9 find that they do comply with those standards, part
10 of the motion should identify that that is the case,
11 so C is generally compatible with the surrounding
12 areas, and E is the plan -- the proposed plan
13 development shall preserve any historical,
14 architectural, and environmental features of the
15 property.

16 And I might just want to caution about
17 adding any sort of condition that prohibits future
18 residents from accessing city-provided services. I
19 don't think that that's legal, and it's probably
20 problematic.

21 MARY ANN: Also, on the last page of your
22 staff report, there are conditions we would recommend
23 if we were to recommend approval. You can look at
24 those and decide if you want to include any of those
25 in your motion.

1 VICE CHAIR: Okay. So we have a --
2 COMMISSIONER: A very unwieldy file to look
3 through here.
4 MARY ANN: It's the very last page.
5 COMMISSIONER: Okay. Let's see here.
6 VICE CHAIR: Okay. So we did have a motion
7 and a second. Shall we begin voting on that?
8 COMMISSIONER: Well, we need to discuss it
9 a little bit here, is what we're saying.
10 VICE CHAIR: Okay.
11 COMMISSIONER: Yeah. So would you be
12 willing to add the eight conditions listed in the
13 staff report associated with the posited motion?
14 COMMISSIONER: Let me just look through
15 these real quick again.
16 COMMISSIONER: And like Nick said, the
17 motion needs to be amended a little bit, because you
18 need to make findings that it complies with those two
19 other standards that Nick identified.
20 COMMISSIONER: Can anybody tell me where
21 those --
22 MARY ANN: I will find those two standards
23 for you.
24 COMMISSIONER: -- those two standards are?
25 It's hard to find it through all the public comment.

1 MARY ANN: It starts on Attachment F of the
2 main report. And I apologize. There's no page
3 number. It's right after the photos of the site.

4 COMMISSIONER: Those eight conditions at
5 the end, those would be standard as part of the
6 development anyway.

7 MARY ANN: Correct.

8 COMMISSIONER: Right.

9 COMMISSIONER: The standards are on page --
10 of your staff report, page 61 and 62 of the PDF.

11 COMMISSIONER: So it's C and -- what was
12 the other one?

13 MARY ANN: E. Sure. C is compatibility,
14 and it says "The proposed plan development shall be
15 compatible with the character of the site, adjacent
16 properties, and existing development within the
17 vicinity of the site where the use will be located.
18 In determining compatibility, the planning commission
19 shall consider" -- and there's one that talks about
20 street access; two is whether the plan development
21 will create unusual pedestrian or vehicle traffic
22 patterns; three, whether the internal circulation can
23 mitigate adverse impacts on adjacent property. Four
24 is whether -- that one complies. Excuse me. Five,
25 whether appropriate buffering or other mitigation

1 measures, such as landscaping and setback, have been
2 provided so they do not create impacts on other --
3 or, excuse me, impacts from light noise, odor, visual
4 impacts, or other unusual disturbances from trash
5 collection, deliveries, or mechanical equipment.

6 And then E is "Preservation," and that says
7 "The proposed plan development shall preserve any
8 historical, architectural, and environment features
9 of the property.

10 COMMISSIONER: Mr. Chair --

11 COMMISSIONER: So, looking at C, it seems
12 like most of these are tied to the narrow entrance
13 and the trash collection.

14 MARY ANN: Correct.

15 COMMISSIONER: So I think we've made some
16 findings here that we don't think that that's going
17 to be -- that doesn't seem to be overly impactful to
18 us.

19 COMMISSIONER: I think you just need to
20 state that in your -- in a modified motion.

21 COMMISSIONER: Right.

22 COMMISSIONER: And then as for
23 preservation, then -- I don't know what anybody else
24 thinks, but, going out there today, and according to
25 the testimony, I've heard two of those buildings back

1 there are pretty dilapidated, and they are preserving
2 the one that's good, right?

3 COMMISSIONER: Well, we're talking about --
4 we're talking about preservation of housing, usable
5 and adequate housing. This will be adding to that,
6 to the -- to the housing stock, housing that's
7 livable. Based on --

8 COMMISSIONER: Is it the one on the east
9 side that's being preserved?

10 MARY ANN: Correct. And the one in the
11 back, the green one, that's the one that's been
12 rented for several years, and it does have current
13 occupants. The one that's boarded up, that's the one
14 that's been vacant for many years.

15 COMMISSIONER: Okay.

16 COMMISSIONER: Mr. Chair?

17 VICE CHAIR: Yes.

18 COMMISSIONER: There's something I think
19 would be appropriate to put on the record, and that
20 is that a few minutes ago a member of the public
21 approached me and asked if they could make a comment.
22 You did close the comment period. You did solicit
23 all -- any additional comments, and we have a motion
24 on the table. I just haven't put that on the record
25 because it was -- I was approached for a public

1 comment at this point. I thought you should be aware
2 of that. My advice would be that there is a motion
3 and the hearing is closed.

4 VICE CHAIR: Yeah. At this point we have a
5 motion on the table and we'd like to carry that
6 through. Clark?

7 CLARK: Yeah. I'd just like to -- do I
8 amend my motion or just add to it?

9 COMMISSIONER: You'd amend your motion.

10 CLARK: Amend. I'd like to amend my motion
11 that, based on our discussion and testimony from the
12 applicant and the public, we don't feel that the --
13 that the trash collection is going to be overly
14 impactful, nor the increased traffic, and then -- I
15 don't know if anybody --

16 COMMISSIONER: From the two additional
17 units.

18 CLARK: From the two additional units,
19 right. And then as for preservation -- I don't know
20 what anybody else thinks, but I feel like they are
21 preserving the one home that looks to be in fairly
22 good condition. Maybe -- I don't know why they're
23 not preserving the other one that's being lived in,
24 but --

25 COMMISSIONER: Well, they're adding to the

1 housing stock as well, and it fits within the
2 existing requirements.

3 CLARK: Right. So we can make those our
4 findings, what Mike has just said.

5 COMMISSIONER: I'll accept your amendment.

6 CLARK: Okay.

7 VICE CHAIR: Okay. So it has been
8 reinforced.

9 COMMISSIONER: And did you include the
10 conditions 1 through 8?

11 CLARK: And the conditions 1 through 8,
12 yeah. I think we discussed those.

13 VICE CHAIR: Okay. So we have a motion on
14 the table by Clark and a second by Mike Gallegos.
15 Let's beginning the voting.

16 COMMISSIONER: Aye.

17 VICE CHAIR: Carolyn?

18 CAROLYN: Yes.

19 VICE CHAIR: Mike Fife?

20 MR. FIFE: Yes.

21 VICE CHAIR: Maureen?

22 MAUREEN: Aye.

23 VICE CHAIR: And Clark?

24 CLARK: Aye.

25 VICE CHAIR: It passes unanimously. Thank

1 you very much, and thank you to the -- those involved
2 as well with comments and the applicant.

3 We'll go ahead and move on to our next
4 case.

5 * * * *

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

I, RENEE L. STACY, Registered Professional Reporter and Certified Realtime Reporter for the State of Utah, do hereby certify that the foregoing transcript was written stenographically by me from an electronic recording and thereafter transcribed;

That the foregoing pages contain a true and accurate transcription of the electronically recorded proceedings and was transcribed by me to the best of my ability.

IN WITNESS WHEREOF, I have subscribed my
name and affixed my seal on this 7th day of April,
2016.

RENEE L. STACY, RPR, CRR
Notary Public in and for the
County of Salt Lake, State of Utah

My Commission Expires:
November 9, 2019

EXHIBIT G: Planning Commission Staff Report



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission

From: Maryann Pickering, AICP, Principal Planner
(801) 535-7660

Date: March 9, 2016

Re: McClelland Enclave at 546 S. McClelland Street – PLNSUB2015-00358 (Preliminary Subdivision) and PLNSUB2015-00567 (Planned Development)

Preliminary Subdivision Plat and Planned Development

PROPERTY ADDRESS: 546 S. McClelland Street

PARCEL ID's: 16-05-452-017, 16-05-452-018, 16-05-454-007, 16-05-454-008, and 16-05-454-032

MASTER PLAN: Central Community Master Plan Low/Medium Density Residential (10-20 dwelling units per net acre)

ZONING DISTRICT: SR-3 (Special Development Pattern Residential District)

REQUEST: Jacob Ballstaedt of Garbett Homes is requesting approval from the City to develop a new six lot subdivision at the above listed address. Currently the land is used for residential purposes and is zoned SR-3 (Special Development Pattern Residential District). This type of project requires Subdivision and Planned Development review. A Planned Development is required for the subdivision to have a private street and to reduce the setbacks for some of the proposed lots in the subdivision.

RECOMMENDATION: Based on the analysis and findings of the staff report, it is the Planning Staff's opinion that overall the project generally does not meet the applicable standards and therefore, recommends the Planning Commission deny the request.

Recommended Motion: Based on the testimony and the proposal presented, I move that the Planning Commission deny the planned development (PLNSUB2015-00567) and subdivision request (PLNSUB2015-00358) for the property located at approximately 546 S. McClelland Street based on the findings and analysis in the staff report.

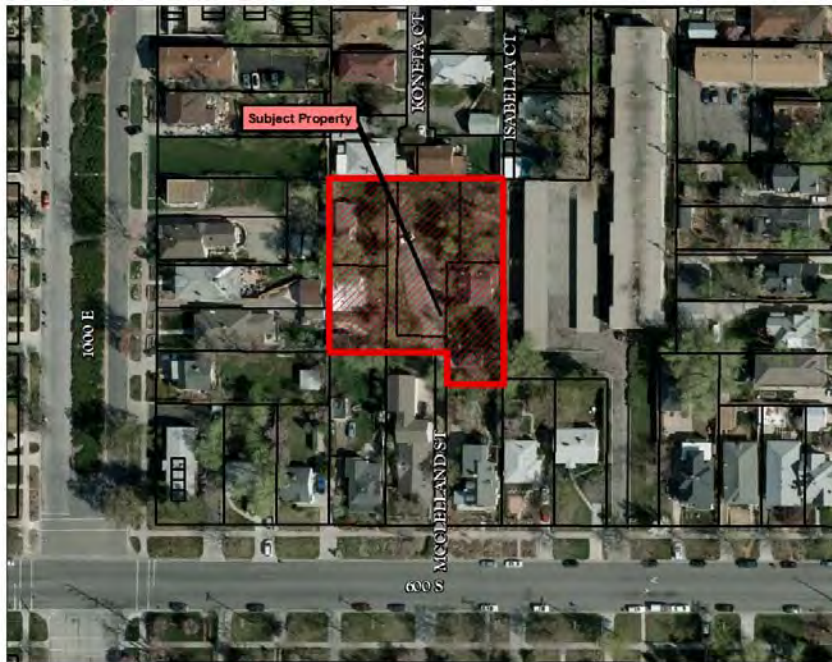
ATTACHMENTS:

- A. Subdivision Plans
- B. Building Concepts
- C. Additional Applicant Information
- D. Additional Site Photos
- E. Existing Conditions

- F.** Analysis of Standards
- G.** Public Process and Comments
- H.** Department Comments
- I.** Motions

PROJECT DESCRIPTION:

The applicant, Jacob Ballsteadt of Garbett Homes, is proposing a new six lot subdivision on five existing lots. The properties are located within an interior court in the Central City area. The access to the site is through McClelland Street. This portion of McClelland Street is designated as a private right-of-way by the City. Access to McClelland Street is from 600 South and the properties are located between 1000 and 1100 East. Below is a vicinity map showing the location of the site. Due to the configuration of this interior court, the proposed project would have limited visibility from any of the adjoining streets.



The proposed subdivision will contain one existing home and five new single-family residences. All six of the residences will be located on their own property and will stand alone units, meaning they will not be connected or attached in any way. The existing residence is not proposed to be modified on the exterior as part of this request. For the other residences, the applicant is proposing three different floor plans. Each residence will have an unfinished basement, two-car garage, three bedrooms, and 2½

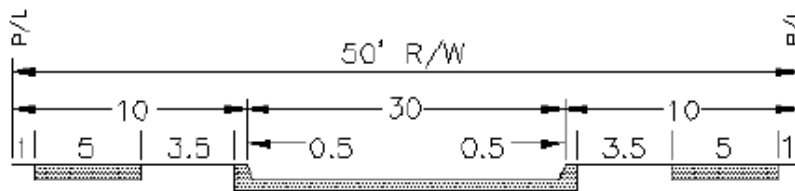
baths. All of the units are two stories in height. The total square footage is the difference in each of the units and the size will vary from 2,349 square feet to 2,811 square feet. All residences are proposed to be accessed from a private street. The applicant's narrative (Attachment C), subdivision plans (Attachment A) and proposed elevations (Attachment B) are included for reference.

As part of the proposal, the applicant is requesting that the Planning Commission modify the required corner side yard for two of the properties. Lots 101 and 104 do not meet the minimum corner side yard setback of 10 feet (see Attachment A). Both of these lots have a setback of five feet on their east property lines. These lot lines are adjacent or next to the proposed private street. All other lots meet all of the required setbacks. Should the Planning Commission decide to approve the project, Planning staff feels that these setbacks should not be reduced. This means that the subdivision will have to lose two lots from the proposed layout.

The applicant is also requesting relief from Section 20.12.010.E.1 – Access to Public Streets which states that all lots or parcels created by the subdivision of land shall have access to a public street improved to standards required by code, unless modified standards are approved by the Planning Commission as part of a Planned Development. The typical local street design for new single-family residential development as required by the Engineering Division is a 50 foot right-of-way. This includes the following: a total of 10 feet of sidewalk, curb, gutter and

landscaping, a 30 foot drivable surface for two way traffic, and another total of ten feet of sidewalk, curb gutter and landscaping. The applicant is proposing a total of 24 feet right-of-way for the private street. Within this 24 foot right-of-way is: a four foot sidewalk, two feet of curb and gutter, a 16 foot drivable surface and another two feet for curb and gutter. A detail of the street cross section can be found below and in Attachment A. The sidewalk is proposed to be located on only one side of the street, but this is allowed in the subdivision design standards. The applicants proposed street is less than half of what would typically be required for a new subdivision with public streets. As noted, the Planning Commission can reduce the street right-of-way as part of a planned development request. Below is a graphic comparison of the typical street design required for new public streets and the applicant's proposed street design for this project.

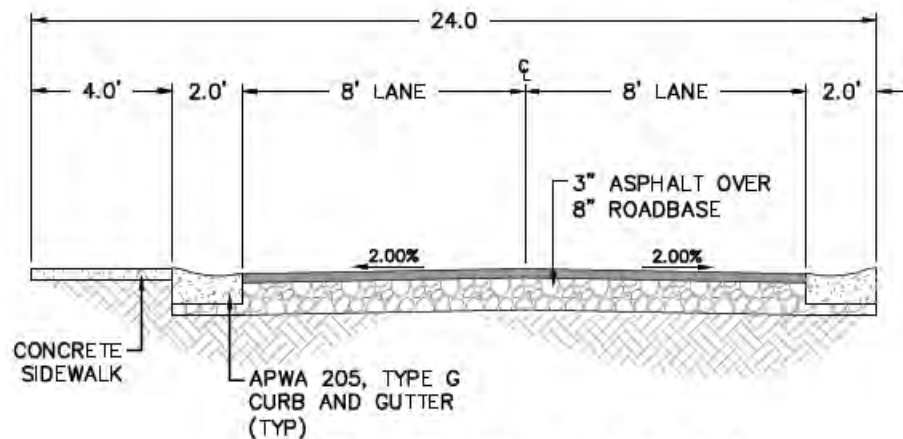
Required Street Design for New Public Streets (Local)



RESIDENTIAL
SINGLE FAMILY

Source: Salt Lake City Engineering Division

Applicant's Street Design for the New Private Street



PRIVATE ROAD SECTION

N.T.S.

The applicant is also requesting relief from Section 21A.36.010.C – Uses of Lands and Buildings which states that all lots shall front on a public street unless specifically exempted from this requirement by other provisions in the Code. All of the proposed lots in the subdivision will have access from a new private street. The private street is a continuation of McClelland Street and will continue to be called McClelland Street and for the small turnaround area, it will be called McClelland Lane.

KEY ISSUES:

The key issues listed below have been identified through the analysis of the project, neighbor and community input and department review comments.

1. Traffic Increase and Access
2. Garbage and Recycling Collection
3. Removal/Demolition of Old Homes
4. Traffic Impact During Construction
5. Planned Development Standards Not Being Met

Traffic Increase and Access

Neighbors on either side of the existing access drive have expressed concerns with traffic. Currently, there are three homes where the proposed subdivision is to be located. Two are occupied and one is vacant. By adding three more homes to the area, the traffic along the access drive will be increased. Neighbors are concerned because the access road is no more than 10 feet wide and is impossible for two cars to pass each other. There is not room for one car to pull off to the side to allow another to pass. This is concerning because one of the cars will need to back up in order to allow the other to pass.

However, the width of the access drive exists and the applicant did reach out to the property owner on the east side to purchase additional land to widen the access drive. The adjacent property owner did not desire to sell any land to the applicant. The City's Transportation Division did review the proposed project and traffic trip generation study and did not provide comments specific to the increase in traffic. However, Planning staff does have concerns about the limited access to the area where the subdivision will be built and the potential for vehicular/pedestrian conflicts.



Proposed access to the subdivision looking north (along McClelland Street) from 600 South. The existing condition on the right could be potentially dangerous for pedestrians on the sidewalk.

There will be no means for pedestrians to walk safely from the proposed subdivision to 600 South. Pedestrians will have to walk along the access road with is approximately 10 feet in width and a little less in some parts. While there will be sidewalks within the proposed subdivision along the new private street, the existing McClelland access cannot be widened to create a safe environment for all types of users. Another concern for pedestrian is the existing condition located where McClelland meets the sidewalk along 600 East. The property at 1035 E. 600 South is not part of this application, but existing topography along the southwest corner of that property create a potential site visibility issue for vehicles exiting from McClelland Street to 600 South. The view of the sidewalk is partially blocked and increasing traffic along McClelland Street will create more of a hazard and dangerous situation for pedestrians. Since the 1035 E. 600 South property is not part of the requested planned development, it cannot be required to be altered, but is an existing condition that has an impact on the proposed planned development.



One final concern with access is for public safety. The Fire Department has reviewed the request and has agreed to allow the applicant to incorporate a water source within the subdivision that would be used to fight any fires in the subdivision. The applicant has also agreed to provide sprinklers in the residences to assist firefighters in the event there is an incident. However, Planning staff has concerns with the access to the site in the event an ambulance or other type of public safety vehicle needed to access the subdivision. There is limited room for a vehicle to get into the subdivision and that could be crucial during life safety events.

This picture to the left shows how narrow the access way is into the subdivision. It would be difficult for emergency vehicles to enter the subdivision.

*Courtesy: Joe Redd Family
(Neighbor and Owner of House on Left)*

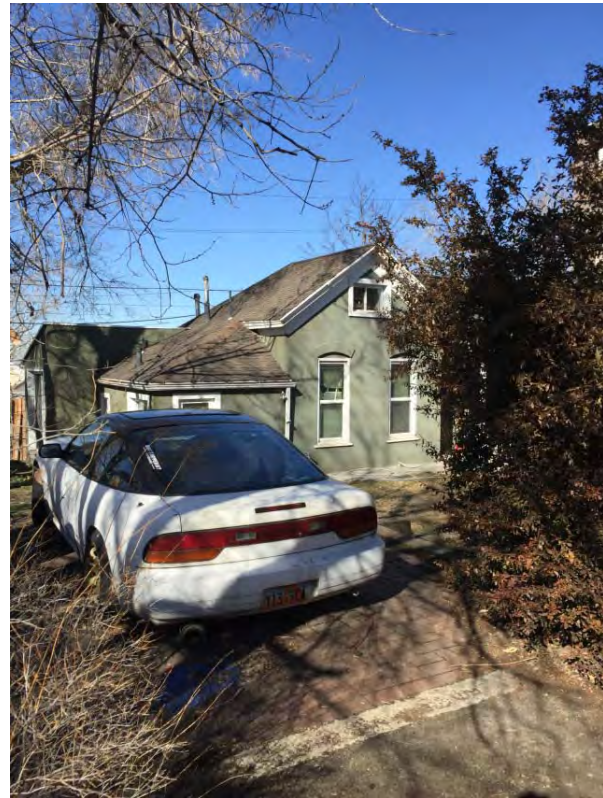
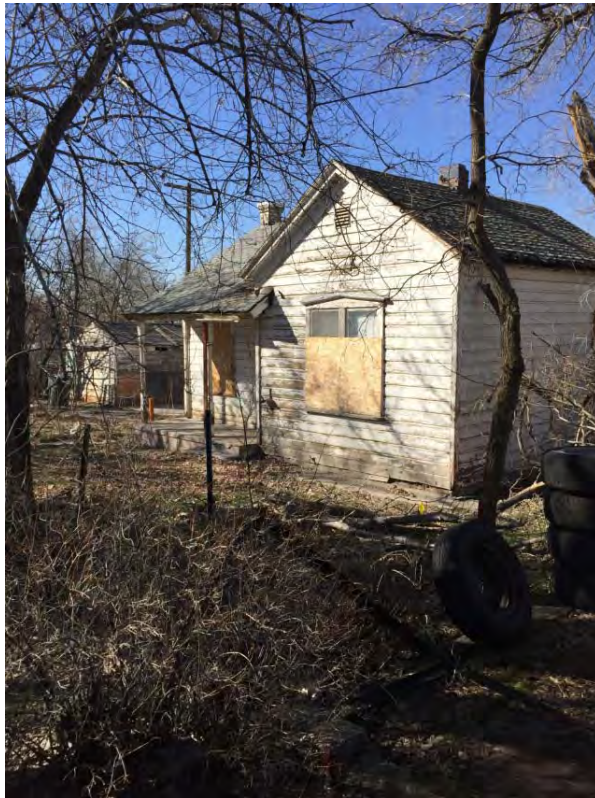
Garbage and Recycling Collection

Due to the narrow access of the right-of-way, garbage collection trucks will not be able to access the subdivision. This means that all residents will need to roll their garbage collection cans to 600 South each week for pickup. This could potentially add a total of 24 cans located along 600

South each week. This would be in addition the cans put out on the street for the existing residences along 600 South on either side of McClelland Street. Assuming that the existing two residences also put out up to four cans per week, these plus the additional ones from the proposed subdivision could create a line of garbage cans just under 100 feet when they are properly spaced out three feet between each other. While there is designated no parking on either side of the McClelland private drive that is approximately 84 feet long, it still means that the entire no parking area plus some of the on-street parking area will be impacted by the placement of sanitation cans from this new subdivision. This means that the sanitation collection could potentially take up on-street parking in this area which could impact existing residences in the area. This has also been a concern to the Sanitation Division, but would be the only way to provide service if the subdivision be approved. The Sanitation Division has also noted that there would be no option for annual neighborhood clean-up program each summer.

Removal/Demolition of Old Homes

Neighbors have expressed concern with the removal of the old homes within the project site. As noted in the description, one home will remain and two homes, along with a dilapidated garage, will be removed (photo on left – white house). While one of the two homes to be removed is severely dilapidated (according to the applicant), the other one appears to be in a condition where it could be rehabilitated. The residence that would be rehabilitated is an older adobe type historic structure (photo on right – green house). The standards for Planned Development approval encourages keeping older historic structures, but also removing any blighted structures. However, it needs to be noted, there is no requirement by the City for the applicant to preserve any historic structures or receive approval for demolition in this area as there is no local historic district.



Two homes proposed to be demolished as part of the proposed subdivision.

Traffic Impact During Construction

Those in the area are also concerned with the traffic impact in the area during construction with the narrow limited access. There will be deliveries of materials and the need for those working on the residences to park in the area. Those on either side of the access road have concerns about having the access temporarily blocked during the construction. Should the Planning Commission decide to approve the project, it is recommended by the staff that the applicant is required to provide a plan for the construction traffic and has the least amount of impact on the adjoining residences.

Planned Development Standards Not Being Met

Staff has determined that some standards found in 21A.55.050 are not being met due to the design or physical attributes of this project. Each one will be discussed in detail below.

21A.55.050(C)(1) – Access to the project is not compatible with the area. The proposed access to the site is through an existing private right-of-way that is approximately ten feet in width. This access is substandard and would not be currently allowed by the Zoning Ordinance. While it is existing and there is no way to make it wider, it does not make for a better project. Adding additional residential units than what would be permitted by zoning to the access of this road is not appropriate for the area. The impact of the additional vehicles and weekly sanitation collection will be a negative impact to the two existing residences on either side of the private access drive. A private street or way accessing six dwelling units should be wider than a one-lane driveway.

21A.55.055(C)(2) – The proposed development will create unusual pedestrian or vehicle traffic patterns due to the access to the site. There will be a negative impact for both vehicles and pedestrians along the private access as there is not adequate space for both vehicles and pedestrians. Along with the lack of space along the access drive, the traffic will be at least doubled with the addition of a total of four new residences. Several vehicle trips will be made in and out of the subdivision each day which will have a negative impact on the existing residences on either side of the private drive. The noise from the increase in traffic will also have a negative impact on the surrounding area, specifically the existing residences.

21A.55.050(C)(3) – As noted above, the limited access into the subdivision cannot be mitigated by a better internal circulation design. The applicant has provided a turnaround within the boundaries of the subdivision, but the impact to the adjacent property from motorized, non motorized or pedestrian traffic cannot be mitigated due to the narrow access. It is impossible to mitigate impacts from an increased number of dwelling units on McClelland Street due to the lack of space for a wider access.

21A.55.050(C)(5) – While the project does meet all of the perimeter setbacks for a planned development, Planning staff believes that there will be impacts to adjacent properties from vehicles, trash collection, and deliveries that are generated or associated with the proposed subdivision. Trash collection could result in up to 24 cans being wheeled down the private drive once a week. Noise from the cans and possible conflicts with traffic could occur. In addition, residents will most likely have packages delivered from various companies at some point and access to the residences along the private drive will not be easy for some of the larger trucks. These drivers may need to park along 600 East and then wheel packages to the residences. This could again create conflicts with vehicles and may be noisy.

21A.55.050(C)(6) – The proposed projects meets the minimum lot size and dimensions for the SR-3 zoning district. Because this project is a planned development, it is required to meet the minimum setbacks for the adjoining districts. This project area is surrounded by three different zoning districts and the applicant has designed the project to meet this perimeter setback. The planned development process does not allow for modification or reduction of this perimeter

setback. However, in order to meet this perimeter setback, the applicant needs to modify the corner side yard setback for two of the lots through the planned development process. Staff does not feel that this reduction is warranted since setbacks are required to provide adequate buffers and space next to uses. These two lots happen to be next to the proposed private road (within the subdivision) and the subdivision would be better served having a wider private drive than lots with reduced corner side yard setbacks.

21A.55.050(E) – At this time there are three residences on the property. The applicant is proposing to keep one residence and make it part of the subdivision. The other two residences are proposed to be demolished. One of the residences is boarded up and has been vacant for some time. The applicant has noted that the latter property is beyond repair and the only option is to demolish it. The other residence proposed to be demolished is occupied at this time and appears to be in good shape on the outside. The applicant has indicated that the residence has not been maintained and is in disrepair. The exterior of this residence appears to staff to be recently updated and it was built in the late 1890's. There is no local historic district in this area, but the property is part of a national historic district. The City has no ability to prevent demolitions within a national historic district, but it should be pointed out that tax incentives are available to properties in a national historic district and those incentives would be lost if the residence was demolished. Staff does not agree that all three structures need to be removed at this time.

DISCUSSION:

The applicant has worked with staff since the application was submitted in May 2015. The project has gone through several revisions in order to get it to this point. Other than the few reduced setbacks and technical requirements of going through Planned Development for a private street, the project has been reviewed by all applicable Divisions/Departments and it has been decided, that on paper, the proposed subdivision can be built to satisfy most City standards. The Engineering Division has approved the proposed subdivision, but has noted in its approval that the street does not meet minimum standards, but since it is a private road, the project can move forward. But, because this project is required to go through Planned Development, there are zoning standards for a planned development that may be difficult to meet and that is why staff recommends that this project be denied.

The primary concern shared by both the neighbors and staff is the narrow access into the subdivision. While it is there and it is what it is, the lack of access is concerning the reasons discussed above in the key issues. The amount of traffic in and out of the property would at least double from what it is today. There are two homes in the area now and with the addition of four more, it will have an impact on those in the area. The increase in sanitation collection cans would have an impact along 600 South for several residents in the area, not just those on either side of McClelland. Also, Planned Developments are supposed to provide a development that is better than what could be done following the strict application of the ordinance. Staff believes that this project is not a better project because of the increase in traffic, including vehicle, pedestrian and weekly sanitation collection to the two property owners on either side of the public access. The applicant has designed an open space within the subdivision, but it is unlikely it would benefit the general surrounding area

As part of a planned development request, it needs to be demonstrated by the applicant that at least one of the objectives is being met. The applicant has indicated that they believe the project meets all but one of the objectives. Planning staff does not agree that all the objectives the applicant claims are being met are fully met. But staff does agree that at least one is met and therefore, the project can be reviewed as a planned development.

Planned developments are intended to create an efficient use of land and resources while implementing the purpose statement of the zoning district in which it is located. Planned

developments are also supposed to result in a more enhanced project that if the strict applications of land use regulations while the project is compatible with the adjacent and nearby land developments.

The project is located in the SR-3 zoning district and part of the purpose statement for that district is to provide safe and comfortable places to live and play while the development is compatible with the surrounding area. While the Fire Department has indicated it would approve a design that does not require a fire truck to enter the narrow drive, no comments have been provided about medical emergencies. Pictures provided by the neighbors indicate that larger, private vehicles barely fit in the space. It is unknown if an ambulance or other emergency service vehicles would be able to safely navigate the narrow street. This may have an impact on how quickly they could arrive to provide emergency care and transport.

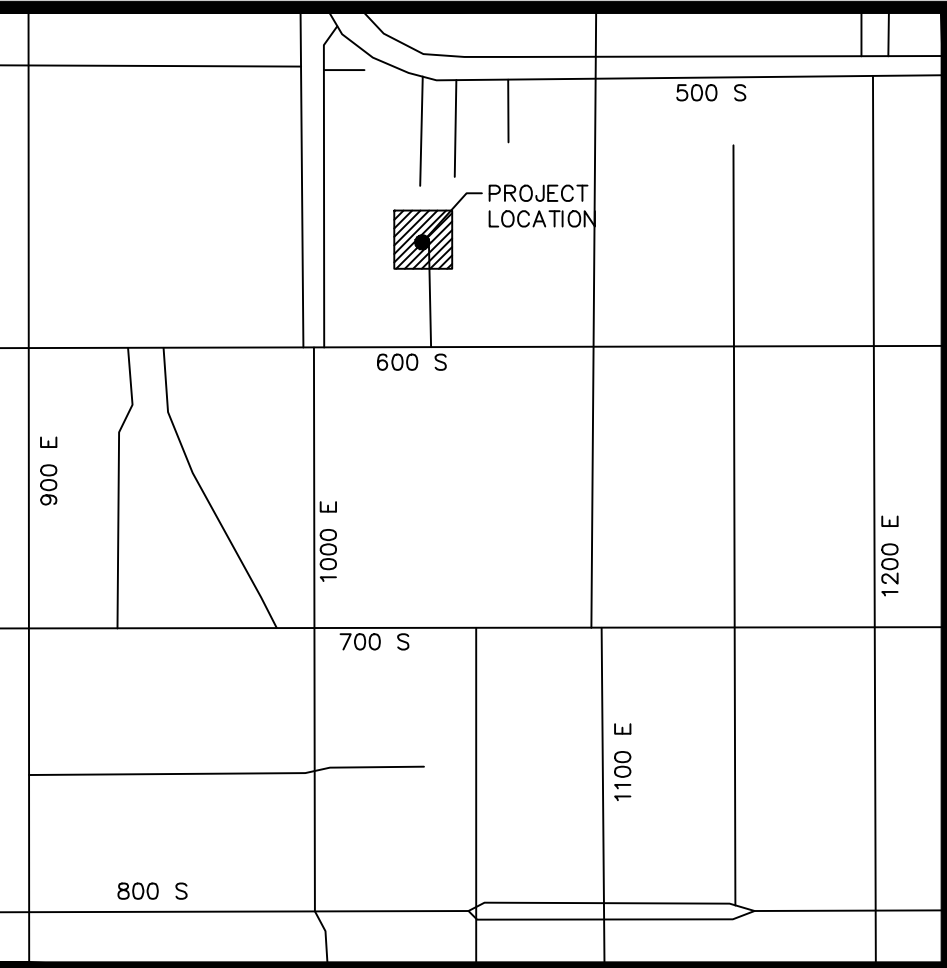
This project does meet the scale and density of the SR-3 zoning district, but is not necessarily compatible with the surrounding neighborhoods, which do have a different zoning classification. However, the impact of the scale or number of units of this development will have a negative impact on the surrounding area primarily due to the limited or narrow access to the proposed subdivision. The proposed planned development with a private road and request for reduced setbacks does create a more enhanced project for the area and in fact, creates a less desirable project for the area. Staff would concur that the project site would be cleaned up, but the impacts of the subdivision on the area is not better due to the design of the subdivision. For these reasons and the full analysis in Attachment F, staff recommends that this project is denied.

NEXT STEPS:

Should the Planning Commission decide to deny the application, the applicant can appeal that decision to the Appeals Hearing Officer. The Hearing Officer will review the case file and at an appeal hearing and make a decision. The Hearing Officer could be to uphold or reverse the Planning Commissions' decision or send it back to the Planning Commission for further consideration. The Hearing Officers decision can be appealed to District Court.

If the Planning Commission determines the project should be approved, then the Planning Commission will need to making findings that the project complies with the standards in the Zoning Ordinance and can impose any conditions they feel are necessary to meet the standards of approval. Staff has included some suggested conditions in Attachment I should that be the decision of the Planning Commission. After any potential approval, there will be an appeal period for appeals to the Hearing Officer. If no appeal is filed, the decision stands.

ATTACHMENT A: SUBDIVISION PLANS



VICINITY MAP
N.T.S.

GENERAL NOTES

1. CONTRACTOR TO FIELD VERIFY HORIZONTAL AND VERTICAL LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION, AND REPORT ANY DISCREPANCIES TO THE ENGINEER.
2. ANY AND ALL DISCREPANCIES IN THESE PLANS ARE TO BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO COMMENCEMENT OF CONSTRUCTION.
3. ALL CONSTRUCTION SHALL ADHERE TO APWA STANDARD PLANS AND SALT LAKE CITY STANDARDS AND SPECIFICATIONS
4. ALL SANITARY SEWER CONSTRUCTION SHALL ADHERE TO SALT LAKE PUBLIC UTILITIES STANDARDS AND SPECIFICATIONS
5. ALL UTILITIES AND ROAD IMPROVEMENTS SHOWN ON THE PLANS HEREIN SHALL BE CONSTRUCTED USING REFERENCE TO SURVEY CONSTRUCTION STAKES PLACED UNDER THE SUPERVISION OF A PROFESSIONAL LICENSED SURVEYOR WITH A CURRENT LICENSE ISSUED BY THE STATE OF UTAH. ANY IMPROVEMENTS INSTALLED BY ANY OTHER VERTICAL OR HORIZONTAL REFERENCE WILL NOT BE ACCEPTED OR CERTIFIED BY THE ENGINEER OF RECORD.

NOTICE

BEFORE PROCEEDING WITH THIS WORK, THE CONTRACTOR SHALL CAREFULLY CHECK AND VERIFY ALL CONDITIONS, QUANTITIES, DIMENSIONS, AND GRADE ELEVATIONS, AND SHALL REPORT ALL DISCREPANCIES TO THE ENGINEER.

ENGINEER'S NOTES TO CONTRACTOR

1. THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED BY A SEARCH OF THE AVAILABLE RECORDS, TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT AS SHOWN ON THESE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN OR NOT SHOWN ON THESE DRAWINGS. IF UTILITY LINES ARE ENCOUNTERED DURING CONSTRUCTION THAT ARE NOT IDENTIFIED BY THESE PLANS, CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY.
2. CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE CITY, THE OWNER, AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.
3. UNAUTHORIZED CHANGES & USES: THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS. ALL CHANGES TO THE PLANS MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THESE PLANS.
4. ALL CONTOUR LINES SHOWN ON THE PLANS ARE AN INTERPRETATION BY CAD SOFTWARE OF FIELD SURVEY WORK PERFORMED BY A LICENSED SURVEYOR. DUE TO THE POTENTIAL DIFFERENCES IN INTERPRETATION OF CONTOURS BY VARIOUS TYPES OF GRADING SOFTWARE BY OTHER ENGINEERS OR CONTRACTORS, FOCUS DOES NOT GUARANTEE OR WARRANTY THE ACCURACY OF SUCH LINework. FOR THIS REASON, FOCUS WILL NOT PROVIDE ANY GRADING CONTOURS IN CAD FOR ANY TYPE OF USE BY THE CONTRACTOR. SPOT ELEVATIONS AND PROFILE ELEVATIONS SHOWN IN THE DESIGN DRAWINGS GOVERN ALL DESIGN INFORMATION ILLUSTRATED ON THE APPROVED CONSTRUCTION SET. CONSTRUCTION EXPERTISE AND JUDGMENT BY THE CONTRACTOR IS ANTICIPATED BY THE ENGINEER TO COMPLETE BUILD-OUT OF THE INTENDED IMPROVEMENTS.

STATEMENT OF ACCURACY

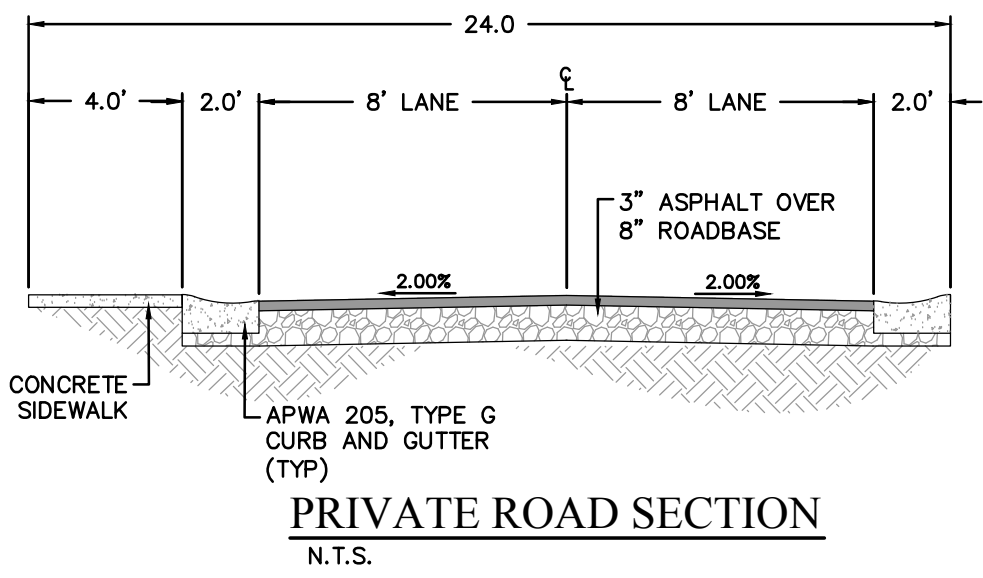
Vertical data (contour lines and/or spot elevations, etc.) shown hereon is based on the NAVD88 'foot equivalent' elevation of 4299.19 published by the Salt Lake County Surveyor on a brass cap ring & lid monument at the intersection of 700 East & 600 South.

CONTACTS

ENGINEER & SURVEYOR FOCUS ENGINEERING & SURVEYING 502 WEST 8360 SOUTH SANDY, UTAH 84070 (801) 352-0075 CONTACT: JASON BARKER	OWNER/DEVELOPER GARRETT HOMES 273 NORTH EAST CAPITOL STREET SALT LAKE CITY, UTAH 84103 (801) 456-2430 CONTACT: XXXX XXXXX
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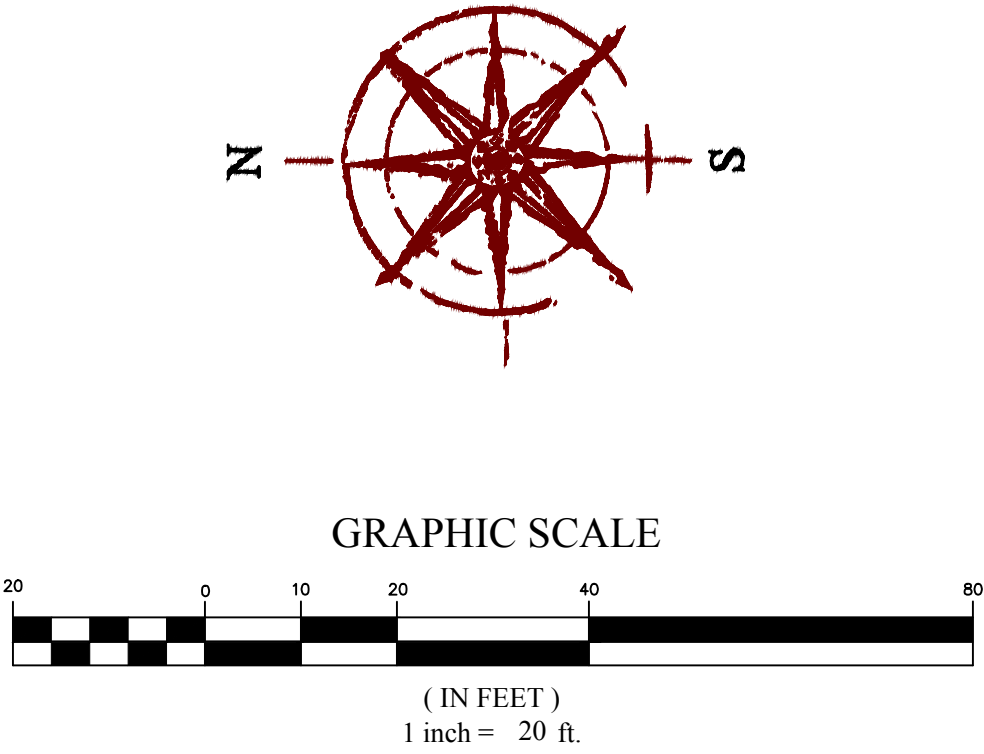


BENCHMARK
BRASS CAP AND LID MONUMENT AT
THE INTERSECTION OF 700 EAST AND 600
SOUTH PUBLISHED BY THE SALT LAKE
COUNTY SURVEYOR
ELEV: 4299.19

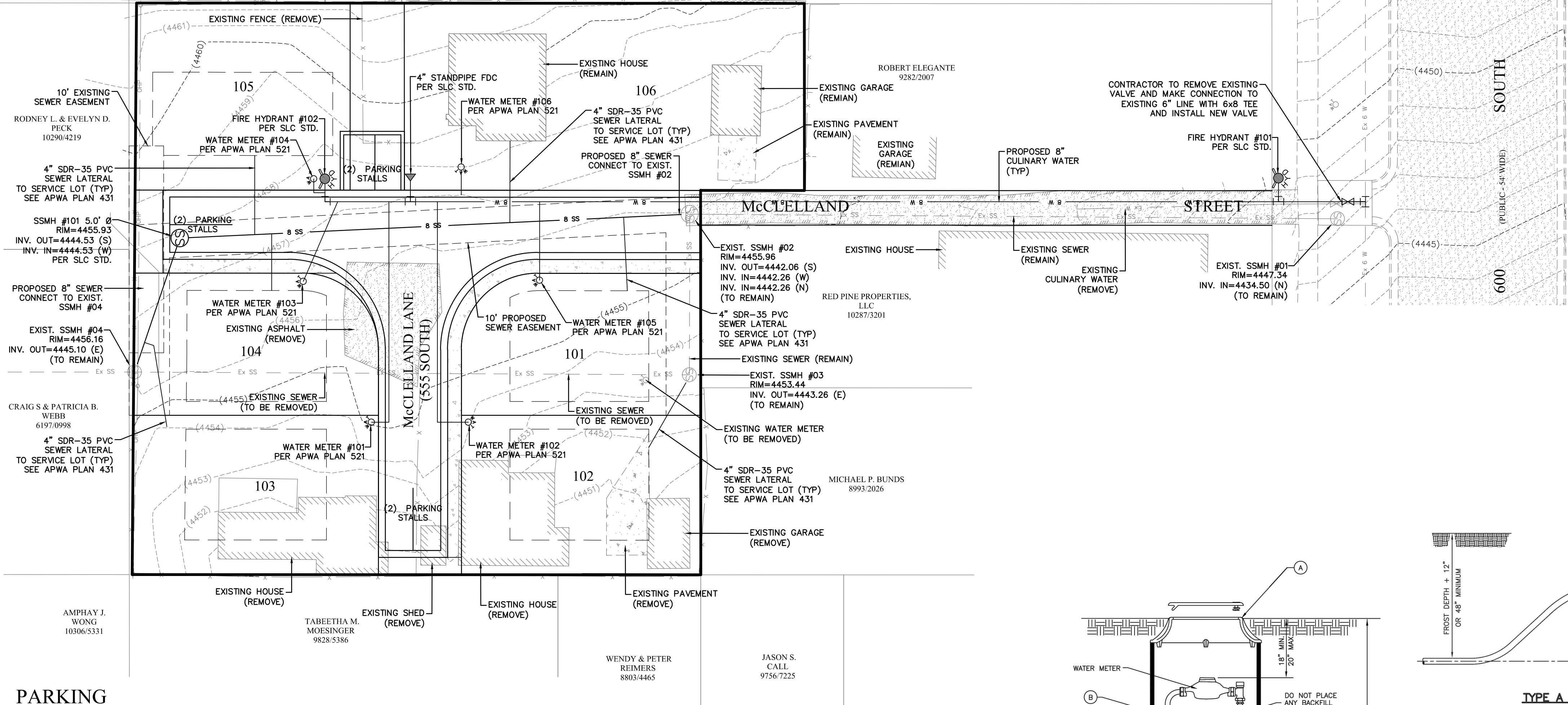


SITE NOTES

1. ALL EXISTING BUILDINGS AND HARDSCAPE FEATURES LOCATED ON THE EXISTING PROPERTY ARE TO BE REMOVED. A SEPARATE DEMOLITION PERMIT MAY BE REQUIRED FROM THE CITY PRIOR TO DEMOLITION.
2. A PORTION OF THE EXISTING SEWER IS TO BE REMOVED AS INDICATED ON PLANS. ALL SEWER MANHOLES TO REMAIN AND BE USED TO CONNECT PROPOSED SEWER LINES AS SHOWN ON PLANS.
3. THE EXISTING CULINARY WATER LINE LOCATED ON McCLELLAND STREET IS TO BE CONNECTED TO THE PROPOSED CULINARY WATER LINE TO SERVICE THE SUBDIVISION. EXISTING WATER SERVICE METER LOCATED WITHIN LOT 7 IS TO BE REMOVED.

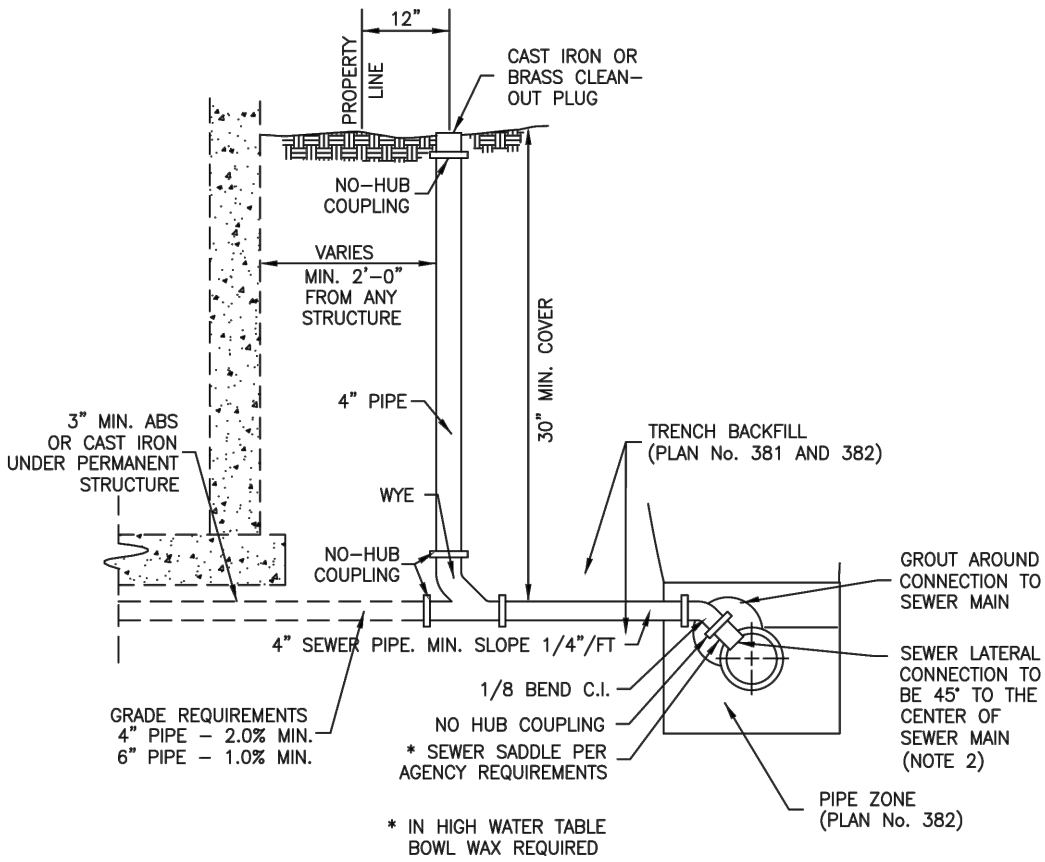


NANCY M. H.
ANDERSON
7022/1331

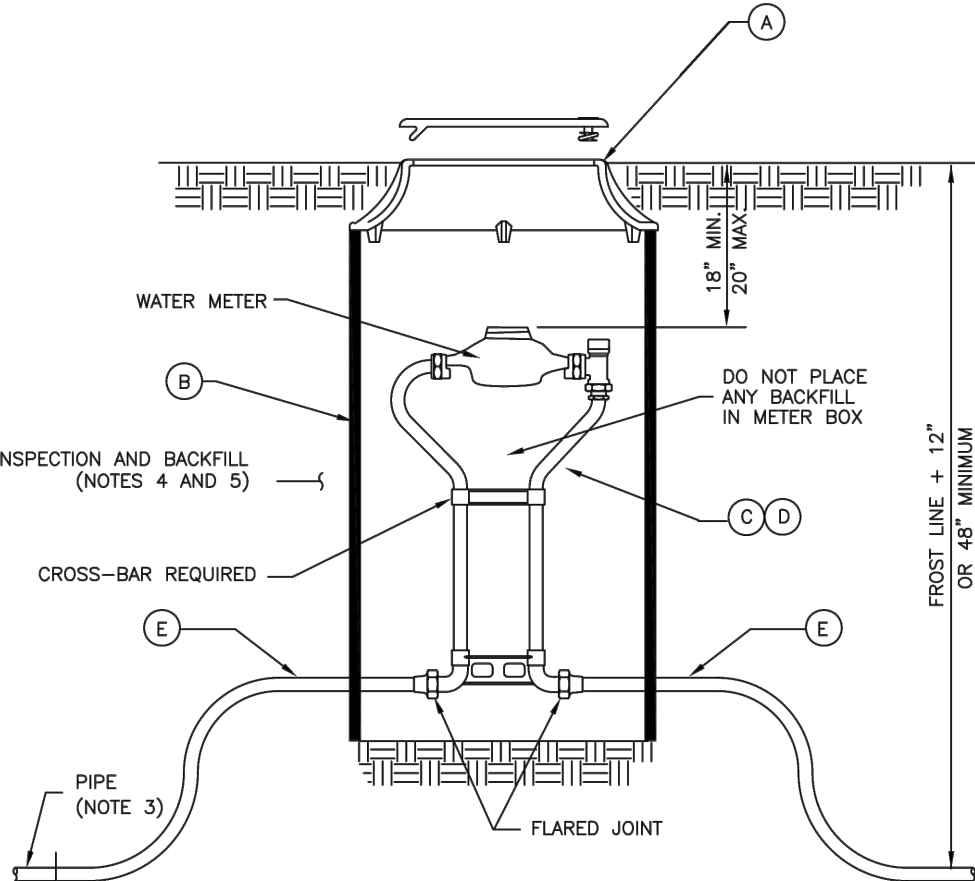


PARKING

HOUSES:	6
TWO-CAR GARAGES:	6
OFF STREET PARKING SPACES:	12
ON STREET PARKING SPACES:	6
TOTAL PARKING SPACES:	18

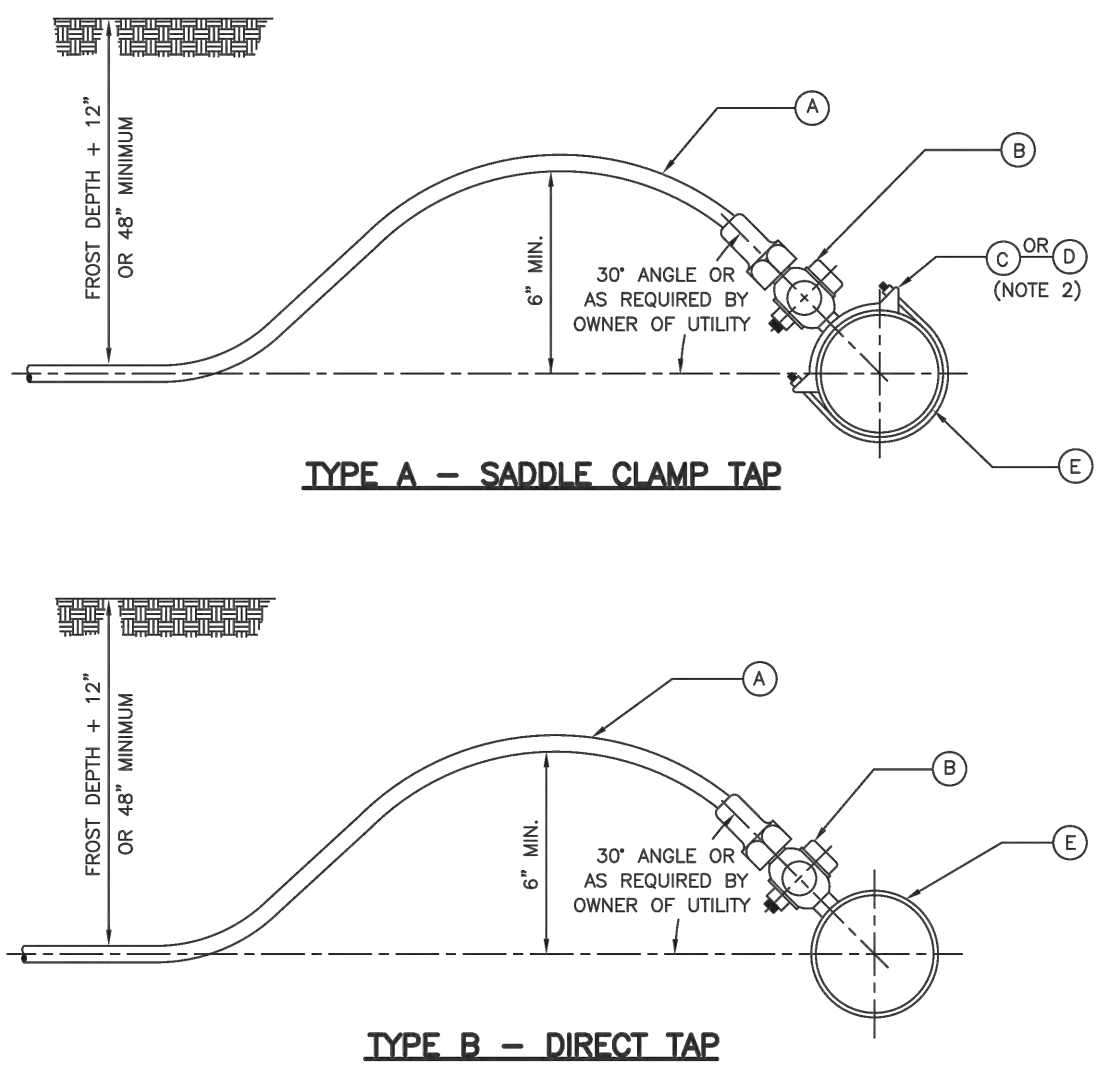


APWA DETAIL
SEWER LATERAL CONNECTION
PLAN NO. 431



SECTION		
LEGEND		
No.	ITEM	DESCRIPTION
(A)	FRAME AND COVER	CAST IRON COVER (gross) DUCTILE IRON COVER (driveway)
(B)	METER BOX (18" to 21" diameter) (30" to 36" depth)	CORRUGATED PE, PVC, CMC OR MATERIAL, ACCEPTABLE TO AGENCY
(C)	3/4" METER YOKE	OPTIONAL BACKFLOW PROTECTION PER AGENCY REQUIREMENTS
(D)	1" METER YOKE	OPTIONAL BACKFLOW PROTECTION PER AGENCY REQUIREMENTS
(E)	COPPER PIPE	TYPE K (SOFT)
* FURNISHED BY UTILITY AGENCY		

APWA DETAIL
1" WATER SERVICE
PLAN NO. 521



LEGEND		
No.	ITEM	DESCRIPTION
A	COPPER PIPE	TYPE K - SOFT
B	CORPORATION STOP	BRASS
C	SERVICE SADDLE CLAMP	(D.I., C.I., A.C.) **
D	SERVICE SADDLE CLAMP	(P.V.C.)
E	WATER MAIN PIPE	(D.I., C.I., A.C., P.V.C.)

- * FURNISHED BY UTILITY AGENCY
- ** DI & CI PIPE MAY BE DIRECT TAPPED

APWA DETAIL
1" WATER TAP
PLAN NO. 551

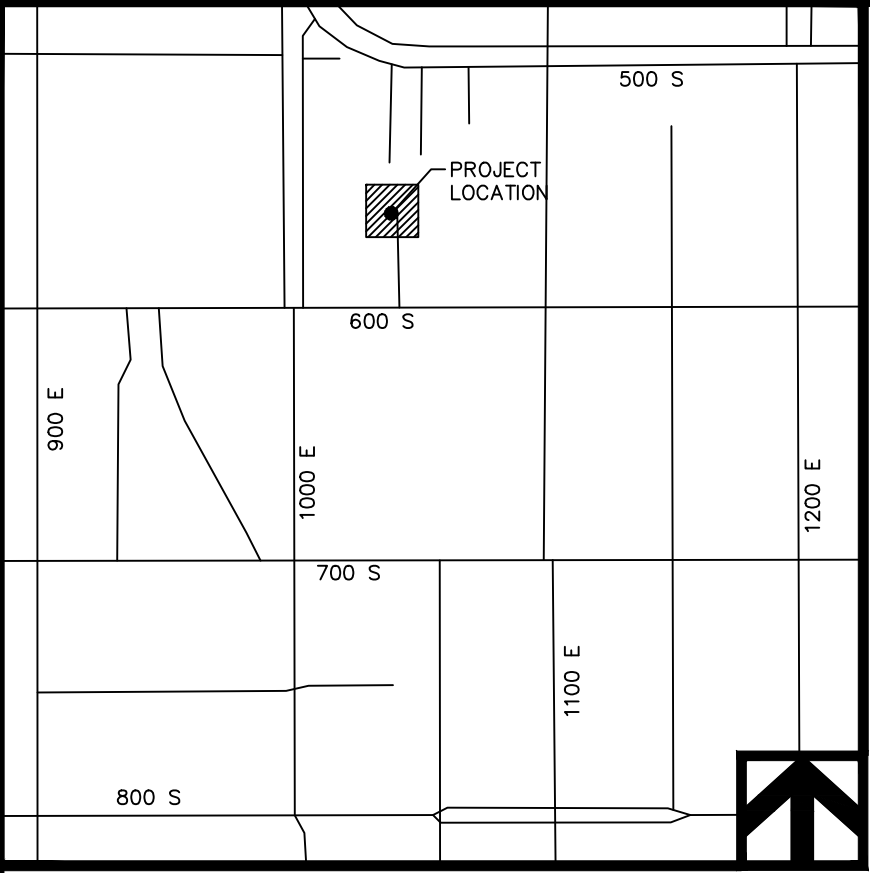
McCLELLAND ENCLAVE SALT LAKE CITY, UT SITE PLAN

REVISION BLOCK		DESCRIPTION
#	DATE	
1	***	
2	***	
3	***	
4	***	
5	***	
6	***	

SITE PLAN

Scale: 1"=20'
Date: 2/8/2016
Sheet: C1

Drawn: JSB
Job #: 15-071



VICINITY MAP
N.T.S.

Curve Table					
CURVE	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	22.00	90°02'14"	34.57	N44°58'53"W	31.12
C2	22.00	89°57'46"	34.54	N45°01'07"E	31.10

Easement Line Table		
LINE	DIRECTION	LENGTH
(L1)	S89°34'00"E	55.00
(L2)	S02°54'31"E	160.41
(L3)	S00°24'35"W	3.22
(L4)	S89°57'37"W	63.12
(L5)	S00°00'00"E	10.80
(L6)	S89°57'40"W	52.78
(L7)	S02°54'31"E	143.60
(L8)	S89°58'13"W	45.50
(L9)	S00°01'21"W	10.45

PREPARED FOR:

GARBETT HOMES
273 NORTH EAST CAPITOL STREET
SALT LAKE CITY, UTAH
84103, PH: 456-2430

PREPARED BY:

FOCUS
ENGINEERING AND SURVEYING, LLC
502 WEST 8360 SOUTH
SANDY, UTAH 84070 PH: (801) 352-0075
www.focusutah.com

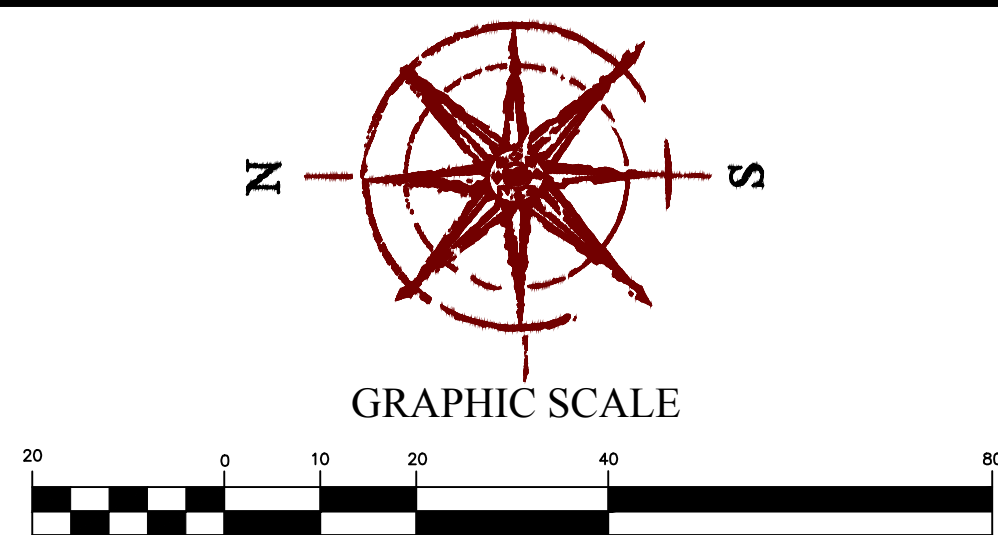
McCLELLAND ENCLAVE

(A PLANNED DEVELOPMENT SUBDIVISION)

A PORTION OF LOT 3, BLOCK 13, PLAT "F", SALT LAKE CITY SURVEY

SALT LAKE CITY, UTAH

SE 1/4 SECTION 5, T1S, R1E, SLB&M



SURVEYOR'S CERTIFICATE

I, _____, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NUMBER _____ AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS:

McCLELLAND ENCLAVE

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

Professional Land Surveyor _____ Date _____

BOUNDARY DESCRIPTION

A portion of Lot 3, Block 13, Plat "F", Salt Lake City Survey, more particularly described as follows:

Beginning at a point on the west line of Lot 3, Block 13, Plat "F", Salt Lake City Survey located N0°01'39"E along the lot line 165.08 feet from the Southwest Corner of said lot. Said lot corner is also located N89°57'37"E along the monument line of 600 South Street 230.56 feet and North 57.43 feet from a Salt Lake City Monument at the intersection of 600 South and 1000 East; thence N0°01'39"E along the lot line 164.25 feet to a fence corner; thence S89°34'00"E along a fence line and extension thereof 165.17 to the east line of said lot thence S0°02'31"W along the lot line 192.90 feet to the northeast corner of that Real Property described in Deed Book 9282 Page 2007 of the Official Records of Salt Lake County; thence S89°57'40"W along said deed 54.0 feet to the easterly line of McClelland Street; thence N0°02'14"E along said Street 30.01 feet; thence S89°57'41"W 111.08 feet to the point of beginning.

Contains: 0.66 +/- acres or 28,636 +/- s.f.

OWNER'S DEDICATION

KNOWN ALL BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE DESCRIBED TRACT OF LAND ABOVE, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO HEREAFTER BE KNOWN AS

McCLELLAND ENCLAVE

DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE, AND WARRANT, DEFEND, AND SAVE THE CITY HARMLESS AGAINST ANY EASEMENTS OR OTHER ENCUMBRANCES ON THE DEDICATED STREETS WHICH WILL INTERFERE WITH THE CITY'S USE, OPERATION, AND MAINTENANCE OF THE STREETS AND DO FURTHER DEDICATE THE EASEMENTS AS SHOWN FOR THE USE BY ALL SUPPLIERS OF UTILITY OR OTHER NECESSARY SERVICES.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____ A.D. 20 _____

BY: _____
GARBETT HOMES

LIMITED LIABILITY ACKNOWLEDGMENT

ON THE _____ DAY OF _____ A.D. 20 _____ PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF SALT LAKE, IN THE STATE OF UTAH, _____ WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE _____ L.L.C., A UTAH L.L.C. AND THAT HE SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC
RESIDING IN SALT LAKE COUNTY

LIMITED LIABILITY ACKNOWLEDGMENT

ON THE _____ DAY OF _____ A.D. 20 _____ PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF SALT LAKE, IN THE STATE OF UTAH, _____ WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE _____ L.L.C., A UTAH L.L.C. AND THAT HE SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC
RESIDING IN SALT LAKE COUNTY

McCLELLAND ENCLAVE

(A PLANNED DEVELOPMENT SUBDIVISION)

NOTES

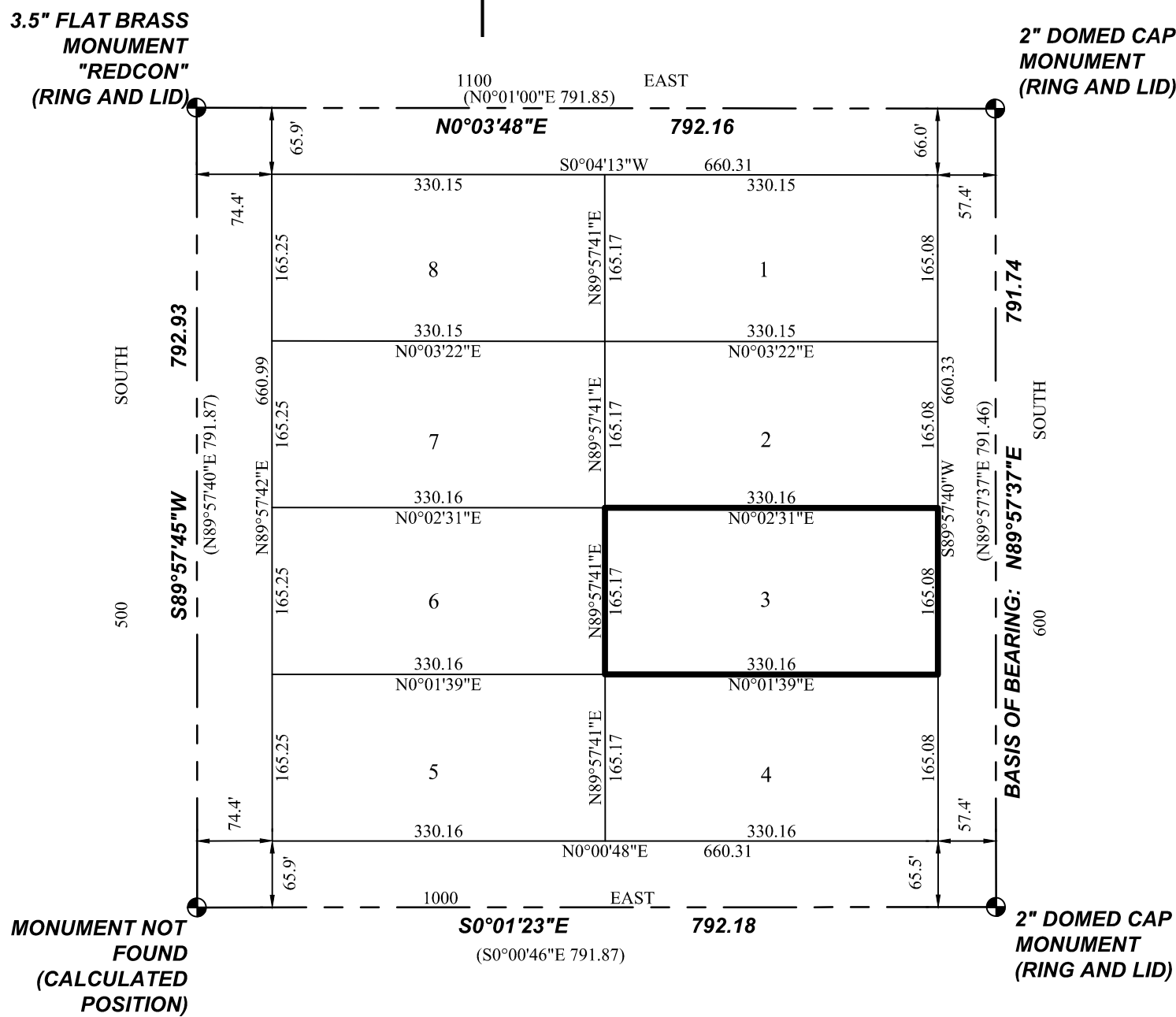
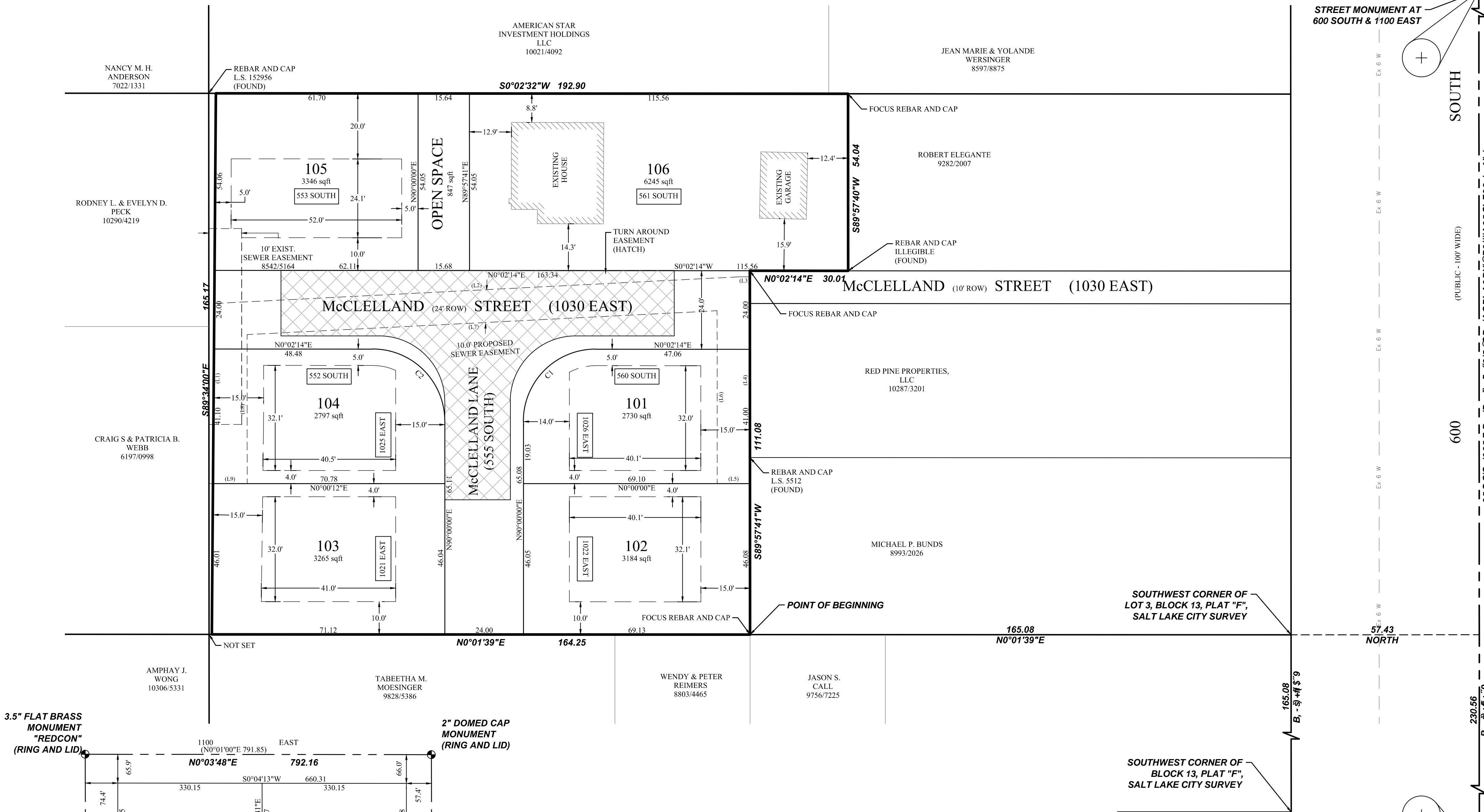
- PROJECT BENCHMARK: NAVD88 FOOT EQUIVALENT ELEVATION OF 4299.19 PUBLISHED BY THE SALT LAKE COUNTY SURVEYOR ON THE STREET MONUMENT AT THE INTERSECTION OF 700 EAST AND 600 SOUTH.
- HORIZONTAL CLOSURE OF BOUNDARY IS 1:284,141.

DATE OF PREPARATION: 2/8/2016

CITY ATTORNEY

APPROVED AS TO FORM THIS _____ DAY
OF _____ A.D. 20 _____

SALT LAKE CITY ATTORNEY



PUBLIC UTILITIES DEPT.

APPROVED AS TO SANITARY SEWER, STORM DRAINAGE AND WATER UTILITY DETAIL THIS _____ DAY OF _____ A.D. 20 _____ BY THE SALT LAKE COUNTY PLANNING COMMISSION

SALT LAKE PUBLIC UTILITIES DIRECTOR

SALT LAKE VALLEY HEALTH DEPARTMENT

APPROVED THIS _____ DAY OF _____ A.D. 20 _____

SALT LAKE VALLEY HEALTH DEPT.

CITY PLANNING DIRECTOR

APPROVED THIS _____ DAY OF _____ A.D. 20 _____

SALT LAKE CITY PLANNING DIRECTOR

CITY ENGINEERING DIVISION

I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE

DATE _____ CITY ENGINEER
DATE _____ CITY SURVEYOR

CITY APPROVAL

PRESENTED TO SALT LAKE CITY THIS _____ DAY OF _____ A.D. 20 _____ AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

SALT LAKE CITY MAYOR

SALT LAKE CITY DEPUTY RECORDER

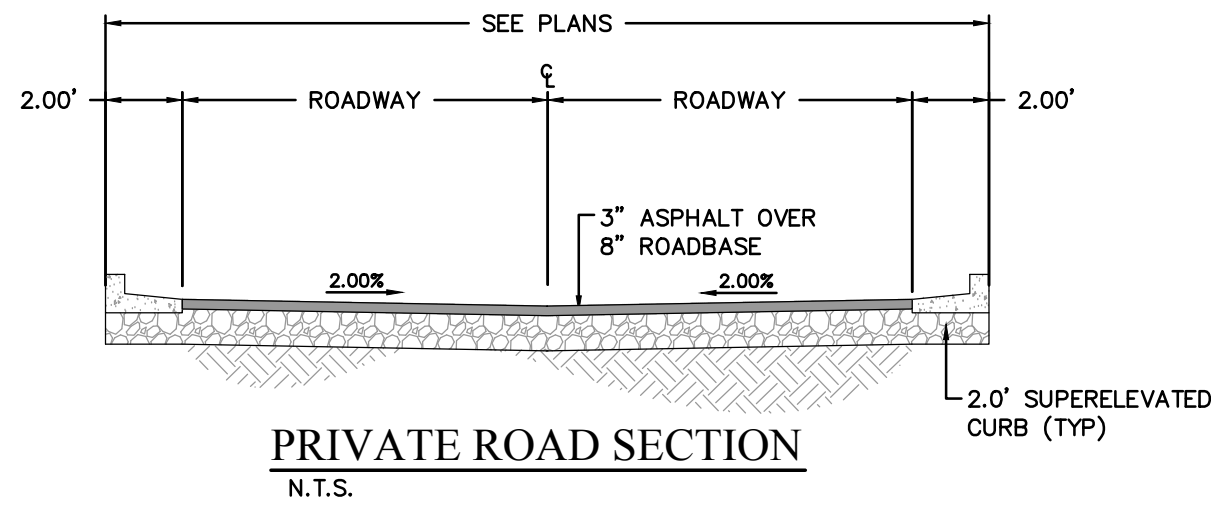
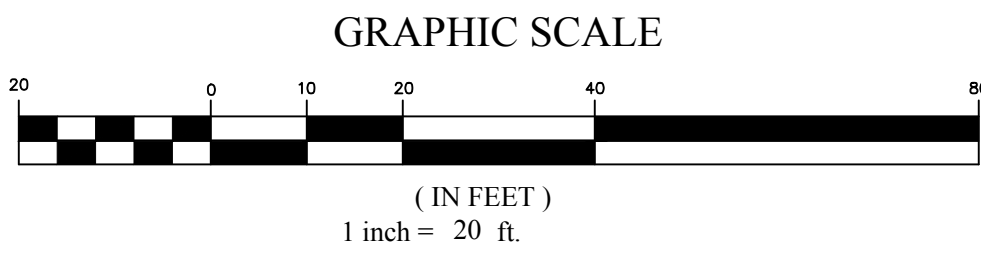
SALT LAKE COUNTY RECORDER

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF: _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE \$ _____ SALT LAKE COUNTY RECORDER

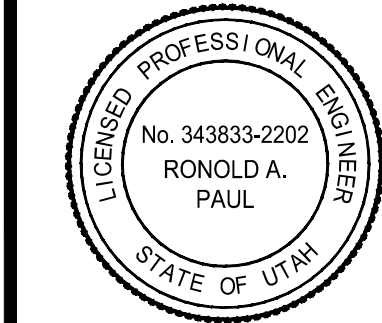
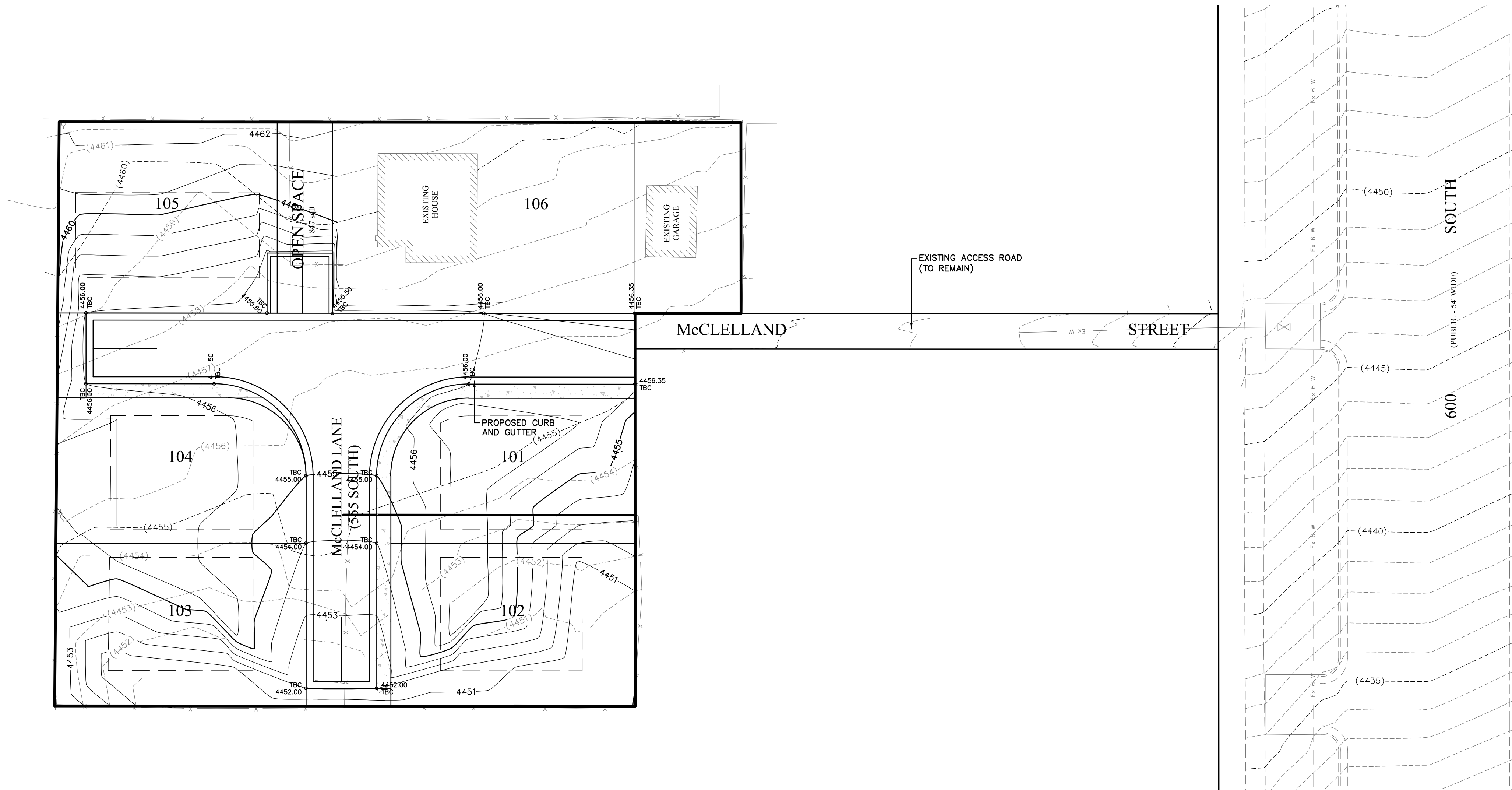
NUMBER _____
ACCOUNT _____
SHEET _____
OF _____ SHEETS



BENCHMARK
BRASS CAP AND LID MONUMENT AT
THE INTERSECTION OF 700 EAST AND 600
SOUTH PUBLISHED BY THE SALT LAKE
COUNTY SURVEYOR
ELEV: 4299.19

GRADING / STORM DRAINAGE NOTES

1. ALL STORM DRAINAGE FOR THIS SITE IS TO BE RETAINED ON SITE IN SMALL LANDSCAPED RETENTION PONDS LOCATED ON THE LOTS.
2. GRADING SHOWN ON THIS PLAN IS PRELIMINARY. ACTUAL GRADING WILL BE COMPLETED AT FINAL.
3. SEE STORM DRAIN CALCULATIONS FOR ADDITIONAL INFORMATION.



McCLELLAND ENCLAVE SALT LAKE CITY, UT GRADING PLAN

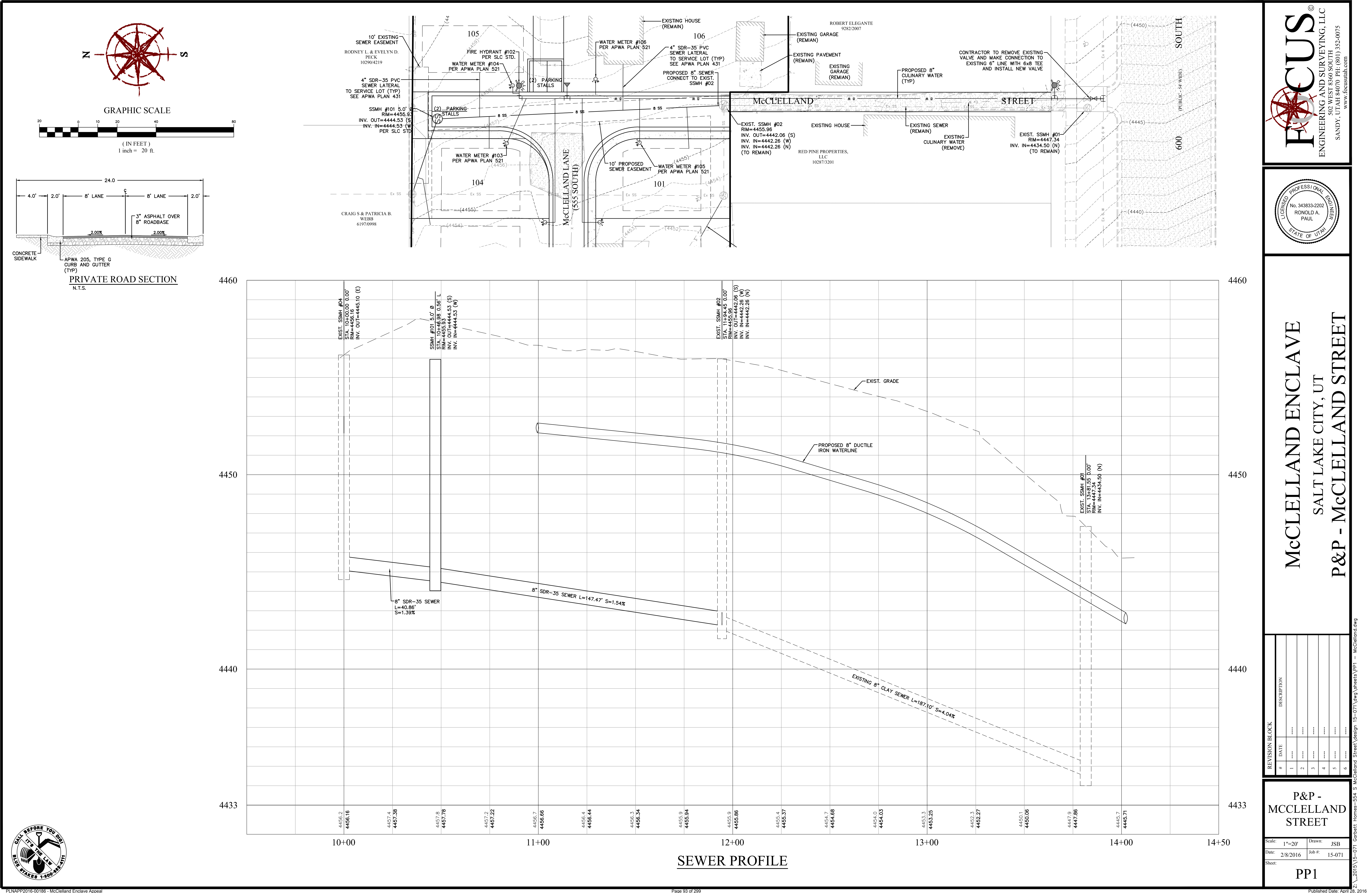
REVISION BLOCK		DESCRIPTION
#	DATE	
1	----	----
2	----	----
3	----	----
4	----	----
5	----	----
6	----	----

GRADING PLAN

Scale: 1"=20'
Date: 2/8/2016
Sheet:
Drawn: JSB
Job #: 15-071

C3





FOCUS
ENGINEERING AND SURVEYING, LLC
502 WEST 8360 SOUTH
SANDY, UTAH 84070 PH: (801) 352-0075
www.focusutah.com

PROFESSIONAL ENGINEER
No. 343833-2202
RONOLD A. PAUL
STATE OF UTAH

McCLELLAND ENCLAVE
SALT LAKE CITY, UT
P&P - McCLELLAND STREET

REVISION BLOCK	
#	DESCRIPTION
1	
2	
3	
4	
5	
6	

P&P - McCLELLAND STREET

Scale: 1"=20' Drawn: JSB
Date: 2/8/2016 Job #: 15-071
Sheet: PP1



ATTACHMENT B: BUILDING CONCEPTS



PLAN 'A'

PLAN 'C'

PLAN 'B'



HTC at McClelland St.

garbettHOMES.com
How you're living.

Architecture+Planning
17922 Fitch
Irvine, CA 92614
949.851.2133
ktgy.com





PLAN 'A'



PLAN 'B'



PLAN 'C'

HTC at McClelland St.



garbettHOMES.com
Newport Living

Architecture+Planning
17922 Fitch
Irvine, CA 92614
949.851.2133
ktgy.com



ATTACHMENT C: ADDITIONAL APPLICANT INFORMATION



Preliminary Subdivision Plat

☒ New Lots

☐ Amendment

OFFICE USE ONLY

Project #: PLNSUB2015-00358	Received By: K. Lindquist	Date Received: 5/7/2015	Zoning: SR-3
Proposed Subdivision Name: McClelland			

PLEASE PROVIDE THE FOLLOWING INFORMATION

Property Address(s): 546, 554, 561 McClelland Street SLC, UT 84102	
Name of Applicant: Jacob Ballstaedt	Phone: 801-456-2430
Address of Applicant: 213 N. East Capital Street SLC, UT 84103	
E-mail of Applicant: jacob@garbetthomes.com	Cell/Fax: 801-455-5131
Applicant's Interest in Subject Property:	

☒ Owner
 ☐ Engineer
 ☐ Architect
 ☐ Other:

Name of Property Owner (if different from applicant): Garbett Homes has the property Under Contract	
E-mail of Property Owner: bryson@garbetthomes.com	Phone: 801-456-2430

- ➔ Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

WHERE TO FILE THE COMPLETE APPLICATION

Mailing Address:	Planning Counter PO Box 145471 Salt Lake City, UT 84114	In Person:	Planning Counter 451 South State Street, Room 215 Telephone: (801) 535-7700
------------------	---	------------	---

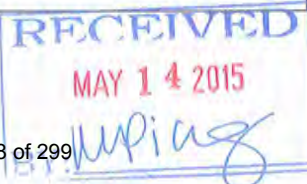
REQUIRED FEE

- ➔ Filing fee of \$357 plus \$119 for each new lot created.
➔ Plus additional fee for required public notices

SIGNATURE

- ➔ If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent: 	Date: 5-5-15
----------------------------------	-----------------



Updated 2/20/15

SUBMITTAL REQUIREMENTS

Staff Review

Please include with the application *(please attach additional sheet/s if necessary)*

☐☒

Project Description

A written description of what is being proposed.

☐☒

Legal Description

A digital file and one (1) paper copy of the legal description of the current boundaries of the subject property; and, for proposed subdivision of 10 lots or less, the legal descriptions of each of the proposed lots.

☐☒

Preliminary Plat Drawing

A digital (PDF) copy of the preliminary plat drawing

☐☒

One paper copy (24" x 36") of the preliminary plat drawing

(The plat shall be certified as accurate by a Utah Registered Land Surveyor or Professional Engineer and shall include the information listed on the attached checklist. If all the information cannot fit on the drawing, the information may be provided in accompanying documents.)

APPEAL PROCESS

- ➔ Any person adversely and materially affected by any final decision made by the planning director or designee may file a petition for review of the decision with the planning commission within ten (10) days after the record of decision is posted to the city's internet site.
- ➔ Any person adversely affected by any final decision made by the planning commission under this chapter may file a petition for review of the decision with the Appeals Hearing Officer within ten (10) days after the decision is rendered.

AVAILABLE CONSULTATION

- ➔ Planners are available for consultation prior to submitting this application. Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

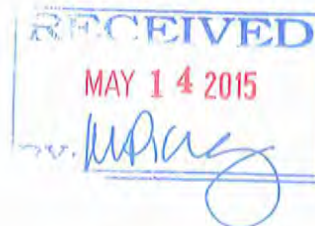
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



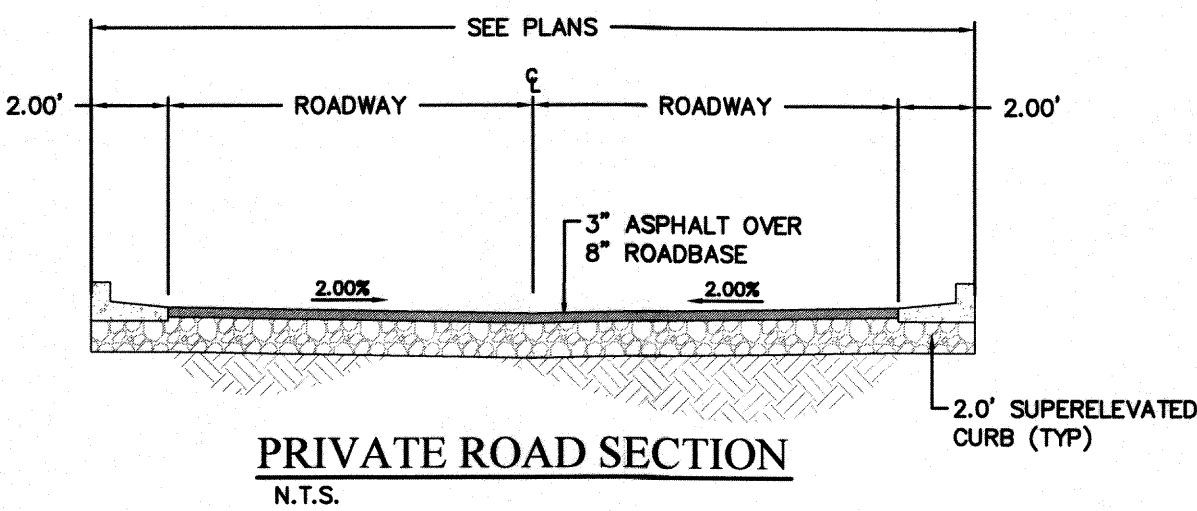
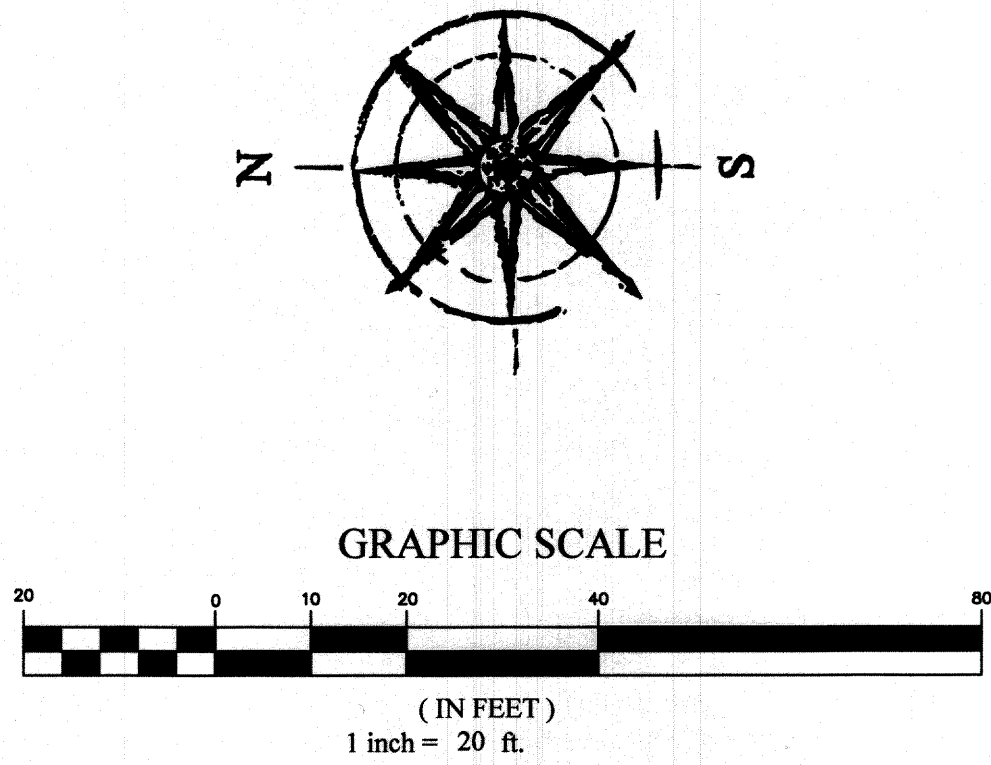
Updated 2/20/15



I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.



Updated 2/20/15



STATEMENT OF ACCURACY

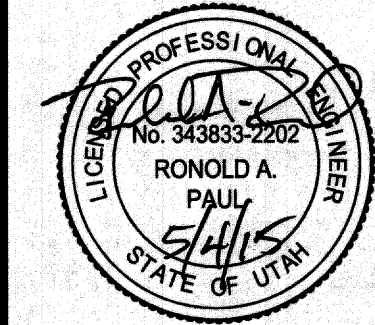
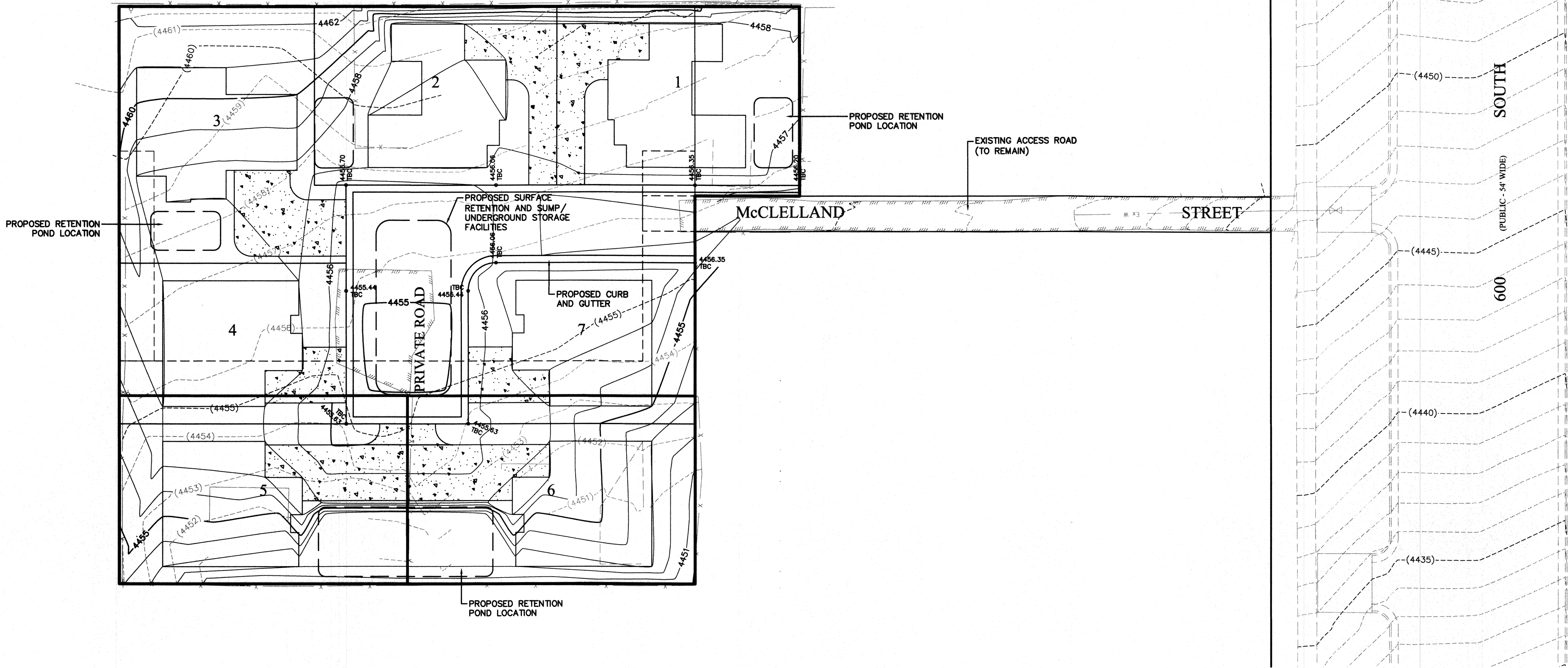
Vertical data (contour lines and/or spot elevations, etc.) shown hereon is based on the NAVD88 "foot equivalent" elevation of 4299.19 published by the Salt Lake County Surveyor on a brass cap ring & lid monument at the intersection of 700 East & 600 South.

BENCHMARK

BRASS CAP AND LID MONUMENT AT THE INTERSECTION OF 700 EAST AND 600 SOUTH PUBLISHED BY THE SALT LAKE COUNTY SURVEYOR ELEV: 4299.19

GRADING / STORM DRAINAGE NOTES

1. ALL STORM DRAINAGE FOR THIS SITE IS TO BE RETAINED ON SITE IN SMALL LANDSCAPED RETENTION PONDS LOCATED ON THE LOTS, OR AS SURFACE RETENTION AND SUMPS OR UNDERGROUND STORAGE FACILITIES LOCATED IN THE CENTRAL COMMON COURTYARD.
2. GRADING SHOWN ON THIS PLAN IS PRELIMINARY. ACTUAL GRADING AND SIZING OF THE PONDS WILL BE COMPLETED AT FINAL.
3. SEE STORM DRAIN CALCULATIONS FOR ADDITIONAL INFORMATION.



McCLELLAND STREET SUBDIVISION
SALT LAKE CITY, UT
GRADING PLAN

REVISION BLOCK		DESCRIPTION
#	DATE	
1	---	---
2	---	---
3	---	---
4	---	---
5	---	---
6	---	---

GRADING PLAN

Scale: 1"=20' Drawn: AWE
Date: 5/01/2015 Job #: 15-071
Sheet:

C3



Date: 5-4-15

Salt Lake City Planning Department
451 South State Street Room 215
Salt Lake City, Utah

Subject: 546, 554, 561 S. McClelland Street Preliminary Subdivision Plat

The applicant, Garbett Homes, is applying to subdivide the subject property into 7 single-family homes. The subdivision will comply with the SR-3 Special Development Pattern Residential District zone, in which it is zoned. The subdivision will require the removal of the 3 existing homes on the property. One of the existing properties has been vacant for some time.

Sincerely,



Jacob Ballstaedt
Garbett Homes
Land Acquisition and Entitlement
801-455-5131
Jacob@garbetthomes.com



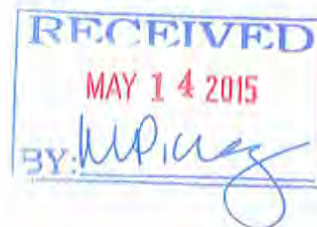
LEGAL DESCRIPTION
PREPARED FOR
McCLELLAND STREET SUBDIVISION
SALT LAKE CITY, UTAH
(April 20, 2015)

BOUNDARY DESCRIPTION

A portion of Lot 3, Block 13, Plat "F", Salt Lake City Survey, more particularly described as follows:

Beginning at a point on the west line of Lot 3, Block 13, Plat "F", Salt Lake City Survey located N0°01'39"E along the lot line 165.08 feet from the Southwest Corner of said lot. Said Lot corner is also located N89°57'37"E along the monument line of 600 South Street 230.56 feet and North 57.43 feet from a Salt Lake County Monument at the intersection of 600 South and 1000 East; thence N0°01'39"E along the lot line 165.08 feet to the northwest corner of said lot; thence N89°57'41"E along the lot line 165.17 feet to the northeast corner of said lot; thence S0°02'31"W along the lot line 195.09 feet to the northeast corner of that Real Property described in Deed Book 9282 Page 2007 of the Official Records of Salt Lake County; thence S89°57'40"W along said deed 54.04 feet to the easterly line of McClelland Street; thence N0°02'14"E along said Street 30.01 feet; thence S89°57'41"W 111.08 feet to the point of beginning.

Contains: 0.66 +/- acres



**LEGAL DESCRIPTIONS
PREPARED FOR
McCLELLAND STREET SUBDIVISION
SALT LAKE CITY, UTAH
(April 20, 2015)**

BOUNDARY DESCRIPTION

A portion of Lot 3, Block 13, Plat "F", Salt Lake City Survey, more particularly described as follows:

Beginning at a point on the west line of Lot 3, Block 13, Plat "F", Salt Lake City Survey located N0°01'39"E along the lot line 165.08 feet from the Southwest Corner of said lot, said lot corner being located N89°57'37"E along the monument line of 600 South Street 230.56 feet and North 57.43 feet from a Salt Lake County Monument at the intersection of 600 South and 1000 East; thence N0°01'39"E along the lot line 165.08 feet to the northwest corner of said lot; thence N89°57'41"E along the lot line 165.17 feet to the northeast corner of said lot; thence S0°02'31"W along the lot line 195.09 feet to the northeast corner of that Real Property described in Deed Book 9282 Page 2007 of the Official Records of Salt Lake County; thence S89°57'40"W along said deed 54.04 feet to the easterly line of McClelland Street; thence N0°02'14"E along said Street 30.01 feet; thence S89°57'41"W 111.08 feet to the point of beginning.

Contains: 0.66+/- acres

PROPOSED LOT 1

A portion of Lot 3, Block 13, Plat "F", Salt Lake City Survey, more particularly described as follows:

Beginning at a point on the east line of Lot 3, Block 13, Plat "F", Salt Lake City Survey located N0°02'31"E along the lot line 135.07 feet from the Southeast Corner of said lot, said lot corner being located N89°57'37"E along the monument line of 600 South Street 230.56 feet and North 57.43 feet and N89°57'40"E 165.08 feet from a Salt Lake County Monument at the intersection of 600 South and 1000 East; thence S89°57'40"W 51.00 feet; thence N0°02'31"E 69.61 feet; thence S89°57'29"E 51.00 feet to the east line of said lot 3; thence S0°02'31" W along said lot line 69.54 feet to the point of beginning.

Contains: 3,549+/- s.f.

PROPOSED LOT 2

A portion of Lot 3, Block 13, Plat "F", Salt Lake City Survey, more particularly described as follows:

Beginning at a point on the east line of Lot 3, Block 13, Plat "F", Salt Lake City Survey located N0°02'31"E along the lot line 204.61 feet from the Southeast Corner of said lot, said lot corner being located N89°57'37"E along the monument line of 600 South Street 230.56 feet and North 57.43 feet and N89°57'40"E 165.08 feet from a Salt Lake County Monument at the intersection of 600 South and 1000 East; thence N89°57'29"W 51.00 feet; thence N0°02'31"E 69.47 feet; thence N89°57'41"E 51.00 feet to the east line of said lot 3; thence S0°02'31" W along said lot line 69.54 feet to the point of beginning.

Contains: 3,545+/- s.f.

PROPOSED LOT 3

A portion of Lot 3, Block 13, Plat "F", Salt Lake City Survey, more particularly described as follows:

Beginning at a point on the east line of Lot 3, Block 13, Plat "F", Salt Lake City Survey located N0°02'31"E along the lot line 274.15 feet from the Southeast Corner of said lot, said lot corner being located N89°57'37"E along the monument line of 600 South Street 230.56 feet and North 57.43 feet and N89°57'40"E 165.08 feet from a Salt Lake County Monument at the intersection of 600 South and 1000 East; thence



S89°57'41"W 51.00 feet; thence S0°02'31"W 9.00 feet; thence S89°57'41"W 22.15 feet; thence N0°01'39"E 65.00 feet to the north line of said Lot 3; thence N89°57'41"E along said lot line 73.17 feet to the northeast corner of said lot; thence S0°02'31"W along said lot line 56.00 feet to the point of beginning.

Contains: 4,296+/- s.f.

PROPOSED LOT 4

A portion of Lot 3, Block 13, Plat "F", Salt Lake City Survey, more particularly described as follows:

Beginning at a point on the north line of Lot 3, Block 13, Plat "F", Salt Lake City Survey located N89°57'41"E along the lot line 46.00 feet from the Northwest Corner of said lot, said lot corner being located N89°57'37"E along the monument line of 600 South Street 230.56 feet and North 57.43 feet and N0°01'39"E along the lot line 330.16 feet from a Salt Lake County Monument at the intersection of 600 South and 1000 East; thence N89°57'41"E along the lot line 46.00 feet; thence S0°01'39"W 65.00 feet; thence S89°57'41"W 46.00 feet; thence N0°01'39"E 65.00 feet to the point of beginning.

Contains: 2,990+/- s.f.

PROPOSED LOT 5

A portion of Lot 3, Block 13, Plat "F", Salt Lake City Survey, more particularly described as follows:

Beginning at the Northwest Corner of Lot 3, Block 13, Plat "F", Salt Lake City Survey located N89°57'37"E along the monument line of 600 South Street 230.56 feet and North 57.43 feet and N0°01'39"E along the lot line 330.16 feet from a Salt Lake County Monument at the intersection of 600 South and 1000 East; thence N89°57'41"E along the lot line 46.00 feet; thence S0°01'39"W 82.60 feet; thence N89°57'29"W 46.00 feet to the west line of said lot; thence N0°01'39"E along said lot line 82.54 feet to the point of beginning.

Contains: 3,798+/- s.f.

PROPOSED LOT 6

A portion of Lot 3, Block 13, Plat "F", Salt Lake City Survey, more particularly described as follows:

Beginning at a point on the west line of Lot 3, Block 13, Plat "F", Salt Lake City Survey located N0°01'39"E along the lot line 165.08 feet from the Southwest Corner of said lot, said lot corner being located N89°57'37"E along the monument line of 600 South Street 230.56 feet and North 57.43 feet from a Salt Lake County Monument at the intersection of 600 South and 1000 East; thence N0°01'39"E along the lot line 82.54 feet; thence S89°57'29"E 46.00 feet; thence S0°01'39"W 82.48 feet; thence S89°57'41"W 46.00 feet to the point of beginning.

Contains: 3,795+/- s.f.

PROPOSED LOT 7

A portion of Lot 3, Block 13, Plat "F", Salt Lake City Survey, more particularly described as follows:

Beginning at a point located N0°01'39"E along the lot line 165.08 feet and N89°57'41"E 46.00 feet from the Southwest Corner of Lot 3, Block 13, Plat "F", Salt Lake City Survey, said lot corner being located N89°57'37"E along the monument line of 600 South Street 230.56 feet and North 57.43 feet from a Salt Lake County Monument at the intersection of 600 South and 1000 East; thence N0°01'39"E 65.08 feet; thence N89°57'41"E 38.13 feet; thence along the arc of an 8.00 foot radius curve to the right 12.58 feet through a central angle of 90°04'50" (chord: S44°59'54"E 11.32 feet); thence S0°02'31"W 57.07 feet; thence S89°57'41"W 46.12 feet to the point of beginning.

Contains: 2,988+/- s.f.



Retention Pond

Project: McClelland Street Subdivision
 Location: Salt Lake City
 Date: 5/1/2015
 Calculated By: Ryan Hazelwood, EIT



10-Year Retention Sizing

Design Criteria

Intensity Table: Per NOAA Atlas 14
 Return Period: 10 year
 Allowable Discharge: 0.00 cfs/acre Per Salt Lake City Standards

Allowable Discharges

Storm Drain Discharge: 0.00 cfs
 Other Discharge: 0.00 cfs
 Total Discharge: 0 cfs
 Source:

Weighted "C" Value

Surface Type	Area (sf)	"C" Value	C*A
Homes (rooflops)	8,850	0.90	7,965
Drives	3,723	0.80	2,978
Roadway and Sidewalk	3,919	0.85	3,331
Landscape	12,390	0.15	1,859
Totals	28,882		16,133.05
Weighted "C" Value		0.56	

Drainage Calculations

Duration	Intensity	Runoff C	Area	Rainfall	Accumulated	Allowable	Discharge	Required
min	in/hr		Ac	cfs	cf	cfs	cf	cf
15.0	2.07	0.56	0.66	0.77	690	0.00	0	690
30.0	1.40	0.56	0.66	0.52	933	0.00	0	933
60.0	0.86	0.56	0.66	0.32	1,147	0.00	0	1,147
120.0	0.65	0.56	0.66	0.24	1,733	0.00	0	1,733
180.0	0.37	0.56	0.66	0.14	1,480	0.00	0	1,480
720.0	0.14	0.56	0.66	0.05	2,240	0.00	0	2,240
1440.0	0.08	0.56	0.66	0.03	2,560	0.00	0	2,560

Maximum Storage Requirement: 2,560
 Maximum Storage Requirement (ac-ft): 0.06

Retention Basin Design

Storage Requirement: 2,560 cf
 Allowable Depth: 1.0 ft
 Retention Pond Volume: 1,246 cf
 Roadway Sump Storage: 1,320 cf
 Total Storage: 2,566
 Detention Calculated Basic Geometry of a Trapezoidal Trench
RETENTION ADEQUATE



[16-05-454-023-0000]
WERSINGER, JEAN-MARIE & YOLANDE &
SEBASTIAN; JT
777 HEARD AVE
AUBURN, AL 36830

[16-05-452-023-0000]
REDD PINE PROPERTIES LLC
22 BONNY RD
BROOKFIELD, CT 06804

[16-05-452-005-0000]
WONG, AMPHAY J
537 S 1000 E
SALT LAKE CITY, UT 84102-3193

[16-05-452-029-0000]
MOESINGER, TABEETHA M
553 S 1000 E
SALT LAKE CITY, UT 84102-3193

[16-05-452-009-0000]
REIMERS, WENDY & PETER; JT
555 S 1000 E
SALT LAKE CITY, UT 84102-3193

[16-05-452-010-0000]
CALL, JASON S
563 S 1000 E
SALT LAKE CITY, UT 84102-3193

[16-05-454-031-0000]
AMERICAN STAR INVESTMENT HOLDINGS LLC
1955 S 1300 E #7
SALT LAKE CITY, UT 84105-3638

[16-05-453-006-0000]
PECK, RODNEY L & EVELYN D; TRS
215 E 2400 S
SALT LAKE CITY, UT 84115-3219

[16-05-452-022-0000]
BUNDS, MICHAEL P
1027 E 600 S
SALT LAKE CITY, UT 84102-3828

[16-05-454-022-0000]
ELEGANTE, ROBERT
1035 E 600 S
SALT LAKE CITY, UT 84102-3841

[16-05-454-006-0000]
ANDERSON, NANCY M H; TR
533 S ISABELLA CT
SALT LAKE CITY, UT 84102

[16-05-452-016-0000]
WEBB, CRAIG S & PATRICIA B; JT
540 S KONETA CT
SALT LAKE CITY, UT 84102

[16-05-452-023-0000]
Resident
1029 E 600 S
Salt Lake City, UT 84102-3828

[16-05-453-006-0000]
Resident
539 S KONETA CT
Salt Lake City, UT 84102-3812

[16-05-454-023-0000]
Resident
1043 E 600 S
Salt Lake City, UT 84102-3841





Planned Development

OFFICE USE ONLY

Project #: PLN SUB 2015-00567	Received By: K. Lindquist	Date Received: 7-15-15	Zoning: SK-3
Project Name: McClelland Enclave			

PLEASE PROVIDE THE FOLLOWING INFORMATION

Request:

Address of Subject Property:

346, 554, 561 S. McClelland Street, SLU, Lot

Name of Applicant:

Jacob Bellstreet

Phone:

801-456-2430

Address of Applicant:

213 N. East Capitol Street SLU, Lot 84103

E-mail of Applicant:

jacob@garbettehomes.com

Cell/Fax:

801-455-5131

Applicant's Interest in Subject Property:

☒ Owner
 ☐ Contractor
 ☐ Architect
 ☐ Other:

Name of Property Owner (if different from applicant):

Garbette Homes

E-mail of Property Owner:

Same as above.

Phone:

801-456-2430

- ➔ Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

AVAILABLE CONSULTATION

- ➔ Planners are available for consultation prior to submitting this application. Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

WHERE TO FILE THE COMPLETE APPLICATION

Mailing Address:	Planning Counter PO Box 145471 Salt Lake City, UT 84114	In Person:	Planning Counter 451 South State Street, Room 215 Telephone: (801) 535-7700
------------------	---	------------	---

REQUIRED FEE

- ➔ Filing fee of \$714 plus \$119 per acre in excess of (1) acre.
➔ Plus additional fee for required public notices.

SIGNATURE

- ➔ If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent:

Date:

7-14-15

RECEIVED

JUL 27 2015

Updated 2/20/15

BY:

SUBMITTAL REQUIREMENTS

Staff Review

- ## 1. Project Description

Description of your proposed use and existing use (please attach additional sheet/s)

- ## 2. Planned Development Information.

Description of how your project meets one or more of the following objectives
(please attach additional sheet/s)

- a. Combination and coordination of architectural styles, building forms, building materials, and building relationships;
- b. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;
- c. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;
- d. Use of design, landscape, or architectural features to create a pleasing environment;
- e. Inclusion of special development amenities that are in the interest of the general public;
- f. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation;
- g. Inclusion of affordable housing with market rate housing; or
- h. Utilization of "green" building techniques in development.

- ### 3. Minimum Plan Requirements

One paper copy (24" x 36") of each plan and elevation drawing

A digital (PDF) copy of the each plan and elevation drawing

One 11 x 17 inch reduced copy of each plan and elevation drawing

- #### 4. Site Plan

Site plan (see *Site Plan Requirements* flyer for further details)

5. Elevation Drawing (if applicable)

Detailed elevation, sections and profile drawings with dimensions drawn to scale

Type of construction and list the primary exterior construction materials

Number, size, and type of dwelling units in each building, and the overall dwelling unit density

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

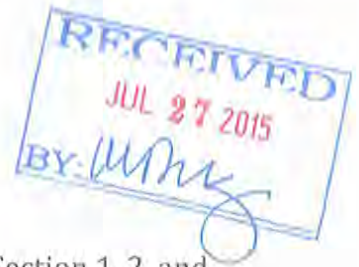
I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.



Updated 2/20/15

Date: 7-14-15

Salt Lake City Planning Department
451 South State Street Room 215
Salt Lake City, Utah



Subject: 546, 554, 561 S. McClelland Street Planned Development: Section 1, 2, and 5 of the application.

Section 1

The applicant, Garbett Homes, is applying to subdivide the subject property into 7 single-family lots. The subdivision will comply with the SR-3 Special Development Pattern Residential District zone, in which it is zoned. The subdivision will require the removal of the 3 existing homes on the property. One of the existing properties has been vacant for nearly 10 years.

Section 2

a) The building styles of our new homes coordinate well with each other as they feature similar roof design and roof pitches, similar building materials, and consistent designs. The edgy modern design embraces the latest in style and architecture while staying true to the fabric of the existing neighborhood.

b) The property is currently relatively flat. We will maintain the existing grade and topography while taking advantage of the western view and not obstructing it for the neighbors.

c) The existing buildings are dated, not well maintained, or vacant and do not contribute to the character of the city.

d) The design on the homes includes traditional materials such as brick and stucco but is designed and constructed in a modern style.

e) One of the major concerns is the threat of fire. The grass and the older homes pose a serious threat for fire. The new development would include a fire hydrant located among the homes and each of the new homes will include fire sprinklers.

The two neighbors on 600 South also use the lane to access their garages. Our development would improve their use of the lane and ensure that the lane is maintained and clear of snow. With the approval of the neighbor we would also install bollards between the lane and the home to protect his home from vehicles.

f) The current property consists of 3 single-family homes. One of the homes has been vacant for nearly 10 years and is now boarded up and is a large welcome sign for vagrants and delinquents. The second house is built of adobe and is about 100 years old and is not well maintained and has not been recently updated. This house has been a rental for many years. The third house is also nearly 100 years old, but it

has had some updates and is in decent condition. The property itself is located on a private lane. The private lane is not maintained and is covered with potholes, broken up asphalt, loose gravel, and dirt. The landscape of the entire neighborhood is not maintained. The grass on the vacant land, adobe rental, and the vacant house is not cut during the summer creating a fire hazard. I was told that the grass did catch fire a few years ago and caused a scare among the neighbors. The new development would remove the blight, eliminate the threats of grass fire and ensure that the landscape and private lane is maintained. The new development would include a complete replacement of the existing lane and the creation of an HOA to keep the lane maintained.

h) The homes will include the latest technology and techniques in building energy efficient homes and minimizing waste. Garbett Homes has pioneered the energy efficient home in the Salt Lake Valley. Among other things these homes will feature 94% efficient tankless water heaters. A combination of insulation types will be used to maximize R-values and minimize air leakage. We employ advanced framing techniques to reduce waste and maximize space in a wall cavity for insulation. Every home will be energy star certified and will meet the department of energy's latest certification for Zero Energy Ready homes. These homes will be built with a HERS score in the low 40's and will be pre-wired and ready to become Net Zero with the addition of solar. Our desire to build energy efficient homes has driven us to this location, as the more urban buyers are more interested in energy efficiency and green building.

Section 5

The construction of the homes will be a cement foundation and wood framing. The primary exterior materials will include stucco, cement fiber siding, brick, and corrugated metal siding.

There are 3 distinct single-family floor plans. Each of the floor plans includes unfinished basements, 2 car garages, 3 bedrooms, and 2.5 baths. Each plan varies in total square footage from 2349 to 2811 square feet. All of the floor plans are two-story plans. The overall density is about 10 units per acre. Included in the application will be a traffic study that shows the minimal impact our new homes will have on the private lane.

Sincerely,



Jacob Ballstaedt
Garbett Homes
Land Acquisition and Entitlement
801-455-5131
Jacob@garbetthomes.com





VICINITY MAP
N.T.S.

GENERAL NOTES

1. CONTRACTOR TO FIELD VERIFY HORIZONTAL AND VERTICAL LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION, AND REPORT ANY DISCREPANCIES TO THE ENGINEER.
2. ANY AND ALL DISCREPANCIES IN THESE PLANS ARE TO BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO COMMENCEMENT OF CONSTRUCTION.
3. ALL CONSTRUCTION SHALL ADHERE TO APWA STANDARD PLANS AND SALT LAKE CITY STANDARDS AND SPECIFICATIONS.
4. ALL SANITARY SEWER CONSTRUCTION SHALL ADHERE TO SALT LAKE PUBLIC UTILITIES STANDARDS AND SPECIFICATIONS.
5. ALL UTILITIES AND ROAD IMPROVEMENTS SHOWN ON THE PLANS HEREIN SHALL BE CONSTRUCTED USING REFERENCE TO SURVEY CONSTRUCTION STAKES PLACED UNDER THE SUPERVISION OF A PROFESSIONAL LICENSED SURVEYOR WITH A CURRENT LICENSE ISSUED BY THE STATE OF UTAH. ANY IMPROVEMENTS INSTALLED BY ANY OTHER VERTICAL OR HORIZONTAL REFERENCE WILL NOT BE ACCEPTED OR CERTIFIED BY THE ENGINEER OF RECORD.

NOTICE

BEFORE PROCEEDING WITH THIS WORK, THE CONTRACTOR SHALL CAREFULLY CHECK AND VERIFY ALL CONDITIONS, QUANTITIES, DIMENSIONS, AND GRADE ELEVATIONS, AND SHALL REPORT ALL DISCREPANCIES TO THE ENGINEER.

ENGINEER'S NOTES TO CONTRACTOR

1. THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED BY A SEARCH OF THE AVAILABLE RECORDS, TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT AS SHOWN ON THESE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN OR NOT SHOWN ON THESE DRAWINGS. IF UTILITY LINES ARE ENCOUNTERED DURING CONSTRUCTION THAT ARE NOT IDENTIFIED BY THESE PLANS, CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY.
2. CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE CITY, THE OWNER, AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.
3. UNAUTHORIZED CHANGES & USES: THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS. ALL CHANGES TO THE PLANS MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THESE PLANS.
4. ALL CONTOUR LINES SHOWN ON THE PLANS ARE AN INTERPRETATION BY CAD SOFTWARE OF FIELD SURVEY WORK PERFORMED BY A LICENSED SURVEYOR. DUE TO THE POTENTIAL DIFFERENCES IN INTERPRETATION OF CONTOURS BY VARIOUS TYPES OF GRADING SOFTWARE BY OTHER ENGINEERS OR CONTRACTORS, FOCUS DOES NOT GUARANTEE OR WARRANT THE ACCURACY OF SUCH LINWORK. FOR THIS REASON, FOCUS WILL NOT PROVIDE ANY GRADING CONTOURS IN CAD FOR ANY TYPE OF USE BY THE CONTRACTOR. SPOT ELEVATIONS AND PROFILE ELEVATIONS SHOWN IN THE DESIGN DRAWINGS GOVERN ALL DESIGN INFORMATION ILLUSTRATED ON THE APPROVED CONSTRUCTION SET. CONSTRUCTION EXPERTISE AND JUDGMENT BY THE CONTRACTOR IS ANTICIPATED BY THE ENGINEER TO COMPLETE BUILD-OUT OF THE INTENDED IMPROVEMENTS.

STATEMENT OF ACCURACY

Vertical data (contour lines and/or spot elevations, etc.) shown hereon is based on the NAVD83 "best equivalent" elevation of 4299.19 published by the Salt Lake County Surveyor on a brass cap ring & lid monument at the intersection of 700 East & 600 South.

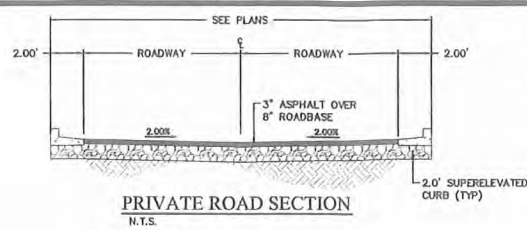
CONTACTS

ENGINEER & SURVEYOR
FOCUS ENGINEERING & SURVEYING
502 WEST 8360 SOUTH
SANDY, UTAH 84070
(801) 352-0075
CONTACT: JASON BARKER

OWNER/DEVELOPER
GARBETT HOMES
273 NORTH EAST CAPITOL STREET
SALT LAKE CITY, UTAH 84103
(801) 456-2430
CONTACT: XXXX XXXXXX

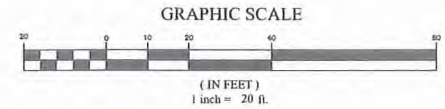


BENCHMARK
BRASS CAP AND LID MONUMENT AT
THE INTERSECTION OF 700 EAST AND 600
SOUTH PUBLISHED BY THE SALT LAKE
COUNTY SURVEYOR
ELEV. 4299.19



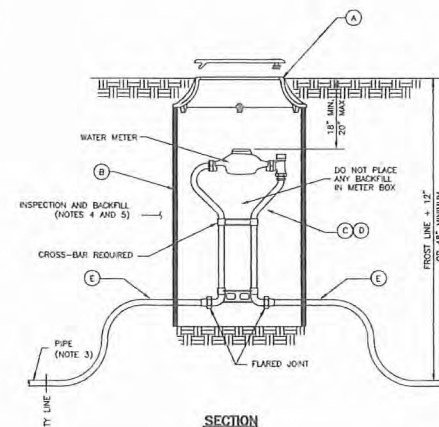
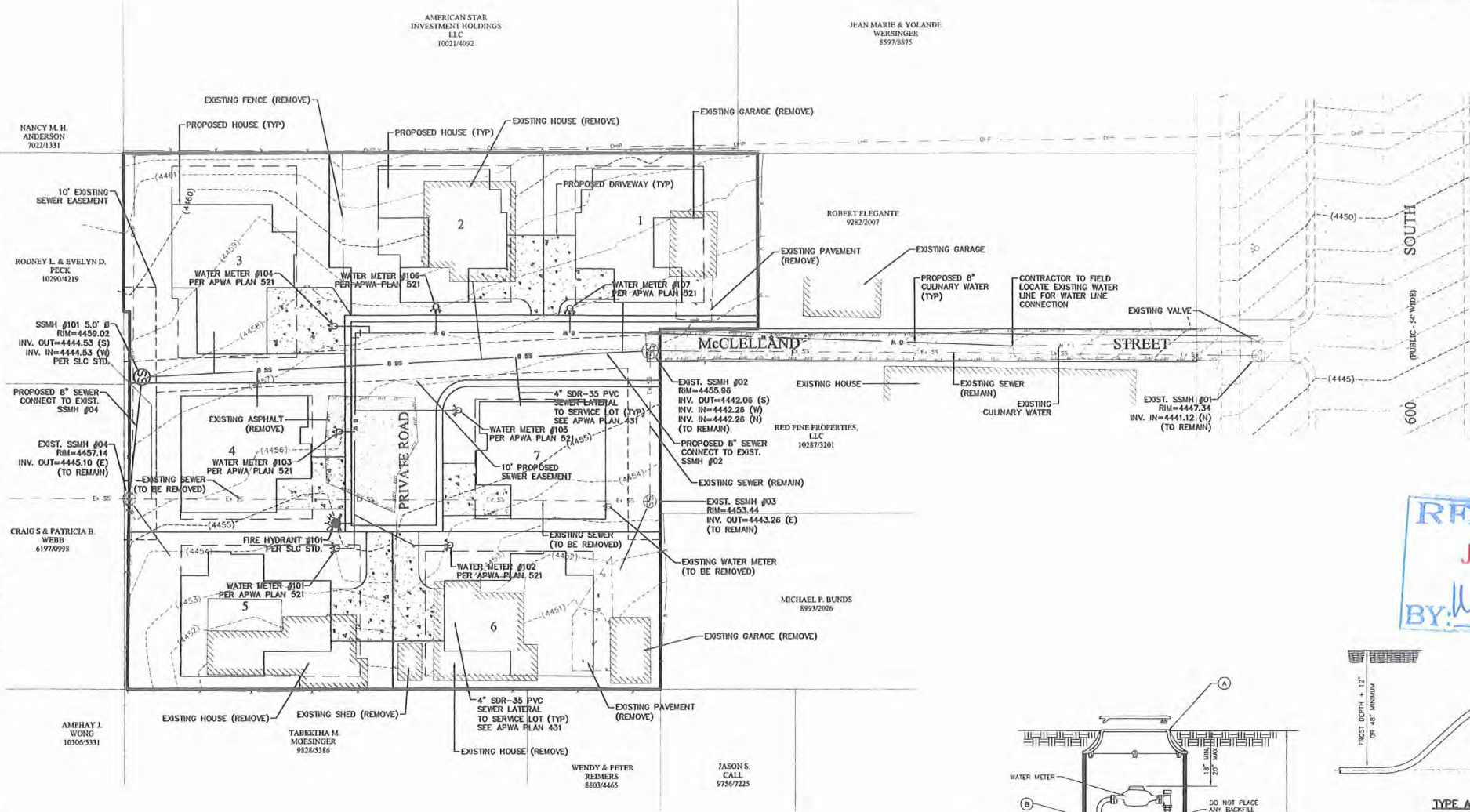
SITE NOTES

1. ALL EXISTING BUILDINGS AND HARDSCAPE FEATURES LOCATED ON THE EXISTING PROPERTY ARE TO BE REMOVED. A SEPARATE DEMOLITION PERMIT MAY BE REQUIRED FROM THE CITY PRIOR TO DEMOLITION.
2. A PORTION OF THE EXISTING SEWER IS TO BE REMOVED AS INDICATED ON PLANS. ALL SEWER MANHOLES TO REMAIN AND BE USED TO CONNECT PROPOSED SEWER LINES AS SHOWN ON PLANS.
3. THE EXISTING CULINARY WATER LINE LOCATED ON McCLELLAND STREET IS TO BE CONNECTED TO THE PROPOSED CULINARY WATER LINE TO SERVICE THE SUBDIVISION. EXISTING WATER SERVICE METER LOCATED WITHIN LOT 7 IS TO BE REMOVED.



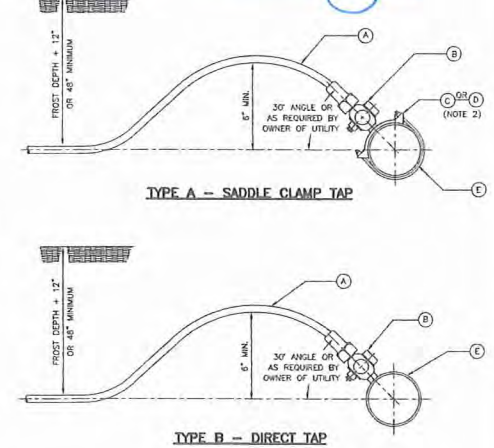
LOT COVERAGE

LOT #	LOT AREA:	BUILDING:	COVERAGE:
LOT 1	3300 sq. ft.	1143 sq. ft.	34.6%
LOT 2	3189 sq. ft.	1143 sq. ft.	35.8%
LOT 3	4641 sq. ft.	1354 sq. ft.	29.2%
LOT 4	3052 sq. ft.	1303 sq. ft.	42.7%
LOT 5	3937 sq. ft.	1354 sq. ft.	34.4%
LOT 6	3988 sq. ft.	1354 sq. ft.	34.0%
LOT 7	2991 sq. ft.	1303 sq. ft.	43.6%



No.	ITEM	DESCRIPTION
(A)	FRAME AND COVER	CAST IRON COVER (green)
(B)	METER BOX (18" TO 21" DIAMETER)	DUCTILE IRON COVER (green)
(C)	3/4" METER YOKES	CORROSION RESISTANT P.P.C. OR MATERIAL ACCEPTABLE TO AGENCY
(D)	1" METER YOKES	OPTIONAL BACKFLOW PROTECTION PER AGENCY REQUIREMENTS
(E)	COPPER PIPE	TYPE K (SOFT)

* FURNISHED BY UTILITY AGENCY



No.	ITEM	DESCRIPTION
(A)	COPPER PIPE	TYPE K - SOFT
(B)	CORROSION STOP	BRASS
(C)	SERVICE SADDLE CLAMP	(D.I., C.I., A.C.) **
(D)	SERVICE SADDLE CLAMP	(P.V.C.)
(E)	WATER MAIN PIPE	(D.I., C.I., A.C., P.V.C.)

* FURNISHED BY UTILITY AGENCY
** D.I. & C.I. PIPE MAY BE DIRECT TAPPED

APWA DETAIL
SEWER LATERAL CONNECTION
PLAN NO. 431

APWA DETAIL
1" WATER SERVICE
PLAN NO. 521

APWA DETAIL
1" WATER TAP
PLAN NO. 551

FOCUS
ENGINEERING AND SURVEYING, LLC
502 WEST 8360 SOUTH
SANDY, UTAH 84070 PH: (801) 352-0075
www.focusutah.com



McCLELLAND STREET SUBDIVISION SALT LAKE CITY, UT SITE PLAN

REVISION BLOCK	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

SITE PLAN

Scale: 1"=20'
Date: 5/01/2015
Sheet: 15-071

C1



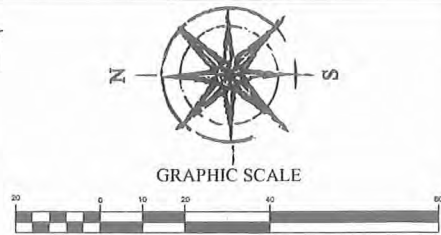
VICINITY MAP
N.T.S.

Curve Table					
CURVE	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	8.00	90°04'50"	12.58	N44°59'54"W	11.32

Easement Line Table		
LINE	DIRECTION	LENGTH
(L1)	N89°57'41"E	54.92
(L2)	S02°54'31"E	162.06
(L3)	S00°24'35"W	3.26
(L4)	S89°59'48"W	63.20
(L5)	S00°00'00"E	10.00
(L6)	S89°57'41"W	52.87
(L7)	S02°54'31"E	145.26
(L8)	S89°58'13"W	45.42
(L9)	S00°00'00"E	9.99

McCLELLAND STREET SUBDIVISION

(A PLANNED DEVELOPMENT SUBDIVISION)
A PORTION OF LOT 3, BLOCK 13, PLAT "F", SALT LAKE CITY SURVEY
SALT LAKE CITY, UTAH
SE 1/4 SECTION 5, T1S, R1E, SLB&M



SURVEYOR'S CERTIFICATE
I, _____, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NUMBER _____ AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREFTER TO BE KNOWN AS:
McCLELLAND STREET SUBDIVISION
AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

Professional Land Surveyor
Certificate No. _____ Date _____

BOUNDARY DESCRIPTION

A portion of Lot 3, Block 13, Plat "F", Salt Lake City Survey, more particularly described as follows:
Beginning at a point on the west line of Lot 3, Block 13, Plat "F", Salt Lake City Survey located N0°01'39"E along the lot line 165.08 feet from the Southwest Corner of said lot. Said Lot corner is also located N89°57'37"E along the monument line of 600 South Street 230.56 feet and North 57.43 feet from a Salt Lake County Monument at the intersection of 600 South and 1000 East; thence N0°01'39"E along the lot line 165.08 feet to the northwest corner of said lot; thence N89°57'41"E along the lot line 165.17 feet to the northeast corner of said lot; thence S0°02'31"W along the lot line 195.09 feet to the northeast corner of that Real Property described in Deed Book 9232 Page 2007 of the Official Records of Salt Lake County; thence S89°57'40"W along said deed 54.04 feet to the easterly line of McClelland Street; thence N0°02'14"E along said Street 30.01 feet; thence S89°57'41"W 111.08 feet to the point of beginning.
Contains: 0.66+/- acres

OWNER'S DEDICATION

KNOWN ALL BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE DESCRIBED TRACT OF LAND ABOVE, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO HEREAFTER BE KNOWN AS:
McCLELLAND STREET SUBDIVISION
DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE, AND WARRANT, DEFEND, AND SAVE THE CITY HARMLESS AGAINST ANY EASEMENTS OR OTHER ENCUMBRANCES ON THE DEDICATED STREETS WHICH WILL INTERFERE WITH THE CITY'S USE, OPERATION, AND MAINTENANCE OF THE STREETS AND DO FURTHER DEDICATE THE EASEMENTS AS SHOWN FOR THE USE BY ALL SUPPLIERS OF UTILITY OR OTHER NECESSARY SERVICES.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____ A.D. 20 _____

BY: _____
GARRETT HOMES

LIMITED LIABILITY ACKNOWLEDGMENT

ON THE _____ DAY OF _____ A.D. 20 _____ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AN FOR THE COUNTY OF SALT LAKE, IN SAID STATE OF UTAH, _____, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE _____ L.L.C., A UTAH L.L.C. AND THAT HE SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC
RESIDING IN SALT LAKE COUNTY

LIMITED LIABILITY ACKNOWLEDGMENT

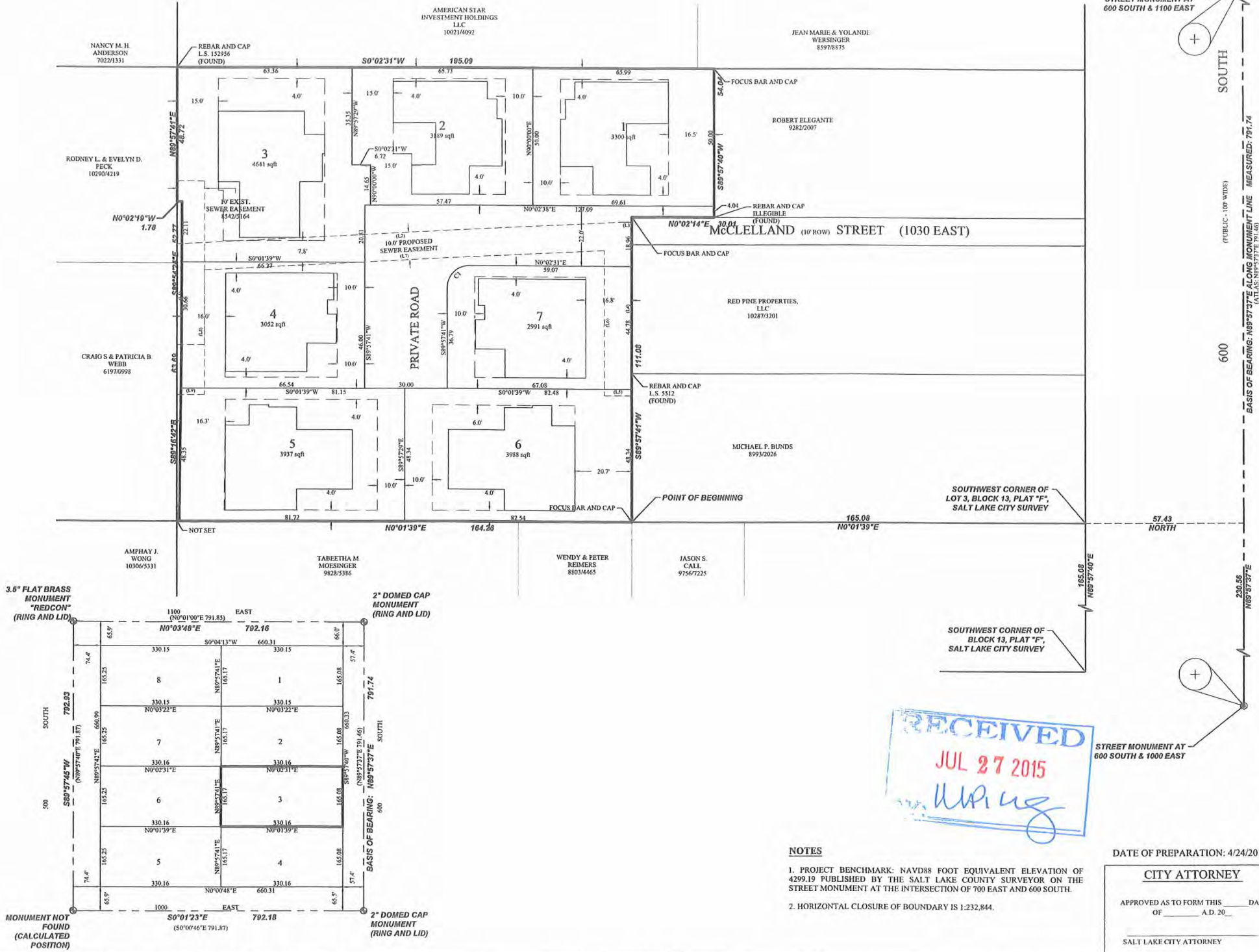
ON THE _____ DAY OF _____ A.D. 20 _____ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AN FOR THE COUNTY OF SALT LAKE, IN SAID STATE OF UTAH, _____, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE _____ L.L.C., A UTAH L.L.C. AND THAT HE SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC
RESIDING IN SALT LAKE COUNTY

McCLELLAND STREET SUBDIVISION (A PLANNED DEVELOPMENT SUBDIVISION)

PREPARED FOR:
GARBETT HOMES
273 NORTH EAST CAPITOL STREET
SALT LAKE CITY, UTAH
84103, PH: 456-2430

PREPARED BY:
FOCUS
ENGINEERING AND SURVEYING, LLC
502 WEST 8360 SOUTH
SANDY, UTAH 84070 PH: (801) 352-0075
www.focusutah.com



NOTES

- PROJECT BENCHMARK: NAVD88 FOOT EQUIVALENT ELEVATION OF 4299.19 PUBLISHED BY THE SALT LAKE COUNTY SURVEYOR ON THE STREET MONUMENT AT THE INTERSECTION OF 700 EAST AND 600 SOUTH.
- HORIZONTAL CLOSURE OF BOUNDARY IS 1:232,844.

DATE OF PREPARATION: 4/24/2015

CITY ATTORNEY

APPROVED AS TO FORM THIS _____ DAY
OF _____ A.D. 20 _____

SALT LAKE CITY ATTORNEY

PUBLIC UTILITIES DEPT.

APPROVED AS TO SANITARY SEWER, STORM DRAINAGE AND WATER
UTILITY DETAIL THIS _____ DAY OF _____
A.D. 20 _____ BY THE SALT LAKE COUNTY PLANNING COMMISSION

SALT LAKE PUBLIC UTILITIES DIRECTOR

SALT LAKE VALLEY HEALTH DEPARTMENT

APPROVED THIS _____ DAY OF _____ A.D. 20 _____

SALT LAKE VALLEY HEALTH DEPT.

CITY PLANNING DIRECTOR

APPROVED THIS _____ DAY OF _____ A.D. 20 _____

SALT LAKE CITY PLANNING DIRECTOR

CITY ENGINEERING DIVISION

I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS
PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION
ON FILE IN THIS OFFICE

DATE _____ CITY ENGINEER

DATE _____ CITY SURVEYOR

CITY APPROVAL

PRESENTED TO SALT LAKE CITY THIS _____ DAY OF _____

A.D. 20 _____ AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

SALT LAKE CITY MAYOR SALT LAKE CITY DEPUTY RECORDER

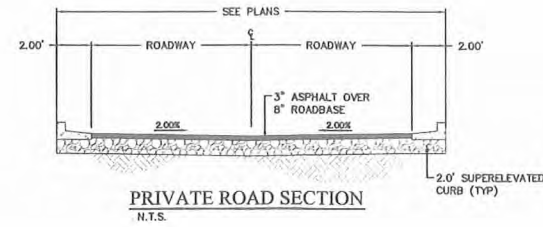
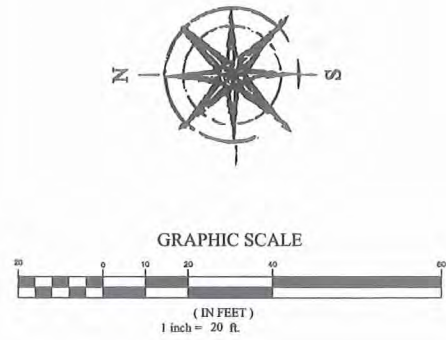
SALT LAKE COUNTY RECORDER

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE
REQUEST OF: _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE \$ _____ SALT LAKE COUNTY RECORDER

NUMBER _____
ACCOUNT _____
SHEET _____
OF _____ SHEETS



VERTICAL STATEMENT OF ACCURACY

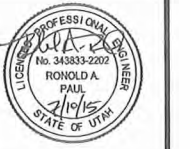
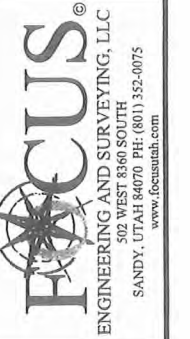
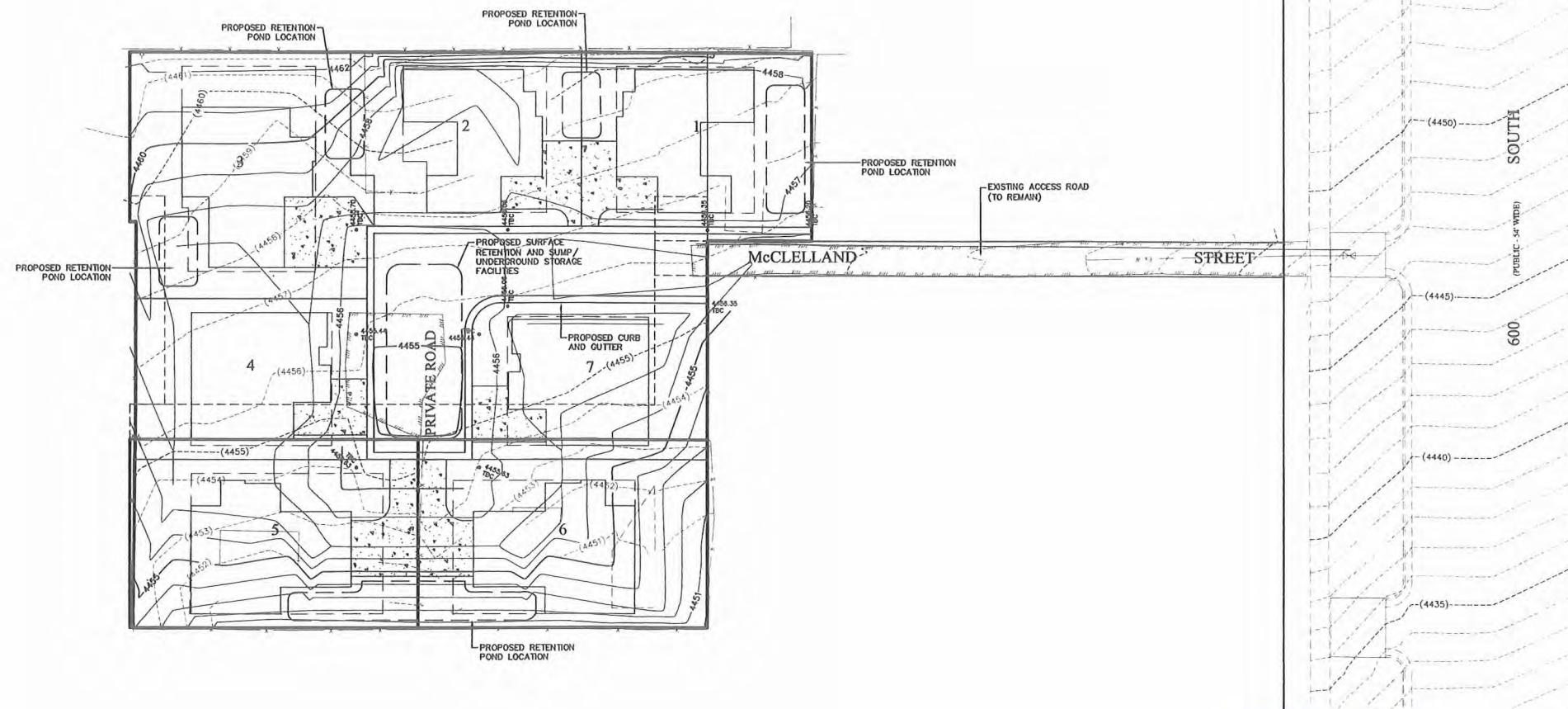
Vertical data (contour lines and/or spot elevations, etc.) shown herein is based on the NAVD88 'foot equivalent' elevation of 4299.19 published by the Salt Lake County Surveyor on a brass cap ring & lid monument at the intersection of 700 East & 600 South.

BENCHMARK

BRASS CAP AND LID MONUMENT AT THE INTERSECTION OF 700 EAST AND 600 SOUTH PUBLISHED BY THE SALT LAKE COUNTY SURVEYOR ELEV: 4299.19

GRADING / STORM DRAINAGE NOTES

1. ALL STORM DRAINAGE FOR THIS SITE IS TO BE RETAINED ON SITE IN SMALL LANDSCAPED RETENTION PONDS LOCATED ON THE LOTS, OR AS SURFACE RETENTION AND SUMPS OR UNDERGROUND STORAGE FACILITIES LOCATED IN THE CENTRAL COMMON COURTYARD.
2. GRADING SHOWN ON THIS PLAN IS PRELIMINARY. ACTUAL GRADING AND SIZING OF THE PONDS WILL BE COMPLETED AT FINAL.
3. SEE STORM DRAIN CALCULATIONS FOR ADDITIONAL INFORMATION.



McCLELLAND STREET SUBDIVISION
SALT LAKE CITY, UT
GRADING PLAN

REVISION BLOCK		DESCRIPTION
#	DATE	
1		
2		
3		
4		
5		
6		

GRADING PLAN

Scale: 1"=20'
Date: 5/01/2015
Sheet: C3
Drawn: AWE
Job #: 15-071



PLAN 'A'

PLAN 'C'

PLAN 'B'



HTC at McClelland St.

garbettHOMES.com
How you're living.

Architecture+Planning
17922 Fitch
Irvine, CA 92614
949.851.2133
ktgy.com





PLAN 'A'

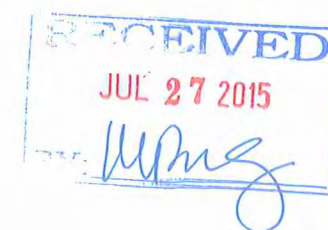


PLAN 'B'



PLAN 'C'

HTC at McClelland St.



garbettHOMES.com
Newport Living

Architecture+Planning
17922 Fitch
Irvine, CA 92614
949.851.2133
ktgy.com



MEMORANDUM

Date: June 18, 2015
To: Jacob Ballstaedt
From: Hales Engineering



Subject: **Salt Lake City - McClelland Street Subdivision Trip Generation Study**
UT15-742

Purpose

The purpose of this memorandum is to report on a trip generation study completed for the proposed McClelland Street Subdivision in Salt Lake City, Utah. The proposed subdivision is planned to have seven single family homes, replacing the three existing homes on the property. A vicinity map of the proposed project is provided in Figure 1. A site layout of the proposed development is included in the Appendix of this memorandum.



Figure 1. Vicinity Map for the Proposed Subdivision

Project Conditions

The proposed project will have an access onto 600 South via McClelland Street (1040 East). McClelland Street (1040 East) is a ten foot wide lane that currently provides access to five homes, one of which has been vacant for several years. As part of the proposed project, three of the existing homes will be removed (including the vacant home) and seven new homes will be built. Hales Engineering used ITE *Trip Generation* (9th Edition, 2012) to calculate the number of trips that would be generated by the homes on McClelland Street (9 single-family homes) after the proposed project is completed. As shown in Table 1, the proposed development will generate 116 trips on an average weekday, 19 trips during the morning peak hour, and 14 trips during the evening peak hour.

Table 1 Salt Lake City - McClelland Street Subdivision Trip Generation								
Weekday Daily Land Use ¹	Number of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total Daily Trips
Single-Family Detached Housing (210)	9	Dwelling Units	116	50%	50%	58	58	116
Project Total Daily Trips						58	58	116
A.M. Peak Hour Land Use ¹	Number of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total a.m. Trips
Single-Family Detached Housing (210)	9	Dwelling Units	18	25%	75%	5	14	19
Project Total a.m. Peak Hour Trips						5	14	19
P.M. Peak Hour Land Use ¹	Number of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total p.m. Trips
Single-Family Detached Housing (210)	9	Dwelling Units	14	63%	37%	9	5	14
Project Total p.m. Peak Hour Trips						9	5	14
Saturday Daily Land Use ¹	Number of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total Sat. Daily Trips
Single-Family Detached Housing (210)	9	Dwelling Units	110	50%	50%	55	55	110
Project Total Saturday Trips						55	55	110
Saturday Peak Hour Land Use ¹	Number of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total Sat Pk Hr Trips
Single-Family Detached Housing (210)	9	Dwelling Units	18	54%	46%	10	8	18
Project Total Saturday Peak Hour Trips						10	8	18

¹ Land Use Code from the Institute of Transportation Engineers' Trip Generation Manual (6th Edition - 2012)

SOURCE: Hayes Engineering, 2015

¹ Land Use Code from the Institute of Transportation Engineers: Trip Generation Manual (9th Edition - 2012)

SOURCE: Hales Engineering, 2015

Conclusions

As shown in Table 1, during the busiest hour of an average weekday day (a.m. peak hour) there will be 19 total trips (5 entering and 14 exiting) on McClelland Street. Even though these trips will be spread out over one hour, it is expected that there will be instances where vehicles traveling in opposite directions will need to pass each other. Despite the limited width of McClelland Street (10 feet), it is the opinion of Hales Engineering that these situations will be manageable due to the relatively low number of trips expected on this roadway. The capacity of a 10 foot drive is well above the 19 trips that are anticipated for this project. Because this situation has existed for many years and was acceptable, we believe that with a few additional homes, it would still be an acceptable condition.



Page 3 of 4

If you have any questions regarding this trip generation study performed by Hales Engineering please feel free to contact us.

APPENDIX

[16-05-454-023-0000]
WERSINGER, JEAN-MARIE & YOLANDE &
SEBASTIAN; JT
777 HEARD AVE
AUBURN, AL 36830

[16-05-451-015-0000]
KENNEY, ROBERT D; TR JT
1478 ENDERBY WAY
SUNNYVALE, CA 94087-4016

[16-05-459-002-0000]
BELL PROPERTY MANAGEMENT LLC
4 W DRY CREEK CIR #130
LITTLETON, CO 80120

[16-05-452-023-0000]
REDD PINE PROPERTIES LLC
22 BONNY RD
BROOKFIELD, CT 06804

[16-05-451-034-0000]
COLTRIN, HORACE E & JEAN S; TRS
621 HWY 81
BURLEY, ID 83318

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BOSTON, MA 02130-1104

[16-05-451-052-0000]
CHACHAS, CATHERINE I; ET AL
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ELY, NV 89301

[16-05-451-074-0000]
CLASSIC CONDO LLC
1107 S 350 W
BOUNTIFUL, UT 84010

[16-05-452-026-0000]
KONETA 518, LLC
2856 WOOD HOLLOW WY
BOUNTIFUL, UT 84010

[16-05-452-027-0000]
KONETA 524, LLC
2856 WOOD HOLLOW WY
BOUNTIFUL, UT 84010

[16-05-452-028-0000]
ERICKSEN, BRETT S
512 DEER HOLLOW CIR
CENTERVILLE, UT 84014-2000

[16-05-451-016-0000]
MANOUSAKIS, KATHERINE B & GEORGE M; JT
2393 E 6660 S
COTTONWOOD HTS, UT 84121-2644

[16-05-451-037-0000]
SARILOU, REZA
2979 E CAITLAND CT
COTTONWOOD HTS, UT 84121-7018

[16-05-451-009-0000]
ISHIMATSU, BUNTARO K & CHRISTOPHER R; JT
7758 S SILVER LAKE DR
COTTONWOOD HTS, UT 84121-5343

[16-05-451-068-0000]
SWS ENTERPRISES LLC
12089 S 300 E
DRAPER, UT 84020-9369

[16-05-453-005-0000]
MEADOWS, JASON; TR SLCH TRUST
3984 S MORNING STAR DR
HOLLADAY, UT 84124-1921

[16-05-452-011-0000]
FAIRFAX PROPERTIES LLC
585 LOFTY LANE
NORTH SALT LAKE, UT 84054

[16-05-454-020-0000]
WINTERS, DENNIS & BETTY M; JT
4903 BURCH CREEK HOLLOW
OGDEN, UT 84403

[16-05-451-011-0000]
CARMICHAEL; BRUCE W & JENNIFER C; TRS
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1015 ABILENE WY
PARK CITY, UT 84098

[16-05-451-066-0000]
DAVISON, NED J & RUTH E M; TRS
776 DIAGONAL ST #23
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[16-05-451-033-0000]
KRUKIEL, CANDACE D
515 S 1000 E #406
SALT LAKE CITY, UT 84102-3079

[16-05-451-064-0000]
CRAGHEAD, JAMES W & DALE S; TC
515 S 1000 E
SALT LAKE CITY, UT 84102-3032

[16-05-451-065-0000]
SANTOS, HARRY R
515 S 1000 E #807
SALT LAKE CITY, UT 84102-3087

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DAVIES, MICHAEL B; TR
515 S 1000 E #903
SALT LAKE CITY, UT 84102-3855

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ALDERMAN, DONALD W
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DAVISON, ALAN R
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BEATY, SUSAN T; TR (STB TRUST)
515 S 1000 E #703
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MONTOKA, TAMMY
515 S 1000 E #704
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WILLIAMS, LAURIE
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BOHNE, BARBARA A
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SMITH, CAMILLE
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MCDONOUGH, CHRISTINE A; TR (CAM TRUST)
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MONSON, DAN Q
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WADSTROM, ANDREW V; TR (AVW REV TR)
515 S 1000 E #804
SALT LAKE CITY, UT 84102-3087

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ROSADO-SANTOS, HARRY
515 S 1000 E #807
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JENKINS, LON A; ET AL
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SALT LAKE CITY, UT 84102-3034

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CLARK, GERALDINE M; TR ET AL
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515 S 1000 E #1101
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HAGAN, STEVEN M
515 S 1000 E #1102
SALT LAKE CITY, UT 84102-3855

[16-05-451-081-0000]
MUNSON, EDWARD R & CHRISTINE; JT
515 S 1000 E #1103
SALT LAKE CITY, UT 84102-3855

[16-05-451-082-0000]
TAYLOR, MARK M
515 S 1000 E #1104
SALT LAKE CITY, UT 84102-3034

[16-05-452-001-0000]
AZTEC MANAGEMENT COMMITTEE, INC
515 S 1000 E
SALT LAKE CITY, UT 84102-3032

[16-05-451-013-0000]
AMALFITANO, HAROLD & DIANE; JT
515 S 1000 E #202
SALT LAKE CITY, UT 84102-1492

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BEYNON, LINDA B
515 S 1000 E #203
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AZTEC MANAGEMENT COMMITTEE
515 S 1000 E
SALT LAKE CITY, UT 84102-3032

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AZTEC CONDOMINIUM HOMEOWNERS
ASSOCIATION INC
515 S 1000 E
SALT LAKE CITY, UT 84102-3032

[16-05-451-008-0000]
CRIM, AARON M
515 S 1000 E #105
SALT LAKE CITY, UT 84102-3006

[16-05-451-017-0000]
HEBDON, FLOYD E & GLORIA D; JT
515 S 1000 E #206
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CRUZ, DARRELL D
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ROMERO, MCKENZIE R
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BOLTON, KYLIE E
515 S 1000 E #401
SALT LAKE CITY, UT 84102-3045

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NORDSTROM, ERIK M & MCGOVERN, ALICIA J; JT
515 S 1000 E #402
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LEHNING, JAMES R
515 S 1000 E #403
SALT LAKE CITY, UT 84102-3097

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THOMPSON, DAVID A & CAROL L; JT
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SALT LAKE CITY, UT 84102-3097

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LEE, LEILA ANN
515 S 1000 E #506
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NEIMARLIJA, HAMDO
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KNEISLEY, DANIEL E; TR ET AL
515 S 1000 E #501
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HORVAT, KATHRYN B
515 S 1000 E #307
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VISMANTAS, JASON M
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BLUTH, OSCAR D DR
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PETERSEN, PAUL L
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SALT LAKE CITY, UT 84102-3049

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LIN, PENG & ZHOU, LIANG; JT
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SALT LAKE CITY, UT 84102-3038

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SHAPIRO, ROBIN
515 S 1000 E #606
SALT LAKE CITY, UT 84102-3058

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GAY, LORI N; TR (LNG TRUST)
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RICHINS, RYAN
515 S 1000 E #608
SALT LAKE CITY, UT 84102-3038

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WILSON, MICHAEL L & NANCY G; TRS
515 S 1000 E #701
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[16-05-451-083-0000]
EVANS, DALE F
515 S 1000 E
SALT LAKE CITY, UT 84102-3032

[16-05-452-002-0000]
ESPINOZA-CREER, MARI
525 S 1000 E
SALT LAKE CITY, UT 84102-3193

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MCFALLS, KELLY
533 S 1000 E
SALT LAKE CITY, UT 84102-3193

[16-05-452-005-0000]
WONG, AMPHAY J
537 S 1000 E
SALT LAKE CITY, UT 84102-3193

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MOESINGER, TABEETHA M
553 S 1000 E
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REIMERS, WENDY & PETER; JT
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CALL, JASON S
563 S 1000 E
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CORNACHIONE, KRISTEN M & MATTHEW A; JT
575 S 1000 E #D
SALT LAKE CITY, UT 84102-1811

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FOGELSON, AARON L & FEDER, DEBORAH S; JT
354 S 1100 E
SALT LAKE CITY, UT 84102-2510

[16-05-452-017-0000]
DC JONES INVESTMENTS LLC
545 S 1100 E
SALT LAKE CITY, UT 84102-3802

[16-05-454-018-0000]
RETTBERG, CHARLES C
548 S 1100 E
SALT LAKE CITY, UT 84102-3803

[16-05-454-035-0000]
RETTBERG, CHARLES C
548 S 1100 E
SALT LAKE CITY, UT 84102-3803

[16-05-454-036-0000]
ORINO, D CHRISTOPHER
550 S 1100 E
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[16-05-454-032-0000]
RASMUSSEN, KEITH S & MARCI E; JT
993 S 1100 E
SALT LAKE CITY, UT 84105-1543

[16-05-454-031-0000]
AMERICAN STAR INVESTMENT HOLDINGS LLC
1955 S 1300 E #7
SALT LAKE CITY, UT 84105-3638

[16-05-453-006-0000]
PECK, RODNEY L & EVELYN D; TRS
215 E 2400 S
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[16-05-454-015-0000]
ECKMAN, LAWRENCE L & ANNE M; TRS
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[16-05-454-001-0000]
BAILEY, GLENN L & COOKSON, CATHERINE D; JT
1044 E 500 S
SALT LAKE CITY, UT 84102-3838

[16-05-454-002-0000]
MONAHNAN, SUSAN DELEON
1046 E 500 S
SALT LAKE CITY, UT 84102-3838

[16-05-452-022-0000]
BUNDS, MICHAEL P
1027 E 600 S
SALT LAKE CITY, UT 84102-3828

[16-05-454-022-0000]
WARD, JESSIKA & COWDEN, AUSTIN; JT
1035 E 600 S
SALT LAKE CITY, UT 84102-3841

[16-05-454-024-0000]
ALONZO, ALBERTA D
1049 E 600 S
SALT LAKE CITY, UT 84102-3841

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METOS, GEORGE F
1069 E 600 S
SALT LAKE CITY, UT 84102-3841

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SINGLETON, COLETTE
925 E 900 S
SALT LAKE CITY, UT 84105-1401

[16-05-452-020-0000]
RAMSEY, THOMAS U & KARMA; TRS (KR TR)
1531 E ARLINGTON DR
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[16-05-454-017-0000]
GILLETTE, CLYDE F & JANET W; TC
3419 S EL SERRITO DR
SALT LAKE CITY, UT 84109-4156

[16-05-451-031-0000]
LEE, MARY ANN W; TR (MAWL TR)
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[16-05-452-018-0000]
ABANA APARTMENT CO, LTD
3006 S HIGHLAND DR #200
SALT LAKE CITY, UT 84106-2837

[16-05-454-007-0000]
ABANA APARTMENT COMPANY, LTD.
3006 S HIGHLAND DR #200
SALT LAKE CITY, UT 84106-2837

[16-05-454-008-0000]
ABANA APARTMENT COMPANY, LTD.
3006 S HIGHLAND DR #200
SALT LAKE CITY, UT 84106-2837

[16-05-454-005-0000]
SEED, DEEDA M & BAILEY, GLENN L; JT
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ANDERSON, NANCY M H; TR
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[16-05-453-002-0000]
PADILLA, DALLANA & ANTONIO; JT
515 S KONETA CT
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[16-05-453-007-0000]
KANEKAR, SHAMI
523 S KONETA CT
SALT LAKE CITY, UT 84102

[16-05-452-015-0000]
SCHROEPFER, JUDY A
528 S KONETA CT
SALT LAKE CITY, UT 84102

[16-05-452-016-0000]
WEBB, CRAIG S & PATRICIA B; JT
540 S KONETA CT
SALT LAKE CITY, UT 84102

[16-05-452-004-0000]
WEBB, PATRICIA & CRAIG S; JT
540 S KONETA CT
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[16-05-451-032-0000]
LONNECKER, DOROTHY Z; TR (DZL REV TRUST)
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[16-05-459-003-0000]
WANG, PIER & YANG, CHUN-LIANG; JT
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ZHANG, AMY
3468 S SCOTT PARK LN
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[16-05-453-001-0000]
MERTENS, THOMAS
1403 E THISTLE DOWN DR
SANDY, UT 84092-4634

[16-05-451-043-0000]
SOMMER, PAUL E & CINDEE K; JT
2156 W 4620 S
TAYLORSVILLE, UT 84129

[16-05-451-063-0000]
REEDER, VALOY H; TR
3008 W 3600 S #1
WEST HAVEN, UT 84401-8454

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EASTWIND CONDO OWNERS ASSOCIATION
1453 W LITTLE CREEK DR
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Resident
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546 S MCCLELLAND ST
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Salt Lake City, UT 84102-3841

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Resident
561 S MCCLELLAND ST
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518 S KONETA CT
Salt Lake City, UT 84102

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524 S KONETA CT
Salt Lake City, UT 84102

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575 S 1000 E #B
Salt Lake City, UT 84102-3032

[16-05-459-004-0000]
Resident
575 S 1000 E #D
Salt Lake City, UT 84102-3032

[16-05-452-028-0000]
Resident
545 S 1000 E
Salt Lake City, UT 84102-3032

ATTACHMENT D: ADDITIONAL SITE PHOTOS



View of the proposed access way from the southern edge of the subdivision. This is the area where the sanitation cans would need to be wheeled each week to the street.



Residence and garage (on left behind boat) that the applicant says is dilapidated and will be removed as part of project. This is the approximate location of Lot 102.



Residence to be demolished. The applicant has stated that this residence cannot be rehabilitated. This the approximate location of Lot 103.



Residence that will remain and be part of the new subdivision. This is shown as Lot 106 (the largest in the subdivision).



Northeast corner of the subdivision. This would be the location of Lot 105 and the open space area.



Approximate area where the private street is proposed to be located. Looking north.



600 South on either side of the McClelland private right-of-way. This is the location where the sanitation containers will need to be located.

ATTACHMENT E: EXISTING CONDITIONS

Central City Master Plan

The proposal is located within the Central City Master Plan area. The Future Land Use map for the plan designates the property for “Low/Medium Density Residential (10-20 dwelling units per net acre)” and the property is zoned SR-3 (Special Development Pattern Residential District) in compliance with this designation. The proposed single-family development use is an allowed use in this zone.

SR-3 Zone Standards for Single Family Residences	Finding	Rationale
Minimum lot area for single-family detached dwellings: 2,000 square feet per dwelling unit	Complies	The smallest lot proposed is 2,730 square feet.
Minimum lot width for single-family dwellings: 30 feet (corner) and 40 feet (interior)	Complies	All lots proposed meet the minimum requirement.
Maximum building height: 23 feet (pitched roofs) and 16 feet (flat roofs).	Not applicable	There is no housing product formally proposed at this time. Any proposed dwelling would be required to comply with the height requirement.
Minimum yard requirements: <ul style="list-style-type: none"> a. Front – 10 feet b. Corner side yard – 10 feet c. Interior side yard – 4 feet d. Rear yard – 25% of the lot depth, but not less than 15 feet and need not exceed 30 feet e. 21A.55.100 – If the planned development abuts a residential lot or a lot in a residential zoning district whose side and rear yard setback requirements are greater than the planned development lot's requirements, then the side and rear yard setback requirements of the subject planned development parcel shall be equal to the side and rear yard setback requirements of the abutting residentially used property or residentially zoned parcel. 	Complies for all except b.	The proposed lot layouts meet all minimum yard requirements, including the perimeter setback for Planned Developments, except for item b for two lots. The interior side yard setback of Lots 101 and 104 do not comply with the minimum interior yard. The proposed corner side yard is five feet or half of what is normally required. The analysis in Attachment F notes that this reduction is not appropriate.
Accessory building and structures	Not applicable	There are no accessory buildings or structures proposed at this time. All accessory buildings or structures will need to meet all standards when proposed.
Maximum building coverage: 40%	Complies	The proposed lot layout is sufficient to construct residences that comply with all minimum building coverage requirements.
Landscaped yard requirements: front and corner side yards shall be maintained as landscape yards.	Complies	At this time, there is no landscaping proposed. However, the standard will need to be met and a condition has been included requiring a landscape plan.

ATTACHMENT F: ANALYSIS OF STANDARDS

21A.55.050: Standards for Planned Developments: The Planning Commission may approve, approve with conditions, or deny a planned development based upon written findings of fact according to each of the following standards. **It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance with the following standards:**

Standard	Finding	Rationale
21A.55.010 Purpose Statement: A planned development is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Further, a planned development implements the purpose statement of the zoning district in which the project is located, utilizing an alternative approach to the design of the property and related physical facilities. A planned development will result in a more enhanced product than would be achievable through strict application of land use regulations, while enabling the development to be compatible and congruous with adjacent and nearby land developments. Through the flexibility of the planned development regulations, the city seeks to achieve any of the following specific objectives:		
A. Combination and coordination of architectural styles, building forms, building materials, and building relationships;	The applicants intend to achieve all objectives for a planned development, except for G.	A. The applicant has submitted a conceptual plan that shows the layout of the site is logical and all residences are focused to the proposed private street. Each residence will have a two car garage and will be similar in architectural style and colors.
B. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;	Staff is of the opinion that at least one objective is being met, specifically item H.	B. The applicant is not proposing to dramatically alter the existing site characteristics. There will be minimal grading to make the layout of the proposed subdivision work. Vegetation that can be preserved will be, but most vegetation is overgrown and needs to be removed.
C. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;		C. Located on the project site are three older residences. The applicant is proposing to remove two of the three residences as they believe they are beyond repair and need to be removed. One will remain and will be worked into the new subdivision.
D. Use of design, landscape, or architectural features to create a pleasing environment;		D. The proposed subdivision is a subdivision with six lots that all interact with a private street. It has been designed to create a pleasing environment for those who will live and visit within the subdivision.
E. Inclusion of special development amenities that are in the interest of the general public;		E. The applicant has provided a small common area/park for general use (located between Lots 105 and 106).

F. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation;		F. The applicant has noted that there are three blighted and hazardous structures (two residences and a garage) that will be removed as part of the project. The land will be redeveloped with newer structures that are more structurally sound.
G. Inclusion of affordable housing with market rate housing; or		G. No affordable or market rate housing proposed.
H. Utilization of “green” building techniques in development.		H. Garbett Homes does utilize green building techniques in almost every project they build in Utah. This project will include efficient water heaters, maximized R values from insulation, and are prewired for solar panels.
B. Master Plan And Zoning Ordinance Compliance: The proposed planned development shall be:		
1. Consistent with any adopted policy set forth in the citywide, community, and/or small area master plan and future land use map applicable to the site where the planned development will be located, and	Complies	The project is located within the Central City Master Plan area. This area is designated as residential development and the density generally conforms to the master plan designation of 10-20 dwelling units per acre.
2. Allowed by the zone where the planned development will be located or by another applicable provision of this title.	Complies	The zoning of the property, SR-3, allows development of single-family residences. All of the proposed lots meet the minimum lot size for the zoning district.
C. Compatibility: The proposed planned development shall be compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located. In determining compatibility, the planning commission shall consider:		
1. Whether the street or other adjacent street/access; means of access to the site provide the necessary ingress/egress without materially degrading the service level on such street/access or any adjacent street/access:	Does Not Comply	The access to the proposed subdivision is substandard. The access is no more than 10 feet wide and a little less in some places. It is a single lane private right-of-way that is basically a driveway. The increase in vehicles along this access will impact the surrounding area. The width of the existing access is no more than 10 feet in width and cannot be widened. Zoning Ordinance section 21A.44.020(F)(7)(b) requires a minimum single lane width for driveways of twelve feet. In this case the private street would not meet the minimum width for a driveway. A private street that is accessing six dwelling units should at least be wide enough to provide more than a single lane width of access.

<p>2. Whether the planned development and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected, based on:</p> <ul style="list-style-type: none"> a. Orientation of driveways and whether they direct traffic to major or local streets, and, if directed to local streets, the impact on the safety, purpose, and character of these streets; b. Parking area locations and size, and whether parking plans are likely to encourage street side parking for the planned development which will adversely impact the reasonable use of adjacent property; c. Hours of peak traffic to the proposed planned development and whether such traffic will unreasonably impair the use and enjoyment of adjacent property. 	<p>Does Not Comply</p>	<p>The proposed planned development will create unusual pedestrian or vehicle traffic patterns due to:</p> <ul style="list-style-type: none"> a. the negative impact of the traffic coming in and out of the subdivision on the private right-of-way. Pedestrian and vehicle safety may decrease because the width of the private street does not provide adequate space for both. b. parking in the area. The planned development has provided all required parking for each of the proposed residences and six additional parking stalls in the subdivision. c. the increase in traffic from the planned development. The number of residences will be more than doubled and the increase of traffic along McClelland will impair and impact the two residences on either side of the right-of-way. It may be difficult for those in the residences to enter or exit at peak traffic periods. In addition, the noise impact of the additional vehicle trips will impact the residences because their structures are built close to the property lines and there is not enough space to adequately buffer these residences to reduce this impact.
<p>3. Whether the internal circulation system of the proposed planned development will be designed to mitigate adverse impacts on adjacent property from motorized, nonmotorized, and pedestrian traffic;</p>	<p>Does Not Comply</p>	<p>Within the proposed development itself, the internal circulation has been designed to mitigate impacts. However, as it has been stated, the impact will be along the private right-of-way which although is not part of the project is the main access for the project. The increase of traffic on this narrow way will negatively impact the adjacent properties because of an increase in vehicles driving up and down the private street, increased noise from the increase in vehicles, and an increase in noise from people wheeling their garbage and recycling cans. These impacts are above and beyond what would otherwise be expected if the properties were to develop following the strict application of the zoning ordinance.</p>

<p>4. Whether existing or proposed utility and public services will be adequate to support the proposed planned development at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources;</p>	<p>Complies</p>	<p>The project has been reviewed by all applicable reviewers and it has been determined the adequate utilities and public services can be provided. The applicant will be responsible for all costs associated with those improvements should the project be approved. However, garbage and recycling pick up would require the occupants of the six homes to wheel their garbage and recycling cans down the private street and put them out on 600 South where there is limited space for as many as 12-24 cans one day per week.</p>
<p>5. Whether appropriate buffering or other mitigation measures, such as, but not limited to, landscaping, setbacks, building location, sound attenuation, odor control, will be provided to protect adjacent land uses from excessive light, noise, odor and visual impacts and other unusual disturbances from trash collection, deliveries, and mechanical equipment resulting from the proposed planned development; and</p>	<p>Does Not Comply</p>	<p>The project does meet all external setback requirements and the layout of the lots has been designed to have the least amount of impact on the area. However, the other impacts of trash collection and deliveries to the residences will have an impact on the surrounding area. Trash collection day could result in up to 24 collection bins being wheeled from the development to 600 South past two residences. Normal household deliveries to the residences along with deliveries during construction will impact the two residences adjacent to McClelland Street.</p>
<p>6. Whether the intensity, size, and scale of the proposed planned development is compatible with adjacent properties.</p> <p>If a proposed conditional use will result in new construction or substantial remodeling of a commercial or mixed used development, the design of the premises where the use will be located shall conform to the conditional building and site design review standards set forth in Chapter 21A.59 of this title.</p>	<p>Complies</p>	<p>The intensity, size and scale of the development do meet the minimum requirements of the Zoning Ordinance. However, the applicant is requesting a reduced corner side yard setback for two residences in the subdivision. Setbacks are required to adequately buffer uses and the project would be better served having a larger private road rather than two lots with reduced corner side yard setbacks. Staff would not that the density is compatible with the density of surrounding properties.</p> <p>There is no conditional use required for the property since Chapter 21A.59 is not applicable.</p>

D. Landscaping: Existing mature vegetation on a given parcel for development shall be maintained. Additional or new landscaping shall be appropriate for the scale of the development, and shall primarily consist of drought tolerant species;	Complies	While there is existing mature vegetation on the property, it is not well maintained at this time. Some mature vegetation will be required to be removed as part of the project. The proposed planned development does include new landscaping. Should the Planning Commission approve the project, staff has provide a draft condition for consideration that the applicant provide a plan showing all mature vegetation that will be preserved.
E. Preservation: The proposed planned development shall preserve any historical, architectural, and environmental features of the property;	Does Not Comply	There are three existing structures on the property that is proposed to be removed. Although there is no local historic district in this area, it is part of the larger national historic district. The records show that the buildings would be considered a contributing structure if they were preserved. However, as noted previously, there are no mechanisms for the City to use to require the residence to be saved. Removing a contributing structure eliminates the income tax incentives available to properties within a National Historic District.
F. Compliance With Other Applicable Regulations: The proposed planned development shall comply with any other applicable code or ordinance requirement.	Complies	Should be project be approved, it has been determined that it can comply with all applicable code and ordinance requirements, other than zoning.

Standards of Approval for Preliminary Subdivision Plats

20.16.100: All preliminary plats for subdivisions and subdivision amendments shall meet the following standards:

Criteria	Finding	Rationale
A. The subdivision complies with the general design standards and requirements for subdivisions as established in Section 20.12	Complies	The applicant is not requesting to modify any of the general design standards or requirements for subdivisions. The project has been reviewed by all applicable city reviewers and it has been determined that the preliminary layout of this subdivision does meet the standards.

B. All buildable lots comply with all applicable zoning standards;	Does Not Comply	The proposed preliminary subdivision meets all applicable Zoning Ordinance requirements for lot size, lot dimensions, density, and parking, except for setbacks. The applicant is proposing to modify two corner side yard setbacks as part of the request. As discussed in the planned development objectives, staff does not feel that the reduction of the corner side yards is warranted. The reduction is being made so that two additional lots can be added and there is no indication that these two additional lots create a better project. In fact, staff would argue that less lots means less negative impacts on the adjacent properties including reduced vehicles and reduced number of sanitation cans. The objective of the planned development section is to create better projects through modified standards. This project does not appear to accomplish that. There are a total of four buildable properties at this time and staff feels like four lots would have a less significant impact on the area.
C. All necessary and required dedications are made;	Complies	As part of the project, the applicant will be required to dedicate some easements due to the request for a private street. Should the project be approved, these dedications will need to be made as part of the final plat process.
D. Water supply and sewage disposal shall be satisfactory to the Public Utilities Department director;	Complies	The Public Utilities department has reviewed the applicant's preliminary proposal and determined that adequate water supply and sewage disposal can be provided to this site. The applicant will need to develop an acceptable utility proposal before building permits can be issued and the final plat can be recorded.

E. Provisions for the construction of any required public improvements, per section 20.40.010, are included;	Complies	The proposal was reviewed by the Engineering Division, Fire Department, Public Utilities and Sanitation for compliance with this standard. Due to the nature of the private street, there are few comments from Engineering and it should be noted that there are no minimum standards for private streets. The Fire Department has developed a solution with the applicant to have adequate water in the subdivisions should there be a fire, but emergency vehicles would still have a hard time accessing the site. Public Utilities has initially agreed to a design of the project that meets city standards. Sanitation has indicated that service to the subdivision (via the private access) will not be feasible and all garbage and recycling will need to be placed along 600 East by the individual homeowners.
F. The subdivision otherwise complies with all applicable laws and regulations; and	Complies	There is no evidence that the subdivision does not comply with all other applicable laws and regulations.
G. If the proposal is an amendment to an existing subdivision and involves vacating a street, right-of-way, or easement, the amendment does not materially injure the public or any person who owns land within the subdivision or immediately adjacent to it and there is good cause for the amendment.	Complies	This project is a new subdivision.

ATTACHMENT G: PUBLIC PROCESS AND COMMENTS

Notice of Application:

The application for the subdivision was submitted on May 7, 2015. Neighbors were sent a Notice of Application of the pending subdivision on May 19, 2015. Several neighbors responded to that notice and expressed opposition to the project. Due to the high number of responses, Planning staff determined that the item would not be approved administratively since a Planned Development application would be required. All of the concerns were passed along to the applicant. The application for the Planned Development was submitted on July 15, 2015.

Emails that have been received as a result of the notice of application in May are included in this attachment.

Community Council Notification:

On July 27, 2015, the Chair of the East Central Community Council was sent notice of the proposed project. The Community Council did not request for the applicant to present at one of their meetings.

Public Hearing:

- Public hearing notice mailed February 24, 2016.
- Public hearing notice posted at the site on February 25, 2016.
- Public notice posted on City and State websites and Planning Division list serve on February 24, 2016.

Emails that have been received as a result of the notice for this meeting are included in this attachment.

In general residents are concerned about limited access to the site, garbage and recycling collection, potential fire hazards and noise from the new development.

From: [Redd, Joe](#)
To: [Pickering, Maryann](#)
Subject: petition#PLNSUB2015-00358
Date: Wednesday, May 20, 2015 4:20:37 PM

Dear Ms. Pickering:

I am the owner of 1029E 600 South, and want to voice my initial response to the proposed subdivision.

I have seen the posted sign regarding the new proposed sub-division behind my property, which seeks **to triple** the amount of vehicle traffic on a shared common driveway which is only 10 feet wide, and less than one foot from the east wall of my building where my two adult children reside.

At this time there are two occupied buildings on the proposed subdivision, whose only means of accessing the public road (600 south) is to drive on the 10 foot wide "Shared" drive next to my building. There is NO way for vehicles to go by one another in this one lane driveway. There will be no way for a large vehicle (fire truck, garbage truck, moving truck) to turn around should the sub-division go through.

The proposed sub-division seeks to put **seven new homes on the property – all of which will be utilizing the same 10 foot wide driveway. Doing the simple math here, and assuming that each home will have on average two vehicles per household using the drive. At "peak" commuter times we are looking at least 14 vehicles trying to utilize the same narrow driveway. Add to the mix are vehicle from my house and the home next door, and we are looking at 20 cars using the same shared driveway at peak periods.**

Putting aside the question of traffic jams in the driveway, the loss of "quiet enjoyment" by my family members who live at 1029 east 600 south, the inconvenience posed by the greatly enhanced traffic (times three conservatively), and the diminution of the value of my property, are the safety concerns, which preliminarily include:

- 1) *The inability to get emergency vehicles to the new greatly expanded subdivision (note most firetrucks are between 9 and 10 feet wide); Note: The property sits almost directly on top of the Wasatch fault (fault line park is one block away). How would a firetruck enter? How would it turn around and maneuver (it can't)?;*
- 2) *The hazards posed by any overuse of the shared driveway – if/when cars approach from opposite directions – one car by necessity will have to back up anywhere from 50 – 100 feet to let the other vehicle pass. Cars coming onto the drive from 600 south would have to back up into sometimes heavy traffic on 600 south (especially during rush hour periods). The 10 foot wide driveway is approximately 100 feet long. The probability of having jammed up vehicles traveling in opposite directions on a daily basis is VERY high.*
- 3) *Dangers to pedestrians (who likewise only have one means of getting to the new sub-division) walking on the 10 foot wide drive (pedestrian traffic will also increase with the proposed seven house sub-division) AND on the 600 south sidewalk;*
- 4) *Dangers posed by any sanitation truck should they attempt to proceed down the 100 foot long*

ten foot wide driveway to get at garbage cans located on the sub-division. How will the garbage trucks turn around? (they can't). Does that now mean that seven household will be dragging 14 or so garbage cans down the driveway to line up their cans in front of my house? Will the early morning garbage can movers be able to negotiate around the 20 plus cars trying to get onto the shared driveway as they hurry off to work and school in the morning?

*While I appreciate the legal right of the developer to develop his property and to make a profit, maximizing profits by almost tripling the burden on other users of the shared driveway is offensive and **frankly dangerous on its face**.*

Second, while every property owner has a right to access a public roadway, there is no right to triple the use of a shared driveway, especially when it diminishes the quiet enjoyment of other property owners, poses safety concerns/traffic hazards, and reduces the value of abutting property owners homes.

While I intend to submit a more formal submission before June 2, with photos/diagrams and applicable law, I would like this email to be a part of a preliminary public record if possible.

Will there be a formal hearing on the matter at any time where concerned citizens might be heard in public and "on the record"? If so, I intend to travel to SLC to be heard.

Will there be more than one hearing on this matter?

On another side note, it is my understanding per conversations with a Title Company that the subject driveway is in fact a "public right of way" given the fact that the City assumed ownership of the drive around 1917 when the then owner (Nielsen) failed to pay owed taxes. As the owners in fact of the driveway, I presume the City maintains the corresponding legal "duty" to operate it safely and without danger to others. With a duty as the owner of the driveway, there is also now "legal notice" to the City of the dangerous condition that is about to unfold before us. As a taxpayer I do not want the city to have increased liabilities.

I thank you for your attention and kind consideration.

Joe Redd
O'CONNOR REDD LLP
PO Box 1000
242 King Street
Port Chester, New York 10573
Tel: (914) 686-1700
Fax: (914) 328-3184
E-mail: jredd@oconnorlawfirm.com

From: [Redd, Joe](#)
To: [Pickering, Maryann](#)
Subject: FW: petition#PLNSUB2015-00358
Date: Friday, May 22, 2015 1:18:42 PM
Attachments: [ATT00002.txt](#)
[ATT00003.txt](#)
[ATT00004.txt](#)
[ATT00005.txt](#)

Hi Maryann

They say a picture is worth a thousand words.

Please find attached a number of photos showing the 10 foot wide driveway upon which 20 plus vehicle must navigate on a daily basis, and upon which firetrucks, garbage trucks, moving trucks, construction vehicle, etc. must negotiate to access the proposed "seven home" development.

I respectfully request that they be made part of the public record on the petition.

Thank you.

Joe Redd
O'CONNOR REDD LLP
PO Box 1000
242 King Street
Port Chester, New York 10573
Tel: (914) 686-1700
Fax: (914) 328-3184
E-mail: jredd@oconnorlawfirm.com

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

From: Joseph Redd [<mailto:j.t.redd@hotmail.com>]
Sent: Friday, May 22, 2015 2:44 PM
To: Redd, Joe; j.t.redd@hotmail.com
Subject:

From: [Redd, Joe](#)
To: [Pickering, Maryann](#)
Subject: RE: petition#PLNSUB2015-00358
Date: Friday, May 22, 2015 1:38:08 PM
Attachments: [ATT00006.txt](#)
[ATT00007.txt](#)
[ATT00008.txt](#)
[ATT00009.txt](#)
[ATT00010.txt](#)

Hi Maryann

Please find further photos of the subject (and only) drive leading to the proposed subdivision.

Again, please make this part of the public record.

Thank you

Joe Redd
O'CONNOR REDD LLP
PO Box 1000
242 King Street
Port Chester, New York 10573
Tel: (914) 686-1700
Fax: (914) 328-3184
E-mail: jredd@oconnorlawfirm.com

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

From: Joseph Redd [<mailto:j.t.redd@hotmail.com>]
Sent: Friday, May 22, 2015 2:46 PM
To: Redd, Joe; j.t.redd@hotmail.com
Subject:

From: [Redd, Joe](#)
To: [Pickering, Maryann](#)
Subject: FW: petition#PLNSUB2015-00358
Date: Friday, May 22, 2015 1:46:55 PM
Attachments: [ATT00001.txt](#)
[ATT00002.txt](#)
[ATT00003.txt](#)
[ATT00004.txt](#)
[ATT00005.txt](#)
[photo 4 \(14\).JPG](#)

Hi Maryann

Please find attached further photos showing the subject drive.

Photo # 4 is most illustrative of the tight gap between house, vehicle and road.

Again, please make this part of the public record.

Joe Redd
O'CONNOR REDD LLP
PO Box 1000
242 King Street
Port Chester, New York 10573
Tel: (914) 686-1700
Fax: (914) 328-3184
E-mail: jredd@oconnorlawfirm.com

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

From: Joseph Redd [<mailto:j.t.redd@hotmail.com>]
Sent: Friday, May 22, 2015 2:47 PM
To: Redd, Joe; j.t.redd@hotmail.com
Subject:

From: [Redd, Joe](#)
To: [Pickering, Maryann](#)
Subject: FW: petition#PLNSUB2015-00358
Date: Friday, May 22, 2015 1:48:33 PM
Attachments: [ATT00001.txt](#)
[ATT00002.txt](#)
[ATT00003.txt](#)
[ATT00004.txt](#)
[ATT00005.txt](#)

Additional photos of subject lane for record

Joe Redd
O'CONNOR REDD LLP
PO Box 1000
242 King Street
Port Chester, New York 10573
Tel: (914) 686-1700
Fax: (914) 328-3184
E-mail: jredd@oconnorlawfirm.com

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

From: Joseph Redd [<mailto:j.t.redd@hotmail.com>]
Sent: Friday, May 22, 2015 2:46 PM
To: Redd, Joe; j.t.redd@hotmail.com
Subject:

From: [Redd, Joe](#)
To: [Pickering, Maryann](#)
Subject: FW: petition#PLNSUB2015-00358
Date: Friday, May 22, 2015 1:57:39 PM
Attachments: [ATT00006.txt](#)
[ATT00007.txt](#)
[ATT00008.txt](#)
[ATT00009.txt](#)
[ATT00010.txt](#)

Hi Maryann

Please find attached photos of the subject lane.

It is difficult to imagine upwards of 20 vehicles coming up and down this drive on a daily basis - mere inches from the eastern wall of my house.

Vehicles approaching from opposite directions would require that one back up - either into busy 600 South ..or backward through the narrow gap to the seven home complex.

I have no idea how a fire truck, garbage truck, construction equipment would squeeze by my roof line.

Moreover, even if they managed to get there how would they turn around to get out?

Kindly make these photos part of the public record in opposition to the subject petition.

Thank you

Joe Redd
O'CONNOR REDD LLP
PO Box 1000
242 King Street
Port Chester, New York 10573
Tel: (914) 686-1700
Fax: (914) 328-3184
E-mail: jredd@oconnorlawfirm.com

From: [Redd, Joe](#)
To: [Pickering, Maryann](#)
Subject: FW: petition#PLNSUB2015-00358
Date: Friday, May 22, 2015 1:58:50 PM
Attachments: [ATT00001.txt](#)
[ATT00002.txt](#)
[ATT00003.txt](#)
[ATT00004.txt](#)
[ATT00005.txt](#)

Please find additional photos in opposition to subject petition.

Joe Redd
O'CONNOR REDD LLP
PO Box 1000
242 King Street
Port Chester, New York 10573
Tel: (914) 686-1700
Fax: (914) 328-3184
E-mail: jredd@oconnorlawfirm.com

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

From: Joseph Redd [<mailto:j.t.redd@hotmail.com>]
Sent: Friday, May 22, 2015 2:45 PM
To: Redd, Joe; j.t.redd@hotmail.com
Subject:

From: [Redd, Joe](#)
To: [Pickering, Maryann](#)
Subject: FW: petition#PLNSUB2015-00358
Date: Friday, May 22, 2015 2:00:15 PM
Attachments: [ATT00006.txt](#)
[ATT00007.txt](#)
[ATT00008.txt](#)
[ATT00009.txt](#)
[ATT00010.txt](#)

Please find attached photos submitted in opposition to proposed petition.

Joe Redd
O'CONNOR REDD LLP
PO Box 1000
242 King Street
Port Chester, New York 10573
Tel: (914) 686-1700
Fax: (914) 328-3184
E-mail: jredd@oconnorlawfirm.com

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

From: Joseph Redd [<mailto:j.t.redd@hotmail.com>]
Sent: Friday, May 22, 2015 2:45 PM
To: Redd, Joe; j.t.redd@hotmail.com
Subject:

From: [Redd, Joe](#)
To: [Pickering, Maryann](#)
Subject: FW: petition#PLNSUB2015-00358
Date: Friday, May 22, 2015 2:02:08 PM
Attachments: [ATT00006.txt](#)
[ATT00007.txt](#)
[ATT00008.txt](#)
[ATT00009.txt](#)
[ATT00010.txt](#)

Please find attached photos submitted in opposition to proposed petition.

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Tel: (914) 686-1700
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-----Original Message-----

From: Joseph Redd [<mailto:j.t.redd@hotmail.com>]
Sent: Friday, May 22, 2015 2:45 PM
To: Redd, Joe; j.t.redd@hotmail.com
Subject:























































































From: [Redd, Joe](#)
To: [Pickering, Maryann](#)
Subject: RE: petition#PLNSUB2015-00358
Date: Tuesday, May 26, 2015 4:15:05 PM

Hi MaryAnn

My title people advise that there was a failure to pay taxes by somebody named Nielsen which resulted in the City coming into ownership of the lane around 1917.

While this may not make it a public street – there does not appear to be any record of the city divesting itself of the once “private drive”.

As such – the City might be owners of this “non- street”.

A big ole mess . . .

Joe Redd
O’CONNOR REDD LLP
PO Box 1000
242 King Street
Port Chester, New York 10573
Tel: (914) 686-1700
Fax: (914) 328-3184
E-mail: jredd@oconnorlawfirm.com

From: Pickering, Maryann [mailto:Maryann.Pickering@slcgov.com]
Sent: Tuesday, May 26, 2015 2:57 PM
To: Redd, Joe
Subject: RE: petition#PLNSUB2015-00358

Joe-

I have emailed with our Engineering Division and they show McClelland to be a private right-of-way and not a public street. It is most likely owned or shared by all those who utilize it. I know you have spoken to a title company in the past, but again, we show it as private.

Thanks,
Maryann

From: Redd, Joe [mailto:JRedd@oconnorlawfirm.com]
Sent: Wednesday, May 20, 2015 4:25 PM
To: Pickering, Maryann
Subject: petition#PLNSUB2015-00358

Dear Ms. Pickering:

I am the owner of 1029E 600 South, and want to voice my initial response to the proposed subdivision.

I have seen the posted sign regarding the new proposed sub-division behind my property, which seeks **to triple** the amount of vehicle traffic on a shared common driveway which is only 10 feet wide, and less than one foot from the east wall of my building where my two adult children reside.

At this time there are two occupied buildings on the proposed subdivision, whose only means of accessing the public road (600 south) is to drive on the 10 foot wide "Shared" drive next to my building. There is NO way for vehicles to go by one another in this one lane driveway. There will be no way for a large vehicle (fire truck, garbage truck, moving truck) to turn around should the sub-division go through.

The proposed sub-division seeks to put **seven new homes on the property – all of which will be utilizing the same 10 foot wide driveway. Doing the simple math here, and assuming that each home will have on average two vehicles per household using the drive. At "peak" commuter times we are looking at least 14 vehicles trying to utilize the same narrow driveway. Add to the mix are vehicle from my house and the home next door, and we are looking at 20 cars using the same shared driveway at peak periods.**

Putting aside the question of traffic jams in the driveway, the loss of "quiet enjoyment" by my family members who live at 1029 east 600 south, the inconvenience posed by the greatly enhanced traffic (times three conservatively), and the diminution of the value of my property, are the safety concerns, which preliminarily include:

- 1) *The inability to get emergency vehicles to the new greatly expanded subdivision (note most firetrucks are between 9 and 10 feet wide); Note: The property sits almost directly on top of the Wasatch fault (fault line park is one block away). How would a firetruck enter? How would it turn around and maneuver (it can't)?;*
- 2) *The hazards posed by any overuse of the shared driveway – if/when cars approach from opposite directions – one car by necessity will have to back up anywhere from 50 – 100 feet to let the other vehicle pass. Cars coming onto the drive from 600 south would have to back up into sometimes heavy traffic on 600 south (especially during rush hour periods). The 10 foot wide driveway is approximately 100 feet long. The probability of having jammed up vehicles traveling in opposite directions on a daily basis is VERY high.*
- 3) *Dangers to pedestrians (who likewise only have one means of getting to the new sub-division) walking on the 10 foot wide drive (pedestrian traffic will also increase with the proposed seven house sub-division) AND on the 600 south sidewalk;*
- 4) *Dangers posed by any sanitation truck should they attempt to proceed down the 100 foot long ten foot wide driveway to get at garbage cans located on the sub-division. How will the garbage trucks turn around? (they can't). Does that now mean that seven household will be dragging 14 or so garbage cans down the driveway to line up their cans in front of my house? Will the early morning garbage can movers be able to negotiate around the 20 plus cars trying to get onto the shared driveway as they hurry off to work and school in the morning?*

*While I appreciate the legal right of the developer to develop his property and to make a profit, maximizing profits by almost tripling the burden on other users of the shared driveway is offensive and **frankly dangerous on its face**.*

Second, while every property owner has a right to access a public roadway, there is no right to triple the use of a shared driveway, especially when it diminishes the quiet enjoyment of other property owners, poses safety concerns/traffic hazards, and reduces the value of abutting property owners homes.

While I intend to submit a more formal submission before June 2, with photos/diagrams and applicable law, I would like this email to be a part of a preliminary public record if possible.

Will there be a formal hearing on the matter at any time where concerned citizens might be heard in public and “on the record”? If so, I intend to travel to SLC to be heard.

Will there be more than one hearing on this matter?

On another side note, it is my understanding per conversations with a Title Company that the subject driveway is in fact a “public right of way” given the fact that the City assumed ownership of the drive around 1917 when the then owner (Nielsen) failed to pay owed taxes. As the owners in fact of the driveway, I presume the City maintains the corresponding legal “duty” to operate it safely and without danger to others. With a duty as the owner of the driveway, there is also now “legal notice” to the City of the dangerous condition that is about to unfold before us. As a taxpayer I do not want the city to have increased liabilities.

I thank you for your attention and kind consideration.

Joe Redd
O’CONNOR REDD LLP
PO Box 1000
242 King Street
Port Chester, New York 10573
Tel: (914) 686-1700
Fax: (914) 328-3184
E-mail: jredd@oconnorlawfirm.com

From: [Jessica Ward](#)
To: [Pickering, Maryann](#)
Subject: PETITION #: PLNSUB2015-00358
Date: Wednesday, May 27, 2015 4:44:37 PM

Hi Maryann,

We just spoke on the phone, I am having trouble finding the page I can post a public comment so I decided I would write you an email to either help direct me to that page or use my comments in this email for public record and documentation of a complaint against the new development for McClelland Enclave Subdivision 546 S. McClelland Street.

I do not think it is safe, nor reasonable for 7 new homes to be built having only the private lane between my property and several others as the only through street to these new homes. Unless another street/entrance can be put in place I am against having the new division being built. That is 7-14 extra vehicle traffic to a very narrow driveway. This can create problems like multiple cars trying to get through the driveway in both directions. 600 south is already a fairly busy road. I also fear for my children's safety with an increase of traffic on this lane. My driveway sections off of this lane also and I fear if for any reason there is one car coming in, and another trying to get out, that my driveway will become a place for vehicles to park or idle in until other cars can pass through instead of backing out completely to let the other car through. That is a violation on my property and could technically be subject to trespassing.

I have yet to receive any legal notices as well besides signs being posted in the general vicinity. If you could provide updates on this petition that would be greatly appreciated as this effects my families safety as well as my own.

Thank you for your time.

From: [Redd, Joe](#)
To: [Pickering, Maryann](#)
Subject: RE: petition#PLNSUB2015-00358
Date: Thursday, May 28, 2015 2:01:04 PM

Good Afternoon Maryann

I spoke again with my title people. They advise that the owner of the lane (somebody named Nielsen) failed to pay County taxes around 1917 and the property was put up for sale. Nobody purchased it and the lane (per my title people) then became the property of the City. (It is also interesting that the City named the street and a city street sign was placed on the lane). At a minimum we have the City exercising some control over the lane, and representing to the world at large that it is a named City street.

I will have documents re: the tax sale shortly and will forward them your way upon receipt. There is no record of anybody having purchased the lane from the City or County.

Thus we are left with the City being the last legal "Owners" of the lane.

In the end, there has to be an owner in fact of this lane, with other non-owners having potential easement rights over the same. Looking at the local rules regarding proposed developments, ownership of the lane should have great impact on the whether this proposed development - with its 9-10 foot wide driveway - meets any applicable building/safe roadway/sidewalk standards.

Finally, on a side note, one of abutting land owners advised that there was a brush fire on the subject lot approximately 7 years ago. Local firetrucks were unable to get up the lane to fight the fire, and a fire truck had to be brought in from the roadway (Koneida court) north of the subject property to fight the fire. Perhaps the local fire department has some record of this event.

Needless to say, if there is an earthquake with gas lines breaking and a fire on the small lot with seven closely packed in homes – the inability to fight the fire - will pose dangers to not only the owners of the proposed homes, but also to all the abutting property owners.

I ask that this be made part of the public record.

I will be forwarding proofs of the 1917 tax sale shortly.

Thank you once again for your time and consideration.

Joe Redd
O'CONNOR REDD LLP
PO Box 1000
242 King Street
Port Chester, New York 10573
Tel: (914) 686-1700
Fax: (914) 328-3184
E-mail: jredd@oconnorlawfirm.com

From: Pickering, Maryann [mailto:Maryann.Pickering@slcgov.com]
Sent: Tuesday, May 26, 2015 2:57 PM
To: Redd, Joe
Subject: RE: petition#PLNSUB2015-00358

Joe-

I have emailed with our Engineering Division and they show McClelland to be a private right-of-way and not a public street. It is most likely owned or shared by all those who utilize it. I know you have spoken to a title company in the past, but again, we show it as private.

Thanks,
Maryann

From: Redd, Joe [mailto:JRedd@oconnorlawfirm.com]
Sent: Wednesday, May 20, 2015 4:25 PM
To: Pickering, Maryann
Subject: petition#PLNSUB2015-00358

Dear Ms. Pickering:

I am the owner of 1029E 600 South, and want to voice my initial response to the proposed subdivision.

I have seen the posted sign regarding the new proposed sub-division behind my property, which seeks ***to triple*** the amount of vehicle traffic on a shared common driveway which is only 10 feet wide, and less than one foot from the east wall of my building where my two adult children reside.

At this time there are two occupied buildings on the proposed subdivision, whose only means of accessing the public road (600 south) is to drive on the 10 foot wide "Shared" drive next to my building. There is NO way for vehicles to go by one another in this one lane driveway. There will be no way for a large vehicle (fire truck, garbage truck, moving truck) to turn around should the sub-division go through.

The proposed sub-division seeks to put ***seven new homes on the property – all of which will be utilizing the same 10 foot wide driveway. Doing the simple math here, and assuming that each home will have on average two vehicles per household using the drive. At "peak" commuter times we are looking at least 14 vehicles trying to utilize the same narrow driveway. Add to the mix are vehicle from my house and the home next door, and we are looking at 20 cars using the same shared driveway at peak periods.***

-
Putting aside the question of traffic jams in the driveway, the loss of "quiet enjoyment" by my family members who live at 1029 east 600 south, the inconvenience posed by the greatly enhanced traffic (times three conservatively), and the diminution of the value of my property, are the safety concerns, which preliminarily include:

- 1) *The inability to get emergency vehicles to the new greatly expanded subdivision (note most firetrucks are between 9 and 10 feet wide); Note: The property sits almost directly on top of the Wasatch fault (fault line park is one block away). How would a firetruck enter? How would it turn around and maneuver (it can't)?;*
- 2) *The hazards posed by any overuse of the shared driveway – if/when cars approach from opposite directions – one car by necessity will have to back up anywhere from 50 – 100 feet to let the other vehicle pass. Cars coming onto the drive from 600 south would have to back up into sometimes heavy traffic on 600 south (especially during rush hour periods). The 10 foot wide driveway is approximately 100 feet long. The probability of having jammed up vehicles traveling in opposite directions on a daily basis is VERY high.*
- 3) *Dangers to pedestrians (who likewise only have one means of getting to the new sub-division) walking on the 10 foot wide drive (pedestrian traffic will also increase with the proposed seven house sub-division) AND on the 600 south sidewalk;*
- 4) *Dangers posed by any sanitation truck should they attempt to proceed down the 100 foot long ten foot wide driveway to get at garbage cans located on the sub-division. How will the garbage trucks turn around? (they can't). Does that now mean that seven household will be dragging 14 or so garbage cans down the driveway to line up their cans in front of my house? Will the early morning garbage can movers be able to negotiate around the 20 plus cars trying to get onto the shared driveway as they hurry off to work and school in the morning?*

*While I appreciate the legal right of the developer to develop his property and to make a profit, maximizing profits by almost tripling the burden on other users of the shared driveway is offensive and **frankly dangerous on its face**.*

Second, while every property owner has a right to access a public roadway, there is no right to triple the use of a shared driveway, especially when it diminishes the quiet enjoyment of other property owners, poses safety concerns/traffic hazards, and reduces the value of abutting property owners homes.

While I intend to submit a more formal submission before June 2, with photos/diagrams and applicable law, I would like this email to be a part of a preliminary public record if possible.

Will there be a formal hearing on the matter at any time where concerned citizens might be heard in public and “on the record”? If so, I intend to travel to SLC to be heard.

Will there be more than one hearing on this matter?

On another side note, it is my understanding per conversations with a Title Company that the subject driveway is in fact a “public right of way” given the fact that the City assumed ownership of the drive around 1917 when the then owner (Nielsen) failed to pay owed taxes. As the owners in fact of the driveway, I presume the City maintains the corresponding legal “duty” to operate it safely and without danger to others. With a duty as the owner of the driveway, there is also now “legal notice” to the City of the dangerous condition that is about to unfold before us. As a taxpayer I do not want the city to have increased liabilities.

I thank you for your attention and kind consideration.

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Tel: (914) 686-1700
Fax: (914) 328-3184
E-mail: jredd@oconnorlawfirm.com

From: [Judy](#)
To: [Pickering, Maryann](#)
Cc: j.t.redd@hotmail.com
Subject: Petition#PLNSUB2015-00358
Date: Thursday, May 28, 2015 7:24:02 PM

Dear Maryann Pickering,

I am writing to you at the request of a neighbor of mine, as well as my own concerns. It is regarding the proposed Subdivision on McClelland St. by Garbett Homes. I live on Koneta Court which is just North of McClelland.

To give you a little background, I have lived in this house for the past 30 years. It is my Grandparents house, so it has been in my family for the past 80 or so years.

I am not sure if you are at all familiar with our street and what transpired years ago with the illegal subdivision of the property at 518 and 524 Koneta and the subsequent building of a mobile home on top of a garage by James Bean who has since sold the properties at 518 and 524 Koneta. This was a nightmare to live through. Since it is a private street, he had to have permission from us all to access the water line. We denied it and he sued us all. To make a very long story short, we fought the Building Department and Zoning Department for years over this structure as he did NOT build according to plans submitted. He had several Stop work orders placed on the property and yet he was still allowed to build what the hell he wanted and got away with it. We did attend public meetings with the Planning Commission to no avail. It was found out later that he was able to continue building because the Building department had given him a permit in error and could not then back out. With that said, I must tell you that my trust in our cities Building and Zoning departments to actually do their jobs went out the window. We have since had issues with all the renters who live in both of those homes. Rape and assault, late night parties, parking issues, way more traffic on our dead-end street, police being called etc. We also have a street that is falling in due to the crappy job that was done when he tapped into the water line. It has sunk about 6-12 inches. Needless to say I am very opposed to this new subdivision being built just two houses south of my property.

I understand you have received a note from a property owner on 600 So, by the name of Joe Redd, regarding petition#PLNSUB2015-00358. I have read his note to you and your response back to him. You stated that you had sent out notices to surrounding properties. I wish that I/Us on Koneta Court had received one as well, as this will impact us too.

I concur with everything Joe Redd said and would like to add more. Not only am I concerned with a proposed 7 homes being built, which I do not believe there is enough room for unless they are on top of one another, but I have a very real disheartened concern

with the pending demolition of the homes that currently reside there. One of them has recently been remodeled and I am sure dates back to the early to mid 1900's as does mine. It still has remnants of rockwork that looks like bordered the house when it was built. To see this piece of history in our city destroyed for a buck makes me sick. I am also very concerned with the number of trees that will have to be removed all in the name of progress. When will it ever end? I understand progress needs to happen, but to destroy history to achieve that end should NOT be the way we do it. Too many buildings downtown have met that death to build high rise office buildings that do not have full occupancy. I don't know how Garbett Homes thinks they have room to bring in excavating equipment let alone building supplies without destruction to abutting properties. They barely make it down our street with roofing supplies let alone to build 7 homes from the ground up, and we have a sidewalk on each side which McClelland does not. I have had damage due to this.

Thank you for your time in reading this. I would like to be added to the list of any upcoming meeting pertaining to this matter.

Regards,
Judy Schroepfer

From: [Redd, Joe](#)
To: [Pickering, Maryann](#)
Cc: ["Joseph Redd"](#)
Subject: FW: petition#PLNSUB2015-00358
Date: Monday, June 01, 2015 5:06:39 PM

Hi Maryann

My title people went through the history of the Roadway parcel and the Parcels surrounding it.

It appears that in 1874 the property known as Lot 3, which is all the abutting the property on the East and West of the roadway and includes the roadway, was deeded to a George Paramore (December 26, 1874, Book J Page 78). George Paramore then in the 1880's through the 1910's deeded various portions of the property surrounding the Roadway, often times granting an easement across what is now identified on the County Plats as a road. In 1914, George Paramore also deeded some of the property including the roadway to Mary Paramore (August 4, 1914, Entry No. 328830) after that last deed I was unable to find any other deeds wherein Fee title to the roadway parcel was ever granted again. Instead the owners of the properties now surrounding the Right of Way and to the North of 1029 East 600 South, Salt Lake City, have just included the Roadway in their legals as a Right of Way Easement. As is common in many counties here in Utah during the 1910's and 1920's there were multiple Tax Sales for the property located within this area. I took extra care at looking into these, it appears that all the Tax Sales were all redeemed in one way or another and did not include the Roadway parcel. It also appears to me that Roadway parcel might actually be a remainder parcel of what George Paramore and Mary Paramore had fee title too, and which, they did not pass on, except as Right of Way easements to some of the surrounding Parcels.

I hope that this brief history of the property helps.

Thank you.

Joe

From: Pickering, Maryann [<mailto:Maryann.Pickering@slcgov.com>]
Sent: Friday, May 29, 2015 10:35 AM
To: Redd, Joe
Subject: RE: petition#PLNSUB2015-00358

Thank Joe.

I will forward the documents I get from you to our Engineering Division for their review.

Thanks again,
Maryann

From: Redd, Joe [<mailto:JRedd@oconnorlawfirm.com>]
Sent: Thursday, May 28, 2015 2:05 PM
To: Pickering, Maryann
Subject: RE: petition#PLNSUB2015-00358

Good Afternoon Maryann

I spoke again with my title people. They advise that the owner of the lane (somebody named Nielsen) failed to pay County taxes around 1917 and the property was put up for sale. Nobody purchased it and the lane (per my title people) then became the property of the City. (It is also interesting that the City named the street and a city street sign was placed on the lane). At a minimum we have the City exercising some control over the lane, and representing to the world at large that it is a named City street.

I will have documents re: the tax sale shortly and will forward them your way upon receipt. There is no record of anybody having purchased the lane from the City or County.

Thus we are left with the City being the last legal "Owners" of the lane.

In the end, there has to be an owner in fact of this lane, with other non-owners having potential easement rights over the same. Looking at the local rules regarding proposed developments, ownership of the lane should have great impact on the whether this proposed development - with its 9-10 foot wide driveway - meets any applicable building/safe roadway/sidewalk standards.

Finally, on a side note, one of abutting land owners advised that there was a brush fire on the subject lot approximately 7 years ago. Local firetrucks were unable to get up the lane to fight the fire, and a fire truck had to be brought in from the roadway (Koneida court) north of the subject property to fight the fire. Perhaps the local fire department has some record of this event. Needless to say, if there is an earthquake with gas lines breaking and a fire on the small lot with seven closely packed in homes – the inability to fight the fire - will pose dangers to not only the owners of the proposed homes, but also to all the abutting property owners.

I ask that this be made part of the public record.

I will be forwarding proofs of the 1917 tax sale shortly.

Thank you once again for your time and consideration.

Joe Redd
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PO Box 1000
242 King Street
Port Chester, New York 10573
Tel: (914) 686-1700
Fax: (914) 328-3184
E-mail: jredd@oconnorlawfirm.com

From: Pickering, Maryann [<mailto:Maryann.Pickering@slcgov.com>]
Sent: Tuesday, May 26, 2015 2:57 PM
To: Redd, Joe
Subject: RE: petition#PLNSUB2015-00358

Joe-

I have emailed with our Engineering Division and they show McClelland to be a private right-of-way and not a public street. It is most likely owned or shared by all those who utilize it. I know you have spoken to a title company in the past, but again, we show it as private.

Thanks,
Maryann

From: Redd, Joe [<mailto:JRedd@oconnorlawfirm.com>]
Sent: Wednesday, May 20, 2015 4:25 PM
To: Pickering, Maryann
Subject: petition#PLNSUB2015-00358

Dear Ms. Pickering:

I am the owner of 1029E 600 South, and want to voice my initial response to the proposed subdivision.

I have seen the posted sign regarding the new proposed sub-division behind my property, which seeks ***to triple*** the amount of vehicle traffic on a shared common driveway which is only 10 feet wide, and less than one foot from the east wall of my building where my two adult children reside.

At this time there are two occupied buildings on the proposed subdivision, whose only means of accessing the public road (600 south) is to drive on the 10 foot wide "Shared"

drive next to my building. There is NO way for vehicles to go by one another in this one lane driveway. There will be no way for a large vehicle (fire truck, garbage truck, moving truck) to turn around should the sub-division go through.

The proposed sub-division seeks to put **seven new homes on the property – all of which will be utilizing the same 10 foot wide driveway. Doing the simple math here, and assuming that each home will have on average two vehicles per household using the drive. At “peak” commuter times we are looking at least 14 vehicles trying to utilize the same narrow driveway. Add to the mix are vehicle from my house and the home next door, and we are looking at 20 cars using the same shared driveway at peak periods.**

Putting aside the question of traffic jams in the driveway, the loss of “quiet enjoyment” by my family members who live at 1029 east 600 south, the inconvenience posed by the greatly enhanced traffic (times three conservatively), and the diminution of the value of my property, are the safety concerns, which preliminarily include:

- 1) *The inability to get emergency vehicles to the new greatly expanded subdivision (note most firetrucks are between 9 and 10 feet wide); Note: The property sits almost directly on top of the Wasatch fault (fault line park is one block away). How would a firetruck enter? How would it turn around and maneuver (it can't)?;*
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- 3) *Dangers to pedestrians (who likewise only have one means of getting to the new sub-division) walking on the 10 foot wide drive (pedestrian traffic will also increase with the proposed seven house sub-division) AND on the 600 south sidewalk;*
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*While I appreciate the legal right of the developer to develop his property and to make a profit, maximizing profits by almost tripling the burden on other users of the shared driveway is offensive and **frankly dangerous on its face.***

Second, while every property owner has a right to access a public roadway, there is no right to triple the use of a shared driveway, especially when it diminishes the quiet enjoyment of other property owners, poses safety concerns/traffic hazards, and reduces the value of abutting property owners homes.

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Will there be a formal hearing on the matter at any time where concerned citizens might be heard in public and "on the record"? If so, I intend to travel to SLC to be heard.

Will there be more than one hearing on this matter?

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I thank you for your attention and kind consideration.

Joe Redd
O'CONNOR REDD LLP
PO Box 1000
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Port Chester, New York 10573
Tel: (914) 686-1700
Fax: (914) 328-3184
E-mail: jredd@oconnorlawfirm.com

From: [Gavin Collier](#)
To: [Pickering, Maryann](#)
Subject: Notice of Subdivision Application and Pending Decision 546-561 S. McClelland Street (Petition: PLNSUB2015-00358)
Date: Tuesday, June 02, 2015 9:17:07 AM
Attachments: [Dean Mohr Letter1.pdf](#)

I represent Dean and Rebekah Mohr, neighbors/ residence who will be injured by the proposed subdivision development. Please find the attached letter which I drafted on my client's behalf, which provides a list of their concerns.

--

Gavin V. Collier, J.D.
TR Spencer & Associates, P.C.
Work: 801-566-1884

The information contained in this e-mail is legally privileged and CONFIDENTIAL and is intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone and delete this message from any and all locations.

SPENCER & PHILPOT

Attorneys at Law

A Professional Corporation

140 West 9000 South, Suite 9

Sandy, Utah 84070

Telephone: (801) 566-1884

Fax: (801) 748-4022

June 2, 2015

*Terry R. Spencer, Ph.D.
Gavin V. Collier, J.D.
Morgan Philpot, J.D.*

To: Maryann Pickering
Maryann.pickering@slcgov.com
801-535-7660

Re: Notice of Subdivision Application and Pending Decision 546-561 S. McClelland Street
(Petition: PLNSUB2015-00358)

I represent Dean & Rebekah Mohr, residents who reside at 539 South Koneta Ct. Salt Lake City, Utah 84102. Pursuant to Section 20.16.100 (G) of the Salt Lake City Subdivisions and Condominium Ordinance, my client's property interests will be materially injured if the current plan is allowed to proceed without amendment. My client has the following concerns:

1. The new property line is now located approximately 12 inches from the rear of my client's residence. The current fence allows for a three (3) foot buffer between my client's home and the property line that has been historically recognized between the prior owner and my client's property for almost 100 years. The newly established property line would render the rear of the home completely inaccessible. My client has been able to use the rear of their home for the past 20+ years and that would change under the proposed plan.
2. The new survey and property line contradicts my client's survey and the recognized property line that has been historically used. The new property line purports to be almost 24 inches closer to my client's residence, leaving only 12 inches between the new property line and my client's home.
3. My client's fence which has been in existence for many years would be lost as it would now be considered to be within the new boundary of the development.
4. The proposed plan provides for the removal of a sewer line and the placement of a manhole (SSMH#101) near my client's residence. My client is concerned that their existing sewer line will be disturbed and or disconnected. Furthermore, they are also worried that digging for the manhole would disturb the foundation of my client's home.

Questions:

5. What is the plan for reconnecting the sewer to the residence located at 539 Koneta Court?
6. How close is the new sewer main to the foundation of my client's residence?
7. Will the plan be amended to allow my client to have the use of the rear of their home?

If you have any questions, I would be happy to provide more information if needed.

Sincerely,

/s/ Gavin V. Collier
Spencer & Philpot

From: [Redd, Joe](#)
To: [Pickering, Maryann](#)
Subject: FW: petition#PLNSUB2015-00358
Date: Tuesday, June 02, 2015 11:24:33 AM
Attachments: [Parcel Map \(your Property\).pdf](#)
[Parcel Map With All of Lot 3 Highlighted.pdf](#)
[Parcel Map with Lots that benefit from ROW Highlighted.pdf](#)
[Parcel Map with Mary Paramore portion of the Road Highlighted.pdf](#)

Hi Maryann

Yes... a neighborhood meeting was held and concerns were raised.

While discussed, there was no resolution and every abutting landowner I spoke with was uniformly opposed to the development for all the safety and quality of life issues previously mentioned.

It is my understanding that the developer as of right now does not own any of the property, but has contracts with lot owners to buy the subject properties. ***I assume these contracts are contingent upon approvals going through for these ill-conceived, dangerous - albeit profitable - business plans.***

-

Again, I have labored to find a question to the answer "who owns the drive", and have been back and forth multiple times with my title people to nail this down. This has been akin to trying to nail jelly to the wall. The above attachments may add some clarity to the roadway information provided below. It appears that the last titled owner of the lane was Mary Paramore. My title people believe the roadway may be an "escaped parcel from assessment" with County maps and a city street sign representing to the outside world that it is a public right of way.

Thanks for your time and consideration.

Joe

I went through the history of the Roadway parcel and the Parcels surrounding it. It appears that in 1874 the property known as Lot 3, which is all the abutting the property on the East and West of the roadway and includes the roadway, was deeded to a George Paramore (December 26, 1874, Book J Page 78). George Paramore then in the 1880's through the 1910's deeded various portions of the property surrounding the Roadway, often times granting an easement across what is now identified on the County Plats as a

road. In 1914, George Paramore also deeded some of the property including the roadway to Mary Paramore (August 4, 1914, Entry No. 328830) after that last deed I was unable to find any other deeds wherein Fee title to the roadway parcel was ever granted again. Instead the owners of the properties now surrounding the Right of Way and to the North of 1029 East 600 South, Salt Lake City, have just included the Roadway in their legals as a Right of Way Easement. As is common in many counties here in Utah during the 1910's and 1920's there were multiple Tax Sales for the property located within this area. I took extra care at looking into these, it appears that all the Tax Sales were all redeemed in one way or another and did not include the Roadway parcel. It also appears to me that Roadway parcel might actually be a remainder parcel of what George Paramore and Mary Paramore had fee title too, and which, they did not pass on, except as Right of Way easements to some of the surrounding Parcels.

This Plat is made solely for the purpose of assisting in locating the land and the company assumes no liability for variation if any with actual survey.



This map is not intended to represent actual physical properties. In order to establish exact physical boundaries a survey of the property may be necessary.



Prepared and published by
Salt Lake County Recorder
Gary Ott
2001 S. State Street #1000
Salt Lake City, Utah 84143
http://sarc.slcgov.com



W 1/2 SE 1/4 Sec 05 T1S R1E
SALT LAKE COUNTY, UTAH

Scale 1"=100'
0 100' 200'
Feet

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This map is not intended to represent actual physical properties. In order to establish exact physical boundaries a survey of the property may be necessary.



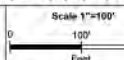
Prepared and published by:
Mill Lake County Recorder
Gary Ott
2001 S. State Street #N1600
Mill Lake, WA 99111
016-448186 -
fax: 016-448186

W 1/2 SE 1/4 Sec 05 T1S R1E
SALT LAKE COUNTY, UTAH

5/5/2015

Page 219 of 299

16-05-41



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Published Date: April 28, 2016



The Question Mark is located on a property that can use a portion but not all of the Right Way.

This map is not intended to represent actual physical properties. In order to establish exact physical boundaries a survey of the property may be necessary.



Prepared and published by
Salt Lake County Recorder
Gary C. ...
2001 S. State Street, Suite 200
Salt Lake City, Utah 84143
http://www.saltlakecountyrecorder.com



W 1/2 SE 1/4 Sec 05 T1S R1E
SALT LAKE COUNTY, UTAH
5/5/2015

Scale 1"=100'
0 100' 200'
Feet

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From: [Redd, Joe](#)
To: [Pickering, Maryann](#); "[Judy](#)"; "[Jessika Ward](#)"; "[Gavin Collier](#)"
Subject: RE: McClelland Enclave Update
Date: Monday, June 08, 2015 4:44:32 PM

Thank you Maryann

Joe Redd
O'CONNOR REDD LLP
PO Box 1000
242 King Street
Port Chester, New York 10573
Tel: (914) 686-1700
Fax: (914) 328-3184
E-mail: jredd@oconnorlawfirm.com

From: Pickering, Maryann [mailto:Maryann.Pickering@slcgov.com]
Sent: Monday, June 08, 2015 5:33 PM
To: Redd, Joe; 'Judy'; 'Jessika Ward'; 'Gavin Collier'
Subject: RE: McClelland Enclave Update

My apologies! I pressed send way too fast.

Just to update you, the applicant will need to submit an application for a Planned Development as they are creating lots on a private road. This means that the Planning Commission must review the project. There is no way for them to get it approved without that public hearing.

I'm still waiting in the actual application for the Planned Development and it will be sent around for review. After all comments are received/resolved, I will schedule it for a public hearing. I realistically do not see that happen before fall.

Please let me know if you have questions.

Maryann

From: Pickering, Maryann
Sent: Monday, June 08, 2015 3:31 PM
To: 'Redd, Joe'; 'Judy'; 'Jessika Ward'; 'Gavin Collier'
Subject: McClelland Enclave Update

MARYANN PICKERING, AICP
Principal Planner

PLANNING DIVISION

COMMUNITY *and* ECONOMIC DEVELOPMENT
SALT LAKE CITY CORPORATION

TEL 801-535-7660
FAX 801-535-6174

www.SLCGOV.COM

From: [heidi and joe redd](#)
To: [Pickering, Maryann](#)
Subject: Subject: RE: petition#PLNSUB2015-00358
Date: Saturday, August 22, 2015 6:15:56 AM

Subject: RE: petition#PLNSUB2015-00358

Good Morning Maryann:

I writing to followup on the below petition to see if there has been anymore movement on the developer's plans.

Has the developer submitted any further plans or proposals?

Is the proposed development stalled, delayed, or done with?

If there is a next step, and if so, what is the time frame in which the developer is currently working?

Thanks again for any information you might provide.

Joe Redd

From: Pickering, Maryann [mailto:Maryann.Pickering@slcgov.com]
Sent: Thursday, May 21, 2015 3:30 PM
To: Redd, Joe
Subject: RE: petition#PLNSUB2015-00358

Hi Joe.

Thank you for your comments. They will be made part of the record.

At this point, I've sent out notices to the surrounding properties and routing the application to our various reviewing departments (fire, transportation, utilities, etc.). The reviewers have until June 2 to comment on the proposal. Some of the issues you have raised may very well be raised by those reviewers.

The next step will be if staff can administratively approve the project based on the adopted subdivision standards, comments from reviewers and comments from the public. If staff

does not feel that a decision can be made, the project will be forwarded to the Planning Commission for their review and decision. Should the latter occur, it will be a public hearing and you are definitely welcome to attend.

I would welcome additional comments you may have. Should the item be forwarded to the Planning Commission, the comments below and any subsequent comments you provide will be forwarded to the Planning Commission.

Please check back with me around June 2 and I will let you know where we are and what other comments I may have received.

Thanks,
Maryann

From: Redd, Joe [<mailto:JRedd@oconnorlawfirm.com>]
Sent: Wednesday, May 20, 2015 4:25 PM
To: Pickering, Maryann
Subject: petition#PLNSUB2015-00358

Dear Ms. Pickering:

I am the owner of 1029E 600 South, and want to voice my initial response to the proposed subdivision.

I have seen the posted sign regarding the new proposed sub-division behind my property, which seeks **to triple** the amount of vehicle traffic on a shared common driveway which is only 10 feet wide, and less than one foot from the east wall of my building where my two adult children reside.

At this time there are two occupied buildings on the proposed subdivision, whose only means of accessing the public road (600 south) is to drive on the 10 foot wide "Shared" drive next to my building. There is NO way for vehicles to go by one another in this one lane driveway. There will be no way for a large vehicle (fire truck, garbage truck, moving truck) to turn around should the sub-division go through.

The proposed sub-division seeks to put **seven new homes on the property – all of which will be utilizing the same 10 foot wide driveway. Doing the simple math here, and assuming that each home will have on average two vehicles per household using the drive. At "peak" commuter times we are looking at least 14 vehicles trying to utilize the same narrow driveway. Add to the mix are vehicle from my house and the home next door, and we are looking at 20 cars using the same shared driveway at peak periods.**

Putting aside the question of traffic jams in the driveway, the loss of “quiet enjoyment” by my family members who live at 1029 east 600 south, the inconvenience posed by the greatly enhanced traffic (times three conservatively), and the diminution of the value of my property, are the safety concerns, which preliminarily include:

The inability to get emergency vehicles to the new greatly expanded subdivision (note most firetrucks are between 9 and 10 feet wide); Note: The property sits almost directly on top of the Wasatch fault (fault line park is one block away). How would a firetruck enter? How would it turn around and maneuver (it can't)?;

The hazards posed by any overuse of the shared driveway – if/when cars approach from opposite directions – one car by necessity will have to back up anywhere from 50 – 100 feet to let the other vehicle pass. Cars coming onto the drive from 600 south would have to back up into sometimes heavy traffic on 600 south (especially during rush hour periods).

The 10 foot wide driveway is approximately 100 feet long. The probability of having jammed up vehicles traveling in opposite directions on a daily basis is VERY high.

Dangers to pedestrians (who likewise only have one means of getting to the new sub-division) walking on the 10 foot wide drive (pedestrian traffic will also increase with the proposed seven house sub-division) AND on the 600 south sidewalk;

Dangers posed by any sanitation truck should they attempt to proceed down the 100 foot long ten foot wide driveway to get at garbage cans located on the sub-division. How will the garbage trucks turn around? (they can't). Does that now mean that seven household will be dragging 14 or so garbage cans down the driveway to line up their cans in front of my house? Will the early morning garbage can movers be able to negotiate around the 20 plus cars trying to get onto the shared driveway as they hurry off to work and school in the morning?

*While I appreciate the legal right of the developer to develop his property and to make a profit, maximizing profits by almost tripling the burden on other users of the shared driveway is offensive and **frankly dangerous on its face.***

Second, while every property owner has a right to access a public roadway, there is no right to triple the use of a shared driveway, especially when it diminishes the quiet enjoyment of other property owners, poses safety concerns/traffic hazards, and reduces the value of abutting property owners homes.

While I intend to submit a more formal submission before June 2, with photos/diagrams and applicable law, I would like this email to be a part of a preliminary public record if possible.

Will there be a formal hearing on the matter at any time where concerned citizens might be heard in public and “on the record”? If so, I intend to travel to SLC to be heard.

Will there be more than one hearing on this matter?

On another side note, it is my understanding per conversations with a Title Company that the subject driveway is in fact a "public right of way" given the fact that the City assumed ownership of the drive around 1917 when the then owner (Nielsen) failed to pay owed taxes. As the owners in fact of the driveway, I presume the City maintains the corresponding legal "duty" to operate it safely and without danger to others. With a duty as the owner of the driveway, there is also now "legal notice" to the City of the dangerous condition that is about to unfold before us. As a taxpayer I do not want the city to have increased liabilities.

I thank you for your attention and kind consideration.

Joe Redd
O'CONNOR REDD LLP
PO Box 1000
242 King Street
Port Chester, New York 10573
Tel: (914) 686-1700
Fax: (914) 328-3184
E-mail: jredd@oconnorlawfirm.com

From: [heidi and joe redd](#)
To: [Pickering, Maryann](#)
Subject: RE: Subject: RE: petition#PLNSUB2015-00358
Date: Monday, August 24, 2015 9:36:28 AM

Thank you Maryann

Appreciate the information greatly.

Joe Redd

From: Maryann.Pickering@slcgov.com
To: joeheidredd@hotmail.com
Date: Mon, 24 Aug 2015 08:45:58 -0600
Subject: RE: Subject: RE: petition#PLNSUB2015-00358

Hi Joe.

They are still moving forward. They needed to submit an additional application. They had to submit a Planned Development application for a new subdivision located on a private street. The applicant received all the comments late last week. I was honest with them and told them it would be difficult for planning staff to recommend approval of project as it does not appear to meet all the standards. Plus, there are comments from other departments and divisions that will need to be addressed and some may be difficult to resolve. Until they address all of the outstanding concerns, it will not be scheduled for a Planning Commission meeting.

You can look at all documents associated with the two projects through our citizen access portal. You do not need to register to use the system. On the left side, scroll down to where you see 'Planning' and click on the link under that. It's best to look it up by the petition number as the address can be hard.

You have the preliminary plat number and the new one for the Planned Development (Subdivision also) is PLNSUB2015-00567.

Thanks,
Maryann

From: heidi and joe redd [mailto:joeheidredd@hotmail.com]
Sent: Saturday, August 22, 2015 6:16 AM
To: Pickering, Maryann
Subject: Subject: RE: petition#PLNSUB2015-00358

Subject: RE: petition#PLNSUB2015-00358

Good Morning Maryann:

I writing to followup on the below petition to see if there has been anymore movement on the developer's plans.

Has the developer submitted any further plans or proposals?

Is the proposed development stalled, delayed, or done with?

If there is a next step, and if so, what is the time frame in which the developer is currently working?

Thanks again for any information you might provide.

Joe Redd

From: Pickering, Maryann [<mailto:Maryann.Pickering@slcgov.com>]

Sent: Thursday, May 21, 2015 3:30 PM

To: Redd, Joe

Subject: RE: petition#PLNSUB2015-00358

Hi Joe.

Thank you for your comments. They will be made part of the record.

At this point, I've sent out notices to the surrounding properties and routing the application to our various reviewing departments (fire, transportation, utilities, etc.). The reviewers have until June 2 to comment on the proposal. Some of the issues you have raised may very well be raised by those reviewers.

The next step will be if staff can administratively approve the project based on the adopted subdivision standards, comments from reviewers and comments from the public. If staff does not feel that a decision can be made, the project will be forwarded to the Planning Commission for their review and decision. Should the latter occur, it will be a public hearing and you are definitely welcome to attend.

I would welcome additional comments you may have. Should the item be forwarded to the

Planning Commission, the comments below and any subsequent comments you provide will be forwarded to the Planning Commission.

Please check back with me around June 2 and I will let you know where we are and what other comments I may have received.

Thanks,
Maryann

From: Redd, Joe [<mailto:JRedd@oconnorlawfirm.com>]
Sent: Wednesday, May 20, 2015 4:25 PM
To: Pickering, Maryann
Subject: petition#PLNSUB2015-00358

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Putting aside the question of traffic jams in the driveway, the loss of "quiet enjoyment" by my family members who live at 1029 east 600 south, the inconvenience posed by the greatly enhanced traffic (times three conservatively), and the diminution of the value of my property, are the safety concerns, which preliminarily include:

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The 10 foot wide driveway is approximately 100 feet long. The probability of having jammed up vehicles traveling in opposite directions on a daily basis is VERY high.

Dangers to pedestrians (who likewise only have one means of getting to the new sub-division) walking on the 10 foot wide drive (pedestrian traffic will also increase with the proposed seven house sub-division) AND on the 600 south sidewalk;

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*While I appreciate the legal right of the developer to develop his property and to make a profit, maximizing profits by almost tripling the burden on other users of the shared driveway is offensive and **frankly dangerous on its face**.*

Second, while every property owner has a right to access a public roadway, there is no right to triple the use of a shared driveway, especially when it diminishes the quiet enjoyment of other property owners, poses safety concerns/traffic hazards, and reduces the value of abutting property owners homes.

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I thank you for your attention and kind consideration.

Joe Redd
O'CONNOR REDD LLP
PO Box 1000
242 King Street
Port Chester, New York 10573
Tel: (914) 686-1700
Fax: (914) 328-3184
E-mail: jredd@oconnorlawfirm.com

From: [heidi and joe redd](#)
To: [Pickering, Maryann](#)
Subject: RE: Subject: RE: petition#PLNSUB2015-00358
Date: Monday, August 24, 2015 10:58:47 AM

Hi Maryann

I got on the site via the citizens portal.

I was very pleased at the systematic and thorough way all departments went about their duties.

It was perfectly refreshing to see that the neighbors comments/photos were considered , and that the City sent out an inspector to verify traffic patterns and usage feasibility on the 9-10 foot drive.

I believe the City's findings carry far more weight than the "expert" engineers retained by the builder who somehow opines that 20 cars on the drive at peak time is somehow "Acceptable".

Joe

From: Maryann.Pickering@slcgov.com
To: joeheidredd@hotmail.com
Date: Mon, 24 Aug 2015 08:45:58 -0600
Subject: RE: Subject: RE: petition#PLNSUB2015-00358

Hi Joe.

They are still moving forward. They needed to submit an additional application. They had to submit a Planned Development application for a new subdivision located on a private street. The applicant received all the comments late last week. I was honest with them and told them it would be difficult for planning staff to recommend approval of project as it does not appear to meet all the standards. Plus, there are comments from other departments and divisions that will need to be addressed and some may be difficult to resolve. Until they address all of the outstanding concerns, it will not be scheduled for a Planning Commission meeting.

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address can be hard.

You have the preliminary plat number and the new one for the Planned Development (Subdivision also) is PLNSUB2015-00567.

Thanks,
Maryann

From: heidi and joe redd [mailto:joeheidredd@hotmail.com]
Sent: Saturday, August 22, 2015 6:16 AM
To: Pickering, Maryann
Subject: Subject: RE: petition#PLNSUB2015-00358

Subject: RE: petition#PLNSUB2015-00358

Good Morning Maryann:

I writing to followup on the below petition to see if there has been anymore movement on the developer's plans.

Has the developer submitted any further plans or proposals?

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If there is a next step, and if so, what is the time frame in which the developer is currently working?

Thanks again for any information you might provide.

Joe Redd

From: Pickering, Maryann [<mailto:Maryann.Pickering@slcgov.com>]
Sent: Thursday, May 21, 2015 3:30 PM
To: Redd, Joe
Subject: RE: petition#PLNSUB2015-00358

Hi Joe.

Thank you for your comments. They will be made part of the record.

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The next step will be if staff can administratively approve the project based on the adopted subdivision standards, comments from reviewers and comments from the public. If staff does not feel that a decision can be made, the project will be forwarded to the Planning Commission for their review and decision. Should the latter occur, it will be a public hearing and you are definitely welcome to attend.

I would welcome additional comments you may have. Should the item be forwarded to the Planning Commission, the comments below and any subsequent comments you provide will be forwarded to the Planning Commission.

Please check back with me around June 2 and I will let you know where we are and what other comments I may have received.

Thanks,
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From: Redd, Joe [<mailto:JRedd@oconnorlawfirm.com>]
Sent: Wednesday, May 20, 2015 4:25 PM
To: Pickering, Maryann
Subject: petition#PLNSUB2015-00358

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At this time there are two occupied buildings on the proposed subdivision, whose only means of accessing the public road (600 south) is to drive on the 10 foot wide "Shared" drive next to my building. There is NO way for vehicles to go by one another in this one lane driveway. There will be no way for a large vehicle (fire truck, garbage truck, moving truck) to turn around should the sub-division go through.

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The 10 foot wide driveway is approximately 100 feet long. The probability of having jammed up vehicles traveling in opposite directions on a daily basis is VERY high.

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From: [heidi and joe redd](#)
To: [Pickering, Maryann](#)
Subject: RE: Subject: RE: petition#PLNSUB2015-00358
Date: Sunday, December 20, 2015 6:46:58 AM

Subject: RE: petition#PLNSUB2015-00358

Hi Maryann

I hope all is well for you during the Holiday season.

I received an e-mail from one of our neighbors who said the developer approached her with a proposal to purchase for six thousand dollars five feet of property on the east side of the lane to comply with fire department concerns about the development. The neighbor rejected the offer and was then told that the another proposal to install a water tank was already given the stamp of approval, so her rejection of the offer was of little moment.

Most disturbing was a representation by the developer that "all" of the other concerns previously laid out by the City were resolved and that the development plans were moving forward.

I don't know where things are at right now, and was hoping you might provide a time line of future events, as we intend to mount vigorous objection to the developers plans to have this 9 foot wide lane service a total of seven homes.

Any information would be greatly appreciated.

Thank you

Joe Redd

From: Maryann.Pickering@slcgov.com
To: joeheidredd@hotmail.com
Date: Mon, 24 Aug 2015 11:07:59 -0600
Subject: RE: Subject: RE: petition#PLNSUB2015-00358

You're welcome. I had just posted the Transportation comments when you sent the message below. You should be able to see them if you have not already.

Thanks,
Maryann

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Sent: Monday, August 24, 2015 10:59 AM
To: Pickering, Maryann
Subject: RE: Subject: RE: petition#PLNSUB2015-00358

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It was perfectly refreshing to see that the neighbors comments/photos were considered , and that the City sent out an inspector to verify traffic patterns and usage feasibility on the 9-10 foot drive.

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From: [heidi and joe redd](#)
To: [Pickering, Maryann](#)
Subject: RE: Subject: RE: petition#PLNSUB2015-00358
Date: Monday, December 21, 2015 10:56:48 AM

Thank You Maryann

Was there any discussion at the meeting about garbage removal?

Is it still proposed that all of the garbage cans (12 -16) from the "new" and existing homes on the alley are going to be dragged out and left in front of my home every week?

It is bad enough right now that we have 4 homes leaving 6 - 8 cans on the street (some for days after pickup). I can only imagine how much worse this will be.

Again, while I would greatly welcome any development of the property that is consistent with existing use (two occupied homes to the back), any proposal to enhance developer profits at the expense of current property owners who must endure; 1) increased traffic volume, 2) reduced safety of current users (auto and pedestrian), reduced quiet enjoyment of homes; and diminished home values, will be met with the most vigorous of opposition by ALL of the current land owners on the lane.

I would strongly encourage anybody involved in this decision making process to take a drive onto the impacted lane, and get a "real feel" appreciation of the narrowness of this lane and the selfish, devil may care, profit driven expansion proposed.

Thanks again for the information.

Joe

From: Maryann.Pickering@slcgov.com
To: joeheidredd@hotmail.com
Date: Mon, 21 Dec 2015 09:14:32 -0700
Subject: RE: Subject: RE: petition#PLNSUB2015-00358

[Hi Joe.](#)

I was at the meeting when they were told these things by the Fire Department. First, yes, they were encouraged to see if they could purchase additional land from the adjacent owner. I suspected that that the offer would be rejected.

The second option was the idea of the Fire Department and they made it very clear that it was a complete outside the box option and would need to be explored further. Basically, the idea was that they maybe be something similar to a commercial standpipe or FDC (fire department connection) somewhere on the property. This FDC would have strong pressure so if there was an incident, a fire truck could hook up to that connection to fight a fire. Again, it was just an idea and there are several people/fire chiefs that would need to sign off on this option. It was not determined at that meeting to be approved. They were told to pursue the purchase of the adjacent land first and if that was not an option, they were to further continue discussions with the fire department. It's likely that this option, should the fire department say it's okay, is very costly.

As for the remainder of the project (beside fire and sanitation), all departments and divisions have given the go ahead to continue processing the application. This means that they have determined in concept that the project could be built as proposed. However, this request needs to be approved by the Planning Commission before it can move forward. There are certain standards the project needs to meet and I don't know if we as staff can make a determination that all those standards have been met. I have not fully reviewed the project against all of those standards at this time and have told Jacob on several occasions that it is going to be difficult.

Hope that clarifies things. Thanks,
Maryann

From: heidi and joe redd [mailto:joeheidredd@hotmail.com]
Sent: Sunday, December 20, 2015 6:47 AM
To: Pickering, Maryann
Subject: RE: Subject: RE: petition#PLNSUB2015-00358

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At this time there are two occupied buildings on the proposed subdivision, whose only means of accessing the public road (600 south) is to drive on the 10 foot wide "Shared" drive next to my building. There is NO way for vehicles to go by one another in this one lane driveway. There will be no way for a large vehicle (fire truck, garbage truck, moving truck) to turn around should the sub-division go through.

The proposed sub-division seeks to put **seven new homes on the property – all of which will be utilizing the same 10 foot wide driveway. Doing the simple math here, and assuming that each home will have on average two vehicles per household using the drive. At "peak" commuter times we are looking at least 14 vehicles trying to utilize the same narrow driveway. Add to the mix are vehicle from my house and the home next door, and we are looking at 20 cars using the same shared driveway at peak periods.**

Putting aside the question of traffic jams in the driveway, the loss of "quiet enjoyment" by my family members who live at 1029 east 600 south, the inconvenience posed by the greatly enhanced traffic (times three conservatively), and the diminution of the value of my property, are the safety concerns, which preliminarily include:

The inability to get emergency vehicles to the new greatly expanded subdivision (note most firetrucks are between 9 and 10 feet wide); Note: The property sits almost directly on top of the Wasatch fault (fault line park is one block away). How would a firetruck enter? How would it turn around and maneuver (it can't)?;

The hazards posed by any overuse of the shared driveway – if/when cars approach from opposite directions – one car by necessity will have to back up anywhere from 50 – 100 feet to let the other vehicle pass. Cars coming onto the drive from 600 south would have to back up into sometimes heavy traffic on 600 south (especially during rush hour periods).

The 10 foot wide driveway is approximately 100 feet long. The probability of having

jammed up vehicles traveling in opposite directions on a daily basis is VERY high.

Dangers to pedestrians (who likewise only have one means of getting to the new sub-division) walking on the 10 foot wide drive (pedestrian traffic will also increase with the proposed seven house sub-division) AND on the 600 south sidewalk;

Dangers posed by any sanitation truck should they attempt to proceed down the 100 foot long ten foot wide driveway to get at garbage cans located on the sub-division. How will the garbage trucks turn around? (they can't). Does that now mean that seven household will be dragging 14 or so garbage cans down the driveway to line up their cans in front of my house? Will the early morning garbage can movers be able to negotiate around the 20 plus cars trying to get onto the shared driveway as they hurry off to work and school in the morning?

*While I appreciate the legal right of the developer to develop his property and to make a profit, maximizing profits by almost tripling the burden on other users of the shared driveway is offensive and **frankly dangerous on its face**.*

Second, while every property owner has a right to access a public roadway, there is no right to triple the use of a shared driveway, especially when it diminishes the quiet enjoyment of other property owners, poses safety concerns/traffic hazards, and reduces the value of abutting property owners homes.

While I intend to submit a more formal submission before June 2, with photos/diagrams and applicable law, I would like this email to be a part of a preliminary public record if possible.

Will there be a formal hearing on the matter at any time where concerned citizens might be heard in public and "on the record"? If so, I intend to travel to SLC to be heard.

Will there be more than one hearing on this matter?

On another side note, it is my understanding per conversations with a Title Company that the subject driveway is in fact a "public right of way" given the fact that the City assumed ownership of the drive around 1917 when the then owner (Nielsen) failed to pay owed taxes. As the owners in fact of the driveway, I presume the City maintains the corresponding legal "duty" to operate it safely and without danger to others. With a duty as the owner of the driveway, there is also now "legal notice" to the City of the dangerous condition that is about to unfold before us. As a taxpayer I do not want the city to have increased liabilities.

I thank you for your attention and kind consideration.

Joe Redd
O'CONNOR REDD LLP
PO Box 1000
242 King Street
Port Chester, New York 10573
Tel: (914) 686-1700
Fax: (914) 328-3184
E-mail: jredd@oconnorlawfirm.com

From: [Judy](#)
To: [Pickering, Maryann](#)
Cc: [Joe Redd](#); [J.T. Redd](#)
Subject: Petition#PLNSUB2015-00358, 00567
Date: Monday, February 29, 2016 9:28:25 AM

Greetings Maryann,

I had contacted you back in May 2015 regarding this pending subdivision and development on McClelland by Garbett Homes. I received a notice of the public planning commission meeting scheduled for March 9th.

Unfortunately, I will not be able to attend this meeting as I will be out of town that week. I am wondering what I need to do to make sure that my objections to this development are heard and on record.

I am opposed completely to this project as I believe it will impact the whole area in a negative way as this area is so small. I also notice on the card I received, that for the Planned Development (case# PLNSUB2015-00567) it states that "In order to build this project, it is required for the subdivision to have a private street and to reduce the setbacks for some of the proposed lots". I have lots of concerns regarding that alone. Are we just going to ignore the existing setback laws because big money wants to?

As stated back in May, the street I live on (Koneta Court) is a private street. I can't even begin to tell you of the issues that have arisen due to this fact. Luckily we get garbage pickup on our street as years and years ago my grandparents and the neighbors at that time, made sure that happened. But that is the extent of any help we get from anyone. This street is falling apart due to a prior issues with another "subdivision" to hook into the city water line, and no one to fix it. We have no help from the police when we call them due to all the parking issues from the renters that live on this street. SR-3 zoning states that there only needs to be available "one" parking spot per house. We currently have 4-5 people in one of the subdivided homes and 5-6 in the other, against zoning laws. And most have cars. Also, SR-3 zoning states that there is "no front yard parking". Yet that happens consistently on our street and will for sure happen on McClelland, due to the limited number of parking areas required in SR-3 zoning and the reduced setback. The issue of "reduced" setbacks for some of those home on McClelland, I am sure is due to the small area that they are wanting to build so many homes on, yet will result in homes being built on-top of one another.

God forbid another fire happens there. With the homes on-top of one another and on-top of the homes at the end of my street that are next to that property, it puts all of our homes in potential danger of destruction with the reduced setback.

I am also concerned with the fact that if a private street is built, the people living in the homes, be it homeowners or renters are all going to have to walk their garbage bins out to 600 south for pick up. Given that most people have 3 bins per home, (garbage, recycling and yard waste), at 3 bins times 6 homes that is 18 additional bins that will be lining 600 south. Where in the hell are they going to put them and still leave room for the homes that face 600 south and already have their bins there?

I am also, as stated, extremely concerned with that fact that some older possibly historic homes, as well as well established trees will be demolished for this project. I can't even begin to put into words how I feel about that whole scenario. Demolishing history for a dollar. I whole-heartedly object to this project for so many reasons. Once this project could be approved, there is no stopping the potential problems that could and probably will arise. The neighbors will be left with living with the situation just like we are, all for some home builder to make money. Therefore I am voicing a huge NO to this project. I do not want to relive what I did 10 years ago.

Thank you for your time and please put my objection on file.

Regards,

Judy Schroepfer

From: [Redd, Joe](#)
To: [Pickering, Maryann](#); ["Judy"](#)
Cc: ["J.T. Redd"](#)
Subject: RE: Petition#PLNSUB2015-00358, 00567
Date: Monday, February 29, 2016 11:27:21 AM

Please change "goal line" to "gas line"

From: Redd, Joe
Sent: Monday, February 29, 2016 1:19 PM
To: 'Pickering, Maryann' <Maryann.Pickering@slcgov.com>; 'Judy' <kitty1234@q.com>
Cc: 'J.T. Redd' <j.t.redd@hotmail.com>
Subject: RE: Petition#PLNSUB2015-00358, 00567

Hi Maryann

First off, thanks again for providing the concerned homeowners with information about the upcoming hearing.

Second, I whole heartedly concur with all of Judy's statements below as well.

I think you will be receiving additional feedback from the other neighbors shortly, many of whom are making plans to attend the March 9 hearing.

Unfortunately, I do not think I can leave my job in NY for the hearing, but have enlisted my son (student at the U) to make our case at the hearing.

One issue previously discussed was the garbage cans that will be pulled out down the lane and onto the street. Attached hereto are a number of photographs taken today showing cans on the street. Per my son this is a "light day" for cans. Imagine adding another 10 cans into the mix? Not only is it an eyesore, but the human traffic to schlep these cans onto the roadway every morning as "rush hour" begins on the lane will pose a further hazard for all concerned.

My son JT also spoke to a gentlemen who owns a property on Koneta Court, which abuts against the proposed development on the north side of the proposed building lots. The gentlemen told the builders that he would be "happy" to sell his house and land for \$250,000, but that the builder was not interested in purchasing the property as a means of ingress and egress for the proposed development as the price was too high. The same gentlemen also said that his property also abuts against an empty lot that runs to 1000 east. The builder, however, is not concerned about "doing it right", they seek only to maximize profits by banging in as many homes into this nearly landlocked property, with NO consideration of how the existing and NEW homeowners will be impacted by the dangerous and unsafe bottleneck they want desperately to create.

Specifically, rather than putting together a plan with a responsible means of ingress and egress for the proposed 7 homes – one that might give the occupants access via 1000 east, McClelland

and/or Koneta Court, the builder seeks only to maximize its own profits by forcing upwards of 20 - 25 cars onto the incredibly narrow lane. How many "back up" scenarios will we be creating every day? Per my son, he already encounters a situation - on average once a week - where he has to almost blindly back up his pickup truck so that a motorist coming the other way can pass on the lane. Having to back up a distance of nearly 100 feet in this narrow space (with my stone home less than two foot away) is a recipe for disaster. Doubling the traffic on the lane is grossly irresponsible and a deviation from the standard of care for any private developer, or planner.

I am not opposed to responsible development of the back lots. Two of the houses back there are in serious disrepair (one is boarded up). I am not opposed to those two homes being fixed up/repaired/knocked down and rebuilt.

There should NEVER be more homes back there than currently exist.

A trip into the past is warranted. When these lots were subdivided in the late 1800's, there were NO cars - only horses for transportation (cars came about for some, if not most Americans in the 1920s with the advent of the Ford Model A). When these lots were created - only three were ever built upon. (perhaps the lane was getting too small even for wagon traffic) There was no thought in the 1800's about car traffic, truck traffic, fire trucks, construction vehicles, etc.

Simply stated, what right does this builder have to now increase the density of homes in this small inaccessible area, especially when doing so endangers the existing home owners, and diminishes the value of our properties? It is flabbergasting and infuriating at the same time.

Why doesn't the builder do it right? He can buy the empty lot on 1000 east and the home on Koneta court for \$250,000, thereby ensuring proper and safe access. The empty lot access would create a proper roadway where - low and behold - two cars could pass one another, and a firetruck could gain access should there be a fire (note: they are building right on the Wasatch fault - fault line park is one block away. One only need think about the San Francisco earthquake and fires triggered by broken geologic line. (not a problem for the builder who will be long gone, maximum profits in pocket).

I am sorry for tone here, but when I stand in this lane, I am just blown away by audacity of this proposed plan.

Kindly offer up this note and attached photos as part of the formal record.

Finally, and most importantly, I thank you once again, for your time and consideration.

Joe Redd

C 914 714 0939

From: Pickering, Maryann [<mailto:Maryann.Pickering@slcgov.com>]
Sent: Monday, February 29, 2016 11:37 AM
To: 'Judy' <kitty1234@q.com>
Cc: Redd, Joe <JRedd@oconnorlawfirm.com>; 'J.T. Redd' <j.t.redd@hotmail.com>
Subject: RE: Petition#PLNSUB2015-00358, 00567

Thank you for your comments Judy. They will be included in the staff report that goes out this week.

Please also note that we are recommending denial of the project for some of the reasons you have stated.

Thank you again.

From: Judy [<mailto:kitty1234@q.com>]
Sent: Monday, February 29, 2016 9:28 AM
To: Pickering, Maryann
Cc: Joe Redd; J.T. Redd
Subject: Petition#PLNSUB2015-00358, 00567

Greetings Maryann,

I had contacted you back in May 2015 regarding this pending subdivision and development on McClelland by Garbett Homes. I received a notice of the public planning commission meeting scheduled for March 9th.

Unfortunately, I will not be able to attend this meeting as I will be out of town that week. I am wondering what I need to do to make sure that my objections to this development are heard and on record.

I am opposed completely to this project as I believe it will impact the whole area in a negative way as this area is so small. I also notice on the card I received, that for the Planned Development (case# PLNSUB2015-00567) it states that "In order to build this project, it is required for the subdivision to have a private street and to reduce the setbacks for some of the proposed lots". I have lots of concerns regarding that alone. Are we just going to ignore the existing setback laws because big money wants to?

As stated back in May, the street I live on (Koneta Court) is a private street. I can't even begin to tell you of the issues that have arisen due to this fact. Luckily we get garbage pickup on our street as years and years ago my grandparents and the neighbors at that time, made sure that happened. But that is the extent of any help we get from anyone. This street is falling apart due to a prior issues with another "subdivision" to hook into the

city water line, and no one to fix it. We have no help from the police when we call them due to all the parking issues from the renters that live on this street. SR-3 zoning states that there only needs to be available "one" parking spot per house. We currently have 4-5 people in one of the subdivided homes and 5-6 in the other, against zoning laws. And most have cars. Also, SR-3 zoning states that there is "no front yard parking". Yet that happens consistently on our street and will for sure happen on McClelland, due to the limited number of parking areas required in SR-3 zoning and the reduced setback. The issue of "reduced" setbacks for some of those home on McClelland, I am sure is due to the small area that they are wanting to build so many homes on, yet will result in homes being built on-top of one another.

God forbid another fire happens there. With the homes on-top of one another and on-top of the homes at the end of my street that are next to that property, it puts all of our homes in potential danger of destruction with the reduced setback.

I am also concerned with the fact that if a private street is built, the people living in the homes, be it homeowners or renters are all going to have to walk their garbage bins out to 600 south for pick up. Given that most people have 3 bins per home, (garbage, recycling and yard waste), at 3 bins times 6 homes that is 18 additional bins that will be lining 600 south. Where in the hell are they going to put them and still leave room for the homes that face 600 south and already have their bins there?

I am also, as stated, extremely concerned with that fact that some older possibly historic homes, as well as well established trees will be demolished for this project. I can't even begin to put into words how I feel about that whole scenario. Demolishing history for a dollar. I whole-heartedly object to this project for so many reasons. Once this project could be approved, there is no stopping the potential problems that could and probably will arise. The neighbors will be left with living with the situation just like we are, all for some home builder to make money. Therefore I am voicing a huge NO to this project. I do not want to relive what I did 10 years ago.

Thank you for your time and please put my objection on file.

Regards,

Judy Schroeffer



Neighbor's photo of vacant lot off 1000 East.



Neighbors photo of garbage cans on 600 South. Photo taken on Monday, January 29, 2016.



ATTACHMENT H: DEPARTMENT REVIEW COMMENTS



Work Flow History Report

546 S MCCLELLAND St

PLNSUB2015-00358

Date	Task/Inspection	Status/Result	Action By	Comments
5/27/2015	Transportation Review	Complete	Barry, Michael	No objections.
6/1/2015	Building Review	Complete	Pickering, Maryann	<p>Ken Brown provided the following comments on June 1, 2015:</p> <p>Building Services zoning comments for this preliminary subdivision application in a SR-3 zoning district are as follows:</p> <ul style="list-style-type: none"> • A separate demolition permit will be required for the demolition of the 546, 554 and 561 S. McClelland St. structures. • 21A.36.010.C indicates that all lots shall front on a public street unless specifically exempted from this requirement by other provisions of this title. It appears that this proposal should be processed as a Planned Development Subdivision. • Each of the single family dwelling lots in this SR-3 zoning district shall comply with all provisions of 21A.24.100 unless modified by the Planned Development.
6/2/2015	Engineering Review	Complete	Weiler, Scott	McClelland Street at this location is a private street. SLC Corp. does not maintain it. Redlines were sent to Maryann, containing survey and address reviews.
6/2/2015	Sustainability Review	Complete	Pickering, Maryann	No comments received.
6/3/2015	Fire Code Review	In Progress	Pickering, Maryann	Sent follow up email on June 3, 2015 asking if there were any comments.
6/3/2015	Police Review	Complete	Pickering, Maryann	No comments received.
6/3/2015	Zoning Review	Complete	Pickering, Maryann	Comments for both building and zoning reviewed received by Ken Brown.
7/13/2015	Public Utility Review	Complete	Draper, Jason	<p>All improvements must meet Salt Lake City Public Utilities Standards. No Detention is required for residential projects < 1 acre. Planned Development generally requires a master meter for water service. There are two 1" private water laterals that will need to be removed and replaced. There is an existing 8" sewer main in the McClelland/Koneta Court right of way. Sewer and water mains must be in a designated public right of way or public utilities easement. Water and sewer mains must maintain 10' of separation. Any exception to this requires approval by public utilities and the State. Additionally water and sewer mains need 10 feet on each side for maintenance and access. The minimum size main for fire hydrant connection is 8". Recommend a meeting with Public Utilities to resolve utility connection challenges.</p>
11/4/2015	Fire Code Review	Complete	Pickering, Maryann	<p>Email from Ted Itchon on 11-04-2015:</p> <p>Maryann,</p> <p>After conferring with the Fire Prevention Bureau</p>

				regarding the above caption with the present condition this request is denied do to the fact that there is no Fire Department access.
1/15/2016	Fire Code Review	Complete	Pickering, Maryann	<p>Email from Richard Boden, Deputy Fire Marshal on January 15, 2016:</p> <p>Ted and I had a chance to look over the plans and speak about the concerns that we each have. Ted has informed me that in the past the Building Service Division has approved the remote FDC/Dry Standpipe on other projects and that given other allowances has helped ease some of the concerns that they had on those projects. Ted did express a lot of concern about access to the structures as we all have. Keeping a 10' width and low clearance is a difficult obstacle to overcome. While any Alternative Means and Methods would have to be written up and submitted for review and approval it appears that the remote FDC could be acceptable as part of the solution.</p> <p>As for the sprinklers being installed as part of the AM&M, Ted and I had a lengthy conversation about the different types and purposes. NFPA currently discusses three types of sprinklers, 13D, 13R and 13. The difference between these systems can be found in their descriptions which I have attached. It would be up to you to decide which system you would want to include as part of your AM&M. At this time I can tell you a normal single family dwelling system, 13D, would not be acceptable to our two offices.</p> <p>I failed to discuss the hydrant requirement with Ted and believe that while not usable in the current proposal due to very limited access that it would still be required. I would suggest that you speak with Ted about this if you are considering its' removal from the project.</p> <p>I hope this answered some of your questions and look forward to meeting with you again as the project moves forward.</p>

Memorandum

To: Maryann Pickering, Principal Planner

From: Ken Brown, Senior Development Review Planner

Date: June 1, 2015

Re: PLNSUB2015-00358: 516-546 McClelland St.

Building Services zoning comments for this preliminary subdivision application in a SR-3 zoning district are as follows:

- A separate demolition permit will be required for the demolition of the 546, 554 and 561 S. McClelland St. structures.
- 21A.36.010.C indicates that all lots shall front on a public street unless specifically exempted from this requirement by other provisions of this title. It appears that this proposal should be processed as a Planned Development Subdivision.
- Each of the single family dwelling lots in this SR-3 zoning district shall comply with all provisions of 21A.24.100 unless modified by the Planned Development.

From: [Bennett, Vicki](#)
To: [Vogt, Lorna](#); [Pickering, Maryann](#)
Subject: RE: McClelland Enclave
Date: Tuesday, October 20, 2015 8:42:01 AM

Do any of the private haulers have small trucks that could pick up trash and recycling from a central roll-off?

I think we need to tell this applicant that we won't be able to provide service unless there is a significant change of access to the area.

From: Vogt, Lorna
Sent: Monday, October 19, 2015 3:56 PM
To: Pickering, Maryann
Cc: Bennett, Vicki
Subject: RE: McClelland Enclave

Not really, unfortunately. Unless we have a clear access road, we are pretty much courting disaster, especially when snow narrows the road and weights branches down. We have smaller size cans, which might help with storage and space on the road. It is quite a long way for residents to have to pull their cans out to 600 S, and 600 S presents its own challenges with parking, space, and high school kids.

From: Pickering, Maryann
Sent: Monday, October 19, 2015 3:43 PM
To: Vogt, Lorna
Subject: RE: McClelland Enclave

Hi Lorna.

Yes, you are correct. It's the same issues from before. Do you know of any way to make it work? I did forward your previous comments to the applicant so he is aware. And these are issues I'll bring up during the public hearing.

Thanks again.

From: Vogt, Lorna
Sent: Monday, October 19, 2015 3:03 PM
To: Pickering, Maryann
Subject: FW: McClelland Enclave

Hi Maryann,

I have a couple of questions on this one: The homes are reduced to 5, correct? It looks as if most of the existing structures on McClelland will be remain, and the access road will remain at 10'. This is the primary problem with the development from our standpoint: our trucks are close to that wide. Also, we will need to back into the both ends of the private road, which have parking stalls marked out. That will prove to be difficult—our trucks have a very wide turning radius.

From: Bennett, Vicki
Sent: Monday, October 19, 2015 2:08 PM
To: Vogt, Lorna
Subject: FW: McClelland Enclave

I know you had some previous concerns about refuse collection at this site, here is a new site plan.

From: Pickering, Maryann
Sent: Monday, October 19, 2015 12:30 PM
To: Mikolash, Gregory; Weiler, Scott; Itchon, Edward; Teerlink, Scott; Garcia, Peggy; Bennett, Vicki; Vaterlaus, Scott
Subject: McClelland Enclave

Hello.

Attached is a new layout for a proposed subdivision relating to the above referenced petition. Garbett Homes has submitted a planned development for the proposed subdivision. This is an updated site layout to what you saw last July. Please review it accordingly.

Please review the following proposed request respond with comments by **Monday, November 1, 2015**. You can either input your comments in Accela or send them to me directly.

Thank you,
Maryann

MARYANN PICKERING, AICP
Principal Planner

PLANNING DIVISION
COMMUNITY *and* ECONOMIC DEVELOPMENT
SALT LAKE CITY CORPORATION

TEL 801-535-7660
FAX 801-535-6174

www.SLCGOV.COM



Work Flow History Report

547 S McClelland

PLNSUB2015-00567

Date	Task/Inspection	Status/Result	Action By	Comments
7/31/2015	Engineering Review	Complete	Weiler, Scott	McClelland Street at this location is a private street. SLC Corp. does not maintain it. The existing asphalt is in poor condition. New asphalt should be installed as a condition of this project.
8/3/2015	Fire Code Review	Additional Information	Itchon, Edward	<p>Please note that the proposed building plans do not meet the requirements of International Fire Code section 503.1.1 which states that the Fire Department access shall extend within 150 feet of all portions of the facility and all portions of the exterior walls of the first story.</p> <p>Fire department access roads shall be a minimum 20-foot clear width measured from the roadway lip of the waterway. 13 foot 6 inches is the clear height of the fire department access road.</p> <p>Fire department access roads shall have a minimum turning radius of 45 foot outside and 20 foot inside.</p>
8/17/2015	Police Review	Complete	Pickering, Maryann	No comments received.
8/17/2015	Public Utility Review	Additional Information	Pickering, Maryann	Public utility comments were provided as part of the subdivision application. Those comments are applicable to the Planned Development request too. See email in documents.
8/17/2015	Sustainability Review	Additional Information	Pickering, Maryann	Concern is for refuse and recycling collection. The trucks cannot access the narrow road and with the location of a high school in the area, putting the containers on the street is not an option due to the increase in cars in the area. The garages also appear to be too small for containers. Private collection services would most likely have the same issues. Please see attached email for specific issues.
8/17/2015	Zoning Review	Additional Information	Pickering, Maryann	Several comments raised by Building Services staff. See attached email in documents.
8/20/2015	Public Utility Review	Additional Information	Pickering, Maryann	All improvements must meet Salt Lake City Public Utilities Standards. No Detention is required for residential projects < 1 acre. Planned Development generally requires a master meter for water service. There are two 1" private water laterals that will need to be removed and replaced. There is an existing 8" sewer main in the McClelland/Koneta Court right of way. Sewer and water mains must be in a designated public right of way or public utilities easement. Water and sewer mains must maintain 10 of separation. Any exception to this requires approval by public utilities and the State. Additionally water and sewer mains need 10 feet on each side for maintenance and access. The minimum size main for fire hydrant connection is 8". Recommend a meeting with Public Utilities to resolve utility connection challenges.

8/25/2015	Transportation Review	Additional Information	Pickering, Maryann	Additional information is needed.
9/14/2015	Community Council Review	Complete	Pickering, Maryann	The East Central Community Council did not respond or have comments on the project within the 45 day time limit. Any comments from the Community Council will need to be submitted as part of the public hearing process.
10/20/2015	Zoning Review	Additional Information	Mikolash, Gregory	See updated zoning comments in Document View.
11/4/2015	Fire Code Review	Complete	Pickering, Maryann	Email from Ted Itchon on 11-04-2015: Maryann, After conferring with the Fire Prevention Bureau regarding the above caption with the present condition this request is denied do to the fact that there is no Fire Department access.
11/4/2015	Sustainability Review	Complete	Pickering, Maryann	Email excerpt from 10/19/2015: Unless we have a clear access road, we are pretty much courting disaster, especially when snow narrows the road and weights branches down. We have smaller size cans, which might help with storage and space on the road. It is quite a long way for residents to have to pull their cans out to 600 S, and 600 S presents its own challenges with parking, space, and high school kids. Full email conversation is attached in the documents.
11/4/2015	Transportation Review	Complete	Pickering, Maryann	Comments from Michael Barry on 10-22-2015: The updated site plan does not show the locations of the driveways and garages for each residence. Two (2) off street parking spaces are required per residence. Off street parking dimensions must meet requirements per 21A.44.020.E. Below are relevant review comments previously noted in Transportation review dated August 23, 2015. Transportation's main concern is the narrowness of the private street, McClelland St., which provides vehicular and pedestrian access to the residences. The plans indicate McClelland St. has a right of way width of ten (10) feet, however, the usable width of the roadway may be slightly narrower to allow for curb and gutter or other edge of roadway treatments. The narrowness of this road presents several concerns including issues related to pedestrian/vehicle conflicts, emergency vehicle access, emergency equipment access, and limited access or delay for vehicles traveling in opposing directions. Although, the narrow width of the road has existed for some time, it is considered a sub-standard condition and it is anticipated that there would be an increase in the number of user conflicts, however small, due to the intensified use of the street. It should be noted that private streets are not required to meet the same design standards as public streets which include provisions for on street parking, two-way traffic, pedestrian access and drainage.
11/4/2015	Zoning Review	Complete	Pickering, Maryann	No further comments from Building Services staff.

11/30/2015	Public Utility Review	Complete	Pickering, Maryann	Email indicated project can move forward
1/15/2016	Fire Code Review	Complete	Pickering, Maryann	<p>Email from Richard Boden, Deputy Fire Marshal on January 15, 2016:</p> <p>Ted and I had a chance to look over the plans and speak about the concerns that we each have. Ted has informed me that in the past the Building Service Division has approved the remote FDC/Dry Standpipe on other projects and that given other allowances has helped ease some of the concerns that they had on those projects. Ted did express a lot of concern about access to the structures as we all have. Keeping a 10' width and low clearance is a difficult obstacle to overcome. While any Alternative Means and Methods would have to be written up and submitted for review and approval it appears that the remote FDC could be acceptable as part of the solution.</p> <p>As for the sprinklers being installed as part of the AM&M, Ted and I had a lengthy conversation about the different types and purposes. NFPA currently discusses three types of sprinklers, 13D, 13R and 13. The difference between these systems can be found in their descriptions which I have attached. It would be up to you to decide which system you would want to include as part of your AM&M. At this time I can tell you a normal single family dwelling system, 13D, would not be acceptable to our two offices.</p> <p>I failed to discuss the hydrant requirement with Ted and believe that while not usable in the current proposal due to very limited access that it would still be required. I would suggest that you speak with Ted about this if you are considering its' removal from the project.</p> <p>I hope this answered some of your questions and look forward to meeting with you again as the project moves forward.</p>

From: [Vogt, Lorna](#)
To: [Pickering, Maryann](#); [Bennett, Vicki](#)
Subject: RE: McClelland Street development
Date: Monday, August 03, 2015 8:57:41 AM

Their challenge is going to be the same regardless of who they use: no space for cans or a central dumpster. If they use a private hauler who does not offer recycling or green waste, they will be able to place the cans on 600 S or McClelland, but it will still be tight and they will have to make sure cans are off the street ASAP on collection day. I assume the homeowners will want recycling available to them. They will also not get a Neighborhood Cleanup but may put items out in a city pile for us to collect.

From: Pickering, Maryann
Sent: Monday, August 03, 2015 8:45 AM
To: Vogt, Lorna; Bennett, Vicki
Subject: RE: McClelland Street development

Thanks for sending Cliff out there to look at it Lorna. Does the applicant have any options? Private service?

From: Vogt, Lorna
Sent: Thursday, July 30, 2015 2:05 PM
To: Bennett, Vicki; Pickering, Maryann
Subject: McClelland Street development

Cliff spent some time examining the drawings and went to the site. In short, with existing designated residential street parking on both 600 S and McClelland there is will be very little to no space for the cans on the street. Judge Memorial high school is right up the street, which will make it almost impossible to find any room during the school year.

The garages are probably too small for 3 cans. There is not a common area for a set of dumpsters.

LORNA VOGT
Sanitation Program Director

DEPARTMENT of PUBLIC SERVICES
DIVISION of SUSTAINABILITY and the ENVIRONMENT
SALT LAKE CITY CORPORATION

Tel 801-535-6952
Cell 801-509-8952

www.SLCGREEN.com



Please consider the environment before printing this email

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

From: Bennett, Vicki
Sent: Tuesday, July 28, 2015 1:26 PM
To: Vogt, Lorna
Subject: RE:

Wow, I'm imagining what an extra 21 cans on that street will create...

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

From: Vogt, Lorna
Sent: Tuesday, July 28, 2015 12:17 PM
To: Pickering, Maryann; Bennett, Vicki
Subject: RE:

Maryann,

Let me send a supervisor out to look at traffic patterns, access, etc. and give you answer later this week. I'm sure we can find a way to provide the service if curbside to the homes is not feasible.

Lorna

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

From: Pickering, Maryann
Sent: Tuesday, July 28, 2015 11:34 AM
To: Bennett, Vicki
Cc: Vogt, Lorna
Subject: RE:

Thanks Vicki.

Lorna - would an option be to have the residents haul their cans out to 600 South each week for collection? Just curious as I'm sure the applicant will ask. If not, I assume there are no other options? Thanks in advance.

From: Bennett, Vicki
Sent: Tuesday, July 28, 2015 10:25 AM
To: Pickering, Maryann
Cc: Mikolash, Gregory; Whipple, Darby; Weiler, Scott; Itchon, Edward; Teerlink, Scott; Garcia, Peggy; Vaterlaus, Scott; Vogt, Lorna
Subject: Re:

Hi Maryann,

I checked with Lorna Vogt, our Sanitation Director, and she said that this access would not be large enough for refuse trucks to provide service or to provide the annual neighborhood cleanup program.

I've copied her on this email if you have additional questions.

From: [Mikolash, Gregory](#)
To: [Pickering, Maryann](#); [Whipple, Darby](#); [Weiler, Scott](#); [Itchon, Edward](#); [Teerlink, Scott](#); [Garcia, Peggy](#); [Bennett, Vicki](#); [Vaterlaus, Scott](#)
Subject: McClelland St. Subd.
Date: Tuesday, August 04, 2015 1:58:42 PM

Maryann,

Building Services comments for project PLNSUB2015-00567 (McClelland St. Subd.).

1. It appears that the proposed subdivision will need to terminate in a cul-de-sac bulb per 21.1.010(K)3.: Cul-De-Sacs:
 - a. Except for streets that are less than one hundred fifty feet (150') long all streets that terminate shall be designed as a cul-de-sac bulb or other design acceptable to the transportation director in order to provide an emergency vehicle turnaround.
2. If the existing McClelland St. (drive?) is private – it should probably be included in the boundary of the subdivision.
3. The minimum width for a public road width is 16-feet. At ten-feet, it appears that the applicant will have a difficult time meeting 21A.55.080 – Consideration of a Reduced Width Street. Will this “driveway” be wide enough for fire access? Will curb/gutter need to be installed along this driveway? If any portion of the existing driveway is private, who is the owner and will that property owner be willing to grant cross-access? Most concerning is conflict between automobiles and pedestrians, where I see no safe zone for a pedestrian if a vehicle is approaching from or to the subdivision.
4. It appears that access to the proposed garages on Lots 5 & 6 will be difficult to navigate and may not meet the minimum standards for aisle width/3:1 taper.
5. The minimum lot width requirement for Lots 5 & 6 do not meet the minimum 30-foot requirement for the SR-3 zone.
6. Are the existing houses on the National & Local Historic registry?

A DRT meeting was held on this property on 9-22-2014 under DRT2014-00287.

Greg Mikolash
Development Review Supervisor

BUILDING SERVICES DIVISION
COMMUNITY *and* ECONOMIC DEVELOPMENT
SALT LAKE CITY CORPORATION

TEL 801-535-6181
FAX 801-535-7750

From: Pickering, Maryann
Sent: Monday, July 27, 2015 11:10 AM
To: Mikolash, Gregory; Whipple, Darby; Weiler, Scott; Itchon, Edward; Teerlink, Scott; Garcia, Peggy; Bennett, Vicki; Vaterlaus, Scott
Subject:

Attached is information relating to the above referenced petition. Garbett Homes has submitted a planned development for the proposed subdivision. The proposal will create seven lots for development out of the five current lots. The lots will be accessed by a private drive. All of the existing structures on the site will be demolished.

The subdivision application that goes along with this planned development is PLNSUB2015-00358. Some of you made comments on that request previously. This plan is more detailed and shows the required setbacks for the residences.

Please review the following proposed request respond with comments by **Wednesday, August 12, 2015**. You can either input your comments in Accela or send them to me directly.

I have also included a few photographs taken by a neighbor of the access to the site. It is approximately 10 feet wide according to the applicant and less than 9 feet wide according the adjoining owners. It is considered a private driveway by the city. This may have implications on the proposed development for access, utilities, fire, transportation, etc. This is going to be a difficult site to develop.

MARYANN PICKERING, AICP
Principal Planner

PLANNING DIVISION
COMMUNITY *and* ECONOMIC DEVELOPMENT
SALT LAKE CITY CORPORATION

TEL 801-535-7660
FAX 801-535-6174

www.SLCGOV.COM

From: [Draper, Jason](#)
To: [Pickering, Maryann](#)
Subject: FW: PLNSUB2015-00358 - 546-516 McClelland Street
Date: Monday, July 13, 2015 6:34:49 PM
Attachments: [05-19-15 Routing Package with Plans.pdf](#)

Maryann – Somehow a missed this application and a couple of others. I have added my comments to Accela. I recommend the the applicant schedule a meeting to discuss utility connection challenges.

Thanks,

Jason Draper

From: Garcia, Peggy
Sent: Thursday, June 04, 2015 4:58 PM
To: Draper, Jason
Subject: FW: PLNSUB2015-00358 - 546-516 McClelland Street

Jason,

Do you have any comments on this request?

Thank you,

Peggy

From: Pickering, Maryann
Sent: Wednesday, June 03, 2015 10:24 AM
To: Itchon, Edward; Garcia, Peggy
Subject: FW: PLNSUB2015-00358 - 546-516 McClelland Street

Please let me know today if you have comments on this request. I need to get the comments back to the applicant.

Thank you and please let me know if you have questions.

From: Pickering, Maryann
Sent: Tuesday, May 19, 2015 9:48 AM
To: Brown, Ken; Weiler, Scott; Itchon, Edward; Teerlink, Scott; Garcia, Peggy; Bennett, Vicki; Vaterlaus, Scott
Subject: PLNSUB2015-00358 - 546-516 McClelland Street

Attached is information relating to the above referenced petition. Garbett Homes has submitted a preliminary subdivision plat request. The proposal will create seven lots for development out of the five current lots. The lots will be accessed by a private drive. All of the existing structures on the site will be demolished.

Please review the following proposed request respond with comments by **Tuesday, June 2, 2015.**

You can either input your comments in Accela or send them to me directly.

MARYANN PICKERING, AICP
Principal Planner

PLANNING DIVISION
COMMUNITY *and* ECONOMIC DEVELOPMENT
SALT LAKE CITY CORPORATION

TEL 801-535-7660
FAX 801-535-6174

www.SLCGOV.COM

From: [Weiler, Scott](#)
To: [Pickering, Maryann](#)
Subject: McClelland Enclave Planned Development - PLNSUB2015-00567
Date: Friday, July 31, 2015 4:25:27 PM
Attachments: [07-27-15 Routing Package.pdf](#)
[photo 1 \(5\).JPG](#)
[photo 1 \(3\).JPG](#)
[photo 2 \(5\).JPG](#)
[photo 4 \(5\).JPG](#)
[photo 5 \(8\).JPG](#)

Maryann,

McClelland Street at this location is a private street. SLC Corp. does not maintain it. The existing asphalt is in poor condition. If the project is to be approved, new asphalt should be installed by the developer as a condition of this project.

Thanks,

SCOTT WEILER, P.E.
Development Engineer

ENGINEERING DIVISION
COMMUNITY *and* ECONOMIC DEVELOPMENT
SALT LAKE CITY CORPORATION

TEL 801-535-6159
CELL 801-381-4654

www.SLCGOV.COM

From: Pickering, Maryann
Sent: Monday, July 27, 2015 11:10 AM
To: Mikolash, Gregory; Whipple, Darby; Weiler, Scott; Itchon, Edward; Teerlink, Scott; Garcia, Peggy; Bennett, Vicki; Vaterlaus, Scott
Subject:

Attached is information relating to the above referenced petition. Garbett Homes has submitted a planned development for the proposed subdivision. The proposal will create seven lots for development out of the five current lots. The lots will be accessed by a private drive. All of the existing structures on the site will be demolished.

The subdivision application that goes along with this planned development is PLNSUB2015-00358. Some of you made comments on that request previously. This plan is more detailed and shows the required setbacks for the residences.

Please review the following proposed request respond with comments by **Wednesday, August 12, 2015**. You can either input your comments in Accela or send them to me directly.

I have also included a few photographs taken by a neighbor of the access to the site. It is approximately 10 feet wide according to the applicant and less than 9 feet wide according the adjoining owners. It is considered a private driveway by the city. This may have implications on the proposed development for access, utilities, fire, transportation, etc. This is going to be a

difficult site to develop.

MARYANN PICKERING, AICP
Principal Planner

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SALT LAKE CITY
COMMUNITY AND ECONOMIC DEVELOPMENT

Transportation Division Review No. 1

Project Number: PLNSUB2015-00567
Project Name: McClelland Enclave
Project Address: 546 – 561 S McClelland St.

Date: August 24, 2015

Reviewer: Michael Barry, P.E.
Phone: 801-535-7147
Email: michael.barry@slcgov.com

Comments

Transportation's main concern is the narrowness of the private street, McClelland St., which provides vehicular and pedestrian access to the residences. The plans indicate McClelland St. has a right of way width of ten (10) feet, however, even with the proposed improvements, the usable width of the roadway may be slightly narrower to allow for curb and gutter or other edge of roadway treatments.

The narrowness of this road presents several concerns including issues related to pedestrian/vehicle conflicts, emergency vehicle access, emergency equipment access, and limited access and/or delay for vehicles traveling in opposing directions. Although, the narrow width of the road has existed for some time, it is considered a sub-standard condition and it is anticipated that there would be an increase in the number of user conflicts, however small, due to the intensified use of the street.

It should be noted that private streets are not required to meet the same design standards as public streets which include provisions for on street parking, two-way traffic, pedestrian access and drainage.

Also of possible concern were issues related to parking accommodations and maneuvering in and out of driveways. It appears from the plans that some vehicles backing out of garages (Lots 5 & 6) may require the partial use of the neighbor's driveway for maneuvering and such maneuvering could be hindered if a vehicle is parked in certain areas of the neighboring driveway. The same condition could also possibly occur on Lots 1 & 2, although there is insufficient detail on the plans sheet to adequately assess. Further review of garage access and vehicle maneuvering may be required. Cross access agreements shall be required between the two properties if use of neighboring parking areas is required for maneuvering.

End of comments

Updated Building Services comments for project PLNSUB2015-00567 (McClelland St. Subd.).

1. *No change to comment:* It appears that the proposed subdivision will need to terminate in a cul-de-sac bulb per 21.1.010(K)3.: Cul-De-Sacs:
 - a. Except for streets that are less than one hundred fifty feet (150') long all streets that terminate shall be designed as a cul-de-sac bulb or other design acceptable to the transportation director in order to provide an emergency vehicle turnaround.
2. *No change to comment:* If the existing McClelland St. (drive?) is private – it should probably be included in the boundary of the subdivision. Who will be maintaining the private drive?
3. *No change to comment:* The minimum width for a public road width is 16-feet. At ten-feet, it appears that the applicant will have a difficult time meeting 21A.55.080 – Consideration of a Reduced Width Street. Will this “driveway” be wide enough for fire access? Will curb/gutter need to be installed along this driveway? If any portion of the existing driveway is private, who is the owner and will that property owner be willing to grant cross-access? Most concerning is conflict between automobiles and pedestrians, where I see no safe zone for a pedestrian if a vehicle is approaching from or to the subdivision.
4. The parking stalls at the ends of the private drive are for whom to use? These stalls should probably be designated to the property owners that are most adjacent to the stalls.
5. It appears that access to the proposed garages on Lots 5 & 6 will be difficult to navigate and may not meet the minimum standards for aisle width/3:1 taper.
6. Is Garbett proposing the same type of structures? If so, will garage door placement meet minimum zoning standards.

A DRT meeting was held on this property on 9-22-2014 under DRT2014-00287. Zoning Comments are as follows:

SR-3 Zone - Assemble 5 parcels for 6-7 s/f dwellings (543 S., 546 S., 547 S., 554 S. and 561 S. McClelland), all of which have no frontage on a public street (landlocked). Modifying property lines is a subdivision process and because there is no frontage on a public street, planned development review is required. Both the subdivision and planned development processes may be discussed with the Planning Desk in the Building Permits Office. The SR-3 zone allows single family attached dwellings, single family detached dwellings, two family dwellings and twin home dwellings. Demolition permits will be required for the removal of all existing buildings and site improvements on each parcel. As part of the demolition application, the construction waste management provisions of 21A.36.250 apply. A construction waste management plan is to be submitted to constructionrecycling@slcgov.com and the approval documentation included in the demolition permit package. Questions regarding the waste management plans may be directed to 801-535-6984. Certified address is to be obtained from the Engineering Dept. for each parcel for use in the plan review and permit issuance process. Each parcel will need to meet the minimum lot area, lot width, maximum building height, building coverage requirements, etc. of the zone unless modified by the planned development. Further review may be required as the plans are developed.

From: [Bennett, Vicki](#)
To: [Vogt, Lorna](#); [Pickering, Maryann](#)
Subject: RE: McClelland Enclave
Date: Tuesday, October 20, 2015 8:42:01 AM

Do any of the private haulers have small trucks that could pick up trash and recycling from a central roll-off?

I think we need to tell this applicant that we won't be able to provide service unless there is a significant change of access to the area.

From: Vogt, Lorna
Sent: Monday, October 19, 2015 3:56 PM
To: Pickering, Maryann
Cc: Bennett, Vicki
Subject: RE: McClelland Enclave

Not really, unfortunately. Unless we have a clear access road, we are pretty much courting disaster, especially when snow narrows the road and weights branches down. We have smaller size cans, which might help with storage and space on the road. It is quite a long way for residents to have to pull their cans out to 600 S, and 600 S presents its own challenges with parking, space, and high school kids.

From: Pickering, Maryann
Sent: Monday, October 19, 2015 3:43 PM
To: Vogt, Lorna
Subject: RE: McClelland Enclave

Hi Lorna.

Yes, you are correct. It's the same issues from before. Do you know of any way to make it work? I did forward your previous comments to the applicant so he is aware. And these are issues I'll bring up during the public hearing.

Thanks again.

From: Vogt, Lorna
Sent: Monday, October 19, 2015 3:03 PM
To: Pickering, Maryann
Subject: FW: McClelland Enclave

Hi Maryann,

I have a couple of questions on this one: The homes are reduced to 5, correct? It looks as if most of the existing structures on McClelland will be remain, and the access road will remain at 10'. This is the primary problem with the development from our standpoint: our trucks are close to that wide. Also, we will need to back into the both ends of the private road, which have parking stalls marked out. That will prove to be difficult—our trucks have a very wide turning radius.

From: Bennett, Vicki
Sent: Monday, October 19, 2015 2:08 PM
To: Vogt, Lorna
Subject: FW: McClelland Enclave

I know you had some previous concerns about refuse collection at this site, here is a new site plan.

From: Pickering, Maryann
Sent: Monday, October 19, 2015 12:30 PM
To: Mikolash, Gregory; Weiler, Scott; Itchon, Edward; Teerlink, Scott; Garcia, Peggy; Bennett, Vicki; Vaterlaus, Scott
Subject: McClelland Enclave

Hello.

Attached is a new layout for a proposed subdivision relating to the above referenced petition. Garbett Homes has submitted a planned development for the proposed subdivision. This is an updated site layout to what you saw last July. Please review it accordingly.

Please review the following proposed request respond with comments by **Monday, November 1, 2015**. You can either input your comments in Accela or send them to me directly.

Thank you,
Maryann

MARYANN PICKERING, AICP
Principal Planner

PLANNING DIVISION
COMMUNITY *and* ECONOMIC DEVELOPMENT
SALT LAKE CITY CORPORATION

TEL 801-535-7660
FAX 801-535-6174

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ATTACHMENT I: MOTIONS

Based on the standards and findings for planned development listed in the staff report, it is the Planning Staff's opinion that the project does not meet the applicable standards and findings for planned developments.

Consistent with Staff Recommendation:

Based on the testimony and the proposal presented, I move that the Planning Commission deny the planned development (PLNSUB2015-00567) and subdivision request (PLNSUB2015-00358) for the property located at approximately 546 S. McClelland Street based on the findings and analysis in the staff report.

Not Consistent with Staff Recommendation:

I move that the Planning Commission approves the planned development (PLNSUB2015-00567) and subdivision request (PLNSUB2015-00358) for the property located at approximately 546 S. McClelland Street based on the following (Commissioner then states criteria and findings based on the standards to support the motion for denial) and subject to the following conditions:

Recommended Conditions should the Planning Commission vote to approve:

- 1. The project shall comply with departmental or division comments.*
- 2. The applicant shall file a final subdivision plat for approval by the City.*
- 3. The final plat application must be submitted within 18 months of the approval of the preliminary plat per Section 21A.16.190. If no final plat is submitted, the preliminary plat approval will be considered as expired.*
- 4. A landscape plan shall be required and reviewed prior to the issuance of any building permit, including existing mature vegetation to remain.*
- 5. Final approval authority shall be delegated to the Planning Director based on the applicant's compliance with the standards and conditions of approval noted in this staff report.*
- 6. McClelland Street between the subject property and 600 South shall be improved prior to completion of the subdivision. The continued maintenance of that portion of McClelland Street shall be completed by the homeowners association (HOA) for the proposed subdivision.*
- 7. The applicant shall prepare a plan for access during construction to the site. Both adjacent properties owners shall agree to and sign the plan prior to construction.*
- 8. All proposed water lines for the project shall be approved by the Utah State Division of Drinking Water and Salt Lake City Public Utilities.*

EXHIBIT H: Agenda and Notice of Commission Hearing

SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA
In Room 326 of the City & County Building
451 South State Street
Wednesday, March 9, 2016, at 5:30 p.m.
(The order of the items may change at the Commission's discretion.)

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 of the City and County Building. During the dinner break, the Planning Commission may receive training on city planning related topics, including the role and function of the Planning Commission.

PLANNING COMMISSION MEETING WILL BEGIN AT 5:30 PM IN ROOM 326

APPROVAL OF MINUTES FOR FEBRUARY 24, 2016

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

Briefing

TSA Zoning on 400 South – Staff will give a report on the effects of the TSA Zoning on 400South.

PUBLIC HEARINGS

Administrative Matters

1. **McClelland Enclave at approximately 546 S. McClelland Drive** – A request by Jacob Ballstaedt, Garbett Homes, for approval to develop a new six lot subdivision at the above listed address. Currently the land is used for residential purposes and is zoned SR-3 (Special Development Pattern Residential District). This type of project requires Subdivision and Planned Development review. The subject property is within Council District 4, represented by Derek Kitchen. (Staff contact: Maryann Pickering at (801)535-7660 or maryann.pickering@slcgov.com)
 - a. **Preliminary Subdivision**-In order to build the project noted above, a preliminary subdivision is required to create six lots and a private street as part of the development. Case number **PLNSUB-2015-00358**.
 - b. **Planned Development** -In order to build the project noted above, a Planned Development is required for the subdivision to have a private street and to reduce the setbacks for some of the proposed lots in the subdivision. Case number **PLNSUB2015-00567**.
2. **Merrill Residence Planned Development & Height Special Exception at approximately 214 East 10th Ave** – A request by David and Colleen Merrill for approval to reduce the front yard setback and increase the allowed height of a new single family residence at the above listed address. Currently the land is occupied by one single family dwelling, which would be demolished. This type of project must be reviewed as a Planned Development and Special Exception. The subject property is within Council District 3 represented by Stan Penfold. (Staff contact: Casey Stewart at (801)535-6260 or casey.stewart@slcgov.com.) Case numbers PLNSUB2015-00965 and PLNPCM2016-00004

3. **Appeal of Special Exception Decision at approximately 1724 E 2700 S** –Amir Cornell, property owner, has filed an Appeal of the Findings and Order issued for Special Exception PLNPCM2015-01034. The Special Exception was meant to resolve height, use, and design issues associated with an existing garage that was not built to the approved plans. It was determined that the garage could remain if a permit is pulled and certain alterations are made. City ordinance allows up to 720 square feet of accessory structures on a property. The footprint of the shed and the garage exceeds 720 Square feet. The approved special exception required the removal of the smaller shed so that the total square footage of all accessory buildings on the property is 720 square feet or less. The appellant contends that he received approval from a City employee for both buildings although no records or approved plans support his claim. (Staff contact: Chris Lee at (801)53-7706 or chris.lee@slcgov.com.) Case Number PLNPCM2015-01034

Legislative Matters

4. **Trolley Square Ventures Zoning Map Amendment** - A request by Douglas White, representing the property owner Trolley Square Ventures, LLC, to amend the zoning map for the following seven properties: 644 E 600 S (Parcel #16-06-481-019), 603 S 600 E (Parcel #16-06-481-001), 652 E 600 S (Parcel #16-05-353-001), 658 E 600 S (Parcel #16-05-353-002), 664 E 600 S (Parcel #16-05-353-003), 628 S 700 E (Parcel #16-05-353-016), 665 E. Ely Place (Parcel #16-05-353-014). The subject parcels are currently zoned RMF-45 (Moderate/High Density Multi-Family Residential District), RMF-30 (Low Density Multi-Family Residential District) and SR-3 (Special Development Pattern Residential District). The applicant is requesting that the properties be rezoned to FB-UN2 (Form Based Urban Neighborhood District) with the intent to redevelop the site in the future as a mixed-use (residential & commercial) development. The properties are located within City Council District 4 represented by Derek Kitchen. (Staff Contact: Lex Traugher, (801) 535-6184 or lex.traugher@slcgov.com) Case Number PLNPCM2015-00031
5. **Master Plan and Zoning Map Amendment at approximately 1964 S 900 E** – A request by Cottonwood Residential to amend the master plan and zoning map designation of eight properties near the intersection of Ramona Avenue and 900 E. The intent of the proposal is to consolidate the parcels into one and then construct a multi-family residential development. The applicant proposes to rezone the subject properties from RMF-35 (Moderate Density Multi-family Residential) to R-MU-45 (Residential/Mixed Use) to allow for structures up to 45' tall and allow more apartments. The subject properties are currently residential uses ranging from a single family home to multi-family buildings. The Planning Commission may consider other zoning designations that are equal or less intense to what is being proposed. (Staff contact: Chris Lee at (801)535-7706 or chris.lee@slcgov.com.) Case numbers PLNPCM2015-00956 and PLNPCM2015-00957

The files for the above items are available in the Planning Division offices, room 406 of the City and County Building. Please contact the staff planner for information. Visit the Planning 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 the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission. Planning Commission Meetings may be watched live on SLCTV Channel 17; past meetings are recorded and archived, and may be viewed at www.slctv.com.

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757, or relay service 711.



SALT LAKE CITY PLANNING DIVISION
451 S STATE STREET ROOM 406
PO BOX 145480
SALT LAKE CITY UT 84114-5480

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Salt Lake City Planning
Maryann Pickering
PO BOX 145480
Salt Lake City UT 84114

8411485480 8900



McClelland Enclave at approximately 546 S. McClelland Drive – A request by Jacob Ballstaedt, Garbett Homes, for approval to develop a new six lot subdivision at the above listed address. Currently the land is used for residential purposes and is zoned SR-3 (Special Development Pattern Residential District). This type of project requires Subdivision and Planned Development review. The subject property is within Council District 4, represented by Derek Kitchen. (Staff contact: Maryann Pickering at (801)535-7660 or maryann.pickering@slcgov.com)

- a. **Preliminary Subdivision**-In order to build the project noted above, a preliminary subdivision is required to create six lots and a private street as part of the development. Case number **PLNSUB-2015-00358**.
- b. **Planned Development** -In order to build the project noted above, a Planned Development is required for the subdivision to have a private street and to reduce the setbacks for some of the proposed lots in the subdivision. Case number **PLNSUB2015-00567**.

Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodations no later than 48 hours in advance in order to attend this meeting. Accommodations may include: alternative formats, interpreters, and other auxiliary aids. This is an accessible facility.

For additional meeting information, please see www.slcgov.com or call 801-535-7757; TDD 535-6220.

EXHIBIT I: Mailing Labels

WERSINGER, JEAN-MARIE & YOLANDE &
SEBASTIAN; JT
777 HEARD AVE
AUBURN, AL 36830

CLARK, TERRY E
17624 REVELLO DR
PACIFIC PALISADES, CA 90272

KENNEY, ROBERT D; TR JT
1478 ENDERBY WAY
SUNNYVALE, CA 94087-4016

DURBIN, MARK & STACY; JT
5786 HIGHLAND HILLS
FT COLLINS, CO 80528

BELL PROPERTY MANAGEMENT LLC
4 W DRY CREEK CIR #130
LITTLETON, CO 80120

REDD PINE PROPERTIES LLC
22 BONNY RD
BROOKFIELD, CT 06804

JACOBS, DAVID A
11186 BIG CANOE
BIG CANOE, GA 30143-5102

COLTRIN, HORACE E & JEAN S; TRS
621 HWY 81
BURLEY, ID 83318

VISMANTAS, JASON M
154 LEONARD WOODS #114
HIGHLAND PARK, IL 60035

NAYLOR, KENNETH D; TR
54 WOODVIEW LN
LEMONT, IL 60439-8798

CHACHAS, CATHERINE I; ET AL
800 AVE G
ELY, NV 89301

CLASSIC CONDO LLC
1107 S 350 W
BOUNTIFUL, UT 84010

KONETA 518, LLC
2856 WOOD HOLLOW WY
BOUNTIFUL, UT 84010

KONETA 524, LLC
2856 WOOD HOLLOW WY
BOUNTIFUL, UT 84010

ERICKSEN, BRETT S
512 DEER HOLLOW CIR
CENTERVILLE, UT 84014-2000

MANOUSAKIS, KATHERINE B & GEORGE M;
JT
2393 E 6660 S
COTTONWOOD HTS, UT 84121-2644

SARIJLOU, REZA
2979 E CAITLAND CT
COTTONWOOD HTS, UT 84121-7018

ISHIMATSU, BUNTARO K & CHRISTOPHER
R; JT
7758 S SILVER LAKE DR
COTTONWOOD HTS, UT 84121-5343

MEADOWS, JASON; TR SLCH TRUST
3984 S MORNING STAR DR
HOLLADAY, UT 84124-1921

PHELPS, G MARTIN, KAREN; JT
142 E 6790 S
MIDVALE, UT 84047-1222

MCCLEVE, DARREN J & LESLIE W; JT
891 HALSTEAD DR
NORTH SALT LAKE, UT 84054

FAIRFAX PROPERTIES LLC
585 LOFTY LANE
NORTH SALT LAKE, UT 84054

WINTERS, DENNIS & BETTY M; JT
4903 BURCH CREEK HOLLOW
OGDEN, UT 84403

CARMICHAEL; BRUCE W & JENNIFER C;
TRS(BW&JCC LIV TR)
1015 ABILENE WY
PARK CITY, UT 84098

MONAHNAN, SUSAN DELEON
PO BOX 1661
PARK CITY, UT 84060-1661

DAVISON, NED J & RUTH E M; TRS
776 DIAGONAL ST #23
SAINT GEORGE, UT 84770-2658

RICE, JOHN
482 N L ST
SALT LAKE CITY, UT 84103-3632

AZTEC CONDOMINIUM HOMEOWNERS
ASSOCIATION INC
515 S 1000 E
SALT LAKE CITY, UT 84102-3032

AZTEC MANAGEMENT COMMITTEE INC
515 S 1000 E #L1
SALT LAKE CITY, UT 84102

DOLOWITZ, WILMA F; TR (WFD TRUST)
515 S 1000 E #104
SALT LAKE CITY, UT 84102-3005

CRIM, AARON M
515 S 1000 E #105
SALT LAKE CITY, UT 84102-3005

AZTEC MANAGEMENT COMMITTEE
515 S 1000 E
SALT LAKE CITY, UT 84102-3032

HEBDON, FLOYD E & GLORIA D; JT
515 S 1000 E #206
SALT LAKE CITY, UT 84102-3006

TAYLOR, CRAIG B
515 S 1000 E #207
SALT LAKE CITY, UT 84102-3006

CRUZ, DARRELL D
515 S 1000 E #208
SALT LAKE CITY, UT 84102-3006

ROMERO, MCKENZIE R
515 S 1000 E #301
SALT LAKE CITY, UT 84102-3051

AMALFITANO, HAROLD & DIANE; JT
515 S 1000 E #202
SALT LAKE CITY, UT 84102-3006

BEYNON, LINDA B
515 S 1000 E #203
SALT LAKE CITY, UT 84102-3006

BROWN, DANIEL J
515 S 1000 E #305
SALT LAKE CITY, UT 84102-3091

CHESSON, LESLEY A
515 S 1000 E #306
SALT LAKE CITY, UT 84102-3007

HORVAT, KATHRYN B
515 S 1000 E #307
SALT LAKE CITY, UT 84102-3007

CORTEZ, MOISES V
515 S 1000 E #901
SALT LAKE CITY, UT 84102-3028

JOHNSON, SHAWN M & VICKY S; JT
515 S 1000 E #902
SALT LAKE CITY, UT 84102-3028

DAVIES, MICHAEL B; TR
515 S 1000 E #903
SALT LAKE CITY, UT 84102-3028

DAVIES, MICHAEL B; TR
515 S 1000 E #904
SALT LAKE CITY, UT 84102-3028

CONDIE, PATRICIA L
515 S 1000 E #905
SALT LAKE CITY, UT 84102-3028

ALDERMAN, DONALD W
515 S 1000 E #906
SALT LAKE CITY, UT 84102-3028

DAVISON, ALAN R
515 S 1000 E #907
SALT LAKE CITY, UT 84102-3028

BEATY, SUSAN T; TR (STB TRUST)
515 S 1000 E #703
SALT LAKE CITY, UT 84102-3058

MONTOYA, TAMMY
515 S 1000 E #704
SALT LAKE CITY, UT 84102-3058

WILLIAMS, LAURIE
515 S 1000 E #705
SALT LAKE CITY, UT 84102-3058

BOHNE, BARBARA A
515 S 1000 E #706
SALT LAKE CITY, UT 84102-3058

SMITH, CAMILLE
515 S 1000 E #707
SALT LAKE CITY, UT 84102-3025

MCDONOUGH, CHRISTINE A; TR (CAM
TRUST)
515 S 1000 E #708
SALT LAKE CITY, UT 84102-3025

MONSON, DAN Q
515 S 1000 E #801
SALT LAKE CITY, UT 84102-3050

RODRIGUEZ, AUGUSTO R
515 S 1000 E #802
SALT LAKE CITY, UT 84102-3050

THOMPSON, DAVID A & CAROL L; JT
515 S 1000 E #503
SALT LAKE CITY, UT 84102-3079

LEE, LEILA ANN
515 S 1000 E #506
SALT LAKE CITY, UT 84102-3000

NEIMARLIJA, HAMDO
515 S 1000 E #408
SALT LAKE CITY, UT 84102-3012

KNEISLEY, DANIEL E; TR ET AL
515 S 1000 E #501
SALT LAKE CITY, UT 84102-3079

BOLTON, KYLIE E
515 S 1000 E #401
SALT LAKE CITY, UT 84102-3099

DALTON, CECILIA
515 S 1000 E #402
SALT LAKE CITY, UT 84102-3099

LEHNING, JAMES R
515 S 1000 E #403
SALT LAKE CITY, UT 84102-3099

BLUTH, OSCAR D DR
515 S 1000 E #603
SALT LAKE CITY, UT 84102-3034

PETERSEN, PAUL L
515 S 1000 E #604
SALT LAKE CITY, UT 84102-3049

LIN, PENG & ZHOU, LIANG; JT
515 S 1000 E #605
SALT LAKE CITY, UT 84102-3024

SHAPIRO, ROBIN
515 S 1000 E #606
SALT LAKE CITY, UT 84102-3024

GAY, LORI N; TR (LNG TRUST)
515 S 1000 E #607
SALT LAKE CITY, UT 84102-3024

RICHINS, RYAN
515 S 1000 E #608
SALT LAKE CITY, UT 84102-3024

WILSON, MICHAEL L & NANCY G; TRS
515 S 1000 E #701
SALT LAKE CITY, UT 84102-3058

ROSADO-SANTOS, HARRY
515 S 1000 E #807
SALT LAKE CITY, UT 84102-3080

LANDA, ESTHER R; TR
515 S 1000 E #1001
SALT LAKE CITY, UT 84102-3855

JENKINS, LON A; ET AL
515 S 1000 E #1002
SALT LAKE CITY, UT 84102-3034

CLARK, GERALDINE M; TR ET AL
515 S 1000 E #1003
SALT LAKE CITY, UT 84102-3856

HANCOCK, JOEL C & BRENDA R; TRS
515 S 1000 E #1004
SALT LAKE CITY, UT 84102-3091

MILES, LOWELL W & NANCY A; TRS
515 S 1000 E #1101
SALT LAKE CITY, UT 84102-3090

HAGAN, STEVEN M
515 S 1000 E #1102
SALT LAKE CITY, UT 84102-3090

MUNSON, EDWARD R & CHRISTINE; JT
515 S 1000 E #1103
SALT LAKE CITY, UT 84102-3855

TAYLOR, MARK M
515 S 1000 E #1104
SALT LAKE CITY, UT 84102-3034

AZTEC MANAGEMENT COMMITTEE, INC
515 S 1000 E
SALT LAKE CITY, UT 84102-3032

WADSTROM, ANDREW V; TR (AVW REV TR)
515 S 1000 E #804
SALT LAKE CITY, UT 84102-3050

CRAGHEAD, JAMES W & DALE S; TC
515 S 1000 E
SALT LAKE CITY, UT 84102-3032

SANTOS, HARRY R
515 S 1000 E #807
SALT LAKE CITY, UT 84102-3080

KRUKIEL, CANDACE D
515 S 1000 E #406
SALT LAKE CITY, UT 84102-3012

EVANS, DALE F
515 S 1000 E
SALT LAKE CITY, UT 84102-3032

ESPINOZA-CREER, MARI
525 S 1000 E
SALT LAKE CITY, UT 84102-3193

CANAS, DANIEL V & ALICE B; JT
526 S 1000 E
SALT LAKE CITY, UT 84102-3033

JAMHOUR, OMAR
528 S 1000 E
SALT LAKE CITY, UT 84102-3033

MCFALLS, KELLY
533 S 1000 E
SALT LAKE CITY, UT 84102-3193

LARIMER, GRANT G
536 S 1000 E
SALT LAKE CITY, UT 84102-3033

DUFF, JENNIFER & TERENCE; JT
544 S 1000 E
SALT LAKE CITY, UT 84102-3033

CULLINANE, PATRICK & SAMANTHA; TC
548 S 1000 E
SALT LAKE CITY, UT 84102-3033

MOESINGER, TABEETHA M
553 S 1000 E
SALT LAKE CITY, UT 84102-3193

REIMERS, WENDY & PETER; JT
555 S 1000 E
SALT LAKE CITY, UT 84102-3193

FLETCHER, GINGER L
558 S 1000 E
SALT LAKE CITY, UT 84102-3033

MURILLO, BRIDGETTE
562 S 1000 E
SALT LAKE CITY, UT 84102-3033

CALL, JASON S
563 S 1000 E
SALT LAKE CITY, UT 84102-3193

TAINTOR-TEEPLES, LOUISE & KIPPEN,
NICOLE; JT
570 S 1000 E
SALT LAKE CITY, UT 84102-3033

CORNACHIONE, KRISTEN M & MATTHEW
A; JT
575 S 1000 E #D
SALT LAKE CITY, UT 84102-1811

LYTLE, CHARLES & MARY; JT
576 S 1000 E
SALT LAKE CITY, UT 84102-3033

FOGELSON, AARON L & FEDER, DEBORAH
S; JT
354 S 1100 E
SALT LAKE CITY, UT 84102-2510

ECKMAN, LAWRENCE L; ET AL
522 S 1100 E
SALT LAKE CITY, UT 84102-3803

DC JONES INVESTMENTS LLC
545 S 1100 E
SALT LAKE CITY, UT 84102-3802

RETTBERG, CHARLES C
548 S 1100 E
SALT LAKE CITY, UT 84102-3803

ORINO, D CHRISTOPHER
550 S 1100 E
SALT LAKE CITY, UT 84102-3803

NORRIS, ADAM J & HEATHER A; JT
556 S 1100 E
SALT LAKE CITY, UT 84102-3803

RASMUSSEN, KEITH S & MARCI E; JT
993 S 1100 E
SALT LAKE CITY, UT 84105-1543

AMERICAN STAR INVESTMENT HOLDINGS
LLC
1955 S 1300 E #7
SALT LAKE CITY, UT 84105-3638

PETERSON, PAUL F & AQUINO, PEARLA U;
JT
625 E 300 S
SALT LAKE CITY, UT 84102-2103

ECKMAN, LAWRENCE L & ANNE M; TRS
1116 E 400 S
SALT LAKE CITY, UT 84102-3102

BAILEY, GLENN L & COOKSON, CATHERINE
D; JT
1044 E 500 S
SALT LAKE CITY, UT 84102-3838

GROW, JESSICA
1064 E 500 S #2
SALT LAKE CITY, UT 84102-3693

BUNDS, MICHAEL P
1027 E 600 S
SALT LAKE CITY, UT 84102-3828

WARD, JESSIKA & COWDEN, AUSTIN; JT
1035 E 600 S
SALT LAKE CITY, UT 84102-3841

ALONZO, ALBERTA D
1049 E 600 S
SALT LAKE CITY, UT 84102-3841

METOS, GEORGE F
1069 E 600 S
SALT LAKE CITY, UT 84102-3841

BENEDICT, ALLISON & THOMAS W; JT
1071 E 600 S
SALT LAKE CITY, UT 84102-3841

SINGLETON, COLETTE
925 E 900 S
SALT LAKE CITY, UT 84105-1401

RAMSEY, THOMAS U & KARMA; TRS (KR
TR)
1531 E ARLINGTON DR
SALT LAKE CITY, UT 84103-4429

WONG, AMPHAY J
540 S DENVER ST #8
SALT LAKE CITY, UT 84111

GILLETTE, JANET W; TR (JWG TRUST)
3419 S EL SERRITO DR
SALT LAKE CITY, UT 84109-4156

BROTHERS, MARGARITA; TR (MB TRUST)
1301 E FEDERAL HEIGHTS DR
SALT LAKE CITY, UT 84103-4442

LEE, MARY ANN W; TR (MAWL TR)
535 E FIRST AVE
SALT LAKE CITY, UT 84103-2906

ABANA APARTMENT COMPANY, LTD.
3006 S HIGHLAND DR #200
SALT LAKE CITY, UT 84106-2837

ABANA APARTMENT CO, LTD
3006 S HIGHLAND DR #200
SALT LAKE CITY, UT 84106-2837

SEED, DEEDA M & BAILEY, GLENN L; JT
525 S ISABELLA CT
SALT LAKE CITY, UT 84102-3811

ANDERSON, NANCY M H; TR
533 S ISABELLA CT
SALT LAKE CITY, UT 84102-3811

PADILLA, DALLANA & ANTONIO; JT
515 S KONETA CT
SALT LAKE CITY, UT 84102-3812

KANEKAR, SHAMI
523 S KONETA CT
SALT LAKE CITY, UT 84102-3812

SCHROEPFER, JUDY A
528 S KONETA CT
SALT LAKE CITY, UT 84102-3812

WEBB, CRAIG S & PATRICIA B; JT
540 S KONETA CT
SALT LAKE CITY, UT 84102-3812

WEBB, PATRICIA & CRAIG S; JT
540 S KONETA CT
SALT LAKE CITY, UT 84102-3812

RICHARDSON, ROSEMARY
4239 S MARS WY
SALT LAKE CITY, UT 84124-3217

LONNECKER, DOROTHY Z; TR (DZL REV
TRUST)
1340 E MURPHYS LN
SALT LAKE CITY, UT 84106-2932

WANG, PIER & YANG, CHUN-LIANG; JT
2895 E OAKRIDGE DR
SALT LAKE CITY, UT 84109-3508

THOMPSON, DIANA LEE
PO BOX 520132
SALT LAKE CITY, UT 84152-0132

ZHANG, AMY
3468 S SCOTT PARK LN
SALT LAKE CITY, UT 84106-3328

MAGLEBY, TORIA J
1175 E SECOND AVE
SALT LAKE CITY, UT 84103-4115

R.L. LARSEN AND ASSOCIATES, LLC.
2234 S WELLINGTON ST
SALT LAKE CITY, UT 84106-4119

MERTENS, THOMAS
1403 E THISTLE DOWN DR
SANDY, UT 84092-4634

PECK, RODNEY L & EVELYN D; TRS
215 E 2400 S
SOUTH SALT LAKE, UT 84115-3219

SOMMER, PAUL E & CINDEE K; JT
2156 W 4620 S
TAYLORSVILLE, UT 84129

REEDER, VALOY H; TR
3008 W 3600 S #1
WEST HAVEN, UT 84401-8454

EASTWIND CONDO OWNERS ASSOCIATION
1453 W LITTLE CREEK DR
WEST JORDAN, UT 84088-6544

RETEL, JONI
1120 PILOT BUTTE AVE
ROCK SPRINGS, WY 82901

RESIDENT
508 S 1000 E
SALT LAKE CITY, UT 84102-3033

RESIDENT
976 E 500 S
SALT LAKE CITY, UT 84102-3018

RESIDENT
976 E 500 S #A
SALT LAKE CITY, UT 84102-3018

RESIDENT
526 S 1000 E #A
SALT LAKE CITY, UT 84102-3033

RESIDENT
528 S 1000 E #A
SALT LAKE CITY, UT 84102-3033

RESIDENT
538 S 1000 E
SALT LAKE CITY, UT 84102-3033

RESIDENT
554 S 1000 E
SALT LAKE CITY, UT 84102-3033

RESIDENT
975 E 600 S
SALT LAKE CITY, UT 84102-3026

RESIDENT
1010 E 500 S
SALT LAKE CITY, UT 84102-3825

RESIDENT
527 S 1000 E
SALT LAKE CITY, UT 84102-3032

RESIDENT
529 S 1000 E
SALT LAKE CITY, UT 84102-3032

RESIDENT
531 S 1000 E
SALT LAKE CITY, UT 84102-3032

RESIDENT
543 S 1000 E
SALT LAKE CITY, UT 84102-3032

RESIDENT
1024 E 500 S
SALT LAKE CITY, UT 84102-3825

RESIDENT
1028 E 500 S
SALT LAKE CITY, UT 84102-3825

RESIDENT
546 S MCCLELLAND ST
SALT LAKE CITY, UT 84102-3813

RESIDENT
554 S MCCLELLAND ST
SALT LAKE CITY, UT 84102-3813

RESIDENT
1009 E 600 S
SALT LAKE CITY, UT 84102-3828

RESIDENT
1011 E 600 S
SALT LAKE CITY, UT 84102-3828

RESIDENT
1017 E 600 S
SALT LAKE CITY, UT 84102-3828

RESIDENT
1029 E 600 S
SALT LAKE CITY, UT 84102-3828

RESIDENT
1032 E 500 S
SALT LAKE CITY, UT 84102-3837

RESIDENT
1038 E 500 S
SALT LAKE CITY, UT 84102-3837

RESIDENT
1040 E 500 S
SALT LAKE CITY, UT 84102-3837

RESIDENT
529 S KONETA CT
SALT LAKE CITY, UT 84102-3812

RESIDENT
539 S KONETA CT
SALT LAKE CITY, UT 84102-3812

RESIDENT
1046 E 500 S
SALT LAKE CITY, UT 84102-3838

RESIDENT
1056 E 500 S
SALT LAKE CITY, UT 84102-3838

RESIDENT
528 S 1100 E #1
SALT LAKE CITY, UT 84102-3938

RESIDENT
528 S 1100 E #10
SALT LAKE CITY, UT 84102-3938

RESIDENT
528 S 1100 E #2
SALT LAKE CITY, UT 84102-3938

RESIDENT
528 S 1100 E #3
SALT LAKE CITY, UT 84102-3938

RESIDENT
528 S 1100 E #4
SALT LAKE CITY, UT 84102-3938

RESIDENT
528 S 1100 E #5
SALT LAKE CITY, UT 84102-3938

RESIDENT
528 S 1100 E #6
SALT LAKE CITY, UT 84102-3938

RESIDENT
528 S 1100 E #7
SALT LAKE CITY, UT 84102-3938

RESIDENT
528 S 1100 E #8
SALT LAKE CITY, UT 84102-3938

RESIDENT
528 S 1100 E #9
SALT LAKE CITY, UT 84102-3938

RESIDENT
536 S 1100 E
SALT LAKE CITY, UT 84102-3803

RESIDENT
538 S 1100 E
SALT LAKE CITY, UT 84102-3803

RESIDENT
542 S 1100 E
SALT LAKE CITY, UT 84102-3803

RESIDENT
554 S 1100 E
SALT LAKE CITY, UT 84102-3803

RESIDENT
1043 E 600 S
SALT LAKE CITY, UT 84102-3841

RESIDENT
561 S MCCLELLAND ST
SALT LAKE CITY, UT 84102-3813

RESIDENT
518 S KONETA CT
SALT LAKE CITY, UT 84102

RESIDENT
524 S KONETA CT
SALT LAKE CITY, UT 84102

RESIDENT
575 S 1000 E #B
SALT LAKE CITY, UT 84102-3032

RESIDENT
575 S 1000 E #D
SALT LAKE CITY, UT 84102-3032

RESIDENT
545 S 1000 E
SALT LAKE CITY, UT 84102-3032

EXHIBIT J: Information Submitted at Hearing

McClelland Enclave

Garbett Homes

Garbett Homes



- We started Process in 2015
- We originally had 7 new homes
- We were going to demo all 3 existing homes.

[illegible]

Style and Design



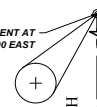
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New Plans

SALT LAKE CITY, UTAH
SE 1/4 SECTION 5, T1S, R1E, SLB&M



(IN FEET)
1 inch = 20 ft.
STREET MONUMENT AT
600 SOUTH & 1100 EAST



SOUTH

(PUBLIC - 100' WIDE)

600

BASIS OF BEARING: N89°57'41"W

MEASURED: 791.74

111.08

165.08

N0°01'39"E

164.25

792.16

N0°03'48"E

792.25

165.08

N89°57'41"W

210.06

N89°57'41"W

165.08

N89°57'41"W

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N89°57'41"W

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N89°57'41"W

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