



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission

From: Michael Maloy, AICP, Senior Planner, at (801) 535-7118 or michael.maloy@slcgov.com

Date: March 23, 2016

Re: PLNPCM2015-00887 1117 E South Temple Master Plan Amendment
PLNPCM2015-00808 1117 E South Temple Zoning Map Amendment

Master Plan & Zoning Map Amendment

PROPERTY ADDRESS: 1117 E South Temple Street
PARCEL ID: 09-32-459-014-0000
MASTER PLAN: Medium-Density Residential, *Avenues Community Master Plan*
ZONING DISTRICT: RMF-35 Moderate Density Multi-Family Residential District; and
H Historic Preservation Overlay District

REQUEST:

Tariq Mughal, property owner, requests amendment of: (1) the Avenues Community Future Land Use Plan from Medium-Density Residential to High-Density Residential (petition PLNPCM2015-00887), and (2) the Salt Lake City Zoning Map from RMF-35 Moderate Density Multi-Family Residential District to R-MU-35 Residential/Mixed Use District (petition PLNPCM2015-00808) for property located approximately at 1117 E South Temple Street.

RECOMMENDATION:

Based on the information contained within this staff report, staff recommends the Planning Commission forward a recommendation of approval to the City Council for the proposed master plan and zoning map amendments (see [Attachment K – Motions](#)).

MOTION:

Based on the information contained within this staff report, and comments received, I move the Planning Commission forward a recommendation of approval to the City Council for the proposed master plan and zoning map amendments at 1117 E South Temple Street.

ATTACHMENTS:

- A. [Master Plan Amendment Request](#)
- B. [Zoning Map Amendment Request](#)
- C. [Property Survey](#)
- D. [Conceptual Plan](#)
- E. [Shared Access Agreement](#)
- F. [Existing Conditions](#)
- G. [Analysis of Standards](#)
- H. [Department Comments](#)
- I. [Public Process & Comments](#)
- J. [Community Council Comments](#)
- K. [Motions](#)

PROJECT DESCRIPTION

Tariq Mughal, property owner, has submitted the following two petitions:

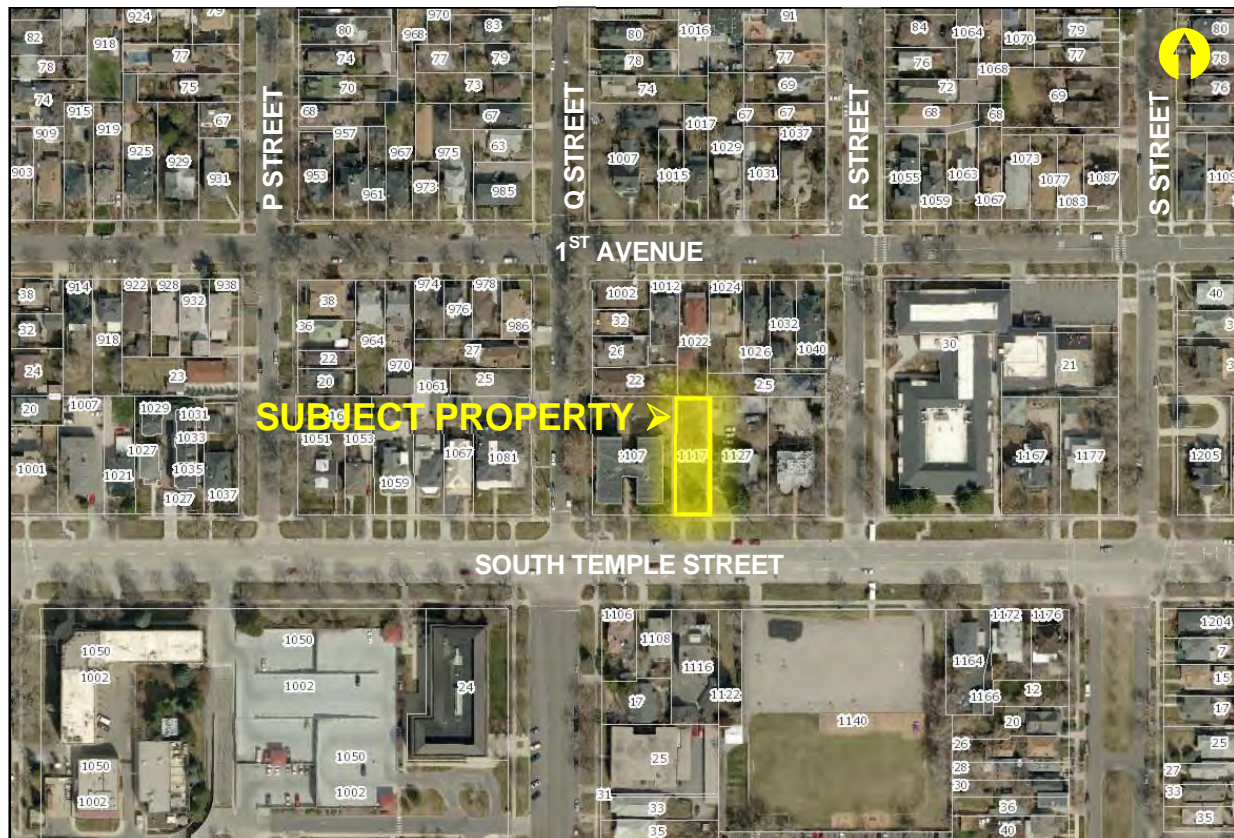
- **PLNPCM2015-00887 Master Plan Amendment** – A request to amend the Future Land Use Plan of the Avenues Community Master Plan from Medium-Density 8-20 Units per Gross Acre to High-Density Over 20 Units per Gross Acre for property located at 1117 E South Temple Street (see Attachment A – [Master Plan Amendment Request](#)); and
- **PLNPCM2015-00808 Zoning Map Amendment** – A request to amend the Salt Lake City Zoning Map from RMF-35 Moderate Density Multi-Family Residential District to RMU-35 Residential/Mixed Use District for property located at 1117 E South Temple Street (see Attachment B – [Zoning Map Amendment Request](#)).

The purpose of the amendment is to facilitate residential infill development on the subject property, which measures 50'-0" wide, 165'-0" deep, and encompasses 8,250 square feet. Although the subject property meets the minimum lot width and area requirements of the existing (and proposed) zoning districts, development of the subject property would be limited to two (2) dwelling units under the current zoning district (see Issue 4 – Building Scale on page five of this report, and Attachment C – [Property Survey](#)).

If the City approves the proposal, the applicant intends to construct a new apartment building with approximately 14 dwelling units and underground parking (see Attachment D – [Conceptual Plan](#)).

The vacant property is zoned RMF-35 Moderate Density Multi-Family Residential District, however it is also within the H Historic Preservation Overlay District for the South Temple Local Historic District (see Attachment F – [Existing Conditions](#)). Therefore, any proposal to develop the site will be subject to review and approval by the Salt Lake City Historic Landmark Commission.

VICINITY MAP



PROPERTY PHOTOGRAPHS



Perspective View of Subject and Surrounding Properties



Ground Level View of Vacant Parcel at 1117 E South Temple Street

KEY ISSUES

Through analysis of the project, community input, and departmental review, staff identified the following key issues:

Issue 1 – Spot Zoning. Within an article published November 7, 2013, by Planners Web, an online resource for citizen planners, attorney Daniel Shapiro defined “spot zoning” as:

... the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners.

Within an article published April 8, 2001, the Utah State Bar summarized the Utah Supreme Court’s response to “spot zoning” in an article entitled *Utah Zoning Law: The Zoning Ordinance*:

There is a theoretical limitation on the power of the governing body to adopt a zoning ordinance—in this case the zoning map. The (State) enabling act requires that territory on the map be divided into districts, and the Utah Supreme Court has recognized that such language seems, by definition, to prohibit a division of territory into very small pieces or islands, which are sometimes referred to as “spot” zones. Although seemingly clear in concept about spot zoning, the Utah courts have in practice deferred to the discretion of local governing bodies. *The result is that the courts have thus far been unwilling to acknowledge the existence of a prohibited “spot” zone, even when the zoning district is no bigger than a commercial corner lot* (emphasis added).

Furthermore, Attorney Daniel Web also stated:

Spot zoning is, in fact, often thought of as the very antithesis of plan zoning. When considering spot zoning, courts will generally determine whether the zoning relates to the compatibility of the zoning of surrounding uses. Other factors may include; the characteristics of the land, the size of the parcel, and the degree of the “public benefit.” Perhaps the most important criteria in determining spot zoning is the extent to which the disputed zoning is consistent with the municipality’s comprehensive plan.

As evident from the previous quotes, city planners and land use attorneys generally discourage “spot zoning.” However, with respect to the applicant’s petition, the following factors should be noted:

- The RMU-35 District is classified as a residential zoning district by Salt Lake City Code.
- The intent of the proposal is to develop infill housing, which City policy encourages.
- According to City Code 21A.24.164.A, the purpose of the RMU-35 District is to, “provide areas within the city for mixed use development that promote residential urban neighborhoods containing residential, retail, service commercial and small scale office uses. *The standards for the district reinforce the mixed-use character of the area and promote appropriately scaled development that is pedestrian oriented. This zone is intended to provide a buffer for lower density residential uses and nearby collector, arterial streets and higher intensity land uses* (emphasis added).” The purpose statement is consistent with conditions associated with the subject property.
- If approved, the proposed zoning district—and associated land uses—are compatible with surrounding residential, commercial, and institutional land uses.
- If approved, the proposed zoning district will be compatible with the amended Future Land Use Plan.

Whereas the proposed master plan and zoning map amendments are consistent with each other, and the proposed land use is compatible with adjacent land uses, staff does not find the proposal meets the strict definition of a “spot zone.”

Issue 2 – Public Comment. Following a meeting with the Greater Avenues Community Council (GACC) on January 6, 2016, David Alderman, GACC Chair, wrote a letter supporting the proposed amendments (see Attachment J – [Community Council Comments](#)). Property managers for both adjacent apartment buildings—located east and west from the subject property—have also contacted staff and expressed support for the amendments (see Attachment E – [Shared Access Agreement](#)). However, all respondents expressed concerns with parking. Staff also received two written comments opposed to the proposal (see Attachment I – [Public Comment & Process](#)).

Issue 3 – Zoning Condition. Although the Greater Avenues Community Council supports the proposal, they recommend the City Council adopt a “zoning condition” to prohibit commercial uses on the subject property. The applicant is aware of and accepts this condition. Due to the existing mixed-use land use patterns of South Temple Street, which includes residential, office, commercial, and institutional, the Planning Division does not find a zoning condition is warranted. However, the Planning Commission and City Council may consider the requested zoning condition.

Issue 4 – Building Scale. If approved, the proposal will amend development standards for the subject property; however, it will not affect the permitted building height or rear yard setback. To illustrate this issue, the following table compares the “lot and bulk” standards of the current and proposed zoning districts:

Lot and Bulk Regulations Comparison			
Type	Current District (RMF-35)	Proposed District (RMU-35)	Difference?
Front yard setback	20'-0" minimum	5'-0" minimum 15'-0" maximum	Less than
Rear yard setback	Twenty-five percent (25%) of the lot depth, but not less than twenty feet (20') and need not exceed twenty-five feet (25')	Twenty five percent (25%) of lot depth, but need not exceed thirty feet (30'-0")	Greater or equal to
Side yard setback	10'-0" for multi-family dwellings	0'-0" minimum	Less than
Building Height	35'-0" maximum	35'-0" maximum	Equal to
Lot Width	80'-0" for multi-family dwellings (12 or more units)	50'-0" for multi-family dwellings	Less than
Lot Area	26,000 square feet for 12 units, and 1,000 square feet for each additional unit up to 1 acre	5,000 square feet for new lots No minimum for existing lots	Less than
Building Coverage	The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area	The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area	Equal to
Minimum Open Space	None specified	20%	More than (pending conditions)

Issue 5 – Zoning History. Since April 1995, the subject property has been zoned RMF-35 Moderate Density Multi-Family Residential District. Based on research of past Salt Lake City Zoning regulations, the subject property has been zoned R-5 Multiple Family Dwellings (1986), R-6 Multiple Family Dwellings (1958), and Residential B Apartments and Hotels (1927).

Issue 6 – Parcel History. In response to a comment received from Building Services, staff researched the origin of the subject property. Without the benefit of a title report—which may reveal additional information—staff verified that an “Administrator’s Deed” for the subject property was recorded with the Salt Lake County Recorder on July 21, 1951. Whereas Salt Lake City published an ordinance known as “Chapter 66 Platting and Subdividing” on January 13, 1950, the applicant may be required to complete a subdivision process prior to or coincident with a petition to develop the vacant parcel.

Issue 7 – Parking and Traffic. Neighborhood residents and members of the Greater Avenues Community Council are concerned that the conceptual proposal does not provide sufficient off-street parking, and will exacerbate traffic on South Temple Street.

Salt Lake City classifies South Temple Street as an “Arterial” street, which the following City Code defines:

20.08.020 Arterial Street: A street that facilitates through traffic movement over relatively long distances such as from one end of the city to the other. Arterials are generally multilane streets carrying high traffic volumes at relatively high speed limits. These are commuter streets and sometimes offer controlled access to abutting property, and curbside parking may be restricted or prohibited. Arterial streets are designated as such on the major street plan map of the transportation master plan.

Although the Salt Lake City Transportation Division reviewed the petitions for compliance with applicable parking and transportation regulations—and recommended approval subject to compliance with comments provided in Attachment H - [Department Comments](#)—Planning staff prepared the following tables on parking and trip generation using data published by the Institute of Transportation Engineers (ITE):

Parking Generation				
Type of Residential Development	Weekday Parking Demand Ratio	Proposed Number of Dwelling Units	Potential Vehicles Parked	Proposed Parking Stalls
Mid-Rise Apartments (1-4 levels)	0.66 to 1.43 parked vehicles per dwelling unit	14	9.24 to 20.02	11

With regard to the following table, the Institute of Transportation Engineers defines a “trip end” as:

... Each trip has two ends (the origin or destination of a trip). On a daily basis, each end has two trips: one entering and one exiting for an attractor of trips, and one exiting and one entering for a producer of trips. *In this report, “trip end” refers to a two-direction vehicle movement at the origin or destination of a trip* (emphasis added).

Trip Generation			
Type of Residential Development	Weekday PM Peak Hour of Generator	Proposed Number of Dwelling Units	Potential Weekday PM Peak Hour Trip Ends
Mid-Rise Apartments (3-10 levels)	0.44 average vehicle trip ends (59% entering, 41% exiting)	14	6.16

Regarding traffic volume on South Temple Street, the Salt Lake City Transportation Division estimates that peak hour traffic during a weekday morning is approximately 1,200 vehicles, and a weekday evening of peak hour traffic is approximately 1,170 vehicles.

In concert with the Salt Lake City Transportation review, staff finds the anticipated impacts of the proposal will have little or no adverse effect on traffic flow (or level of service) on adjacent streets. Furthermore, it should be noted that future development would be required to comply with all vehicle access, circulation, and parking requirements of Salt Lake City Code.

DISCUSSION

Master Plan Amendment Standards

In preparation for the Planning Commission's public hearing of the proposed master plan amendment, staff complied with the public notice requirements found in Utah Code 10-9a-404, which regulates municipalities when considering an amendment to a master plan. Other than compliance with noticing requirements, there are no specific standards of review required by City Code.

Analysis: Staff reviewed the proposed master plan amendment in relation to statements and policies listed in the *Avenues Community Master Plan*, the *Design Guidelines for Historic Apartments and Multifamily Buildings in Salt Lake City*, *Salt Lake City Community Housing Plan*, *Plan Salt Lake*, and all other relevant plans adopted by the City. Based on this review, staff has identified the following applicable statements, goals, and policies:

Residential land use goals. Preserve the residential character and existing land use patterns in the Avenues Community (*Avenues Community Master Plan*, page 2).

Community input on residential land uses and higher density zoning replacing characteristic lower-density zoning. As a *general policy*, additional zoning changes to accommodate higher density multiple-family dwellings in the Avenues are not desirable (*Avenues Community Master Plan*, page 3, emphasis added).

Future residential land use changes. The planning and design of a new apartment or other multifamily building should respect and reflect the street network and architectural patterns which help to establish the character of the city's older neighborhoods and its downtown area. A new multi-family building should also contribute sensitively to the immediate setting of any of the city's landmarks. (*Design Guidelines for Historic Apartment and Multifamily Buildings in Salt Lake City*, Part II 12:1).

A new multifamily building should appear similar in scale to the scale established by the buildings comprising the current street block façade (*Design Guidelines for Historic Apartment and Multifamily Buildings in Salt Lake City*, page 12:33).

Salt Lake City also has a strong tradition of apartment living. Apartment buildings from the later nineteenth and earlier twentieth centuries provide some of the most characteristic and impressive historic architecture in the city. Today, they provide a type of housing that immediately achieves a sustainable urban density. Plan form, structure, materials, balconies and operable windows are inherently sustainable characteristics of these buildings. Many of these advantages should inform what we build today if we are to continue this tradition in the interests of the economically and environmentally sustainable development of the city (*Design Guidelines for Historic Apartment and Multifamily Buildings in Salt Lake City*, page 16).

Density. Density and compact development are important principles of sustainable growth, allowing for more affordable transportation options and creating vibrant and diverse places. Density in the appropriate locations, including near existing infrastructure, compatible development, and major transportation corridors, can help to accommodate future growth more efficiently. This type of compact development allows people to live closer to where they work, recreate, shop, and carry out their daily lives, resulting in less automobile dependency and greater mobility (*Plan Salt Lake*, page 9).

Housing Stock Preservation, Rehabilitation and Replacement. The City Council supports policies and programs that preserve or replace the City's housing stock . . . (*Salt Lake City Community Housing Plan*, page 11)

Vacant Land. Promote infill and redevelopment of underutilized land (*Plan Salt Lake*, page 19).

New development. Locate new development in areas with existing infrastructure and amenities, such as transit and transportation corridors (*Plan Salt Lake*, page 19).

Growth. Accommodate and promote an increase in the City's population (*Plan Salt Lake*, page 19).

Infrastructure and Orientation. Direct new growth toward areas with existing infrastructure and services that have the potential to be people-oriented (*Plan Salt Lake*, page 21).

Transit. Promote high density residential in areas served by transit (*Plan Salt Lake*, page 21).

Finding: Staff finds the proposed amendment is generally consistent with applicable master plan statements and policies as referenced above.

Zoning Amendment Standards

City Code 21A.50.050 Standards for general (zoning) amendments. A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. In making a decision to amend the zoning map, the city council (and planning commission) should consider the following factors (see Attachment G –[Analysis of Standards](#) for a summary of findings):

- 1. Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;**

Analysis: See master plan analysis above.

Finding: Staff finds the proposal is generally consistent with the stated purposes, goals, objectives, and policies of the City as identified within applicable master plans.

- 2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance;**

Analysis: The “statement of intent” for all residential districts within the City is:

City Code 21A.24.010. *The residential districts are intended to provide a range of housing choices to meet the needs of Salt Lake City's citizens, to offer a balance of housing types and densities, to preserve and maintain the city's neighborhoods as safe and convenient places to live, to promote the harmonious development of residential communities, to ensure compatible infill development, and to help implement adopted plans (emphasis added).*

The purpose statement for the proposed R-MU-35 Residential/Mixed Use District is:

City Code 21A.24.164.A. The purpose of the R-MU-35 residential/mixed use district is to provide areas within the city for mixed use development that promote residential urban neighborhoods containing residential, retail, service commercial and small scale office uses. The standards for the district reinforce the mixed use character of the area and promote appropriately scaled development that is pedestrian oriented. This zone is intended to provide a buffer for lower density residential uses and nearby collector, arterial streets and higher intensity land uses.

Finding: The proposed map amendment furthers the specific purpose statement of the zoning ordinance.

3. The extent to which a proposed map amendment will affect adjacent properties;

Analysis: The subject property is surrounded with the following residential and commercial development:

Direction	Address	Use	Height	Zone	Density
West	1107 E South Temple	Multi-family (16 units)	≈ 41'-6"	RMF-35	High
Northwest	22 N Q Street	Single-family	≈ 16'-10"	SR-1A	Medium
North	1022 E 1 st Avenue	Single-family	≈ 29'-8"	SR-1A	Low
Northeast	25 N R Street	Single-family	≈ 34'-0"	SR-1A	Medium
East	1127 E South Temple	Multi-family (8 units)	≈ 21'-1"	RMF-35	High
East	1135 E South Temple	Office (vacant)	≈ 38'-1"	RMF-35	Unknown

All parcels abutting the subject property have been developed and contain low, medium, or high density residential land uses (as defined by the *Avenues Community Master Plan*). Furthermore, the subject property is situated between two high-density multi-family structures.

Finding: Staff has not received or located any information that conclusively demonstrated that the adjacent properties would be negatively affected by the proposed amendment. Furthermore, the intent of the amendment is to facilitate residential infill development in a walkable neighborhood with access to public transit, which is consistent with adopted City policies.

4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts, which may impose additional standards;

Analysis: The location of the proposed map amendment is subject to the H Preservation Overlay District (for the South Temple Local Historic District). Any future development of the subject property will be subject to all applicable standards of the overlay district including the *Design Guidelines for Historic Apartments and Multifamily Buildings in Salt Lake City*.

Finding: Staff finds that the subject property is subject to a historic preservation overlay zoning district that imposes additional standards.

5. **The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.**

Analysis: All pertinent Salt Lake City Departments and Divisions have reviewed the proposal and have recommended approval as specified within Attachment H – [Department Comments](#).

Finding: Pending compliance with applicable standards of development, the subject property will be adequately served by public facilities and services, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

NEXT STEPS

Following the public hearing, the Planning Commission shall recommend approval or denial of the proposed amendments—or recommend approval of some modification of the amendments—and then forward a recommendation to the City Council.

The City Council shall schedule and hold a public hearing to consider the proposed amendments in accordance with the standards and procedures for conduct of a public hearing as set forth in Chapter 21A.10, which is entitled "General Application and Public Hearing Procedures" of the Zoning Title.

Following the hearing, the City Council may:

1. Adopt the proposed amendments,
2. Adopt the proposed amendments with modifications, or
3. Deny the proposed amendments.

However, according to applicable State and City Codes, no additional land may be rezoned to a different classification than was contained in the public notice, and no land may be rezoned to a less restrictive classification, without a new notice and hearing.

ATTACHMENT A: MASTER PLAN AMENDMENT REQUEST

Master Plan Amendment request

Proposed Master Plan Amendment:

To the Ladies and gentlemen of the Salt Lake Planning Commission, Salt Lake City Planning staff, Avenues Community Council, and the honorable representatives of the Salt Lake City council:

It is with deep humility and respect and with the most honest of intentions to add value to the city, community and our family, that I hereby submit a formal request to amend the master plan pertaining to our family parcel (#459014) located on 1117 East South Temple (formerly Brigham Street) from low density to high density. The main purpose of this is that the current master plan is proving to be too restrictive and is preventing us from new development of quality residential housing within the downtown/university area for our in-fill lot. This request is consistent with the desires of the Salt Lake City Council and the greater avenues master plan.

This master plan amendment request, if granted, will allow us to build -new construction of 12-14 residential units on our lot under the RMU-35 zoning. We would also like to draw your attention to the fact that on either side of our in-fill lot we are surrounded by higher density housing units which do not comply with the current master plan of medium density. Under current zoning & master plan conditions we can only build a duplex, which if we were to build, it would be very out of place and out of character with the surrounding structures which currently exist in the neighboring property. Therefore what we are asking is to allow us to have similar rights to develop our property which our neighbors already enjoy while better addressing the city's mission of providing quality housing within the city and better conforming to the letter and the spirit of the latest Salt Lake City ordinance governing the development per RMU-35 guidelines and stipulations while at the same time better conforming with the neighborhood character.

Statement Declaring the Purpose of the Amendment:

We are requesting an amendment to the master plan from low density to high density because (a) the current structures in the area conform to high density housing and

(b) We would like to build new quality housing units (12-14) which on our lot would fit better per area assimilation as these units would better qualify under the high density designation.

Under high density designation and RMU-35 zoning ordinance, we plan to build these new residential units. Even though the RMU designation allows residential mixed use development, we do not intend to have any commercial space. The current low density and RMF 35 zoning are providing significant barriers in developing our land for suitable residential use.

This applicant has worked with architects and the Salt Lake City Planning Staff to create a design which aesthetically and structurally fits in the community and those drawings are attached with this request. Painstaking efforts were taken to design the structure which also meets all historical development guidelines.

As shown on the drawings we intend to build approximately 12-14 high quality residential units with underground parking structure –thus alleviating or at least not adding to the current parking issues on South Temple.

Declaration why the Present Master Plan requires Amending

1. Even though the current master plan designation and zoning of our lot and the adjacent properties is low density, RMF-35, none of the existing properties comply with the master plan and these zoning guidelines and therefore are considered legally non-compliance. We would like to develop our lot in a way which not only fits the neighborhood but enhances it and at the same time is legally compliant with the master plan and all of Salt Lake City's zoning ordinances and guidelines.
2. Under the current master plan designation of low density and zoning of RMF-35 and combined with the size of our lot proves too restrictive of a "recipe" for higher density structure –which happens to fit better given what is surrounding our property.
3. The current master plan designation of low density zoning of RMF-35 due to its restrictive nature is counter to the Salt Lake City's desire to provide higher density quality residential places in proximity to downtown business district, medical facilities, parks, and the University of Utah.
4. Amendment of master plan to high density coupled with re-zoning of our lot to RMU-35 would be in conformance with the city council's desire to spur growth in mixed use/residential places and allow new development of in-fill lots such as ours. This is evident from the latest revised and approved guidelines by the Salt Lake City council's RMU-35 zoning text amendments. These guidelines apply perfectly to lots such as ours which are too big for single or double family residences but did not qualify for multi-family residences under the older RMU-35 zoning ordinances.
5. As noted in the Salt Lake City planning staff's report to the Salt Lake City Council dated January 28, 2015, that density limitations currently in places such as ours have been barriers for new development of parcels (such as ours) for the type of development the city desires. This master plan amendment to high density would allow us to meet the strategic intent of the city and be a better fit in the form and function amongst the neighborhood.

Other information pertaining to this request:

Since the intention of this applicant is to add value to the area and the community, this applicant appeared before the avenues community council meeting on September 9th and presented the latest architectural drawings and plans as being submitted with this application. This applicant addressed the following questions from the community council:

1. The community council board members would not like any commercial activity under the RMU designation and if we don't intend to have commercial activity the new owners might take advantage of the RMU zoning and make commercial space available

This applicant's response: Our current architectural plans do not have any possibility of commercial space. We request the city council to restrict the use of our lot to strictly residential if agreeable by the city council.

2. The community council would like the rents to be at market value (& not above market value) to prevent vacant condos.

This applicant's response: Our plan is to have rents at or below market value for young professionals and families.

3. Community council would like parking in the rear or underground parking with entrance and exit from the East side so it does not exacerbate the parking issues on South Temple.
4. This applicant's response: Even though underground parking structures are very costly, this applicant, as shown on the attached architectural drawings, has incorporated all these features.

ATTACHMENT B: ZONING MAP AMENDMENT REQUEST

Zoning Amendment Request

Statement declaring Purpose of the Amendment:

To the Ladies and gentlemen of the Salt Lake Planning Commission, Salt Lake City Planning staff, Avenues Community Council, and the honorable representatives of the Salt Lake City council:

It is with deep humility and respect and with the most honest of intentions to add value to the city, community and our family, that I hereby submit a formal request to re-zone our family parcel (#459014) located on 1117 East South Temple (formerly Brigham Street) from RMF-35 to RMU-35. The main purpose of this is that the current zoning is proving to be too restrictive and is preventing us from new development of quality residential housing within the downtown/university area. This request is consistent with the desires of the Salt Lake City Council and the greater avenues master plan.

This re-zoning request, if granted, will allow us to build (new construction) higher density (12-14) residential units on our lot under the RMU-35 zoning. We would also like to draw your attention to the fact that on either side of our in-fill lot we are surrounded by higher density housing units. Under current zoning of RMF-35 of our lot, it only allows us to build a duplex, which if we were to build, it would be very out of place and out of character with the surrounding structures which currently exist in the neighboring property. Therefore what we are asking is to allow us to have similar rights to develop our property which our neighbors already enjoy while better addressing the city's mission of providing quality housing within the city and better conforming to the letter and the spirit of the latest Salt Lake City ordinance governing the development per RMU-35 guidelines and stipulations while at the same time better conforming with the neighborhood character.

Description of the Proposed Use of the Property being Re-zoned:

We are requesting the rezoning of our lot to RMU-35. Under this zoning ordinance we plan to build new residential units. Even though the RMU designation allows residential mixed use development, we do not intend to have any commercial space. Our current zoning of RMF 35 is a significant barrier in developing our land for higher density residential use.

This applicant has worked with architects and the Salt Lake City Planning Staff to create a design which aesthetically and structurally fits in the community and those drawings are attached with this request. Painstaking efforts were taken to design the structure which would meet all historical development guidelines.

As shown on the drawings we intend to build approximately 12-14 high quality residential units with underground parking structure –thus alleviating or at least not adding to the current parking issues on South Temple.

List of reasons why the present zoning may not be appropriate for the area:

1. Even though the current zoning of our lot and the adjacent properties is RMF-35, none of the existing properties comply with this zoning guideline and therefore are considered legally non-compliance. We would like to develop our lot in a way which not only fits the neighborhood but enhances it and at the same time is legally compliant with all of Salt Lake City's zoning covenants and guidelines.
2. Under the current zoning of RMF-35 and combined with the size of our lot proves too restrictive of a "recipe" for higher density structure –which happens to fit better given what is surrounding our property.
3. The current zoning of RMF-35 due to its restrictive nature is counter to the Salt Lake City's desire to provide higher density quality residential places in proximity to downtown business district, medical facilities, parks, and the University of Utah.
4. The re-zoning of our lot to RMU-35 would be in conformance with the city council's desire to spur growth in mixed use/residential places and allow new development of in-fill lots such as ours. This is evident from the latest revised and approved guidelines by the Salt Lake City council's RMU-35 zoning text amendments. These guidelines apply perfectly to lots such as ours which are too big for single or double family residences but did not qualify for multi-family residences under the older RMU-35 zoning ordinances.
5. As noted in the Salt Lake City planning staff's report to the Salt Lake City Council dated January 28, 2015, that density limitations currently in places such as ours have been barriers for new development of parcels (such as ours) for the type of development the city desires. This rezoning to RMU-35 would allow us to meet the strategic intent of the city and be a better fit in the form and function amongst the neighborhood.

Other information pertaining to this request:

Since the intention of this applicant is to add value to the area and the community, this applicant appeared before the avenues community council meeting on September 9th and presented the latest architectural drawings and plans as being submitted with this application. This applicant addressed the following questions from the community council:

1. The community council board members would not like any commercial activity under the RMU designation and if we don't intend to have commercial activity the new owners might take advantage of the RMU zoning and make commercial space available

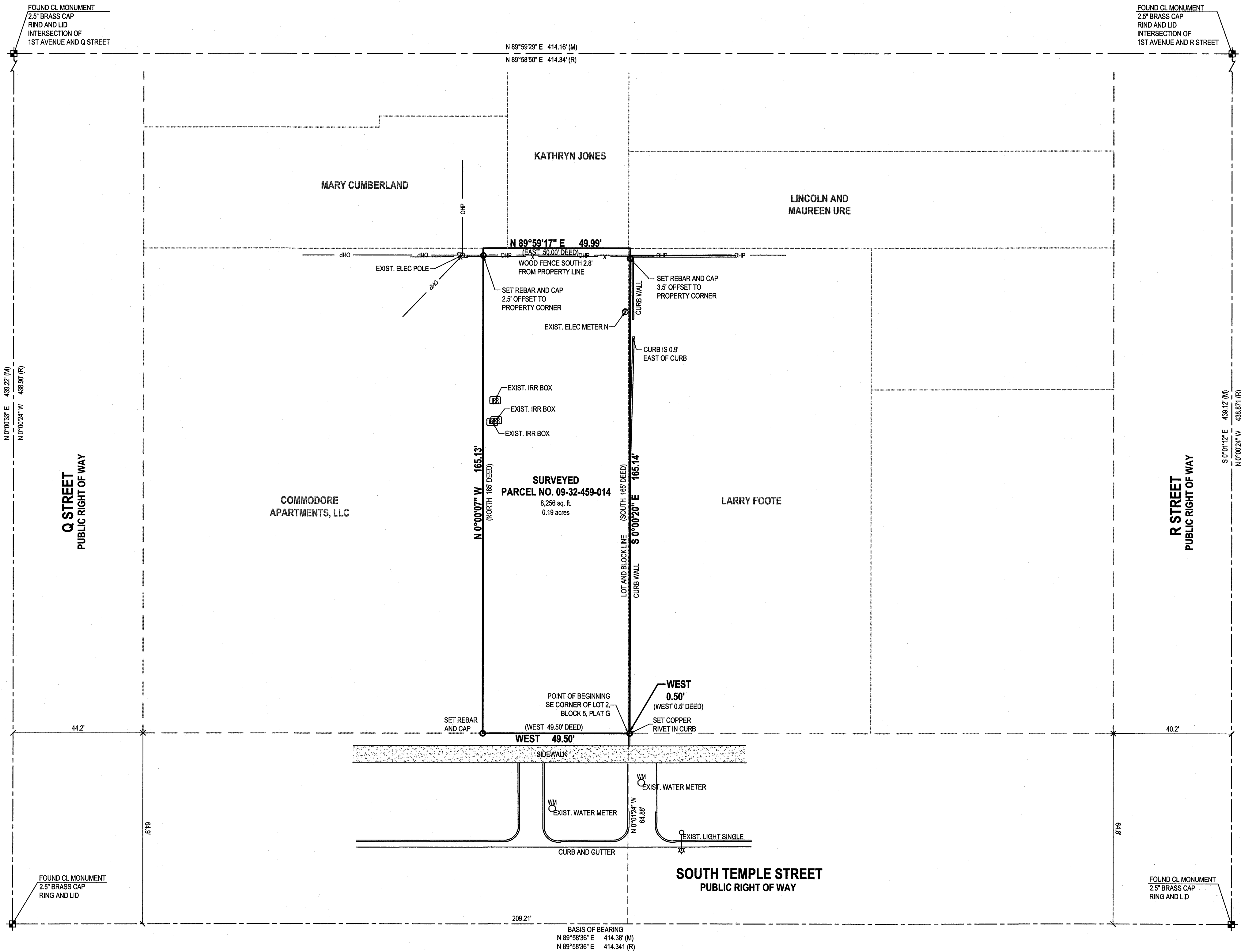
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2. The community council would like the rents to be at market value (& not above market value) to prevent vacant condos.

This applicant's response: Our plan is to have rents at or below market value for young professionals and families.

3. Community council would like parking in the rear or underground parking with entrance and exit from the East side so it does not exacerbate the parking issues on South Temple.
4. This applicant's response: Even though underground parking structures are very costly, this applicant, as shown on the attached architectural drawings, has incorporated all these features.

ATTACHMENT C: PROPERTY SURVEY



SURVEYORS NARRATIVE

I, Patrick M. Harris do hereby state that I am a Registered Professional Land Surveyor and that I hold certificate no. 286882 as prescribed by the laws of the State of Utah and represent that I have made a survey of the following described property. The Purpose of this survey is to provide an Boundary survey for use by the client. The Basis of Bearing is the monument line between the centerline monument at the intersection of Q Street and South Temple Street, and the centerline monument at the intersection of R Street and South Temple Street, measuring North 89°58'36" East 414.38 feet. Boundary lines depicted are as per the deed of record and prorated by block breakdown.

BOUNDARY DESCRIPTION

A parcel of land situate in the Southeast Quarter of Section 32, Township 1 North, Range 1 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at the South East Corner of Lot 2, Block 5, Plat "G", of the Salt Lake City Survey, said point also being on the North line of South Temple Street, said point also North 89°58'36" East 209.21 feet and North 00°01'24" West 64.88' from the centerline monument at the intersection of South Temple Street and Q street;

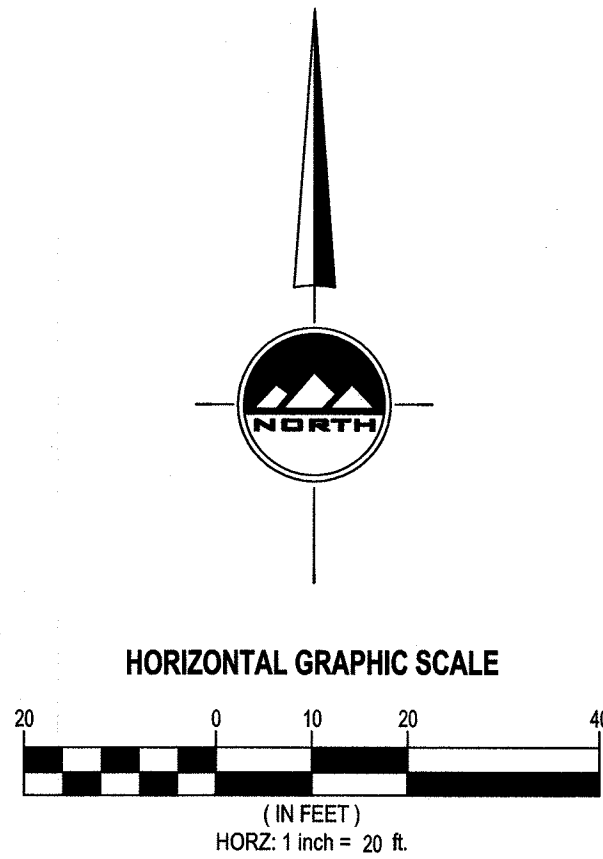
thence West 49.50 feet along the North line of said South Temple Street;
thence North 00°01'00" West 165.13 feet;
thence North 89°59'17" East 49.99 feet;
thence South 00°00'20" East 165.14 feet to a point on the North line of said South Temple Street;
thence West 0.50' along said North line of said South Temple Street to the point of beginning ;

Contains 8,256 square feet or 0.190 acres

Date March 11, 2015

Patrick M. Harris
License no. 286882

LEGEND	
	STREET MONUMENT
	SET ENSIGN REBAR AND CAP
	UTILITY POLE
	ELECTRIC METER
	WATER METER
	LIGHT POLE
	IRRIGATION VALVE
	ADJACENT RIGHT OF WAY
	RIGHT OF WAY
	SECTION LINE
	PROPERTY LINE
	ADJACENT PROPERTY LINE
	DEED LINE
	CONCRETE
	OHP OVERHEAD POWER



LOCATED IN THE SOUTHEAST QUARTER
OF SECTION 32
TOWNSHIP 1 NORTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN
SALT LAKE CITY
SALT LAKE COUNTY, UTAH



SALT LAKE CITY
45 W. 10000 S., Suite 500
Sandy, UT 84070
Phone: 801.255.0529

LAYTON
Phone: 801.547.1100

TOOELE
Phone: 435.843.3590

CEDAR CITY
Phone: 435.865.1453

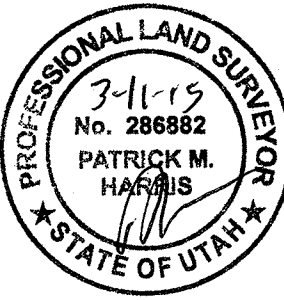
RICHFIELD
Phone: 435.896.2983

COLORADO SPRINGS
Phone: 719.476.0119

WWW.ENSIGNENG.COM

PRIC
TARIQ MUGHAL
2219 EAST FISHER LANE
SALT LAKE CITY, UTAH 84109
CONTACT:
PHONE: 801-502-3611

MUGHAL PROPERTY SURVEY
BOUNDARY SURVEY
1117 EAST SOUTH TEMPLE STREET
SALT LAKE CITY, UTAH

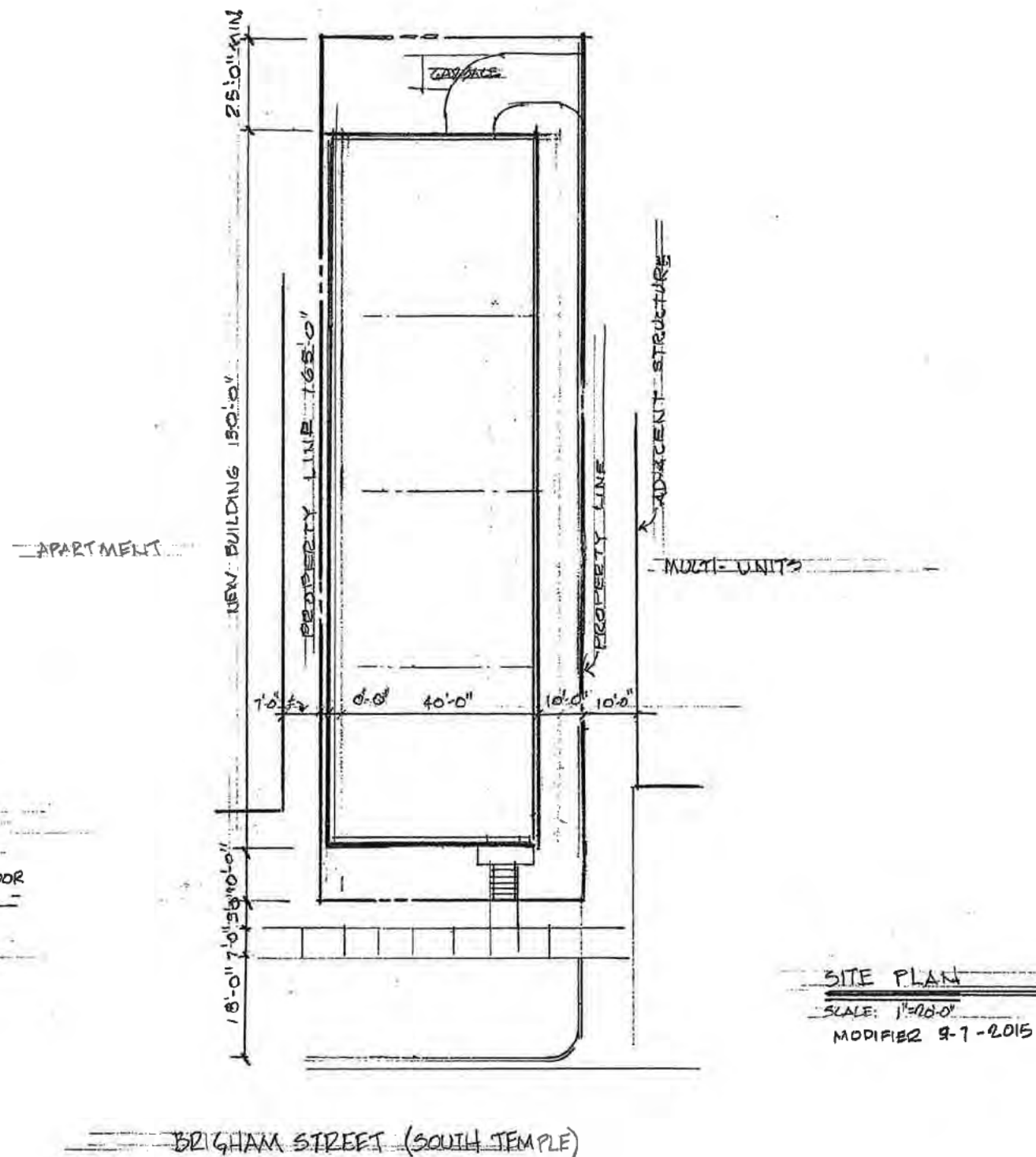


BOUNDARY SURVEY

PROJECT NUMBER
6440
DRAWN BY
N. CHRISTENSEN
PRINT DATE
3/11/15
CHECKED BY
P. HARRIS
PROJECT MANAGER
N. CHRISTENSEN

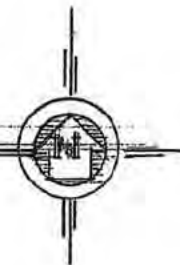
ATTACHMENT D: CONCEPTUAL PLAN

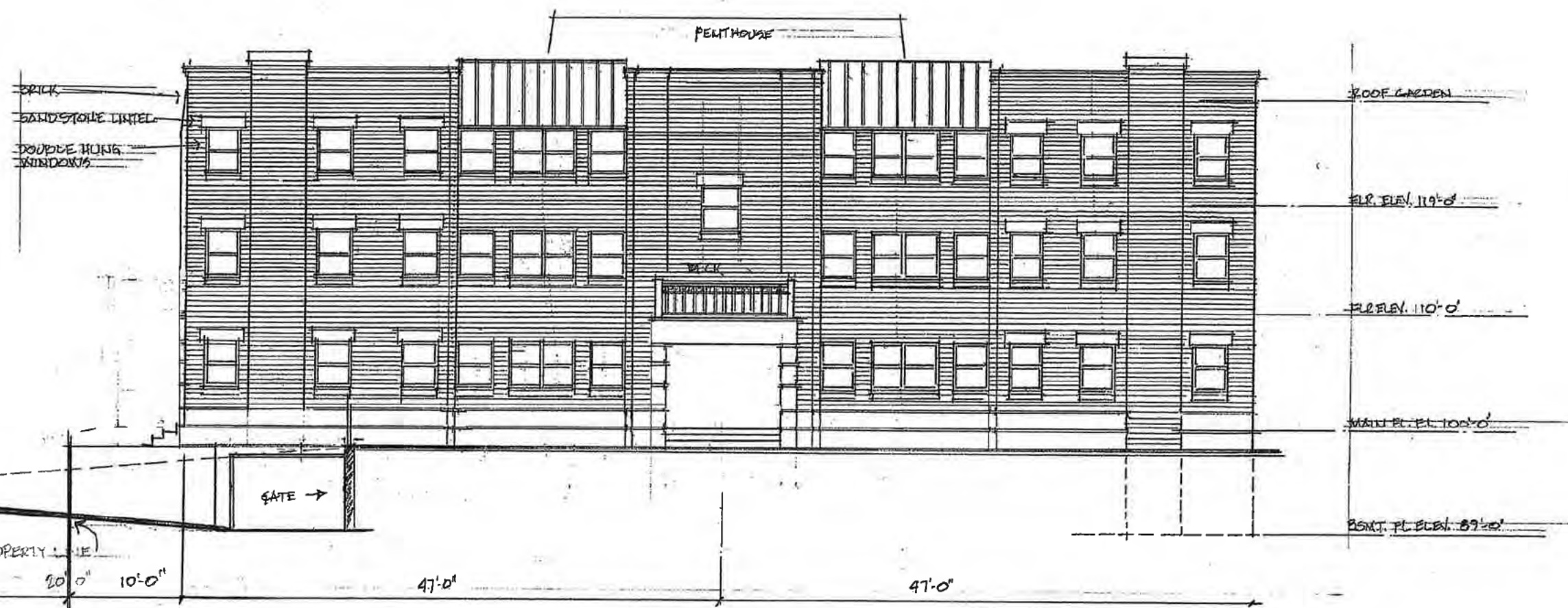
SITE AREA: 165'-0" x 50'-0" OR 8250 S.F.
 FRONT YARD: 5'-0" MIN. 15'-0" MAX. (10'-0")
 SIDE YARD: NDL REQ. (4'-0" W. & 6'-0" E.)
 REAR YARD: (25'-0")
 BUILDING AREA: 130'-0" x 40'-0" = 5200 S.F. / FLOOR
 OPEN SPACE: 3050 S.F. OR 27 %
 EACH UNIT 1300 S.F. (EX. PENTHOUSE)
 14 UNITS



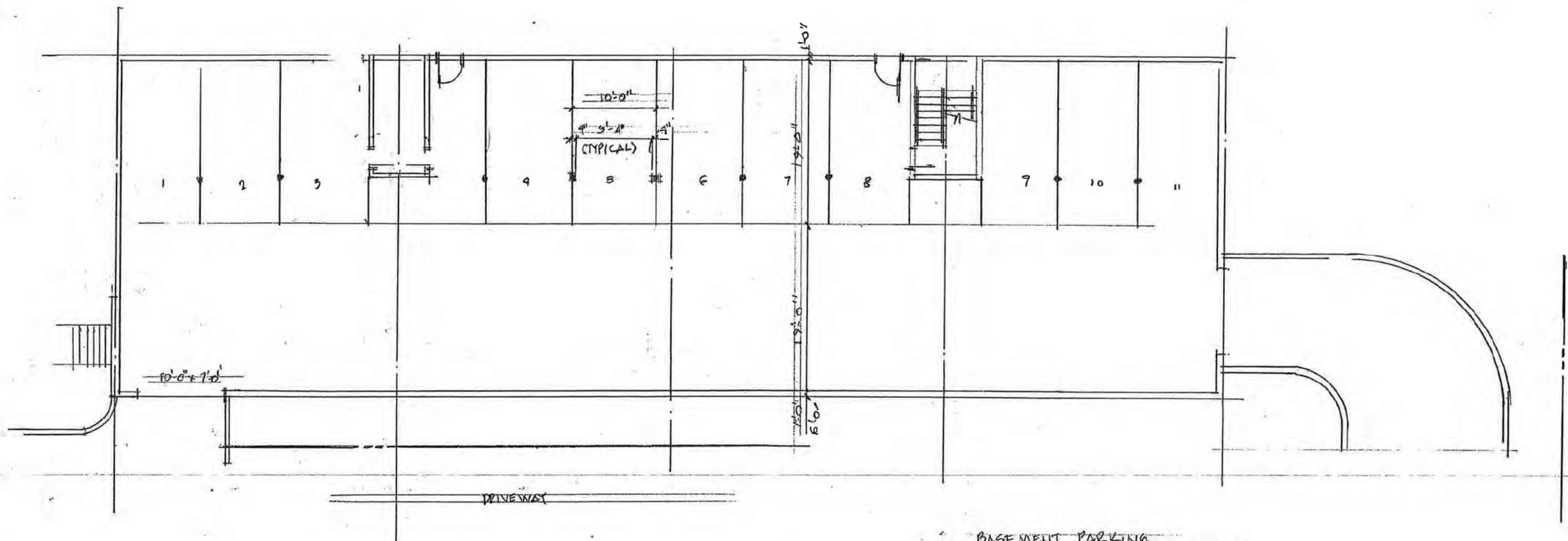
SITE PLAN

SCALE: 1"=20'-0"
 MODIFIED 9-7-2015

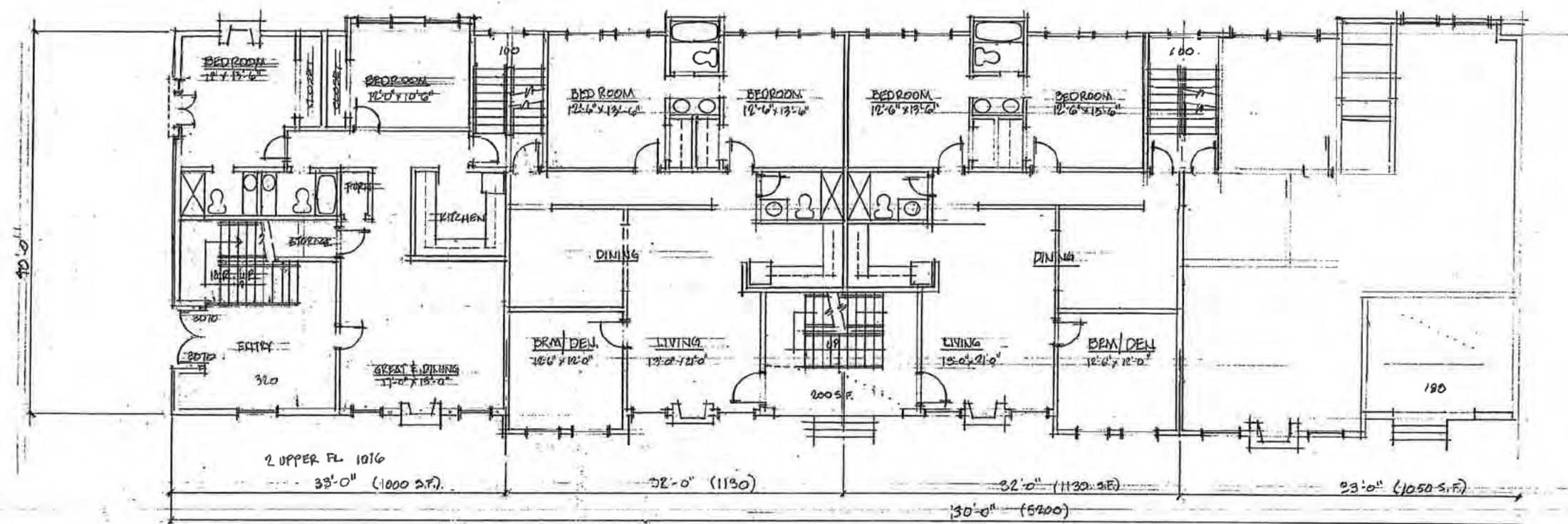




EAST EXTERIOR BUILDING ELEVATION



BASEMENT PARKING
MODIFIED 9-7-2015



ATTACHMENT E: SHARED ACCESS AGREEMENT

Agreement to share a common driveway between two neighbors

1. This agreement is between Tariq Mughal (1117 East South Temple) and Larry Foot (1127 east South Temple), two neighbors who intend and agree to share a common driveway, pending approval from the Salt Lake City Planning Office, and the honorable Planning Commissioners.
2. Tariq Mughal will build an additional 10' driveway on his side of the property (1117 east) and will provide easement to Larry Foot (1127 east), during or upon completion of his construction project. This driveway will be adjacent to the existing driveway and the current dividing concrete wall will be removed so both parties can share the newly widened driveway in order to better reach the back end (North Side) of our mutual properties. This implies that 1127 east will also provide easement to 1117 East on their side of the driveway.
3. This sharing of driveway and the area to the north of 1127 will also facilitate in providing turn radius requirements to access the underground parking for 1117 east.
4. We agree to jointly pay (50/50) for the maintenance of this new driveway. This includes, repairs and summer/winter maintenance.
5. The owner Larry Foote (1127 E South Temple) agrees that a portion of his back side of the lot (North side) will be used for a dumpster, which could be a common dumpster with shared costs. This place could also be used for the snow push during winter. This will facilitate both properties in ease of waste removal, winter maintenance, and reduced costs to both neighbors.
6. This agreement also assures the honorable Salt Lake Planning Commissioners that Larry Foot, owner of the property on 1127 east and adjacent to Mughal's property on 1117 east; is in full support of this development under RMU 35 guidelines, if granted by the city council.

Tariq Mughal

Larry Foot

1117 East South Temple

1127 East South Temple

Signature & date

2/25/16

Signature & date

2-25-2016

ATTACHMENT F: EXISTING CONDITIONS

The subject property is located at 1117 E South Temple Street. The property is approximately 50'-0" wide by 165'-0" deep, and contains approximately 8,250 square feet or 0.189 of an acre. As stated previously, the applicant, Tariq Mughal, owns the property.

The subject property is located within the Avenues Community Master Plan (ACMP), which the Salt Lake City Council adopted in 1987. According to the Avenues Community Future Land Use Plan, which is on page 7 of the ACMP, the subject property has been classified as "Medium Density, 8-20 units per acre."

As stated previously, the applicant has requested the City amend the Master Plan for the subject property from Medium Density to High Density to facilitate future development of a multi-family dwelling. The ACMP defines High Density as "over 20 units per acre."

The subject property is zoned RMF-35 Moderate Density Multi-Family Residential District. According to Salt Lake City Code 21A.24.130, the purpose statement for the RMF-35 District is:

The purpose of the RMF-35 moderate density multi-family residential district is to provide an environment suitable for a variety of moderate density housing types, including single-family, two-family, and multi-family dwellings with a maximum height of thirty five feet (35'). This district is appropriate in areas where the applicable master plan policies recommend a density of less than thirty (30) dwelling units per acre. This district includes other uses that are typically found in a multi-family residential neighborhood of this density for the purpose of serving the neighborhood. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

The proposed zoning district is RMU-35 Residential/Mixed Use District. According to Salt Lake City Code 21A.24.164, the purpose statement for the RMU-35 District is:

The purpose of the R-MU-35 residential/mixed use district is to provide areas within the city for mixed use development that promote residential urban neighborhoods containing residential, retail, service commercial and small scale office uses. The standards for the district reinforce the mixed use character of the area and promote appropriately scaled development that is pedestrian oriented. This zone is intended to provide a buffer for lower density residential uses and nearby collector, arterial streets and higher intensity land uses.

With regard to land uses within the existing and proposed zoning districts, staff has provided the following excerpt from 21A.33.020 Table of Permitted and Conditional Uses for Residential Districts:

Use	RMF-35	R-MU 35
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P	P
Adaptive reuse of a landmark site	C ⁸	P
Alcohol, brewpub (2,500 square feet or less in floor area)		C ⁹
Alcohol, dining club (2,500 square feet or less in floor area)		C ⁹
Alcohol, social club (2,500 square feet or less in floor area)		C ⁹
Alcohol, tavern (2,500 square feet or less in floor area)		
Animal, veterinary office		C
Art gallery		P
Bed and breakfast inn		
Bed and breakfast manor		
Clinic (medical, dental)		P
Community garden	P	P
Crematorium		C
Daycare center, adult		P
Daycare center, child		P

Use	RMF-35	R-MU 35
Dwelling, accessory guest and servant's quarter		
Dwelling, accessory unit	P	
Dwelling, assisted living facility (large)	C	C
Dwelling, assisted living facility (limited capacity)	P	P
Dwelling, assisted living facility (small)	P	P
Dwelling; dormitory, fraternity, sorority		
Dwelling, group home (large)	C	C
Dwelling, group home (small)	P	P
Dwelling, manufactured home	P	P
Dwelling, multi-family	P	P
Dwelling, residential support (large)		
Dwelling, residential support (small)	C	C
Dwelling, rooming (boarding) house		C
Dwelling, single-family (attached)	P	P
Dwelling, single-family (detached)	P	P
Dwelling, twin home and two-family	P	P
Eleemosynary facility	C	C
Financial institution		P
Funeral home		P
Governmental facility	C	C
Laboratory (medical, dental, optical)		P
Library		C
Mixed use development		P
Mobile food business (operation on private property)		P
Municipal service use, including city utility use and police and fire station	C	C
Museum		C
Nursing care facility		
Office, excluding medical and dental clinic and office		P
Open space on lots less than 4 acres in size	P	P
Park	P	P
Parking, off site (to support nonconforming uses in a residential zone or uses in the CN or CB zones)		C
Parking, park and ride lot shared with existing use	P	P
Place of worship on lots less than 4 acres in size	C	C
Reception center		P
Recreation (indoor)		P
Restaurant		P
Restaurant with drive-through facility		
Retail goods establishment		P
Retail goods establishment, plant and garden shop with outdoor retail sales area		P
Retail service establishment		P
School, music conservatory		C
School, professional and vocational		C
School, seminary and religious institute	C	C
Seasonal farm stand		P
Studio, art		P
Theater, live performance		C ¹³
Theater, movie		C
Urban farm	P	P
Utility, building or structure	P ⁵	P ⁵
Utility, transmission wire, line, pipe or pole	P ⁵	P ⁵
Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title)		

Although the subject property is currently vacant, the following residential development surrounds the property:

Property Address	Relative Location	Property Area	Current Use	Current Zone
1107 E South Temple	West	0.44 of an acre	Apartment	RMF-35 District
22 N “Q” Street	Northwest	0.12 of an acre	Single-family	SR-1A District
1022 E 1 st Avenue	North	0.16 of an acre	Single-family	SR-1A District
25 N “R” Street	Northeast	0.12 of an acre	Single-family	SR-1A District
1127 E South Temple	East	0.31 of an acre	Apartment	RMF-35 District

As stated previously, the subject property is also located within an H Historic Preservation Overlay District. According to Salt Lake City Code 21A.34.020, the purpose statement for the H District is:

In order to contribute to the welfare, prosperity and education of the people of Salt Lake City, the purpose of the H Historic Preservation Overlay District is to:

1. Provide the means to protect and preserve areas of the city and individual structures and sites having historic, architectural or cultural significance;
2. Encourage new development, redevelopment and the subdivision of lots in historic districts that is compatible with the character of existing development of historic districts or individual landmarks;
3. Abate the destruction and demolition of historic structures;
4. Implement adopted plans of the city related to historic preservation;
5. Foster civic pride in the history of Salt Lake City;
6. Protect and enhance the attraction of the city's historic landmarks and districts for tourists and visitors;
7. Foster economic development consistent with historic preservation; and
8. Encourage social, economic and environmental sustainability.

In addition to the above general purpose statement for the H Historic Preservation Overlay District, the *Preservation Handbook for Historic Residential Properties and Districts in Salt Lake City*, which was recommended by the Salt Lake City Planning Commission and adopted by the City Council, includes the following statement on the “Historic Architectural Character” on the South Temple Local Historic District:

South Temple is frequently referred to as Utah’s premier residential boulevard, a testament to the transformation of Salt Lake City from an agricultural village to an urban center, one that could support the elegance and grandeur seen in the architecture along this street.

Although it was not until around 1900 that South Temple took on the stately appearance associated with the mansions, South Temple has played an essential role in the development of Salt Lake since the City was founded. It served as a connection between the East Bench and Downtown and provided a delineation between the small lots of the Avenues neighborhood and the larger blocks of Central City. In general, South Temple has attracted people of prominence and prosperity, but within this group residents represented a variety of religious faiths, occupations and backgrounds. People of lesser means, including skilled craftsmen and teachers, have also resided on South Temple. South Temple was not immune to the surge of citywide apartment construction that occurred from 1902 to 1931.

Despite the impact of later development, South Temple was identified in 2007 by the American Planning Association as one of America’s Great Streets (Part III, Chapter 16, page 3).

ATTACHMENT G: ANALYSIS OF STANDARDS

ZONING MAP AMENDMENT

21A.50.050: A decision to amend the text of this title or the Zoning Map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. In making a decision to amend the Zoning Map, the City Council should consider the following:

Factor	Finding	Rationale
1. Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;	Complies	As described on page 8 and elsewhere within the Planning Commission staff report, the proposal is generally consistent with the stated purposes, goals, objectives, and policies of the City as identified in Plan Salt Lake, the Avenues Community Master Plan, the Community Preservation Plan, and other adopted planning documents.
2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance.	Complies	As described on page 8 and elsewhere within the Planning Commission staff report, the map amendment is consistent with the general purposes of the zoning ordinance.
3. The extent to which a proposed map amendment will affect adjacent properties;	Complies	As described on page 9 and elsewhere within the Planning Commission staff report, the proposed map amendment will not have a significant effect on adjacent properties.
4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards	Complies	As described on page 9 and elsewhere within the Planning Commission staff report, the map amendment is generally consistent with the H Historic Preservation Overlay District for the South Temple Local Historic District.
5. The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, storm-water drainage systems, water supplies, and wastewater and refuse collection.	Complies	As described on page 10 and elsewhere within the Planning Commission staff report, public facilities and services, which includes roadways, parks and recreational facilities, police and fire protection, schools, storm-water drainage systems, water supplies, and wastewater and refuse collection will adequately serve the subject property (when developed).

ATTACHMENT H: DEPARTMENT COMMENTS



Department Comments

1117 E South Temple Street

PLNPCM2015-00808 & 00887

Date	Task/Inspection	Status/Result	Action By	Comments
2/17/2016	Engineering Review	Complete	Weiler, Scott	No objections.
2/18/2016	Fire Code Review	Complete	Itchon, Edward	No comment received.
2/19/2016	Zoning Review	Complete	Mikolash, Gregory	Question whether this property must remain with 1107 E South Temple, which is the Commodore Apartments. There are 16 units on 0.44 of an acre of property. 16 units in this zone today would require 30,000 square feet of property. What was required back in 1948 when the Commodore was constructed? Concerned if property was subdivided after the time of construction.
2/29/2016	Public Utility Review	Complete	Draper, Jason	No objection to the petitions. Comments include: (1) There is a 1" water service to the property. (2) There is no sewer service to the property right now. (3) There is a hydrant in front of 1107 E and another at about 1160 E. (4) All site and building improvements must be reviewed and approved by public utilities.
3/3/2016	Building Review	Complete	Maloy, Michael	No comment received.
3/3/2016	Police Review	Complete	Maloy, Michael	No comment received.
3/3/2016	Sustainability Review	Complete	Maloy, Michael	No comment received.
3/8/2016	Transportation Review	Complete	Barry, Michael	<p>The one hundred eighty (180) degree turn from the driveway to the garage must meet minimum vehicle turning radii. It is unlikely that this turning maneuver can be made without use of the abutting property. An agreement should be recorded between the two properties that ensure continual unimpeded access between, to, and from the parking garage.</p> <p>The shared driveway is acceptable if an agreement is executed between the two property owners.</p> <p>The parking layout does not meet standards for back out length. The minimum dimension for the parking stalls shown is forty-two feet four inches (42'-4"); plan shows thirty-eight feet zero inches (38'-0"). The widths of the stalls are shown as nine feet four inches (9'-4"). Because an additional foot of width is required for stall adjacent to columns or walls, the backout length for the stall should be calculated using a parking stall width of eight feet three inches (8'-3") per Table 21A.44.020.</p>
3/18/2016	Planning Review	Complete	Maloy, Michael	Whereas the proposed zoning map amendment is: (1) consistent with the proposed master plan amendment, (2) the proposed zoning district is compatible with abutting residential districts, and (3) facilitates residential infill development on an arterial street with services including public transit, the Planning Division recommends approval.

ATTACHMENT I: PUBLIC PROCESS & COMMENTS

PUBLIC NOTICE, MEETINGS, AND COMMENTS

The following is a list of public meetings, and other public input opportunities, that the City coordinated for the proposed master plan and zoning map amendments.

Notice of Application:

On November 24, 2015, Planning Division staff emailed David Alderman, Chair of the Greater Avenues Community Council, to inform the community council of the proposed amendments and extended an invitation to meet with the applicant and respond with any concerns or comments.

On January 6, 2016, the Greater Avenues Community Council held a regular meeting and invited the applicant to present, discuss, and answer questions on the proposed amendments. Approximately 42 people attended the meeting. No one in attendance expressed opposition to the proposal; however, concerns regarding parking, traffic, and public safety were noted.

On February 11, 2016, the Planning Division notified the East Central Community Council of the proposed amendments. On February 16, 2016, Planning Division staff emailed additional information to Esther Hunter, Chair of East Central Community Council, for review and comment.

Open House:

The Salt Lake City Planning Division held an Open House meeting on the proposal at the City and County Building on March 17, 2016. In addition to the applicant and Planning Division staff, approximately five people attended. Four attendees supported the proposal while one did not.

The resident who opposed the proposal claimed the building setbacks and land uses permitted within the RMU-35 District are not compatible with the existing pattern of development on South Temple Street. The resident also opposed “zoning conditions” or “development agreements” as measures to mitigate these concerns because there is no “long term” mechanism that requires the property owner and city administration honor a zoning condition or development agreement.

Staff did not receive any additional written comments during the meeting.

Notice of Public Hearing:

- Open House Meeting notice mailed March 3, 2016
- Public hearing notice mailed on March 10, 2016
- Public notice posted on City and State websites and Planning Division list serve on March 10, 2016
- Public hearing notice published in the Salt Lake Tribune and Deseret News on March 12, 2016

Public Input:

On March 13, 2016, staff received a telephone call from Mr. Bob Kalm, who resides at 1106 E South Temple Street. Although Mr. Kalm was not opposed to the proposal, he said the new development should have, “at least two parking stalls per (dwelling) unit.”

Prior to publication of this report, staff received a telephone call from each property manager of apartment buildings located on both sides of the subject property. Both individuals supported the proposal but requested the development provide sufficient off-street parking.

In response to the Open House and Public Hearing notices, staff received several additional inquiries about the location and purpose of the proposal.

Within this attachment, staff has included a copy of all public comments received prior to publication of this report.

Maloy, Michael

From: Kelly Pickering <[REDACTED]>
Sent: Tuesday, February 16, 2016 12:42 PM
To: Maloy, Michael
Subject: 1117 E. South Temple - Tariq Mughal Request to Amend Master Plan & Zoning
Importance: High

Dear Mr. Maloy:

We are in receipt of the notice concerning the above referenced property. We are residents of over 20 years at 1107 East South Temple, directly adjacent (west) to 1117 East South Temple. We are extremely unhappy with Tariq Mughal's request to amend both the Master Plan Amendment and Zoning Map Amendment.

While we respect Mr. Mughal has been deeded the property. One can expect he has no intention of living at the property and thus has no interest in the preservation of the community. His interest is simply a business venture. A community of over 20 units on such a small lot would indeed degrade the neighborhood and certainly circumvent the H. Historic Preservation Overlay. This would have to be a very tall structure and certainly dwarf its surroundings. This is not a preservation of the neighborhood or an asset, it is simply an attempt to fit as many people in as small an area as possible for monetary gain.

We greatly value our neighborhood and request you deny the requests made by Tariq Mughal in both Case Numbers PLNPCM2015-00887 and PLNPCM2015-00808.

Sincerely,

Michael G. Pickering
Kelly D. Pickering
[REDACTED]

Kelly Pickering | [REDACTED] | [REDACTED] | [REDACTED]
Direct: [REDACTED] | Facsimile: [REDACTED] | [REDACTED]

This email is from a law firm and may contain privileged or confidential information. Any unauthorized disclosure, distribution, or other use of this email and its contents is prohibited. If you are not the intended recipient, please contact the sender and delete this email. Thank you.

Maloy, Michael

From: cindy cromer <[REDACTED]>
Sent: Wednesday, February 17, 2016 1:25 PM
To: Maloy, Michael
Subject: RMU-35 on South Temple

Follow Up Flag: Follow up
Flag Status: Flagged

Michael-

From my remarks to the Planning Commission at the last meeting:

"The purpose of a PUD is to allow development of better projects. That meaning of "better" is not just for the developer but "better" for the immediate neighborhood and the larger community. The request before you allows the developers to get the economic benefits of an additional unit. As I see it, there isn't a benefit for the neighborhood or for the future owners of the condos for granting the reduction of the rear yard setback."

Different request, different part of the ordinance BUT "What is the benefit of granting the change in zoning to the immediate neighborhood and the larger community?"

If Planning is going to "spot zone" the RMU into existing RMF-30 and -35 areas, we will see the wholesale demolition of character-defining properties outside the City historic districts, especially in the Bryant and Central City areas where the RMF-30 and -35 are common. What keeps these building standing now is the fact that they have a nonconforming density. For example, I have 4, 5, and 6 units on parcels which would only allow 2 units in new construction. So of course an owner is going to keep the "excess" units.

This conversation about the parcel on South Temple could be approached much better from the standpoint of a density bonus in historic districts. I had planned to file that petition last summer and then took a detour through a bundle of vacancies. Clear to me that a density bonus would be a better way to go. Character-defining properties would not be threatened. Developers would receive a benefit for investing within historic districts.

If someone on the staff can articulate why this proposal on South Temple would be a good idea, please send him/her my way. The other aspect that I don't agree with is "dumping" the maxed-out design on the Landmarks Commission. I hammered that nail enough on the phone.

Thanks of course for calling me. Sincerely, cindy

Maloy, Michael

From: BILL PETERSON <[REDACTED]>
Sent: Monday, March 21, 2016 10:05 PM
To: Maloy, Michael
Subject: Re-Zoning request PLNPCM2015-00887
Attachments: Planning Commision.pages

Michael Maloy
Salt Lake City Planning

21 March 2016

Mr Maloy:

As a followup to our phone conversation, I am writing to voice my opposition to the proposed amendment to the Salt Lake City Master Plan and Zoning Map for the property located at 1117 E South Temple Street, case number PLNPCM2015-00887. I'm sorry I cannot attend the Planning Commission meeting, as I mentioned it was postponed into my Maui vacation.

My concerns are based on the following:

- **Density:** It is already zoned medium density RMF-35, which only pertains to half the block, which is an increase from the general zoning of SR1A which is predominant in the area. You have to go all the way to M street to find anything zoned RMF-45, and even that is out of character for the area. With the exception of a couple areas south of 100 South (in a different neighborhood) nothing to the east is zoned above RMF-35, and RMF-35 is only in a few selected locations. Increasing the zoning above RMR-35 would be out of character for the area, and is not appropriate.
- **Parking:** Already, this neighborhood has a parking problem, often, when we have visitors, finding a parking location close to our house is problematic. Because of this, we have already incurred 2 parking tickets, one for parking in front of our own driveway, and one for, in the citing officer's judgement, being too close to an unmarked crosswalk. Adding more families to this immediate area would only make the problem worse. While the proposed project may include underground parking, this doesn't address the visitor parking issue, and it creates it's own problems with pedestrian conflicts etc.
- **Community Character:** While this neighborhood is close to downtown, and does include an apartment building immediately to the west of the lot location, it is very much a residential neighborhood. Tightly packing in apartment buildings next to each other would be a move away from the ambiance that attracted many of us to the area to begin with.
- **Profit and Benefit:** The owner of the property located at 1117 E South Temple purchased that property knowing that it was zoned RMF-35. The property certainly was priced as such. Allowing the construction of a building with more units than presently allowed under current zoning would permit a windfall to one individual who in all likelihood would not even be living in the area, at the expense of all of us who own property in the immediate area.

Thank you very much for your help regarding this matter, and your willingness to hear and understand my concerns. I hope that the decision the Planning Commission makes regarding this request is based on what is most appropriate and beneficial to the majority of the current property owners in the area.

Thank you very much,

Bill & Ann Peterson
[REDACTED]

ATTACHMENT J: COMMUNITY COUNCIL COMMENTS



The Greater Avenues Community Council

PO Box 1679

Salt Lake City, UT 84110

www.slc-avenues.org

8 January 2016

Planning Division
Community and Economic Development
Salt Lake City Corporation

Attention: Mike Maloy, AICP

Re: PLNPCM2015-00808 and 00887 - Development at 1117 S. Temple

On January 6th 2016, Tariq Mughal presented an overview of the plans for an apartment building at 1117 S. Temple at the General Meeting of the Greater Avenues Community Council. This is in association with his request to re-zone the property to RMU-35 and change the Master Plan to allow higher density housing. Overall there was support for development of this property. However, there are a few concerns with the re-zoning that we would like to ensure are addressed. These are outlined below:

- 1) Zoning for Commercial activity – Re-zoning to RMU-35 would allow commercial activity on this property. This part of S. Temple is residential. The nearest commercial building is several blocks to the west. While the current plans do not include a commercial establishment, concerns were raised about the potential for future changes. We understand that Mr. Mughal has proposed a conditional zoning restriction which would prevent this from being commercial, but still allow him to develop his project. This would seem to alleviate the concerns.
- 2) Parking – Parking along S. Temple is non-existent, which causes residents of the neighboring apartments to park on the adjacent streets, further exacerbating the limited parking available there. The plans for this development show off-street parking which could help alleviate this situation, provided enough parking is supplied for the number and type of units. Note that if Commercial activity is allowed, the parking situation becomes more critical.
- 3) School Traffic – one new issue brought up at the meeting concerned the nearby Wasatch Elementary School, located at the corner of R Street and S. Temple, approx ½ block east of the proposed development. A new traffic light was recently installed at 1100 East, in response to safety concerns about children crossing S. Temple. This means that a considerable number of children using the new crosswalk will use the sidewalk in front of the development when walking to and from school. Assuming off-street parking as shown on the plans, special care will need to be taken when developing the driveway to ensure proper sight lines, signage, notices, etc. An additional 10-20 cars, using the driveway every morning at the same time that children are walking to school, could offset the safety gains from the new traffic light.
- 4) Design/Fit – Concerns were also raised about the design of the building itself. To the west is an older, large apartment building, to the east are predominately large, older homes, even if some have been subdivided into apartments. This project will be bridging between the two areas. The

design should reflect that location. We assume that these issues will be addressed during a review by the Historic Landmark Commission.

- 5) Other – Other issues, such as trash collection, were also raised, but are probably more appropriately handled at a detailed design phase.

We appreciate the opportunity to comment. Please contact me at gaccchair@slc-avenues.org with any questions.

Regards,

David H. Alderman

David H. Alderman

GACC Chair

ATTACHMENT K: MOTIONS

POTENTIAL MOTIONS FOR THE SALT LAKE CITY PLANNING COMMISSION

Staff Recommendation:

Based on the information contained within this staff report, and comments received, I move the Planning Commission forward a recommendation of approval to the City Council for the proposed master plan and zoning map amendments for property located at approximately 1117 E South Temple Street.

Not Consistent with Staff Recommendation:

Based on the information contained within this staff report, and comments received, I move the Planning Commission forward a recommendation of denial to the City Council for the proposed master plan and zoning map amendments for property located at approximately 1117 E South Temple Street.

Note:

If motion is to recommend denial, the Planning Commission shall make findings based on the Zoning Amendment standards and specifically state which standard or standards are not compliant. See Attachment G – [Analysis of Standards](#) for applicable standards.