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January 18, 2024

**Salt Lake City Planning Commission**

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Richard Tuttle, *D1 Planning Commissioner*  
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Carlos Santa-Rivera, *D3 Planning Commissioner*  
Bree Scheer, *D4 Planning Commissioner*  
Anaya Gayle, *D4 Planning Commissioner*  
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*Sent via Email (aubrey.clark@slcgov.com)*

**Re: Neighborhood Comments Petition: PLNPCM2020-00334/00335 –  
Capitol Park Cottages' Planned Development & Preliminary  
Subdivision Plat-675 N F Street-Ivory Homes**

Dear Commissioners,

This Firm represents the Preserve Our Avenues Zoning Coalition (“**Coalition**”), a recognized community organization, and respectfully submits these comments to the Salt Lake City Planning Commission (“**Planning Commission**”) on the Coalition’s behalf regarding the above-referenced land use Petition (“**Petition**”). The Coalition is comprised of citizens and residents of the Avenues, which includes the vast majority of the adjoining neighbors of the “**675 N F Street Lot**”,<sup>1</sup> including Meridien at Capitol Park Condominiums (“**Meridien**”).<sup>2</sup> The Coalition has many concerns regarding the potential impact of the dense and intense development

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<sup>1</sup> The 675 N F Street Lot is more specifically described as Salt Lake County Parcel No. 09-30-455-021-0000.

<sup>2</sup> Meridien is a condominium community located in the restored former VA hospital.



proposed in the Petition on the homes that surround the 675 N F Street Lot, Meridien, and the Avenues at large. Meridien is especially concerned about the Petition's proposed development's potential impact on Capitol Park Avenue ("**Capitol Park Ave**"). Capitol Park Ave is not a street or roadway but is a "private road or driveway" as it has never been accepted by Salt Lake City ("**City**") and is owned by Meridien.<sup>3</sup> As you may know, Meridien is located at 400 East Capitol Park Avenue, directly across from the 675 N F Street Lot's 3.2-acre parcel, which the Petition seeks to develop.

It is the Coalition's understanding that the Planning Commission will consider whether to "allow new lots without street frontage, reduced setbacks, and other necessary modifications to relevant zoning regulations."<sup>4</sup> The Planning Commission will also consider approving the Petition's Preliminary Plat during its upcoming January 24, 2024 meeting ("**Meeting**").<sup>5</sup> This letter will provide the many legal and planning reasons why the Planning Commission should vote to deny both the requested modifications and the Petitions' Preliminary Plat. More importantly, the Preliminary Plat cannot be approved under Utah Code Ann. § 10-9a-604.1(5). A vote to approve the Preliminary Plat would inevitably lead to an appeal to the City's appeal authority,<sup>6</sup> and if necessary, the Third District Court, as a result of the Petition's violations of City Code and Utah Law.

Due to both the close proximity of members of the Coalition to the 675 N F Street Lot and member Meridien's ownership and control of Capitol Park Ave, the Coalition and its members will suffer a different kind of injury separate from the general community due to its ownership of Capitol Park Ave and are therefore Adversely Affected Parties under Utah Code Ann. § 10-9a-103(2). As an Adversely Affected Party, the Coalition has standing to bring an appeal of any decision made by the Planning Commission to the City's appeal authority, and if necessary, to Utah's Third District Court.<sup>7</sup>

The Petition<sup>8</sup> by Ivory Development, LLC, a part of Ivory Homes, Ltd, ("**Ivory**"), one of Utah's largest and most powerful developers, to create a dense development including lots without street frontage, reduced setbacks, a narrow alley for access, only four spaces of street parking, and

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<sup>3</sup> City Code 12.04.350, states that a private road or driveway means "every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons."

<sup>4</sup> The Planning Commission's Meeting Agenda is attached as **Exhibit A**.

<sup>5</sup> See Ex. A.

<sup>6</sup> Pursuant to Utah Code Ann. § 10-9-701; City Code 21.A.06.040.

<sup>7</sup> See Utah Code Ann. § 10-9-701; Utah Code Ann. § 10-9a-801; Utah Code Ann. § 10-9a-802.

<sup>8</sup> A copy of the Petition that was submitted to the Planning Commission and made available for the public is attached as **Exhibit B**.



other so called “modifications” of the existing zoning violates Utah law and the City’s Municipal Ordinances and, if approved, will lead to future violations of Utah law and City Ordinance.

## **I. Background**

To fully understand the impact of the Petition’s proposed development, it is important to understand the history of the 675 N F Street Lot. When Ivory purchased the 675 N F Street Lot it was raw land without any approved development or entitlements in the already-developed upper Avenues and, consistent with much of the surrounding area, was zoned FR-3 for single family homes with a minimum lot size of 12,000 square feet. Almost immediately after purchasing the 675 N F Street Lot in 2020, Ivory began proposing dense and intense developments which are out of character with the surrounding Avenues neighborhood.

While an FR-3 subdivision of up to eleven (11) single family homes would have been quickly approved and accepted by the Coalition, Ivory wants much greater density and building intensity. The Petition demonstrates that even though Ivory successfully upzoned the 675 N F Street Lot, not even the new SR-1 zone’s greater density is enough for Ivory. Via a planned development application, Ivory asks for massive concessions on setbacks and building lot coverage to construct large, two-story homes that are twice the size of those common in the existing SR-1 Zone. The Petition asks for twenty-one large homes on shrunken lots with reduced setbacks, and it wishes to add an accessory dwelling unit (“ADU”) to each lot for a total of forty-two (42) dwellings, versus the original zone maximum of eleven (11) dwellings. Ivory’s combination of a rezone, a planned development, and a first of its kind subdivision of ADUs would allow a development with density and intensity completely out of scale with the neighborhood.

### **A. Capitol Park Ave and the Easement Agreement**

Meridien<sup>9</sup>, one of the members of the Coalition, owns the section of Capitol Park Ave located between Meridien and the 675 N F Street Lot. In 2014, the City declined to accept Capitol Park Ave as a City street<sup>10</sup> and so responsibility to maintain, repair, and control, the adjacent section of Capitol Park Ave rests with Meridien. Meridien and its predecessors have continually regulated Capitol Park Ave as a Private Road, as defined in City Code. The Preliminary Plat, submitted with the Petition, relies on this substandard private street as a required second access.<sup>11</sup>

The 675 N F Street Lot has only limited rights to use and no right to park on Capitol Park Ave. On October 12, 2001, Meridien’s predecessor in ownership, AHC, granted an easement, via a written agreement (“**Easement Agreement**”), to the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints (“**Church**”), a prior owner of the 675 N F Street Lot. The Easement Agreement allows only limited use and access to Capitol Park Ave from the 675 N F Street Lot and was granted to the Church for the purposes of a meetinghouse which the Church

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<sup>9</sup> Meridien is the successor to Avenue Heights Condominiums, LLC, (“**AHC**”).

<sup>10</sup> The City refused to accept Capitol Park Ave principally due to its substandard construction and insufficient width, which did not meet City standards.

<sup>11</sup> See Ex. B.



planned to build. This Easement Agreement was recorded as Entry No. 8923197 at Book 8923, Page 1596-1605 in the office of the Salt Lake County Recorder.<sup>12</sup> All successors are bound by the Easement Agreement, must abide by the limits it places on use of Capitol Park Ave, and cannot overburden the “**Easement.**”

In 1997, the Church first announced its plan to build a meeting house on the 675 N F Street Lot. Specifically, on May 12, 1997, a meeting was held with the City’s Board of Adjustment on Zoning, as the Church wanted the proposed meetinghouse and its fence to exceed the height limit of the 675 N F Street Lot’s applicable zoning.<sup>13</sup> The Church provided a conceptual site plan (“**Meetinghouse Site Plan**”) to demonstrate the curb cut, parking, and how the meetinghouse would generally be situated on the 675 N F Street Lot.<sup>14</sup>

To facilitate the Church’s plan of building a meetinghouse, AHC entered into the Easement Agreement on October 12, 2001. The planned meetinghouse on the 675 N F Street Lot was frequently talked about in Greater Avenues Community Council Meetings up until August 14, 2002. However, the meetinghouse was never constructed and, subsequently in 2020, the Church sold the 675 N F Street Lot to Ivory.

#### B. Ivory’s Prior Development Plans for 675 N F Street Lot

When Ivory submitted its first concept plan for 675 N F Street Lot, on or around April 2020, Meridien noticed immediately that under the proposed plan, the Easement would be overburdened, and the Easement Agreement violated. Meridien immediately contacted Ivory in an attempt to discuss its plans for 675 N F Street Lot. However, Ivory refused to acknowledge any of Meridien’s concerns, instead informing Meridien residents that their opinions were of no importance and that Ivory could do anything they wanted to. Meridien then started its grassroots campaign to work with other residents of the Avenues and the Coalition to help preserve the historic Avenues neighborhood and to hopefully ensure that Ivory does not cut corners, sidestep Utah law, and create a development that will create legal issues between all parties, including the City.

Since 2020, Ivory’s various plans for 675 N F Street Lot have uniformly proposed an extremely dense and high intensity development cramming as many large multi-story units as possible into the 675 N F Street Lot’s small 3.2 acre parcel. While Ivory has met with the Coalition and Meridien at various times since 2020, these meetings have not been collaborative. Instead, they have provided Ivory with opportunities to demonstrate its intent to plow ahead regardless of the impacts on the Coalition, Meridien, Capitol Park Ave, and the Avenues community.

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<sup>12</sup> A copy of the Easement Agreement is attached as **Exhibit C**.

<sup>13</sup> A copy of the Notice of Board of Adjustment on Zoning Meeting attached as **Exhibit D**. The Church also provided elevation plans of how the meetinghouse would sit on the 675 N F Street Lot. Additionally, a copy of the Elevation Plan for the Church’s Meetinghouse is attached as **Exhibit E**.

<sup>14</sup> A copy of the Meetinghouse Site Plan attached as **Exhibit F**.



## II. Basic Information from the Petition

### A. The High Density and High Intensity Forty-Two (42) Units Development

The plans in the Petition seek approval of twenty-one (21) multi-story dwellings with each primary dwelling having an ADU.<sup>15</sup> Because each residence has an ADU, there will be a total of forty-two (42) dwellings crammed into the 675 N F Street Lot. Nearly four times the original eleven (11) dwellings. Even without the ADUs, the proposed density is 6.56 units per acre. With the ADUs, the density is 13.125 units per acre. While Ivory argues that theoretically 675 N F Street Lot could support more lots than the twenty-one (21) lots, when considering the additional persons, cars, and traffic, with the twenty-one (21) ADUs, this development, if approved, will be far denser and much more intense than the surrounding Avenues areas.

The Coalition has prepared the attached Density/Intensity Analysis as **Exhibit G** that examines the ten (10) blocks closest to the 675 N F Street Lot. As shown in Ex. G, the proposed forty-one (41) dwellings is triple the average in this area. Even if you do not count the ADUs, the proposed development is fifty percent (50%) denser than the surrounding area. All of the other metrics in Density/Intensity Analysis, number of multi-story buildings, above grade square footage of buildings, setbacks, etc., show a density and development intensity of up to three-and-a-half times the area. The high development intensity of the 675 N F Street Lot is unlike the established neighborhood in the Avenues and violates City Code.<sup>16</sup>

### B. The Planning Commission Cannot Waive All Requirements of the SR-1 Zone

While the Planning Commission may waive some of the conditions of the SR-1 Zone it cannot waive all requirements. Waivers are limited to the limited flexibility granted in City Code 21A.55.020 and where explicitly prohibited in the SR-1 district ordinance. As explained below, the Petition is in violation of height, parking, and density that cannot be waived even in a planned development SR-1 Zone.

### C. 675 N F Street Lot Only has Public Access from F Street

The 675 N F Street Lot is surrounded by private property on three of its four sides.<sup>17</sup> To the north of 675 N F Street Lot is the private Northpoint Estates. Northpoint Estates has a private road that is gated at F street (“**Northpoint Road**”). Northpoint Road is gated and controlled by the Northpoint Estates’ Homeowners Association and is unavailable to the development. The current plan does not and cannot include road access using Northpoint Road but does have seven (7) homes facing Northpoint Road. This creates a false impression of additional access when none exists.

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<sup>15</sup> See Ex. B.

<sup>16</sup> See Ex. G.

<sup>17</sup> A map demonstrating ownership around the 675 N F Street Lot is attached as **Exhibit H**.



The only public access to 675 N F Street Lot is to F street. Through F Street, Ivory proposes one of its two access points to 675 N F Street Lot. To the west of 675 N F Street Lot are backyards of three private lots that provide no access. South of 675 N F Street Lot is Capitol Park Ave, which as described above, is privately owned by Meridien. Out of the twenty-one (21) lots, nine (9) lots face Capitol Park Ave.<sup>18</sup>

Capitol Park Avenue is posted as a no parking zone and any parking or idling in front of the nine (9) lots on Capitol Park Ave is prohibited. There is also no parking allowed on either side of Capitol Park Ave, so Ivory residents, visitors, and others, may not park on it. Pursuant to City Code, Meridien remains in control of its private Capitol Park Ave and has the authority to regulate it. However, the lack of parking within the development will undoubtedly cause illegal parking on Capitol Park Ave, creating a source of continual conflict and tension.

#### D. The Petition Does Not Provide for Parking or Snow Storage

The only garage access for all of the twenty-one (21) lots and forty-two (42) units is through a narrow alley that is only twenty (20) feet in width that goes through 675 N, entering on F Street and exiting on Capitol Park Ave.<sup>19</sup> This narrow alley, with driveways every few feet, will not provide for any parking and Ivory provides only four (4) guest parking spots, or 0.19 guest parking spaces per unit. If the ADUs are counted, this parking ratio drops to 0.095 guest parking spaces per unit. Also, all four (4) of the guest parking spots are located together in one corner of the development. Clearly, four (4) guest parking spots is insufficient to meet the needs of a forty-two (42) unit development. As this is not a walkable community the result will be constant illegal parking on Capitol Park Ave and congestion on F Street, on which vehicles will be fully parked on both sides of the street. Even worse, the only parking for each unit is the unit's garage and the driveway leading to the garage. This awkward two-deep parking arrangement will require constant shuttling of cars, blocking Ivory's alley and causing unsafe conditions. There is no nearby street parking, except for extremely limited parallel parking on F street.<sup>20</sup> While some developments are near public transit or have shopping and other commonly used services within walking distance, 675 N F Street Lot has neither. Every trip to the nearest grocery store, dry cleaner, coffee shop, or pharmacy will require an automobile.

The only parking provided for the ADU residents is on narrow driveways shared with the primary residence, another recipe for continual parking conflicts. A driveway is not a parking stall, and this highly inconvenient arrangement will lead to extensive, high-polluting shuttling and excessive street parking as well as illegal parking on Capitol Park Ave. Additionally, the narrow 20-foot-wide alley going through 675 N F Street Lot does not provide sufficient space for snow storage, if any space for snow storage at all. This will inevitably lead to large amounts of snow build up in the alley making it nearly, if not completely, impossible to traverse.

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<sup>18</sup> See Ex. B, page 24 (Ivory Capitol Park Architecture Exhibit - Site Plan & Program).

<sup>19</sup> City Code 12.04.030 states that an "Alley" means a public way within a block primarily intended for service and access to abutting property by vehicles and not designed for general travel.

<sup>20</sup> See Ex. H; Ex. B, page 24 (Ivory Capitol Park Architecture Exhibit - Site Plan & Program).



### III. The Petition is in Violation of Utah Law and City Code

The Planning Commission must reject the Petition due to the following issues that have not been adequately addressed: (A) The Petition misapplies City Code 21A.24.080(D)(3)(c)(a); (B) The Petition is not a compatible land use and violates the SR-1 Zone; (C) the Petition overburdens the Easement on Capitol Park Ave in violation of Utah law; (D) the Petition's failure to provide sufficient parking will inevitably violate the Easement Agreement; (E) the Petition does not account for snow storage that will inevitably lead to a violation of City Code; and (F) the instant mass creation of ADUs is a violation of due process.

#### A. The Petition Misapplies City Code 21A.24.080(D)(3)(c)

The Petition incorrectly applies the “**Cross Slopes**” exception clause in City Code 21A.24.080(D)(3)(c)(1) to all of the exterior walls in the development and must be rejected by the Planning Commission on this basis alone. City Code 21A.24.080(D)(3)(c) allows for additional height for the downhill wall where there are Cross Slopes. In its Building Heights Exhibit, Ivory has misapplied this exception to all of the walls, including the uphill wall.

City Code 21A.24.080(D)(3)(c)(1) states:

“Cross Slopes: For lots with cross slopes where the topography slopes, the **downhill exterior wall** height may be increased by one-half foot (0.5') for each one foot (1') difference between the elevation of the average grades on the uphill and downhill faces of the building.” (emphasis added.)

Analyzing the Building Height Exhibit in the Petition it is clear that it misapplied City Code 21A.24.080(D)(3)(c)(1). For example, Lots 1 & 2 have the following calculations:

Base Max Wall Height: 20 Feet  
Reduction due to Setback: 5 Feet  
Increase due to Grade: 6 feet 4 inches.<sup>21</sup>

While this calculation would give an updated maximum wall height of twenty-one (21) feet, four (4) inches, this would be only for the downhill and not for the uphill exterior wall. The Petition applies the Cross Slopes adjustment to the uphill exterior wall in violation of City Code 21A.24.080(D)(3)(c)(1), a condition that the Planning Commission cannot waive.<sup>22</sup>

The base wall height allowed for the SR-1 Zone is twenty (20) feet, but this is reduced by a reduction to the lots' setbacks. The Petition has reduced the side yard by five (5) feet, which allows a maximum height of fifteen (15) feet. The Petition shows an uphill exterior wall height of seventeen (17) feet, four inches, which is in excess of the maximum fifteen (15) feet. Because City

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<sup>21</sup> See Ex. B, page 4 (Ivory Capitol Park Building Height Exhibit – Lots 1 & 2).

<sup>22</sup> See City Code 21A.55.020(C).



Code 21A.24.080(D)(3)(c) only allows the increase in height for downhill exterior walls and not uphill exterior walls, the wall heights in the Petition exceed maximums of City Code.

Also, the language in City Code 21A.24.080(D)(3)(c) is such that the Planning Commission cannot grant additional wall height via a planned development application. This clause includes the following statement:

“If an exterior wall is approved with a reduced setback through a special exception, variance **or other process**, the maximum allowable wall height decreases by one foot (1’) (or fraction thereof) for each foot (or fraction thereof) that the wall is located closer to the property line than the required side yard setback.” (Emphasis added.)

The inclusion of the term “any other process” includes a planned development and prohibits the Planning Commission from overriding this provision. The Planning Division and the City land use attorney have agreed to this interpretation.

Based on the error in the Petition, not just Lots 1 & 2, but every single lot in the Petition of the twenty-one (21) lots would violate 21A.24.080(D)(3)(c)(1) that the Planning Commission cannot waive.<sup>23</sup> For this reason alone, the Planning Commission must deny the Petition and Preliminary Plat in violation of Utah law.

**B. The Petition is not a Compatible Land Use and Violates the SR-1 Zone**

The Petition is not a compatible land use for the Avenues given its high development intensity of forty-two (42) units, traffic generation, lack of parking, and other issues. Analyzing City Code 21A.62.040 proves this. Specifically, it states:

**COMPATIBLE LAND USE: A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings.** (emphasis added.)

Ivory attempts to argue that Meridien and other neighbors are dense developments, but this is an apples-to-oranges comparison. The Meridien’s density is half that of Ivory’s and, unlike the Petition, Meridien has ample parking for its guests and residents. The Meridien also has generous, heavily landscaped setbacks that exceed requirements and as a listed historical building, is considered an asset to the community. On the other hand, the Petition is an extremely dense, high intensity proposal that will greatly adversely affect all of its neighbors given its lack of essential services for the 675 N F Street Lot and is not a compatible land use.

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<sup>23</sup> See City Code 21A.55.020(C); Ex. B, pages 4 to 17 (Ivory Capitol Park Building Height Exhibit Lots 1 to 21.)



The Coalition has analyzed the nearest ten (10) blocks that have an SR-1 Zone in order to demonstrate that the Petition's forty-two (42) units are significantly more intense and denser than other SR-1 Zone areas.<sup>24</sup> Meridien's analysis of the nearest ten (10) blocks demonstrates that the development proposed in the Petition is three (3) times as dense as the nearest ten blocks, has four (4) times more two (2) story buildings, setbacks are much smaller, and building lot coverage is sixty percent (60%) more than the surrounding SR-1 Zone.<sup>25</sup> Ivory's proposed development does not meet the requirement defined in 21A.62.040 for Compatible Land Use that requires new development to be "*consistent with and similar to neighboring uses.*"

Moreover, the Petition's forty-two (42) units violates the goals and purposes of the SR-1 Zone due to its high intensity. According to City Code 21A-24.080, "[u]ses are intended to be compatible with the existing scale and intensity of the neighborhood" and "promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood." As explained in above paragraph, the development proposed in the Petition does not match the existing scale of the Avenues. Further, its highly dense and intense units will not preserve the existing character of the Avenues.

C. The Petition Overburdens the Easement on Capitol Park Ave in Violation of Utah law

The Petition overburdens Capitol Park Ave, as it will bring a sharp increase of traffic due to the forty-two (42) proposed units on the 675 N F Street Lot, being entirely different to what was originally anticipated when the easement was granted for a meetinghouse, which would have entailed principally Sunday Only traffic and not 24/7 usage by a dense and congested development. Due to the paucity of mass transit, and distance to shopping and other daily services, this location is mostly dependent on automobiles for transportation. Meridien is rightly concerned about the increase of traffic on Capitol Park Ave due to the increase in volume and character of traffic to and from Ivory's development on the 675 N F Street Lot. The sharp increase in the use of Capitol Park Ave will result in an illegal overburdening of it.

The City has stated that overburdening of the Easement Agreement is a private matter between Meridien and Ivory. This is incorrect. The City has the burden of enquiry and completeness with regard to the application as required by City Code 20.04.080.<sup>26</sup> Additionally, Ivory has the burden of proof to prove that it has proper access over the Capitol Park Ave and will not overburden it. This is not something that the Coalition or Meridien must prove. Further, by approving the Petition, the City would be authorizing Ivory to overburden the Easement

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<sup>24</sup> See Ex. G.

<sup>25</sup> See Ex. G.

<sup>26</sup> Salt Lake City Municipal Ordinance 20.04.080 states that the Planning Commission shall "[m]ake investigations and reports on proposed subdivisions and in cases of subdivision amendments involving streets per chapter 20.28, article III of this title make recommendations to the city council as to their conformance to the master plan, zoning ordinances of the city, and other pertinent documents."



Agreement and Ivory's private conduct would become state action.<sup>27</sup> The City's action of approving the alley that goes into Capitol Park Ave would be a direct involvement in encouraging Ivory's overburdening. Because of the City's in-depth involvement of the land use process for the 675 N F Street Lot, Ivory's use of the Capitol Park Ave would be a state action that would be considered a taking of Capitol Park Ave, a clear due process violation.<sup>28</sup>

Overburdening an easement occurs when the dominant estate "substantially increases use of the servient estate beyond that contemplated by the parties at the time of the grant."<sup>29</sup> The Easement Agreement anticipated Sunday church meetings and the church being used for occasional activities throughout the week. There was no intent of having constant traffic due to forty-two (42) units with residents, service vehicles, guests, and visitors to and from 675 N F Street Lot. The intent of the Easement Agreement was never for forty-two (42) units on the 675 N F Street Lot. The Petition explains a development that will use Capitol Park Ave that was not contemplated when the Easement Agreement was entered into.<sup>30</sup>

When construing easements, "[it] is elementary that the use of an easement must be as reasonable and as little burdensome to the servient estate as the nature of the easement and its purpose will permit."<sup>31</sup> Further, "language of the grant is the measure and extent of the right created; and that the easement should be so construed as to burden the servient estate only to the degree necessary to satisfy the purpose described in the grant."<sup>32</sup> Utah law also "looks to the language of the grant, the circumstances attending the transaction, the situation of the parties, the state of the thing granted."<sup>33</sup> Additionally, Utah Courts have adopted a general rule that broad interpretations of express easements are rejected when they impermissibly expand the burden on the servient estate that is not necessary to satisfy the purpose described in the granting of the easement.<sup>34</sup>

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<sup>27</sup> *Orem City v. Santos*, 2013 UT App 155, ¶ 8, 304 P.3d 883, 885 "[t]he government must be involved either directly as a participant or indirectly as an encourager of the private citizen's actions before we deem the citizen to be an instrument of the state."

<sup>28</sup> *See Gray v. Dep't of Emp. Sec.*, 681 P.2d 807, 816 (Utah 1984); *Mathews v. Eldridge*, 424 U.S. 319, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976).

<sup>29</sup> *Lutheran High Sch. Ass'n of the Greater Salt Lake Area v. Woodlands III Holdings, LLC*, 2003 UT App 403, ¶ 15, 81 P.3d 792, 796.

<sup>30</sup> *See id.*

<sup>31</sup> *SRB Inv. Co., Ltd v. Spencer*, 2020 UT 23, ¶ 11, 463 P.3d 654, 657.

<sup>32</sup> *Lutheran High Sch. Ass'n of the Greater Salt Lake Area v. Woodlands III Holdings, LLC*, 2003 UT App 403, ¶ 10, 81 P.3d 792, 795

<sup>33</sup> *See id.* ¶ 15, 796.

<sup>34</sup> *See Wellberg Invs., LLC v. Greener Hills Subdivision*, 2014 UT App 222, ¶¶ 10-11, 336 P.3d 61, 64.



The Utah Supreme Court has explained that holding an easement does not include an unlimited right to use that easement. In *SRB Inv. Co., Ltd v. Spencer*,<sup>35</sup> it explained, “[e]ven though courts will almost always consider the physical dimensions of the land used, as well as the frequency and intensity of that use, the ‘ultimate criterion’ in determining the scope of a prescriptive easement is that of avoiding increased burdens on the servient estate. So courts should consider any and all factors that may contribute to that burden.”<sup>36</sup>

When examining all the factors relating to the past use, the above explained intention of the Easement Agreement, and future use of the Easement Agreement, it is clear that the Petition will overburden the Easement. The historical use of the Easement Agreement has been non-existent as there is no development or current use of the 675 N F Street Lot. The development in the Petition would create excess traffic, parking, use, and other issues for Capitol Park Ave. In fact, this use of Capitol Park Ave would be taking Meridien’s private property for Ivory’s private use, without just compensation, in violation of the U.S. Constitution, Amendment V, and the Utah Constitution, Article 1 Section 22.

Moreover, Utah Courts have ruled in a similar situation to this that the “division of the entire dominant estate into several lots, with the expectation that each portion would obtain a right of way over the servient tenement, could not be a use contemplated by the parties at the time of the grant and reservation. Hence, there was no error in denying Christensen a direct right of way over plaintiffs’ land.”<sup>37</sup> Ivory will overburden Capitol Park Ave and the Planning Commission cannot rely on the Easement Agreement to apply to every single owner, guest, renter, etc., of the forty-two (42) units.

D. The Petition’s Failure to Provide Sufficient Parking Will Inevitably Violate the Easement Agreement

Residents, service providers, delivery vehicles and visitors to 675 N F Street Lot will not be able to park on Capitol Park Ave as parking is prohibited, and the Easement Agreement does not allow for parking. Ivory does not provide sufficient internal parking to its proposed development to accommodate the traffic generated from forty-two (42) households, and despite signage and notification, as one of the closest streets, illegal parking will inevitably occur on Capitol Park Avenue.

*1. The Easement Agreement Does not Authorize Parking on Capitol Park Ave.*

A plain reading of the Easement Agreement demonstrates that vehicular ingress to and egress from the 675 N F Street Lot does not include parking on Capitol Park Ave. The Easement Agreement only allows for “pedestrian and vehicular ingress to and egress from the CPB [Church] property [675 N F Street Lot].” See Ex. A. Black’s Law Dictionary defines ingress as “the right or ability to enter; access.” *Black’s Law Dictionary* 786 (Deluxe 7th ed. 1999), Black’s

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<sup>35</sup> *SRB Inv. Co., Ltd v. Spencer* 2020 UT 23, ¶ 22, 463 P.3d 654, 660.

<sup>36</sup> *Id.* at ¶ 22, 660.

<sup>37</sup> *Wood v. Ashby*, 122 Utah 580, 587, 253 P.2d 351, 354 (1952).



Law Dictionary defines egress as “the act of going out or leaving; the right or ability to leave; a way of exit.” *Black’s Law Dictionary* 534 (Deluxe 7th ed. 1999).

Utah courts have explained that ingress and egress does not include parking. In *Judd v. Bowen*, 2017 UT App 56, 397 P.3d 686, the court stated that the parking right sought “resembles occupation and possession” as it allowed the one party “to physically exclude and prevent the Bowens (the other party) from using a portion of their property for the indeterminate time.” *Id.* at ¶ 49, 702. The *Judd* Court held that parking was not included in the easement. *See generally id.*

In fact, parking has only been allowed on an easement when there is already a history of parking use. *See e.g., Bridge BLOQ NAC LLC v. Sorf*, 2019 UT App 132 ¶ 33, 447 P.3d 1278, 1284. There is no history of parking on 675 N F Street Lot, as it has been vacant for years, There is also no history at all of parking on Capitol Park Ave. *See id.*

## *2. The Petition will Inevitably Lead to Illegal Parking on Capitol Park Ave*

Capitol Park Ave is not capable of facilitating the increased burdens that the Ivory Concept Plan would bring. Specifically, service vehicles, guests, and visitors to the dwellings are likely to overflow the minimal parking within in the 675 N F Street Lot, causing unauthorized parking on Capitol Park Ave and even in Meridien’s parking lot. This, in turn, will prevent vehicles from safely driving on Capitol Park Ave by narrowing the traffic lanes and blocking visibility.

As a privately owned road, Meridien will not tolerate any parking for the many service vehicles, guests, and visitors of the planned forty-two (42) units built within the confined 675 N F Street Lot. *See Ex. E.* Any parking on the Easement Agreement will be a violation of Utah law and will cause further problems between Meridien and the eventual owners and renters of the forty-two (42) units.

### E. The Petition does not provide adequate Snow Storage that will Inevitably Lead to a Violation of City Code

As was demonstrated during the winter of 2022-2023, a lot of snow can and will fall and accumulate in the City, with even greater snow depths in the foothills and upper Avenues area. The Petition fails to provide any snow storage for the narrow twenty (20)-foot alley that runs through the 675 N F Street Lot. The private snowplows used to remove snow will inevitably push snow onto Capitol Park Ave, which is a use not permitted by the Easement. Also, City Code 14.20.080 (Obstructing Right of Way With Snow Prohibited) states the following, which will prevent snow being pushed onto F Street:

“It is unlawful to place snow removed from private property in the public way. It is unlawful to place snow removed from sidewalks, drive approaches or other public places in a manner so as to cause a hazard to vehicular or pedestrian traffic.”

The Petition, in its current form, will force 675 N F Street Lot to violate this provision of City Code. Snow would, by necessity, be pushed out from the development onto Capitol Park Ave or F Street. The Petition has many wide driveways and a very narrow interior alley. There is



insufficient area to store snow on the lots with minimal space between buildings and minimal green space. This past winter was a harsh reminder of the necessity of snow storage, especially in the Avenues, where inadequacy of snow storage resulted in accidents and other safety hazards for both pedestrians and drivers. As you know, the upper Avenues have more snow than the valley floor, which requires additional storage space. The Petition simply does not provide adequate space for snow storage on the 675 N F Street Lot, which will result in issues for all. More than just an aesthetic concern, this is a legitimate safety concern as the alley that runs through 675 N F Street Lot will cause the alley to be less than twenty (20) feet wide, in violation of International Fire Code at 503.2.1. Snow build up could easily make it difficult for law enforcement, ambulances, fire trucks, and even the residents themselves from accessing the alley.

Further, the Easement Agreement does not allow for storage of snow from the 675 N F Street Lot on Capitol Park Ave. The Meetinghouse Site Plan, with its ample parking provisions, would have easily been able to store the inevitable winter snows.<sup>38</sup>

#### F. A Subdivision of ADUs is a Violation of Due Process

There is no question that Utah is in the midst of an affordable housing crisis. However, the Preliminary Plat included in the Petition, which is on the Agenda for approval during the January 24, 2024 Planning Commission Meeting, includes mass creation of ADUs for each of the twenty-one (21) lots not contemplated by the City Ordinances or Utah law. Up until this Petition, ADU creation has been one-at-a time and only here-and-there. In fact, there are only four ADUs in the entirety of the Avenues. Ivory is proposing to create a subdivision of ADUs where every unit in the development has an ADU, in what they have described as “an experiment” and “the first of its kind in Utah.” A subdivision of ADUs, where every unit has a pre-built ADU, is a totally different animal that is not considered anywhere in City Code. Ivory’s application, strangely supported by the Planning Division, is a back door effort to create a precedent for a subdivision of ADUs without due process in violation of law. Code § 21A.50 prescribes the required process for adoption of new land uses which includes a draft proposal, a forty-five (45) day period for public comment, a review and recommendation by the Planning Commission, and a further review and decision by the City Council. This process has not been followed.

If the Planning Commission approves the Petition with the ADUs without having proper authorization to create a mass ADU project, it will be illegally making a legislative, not administrative, decision, in violation of Utah Code Ann. § 10-9a-501(1), which allows only a legislative body to enact ordinances. There is no ordinance in City Code that allows the Planning Commission to approve a preliminary plat with a subdivision of ADUs, and it has no authority to do so. Ivory’s subdivision of ADUs has not gone through the proper process, and the Petition being approved without proper regulation will be a violation of due process.

#### **Conclusion**

The Petition has serious flaws that violate both Utah law and City Code and therefore must be denied for this reason. Meridien, as the neighbor to 675 N F Street Lot and the owner of Capitol

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<sup>38</sup> See Ex. D.



Park Ave, is an affected party that will be greatly injured if the Planning Commission allows the Petition to move forward. The Planning Commission must protect Meridien, the Avenues, and City at large, must enforce Utah law and City Code, and not allow Ivory to sidestep applicable law.

Please feel free to contact us if you have any questions, or to schedule a meeting to discuss the issues raised in this letter.

Sincerely yours,  
**SMITH HARTVIGSEN, PLLC**



J. Craig Smith  
Ethan M. Smith

Cc: The Coalition  
c/o Peter Wright  
(Sent via Email: [REDACTED])

Jan McKinnon  
President The Meridien HOA  
(Sent via Email: [REDACTED])

Katherine Lewis  
City Attorney at Salt Lake City Corporation  
(Sent via Email: [Katherine.Lewis@slcgov.com](mailto:Katherine.Lewis@slcgov.com))

Katherine Pasker  
Senior City Attorney at Salt Lake City Corporation  
(Sent via Email: [Katherine.Pasker@slcgov.com](mailto:Katherine.Pasker@slcgov.com))

Nick Norris  
Planning Director at Salt Lake City Corporation  
(Sent via Email: [Nick.Norris@slcgov.com](mailto:Nick.Norris@slcgov.com))

Aaron Barlow  
Principal Planner at Salt Lake City Corporation  
(Sent via Email: [Aaron.Barlow@slcgov.com](mailto:Aaron.Barlow@slcgov.com))

Chris Wharton  
Salt Lake City Council, District 3  
(sent via Email: [Chris.Wharton@slcgov.com](mailto:Chris.Wharton@slcgov.com))



# **EXHIBIT A**

## **Planning Commission Agenda**



**SALT LAKE CITY PLANNING DIVISION  
PLANNING COMMISSION MEETING AGENDA  
January 24, 2024, at 5:30 pm  
City & County Building  
451 South State Street, Room 326  
Salt Lake City, Utah 84111**

*(The order of the items may change at the Commission's discretion)*

**This meeting will be held in person at the City & County Building.** If you are interested in watching the Planning Commission meeting it will be available on the following platforms:

- YouTube: [www.youtube.com/slclivemeetings](http://www.youtube.com/slclivemeetings)
- SLCtv Channel 17 Live: [www.slctv.com/livestream/SLCtv-Live/2](http://www.slctv.com/livestream/SLCtv-Live/2)

If you are unable to attend in person but would like to submit comments regarding an item on the agenda, please email your comments to the staff contact listed for each item or provide general comments to [planning.comments@slcgov.com](mailto:planning.comments@slcgov.com).

**DINNER** - Dinner will be served to the Planning Commissioners and Staff at 5:00 pm in room 326 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 THE MEETING MINUTES**  
**REPORT OF THE CHAIR AND VICE-CHAIR**  
**REPORT OF THE DIRECTOR**

**OPEN FORUM** - The Commissioners may discuss planning, zoning, and general land use items that are not listed on the agenda. This discussion will be limited to no more than 10 minutes. There is no public discussion associated with this item.

**REGULAR AGENDA**

1. **Capitol Park Cottages Planned Development and Preliminary Subdivision Plat at Approximately 675 N F Street** - Peter Gamvroulas, representing Ivory Development, LLC, is requesting approval from the City to develop a 21-unit development consisting of a mix of single-family and two-family houses served by a proposed private street at the above listed address. Currently, the subject property consists of undeveloped open space.

**A. Planned Development:** Planned Development approval is required to allow new lots without street frontage, reduced setbacks, and other necessary modifications to relevant zoning regulations. **Case Number: PLNPCM2021-00656**

**B. Preliminary Subdivision Plat:** Preliminary Plat approval is also required prior to the establishment of the Capitol Park Cottages Subdivision and its associated lots as proposed by the Planned Development application. **Case Number: PLNSUB2021-01175**

The subject property is located within Council District 3, represented by Chris Wharton. (Staff Contact: Aaron Barlow at 801-535-6182 or [aaron.barlow@slcgov.com](mailto:aaron.barlow@slcgov.com))



2. **The Chicago Rooftop Patio Planned Development at Approximately 27-45 N Chicago Street** - Derek Christensen, representing the property owner, is requesting Planned Development approval for five additional feet of building height to add an occupiable roof to the top of a proposed 120-unit, six-story apartment building at the above-listed addresses. Total height will be 65 feet. The subject property is within Council District 2, represented by Alejandro Puy. (Staff contact: Michael McNamee at 801-535-7226 or michael.mcnamee@slcgov.com) **Case Number: PLNPCM2023-00791**
3. **Liberty Corner Design Review at Approximately 1265 S 300 West** - Chris Zarek of Cowboy Partners is requesting Design Review approval for Liberty Corner, a proposed multifamily residential building at the above-listed address. The site consists of six parcels totaling approximately 89,305 sq. ft./2.05 acres. Design Review approval is requested for additional building height up to a maximum of 85 feet and an increase in the maximum front yard setback on 1300 South to a maximum of 16 feet. The subject property is in the CG (General Commercial) zoning district. The proposed building is 7 stories tall and includes 200 two- to four-bedroom units (with average rents at 60% area median income, serving families ranging from 25% to 80% area median income), 269 parking spaces, and a first-floor daycare. The property is located within Council District 5, represented by Darin Mano. (Staff Contact: Sara Javoronok at 801-535-7625 or sara.javoronok@slcgov.com) **Case Number: PLNPCM2023-00952**
4. **Rowland Hall - St. Mark's Design Review at Approximately 1481 E. Sunnyside Avenue** - Doug Speckhard, representing Rowland Hall-St. Mark's School, is requesting approval for a building height increase to 60' under the Design Review process to build a Middle and Upper School building on the northern portion of their property. The northern part of the property is zoned "I" (Institutional) District; this is where the development is proposed. The southern part of the property, along Sunnyside Avenue, is zoned OS (Open Space) and will remain as is. The subject property is within Council District 6, represented by Dan Dugan. (Staff Contact: Diana Martinez at 801-535-7215 or diana.martinez@slcgov.com) **Case Number: PLNPCM2023-00836**
5. **MU-8 Sign Regulations Text Amendment** – Mayor Erin Mendenhall has initiated a petition to amend sections of the Salt Lake City Zoning Ordinance relating to the proposed MU-8 Form Based Mixed Use Subdistrict 8. Specifically, amendments to chapter 21A.46 Signs, which addresses sign regulations in each zoning district. The proposed amendments are intended to establish sign regulations for the proposed MU-8 zoning district. (Staff Contact: Brooke Olson at 801-535-7118 or brooke.olson@slcgov.com) **Case Number: PLNPCM2023-00959**
6. **Building Code Administration and Enforcement Text Amendment** - Salt Lake City Council has requested to amend Title 18, specifically updating regulations related to the administration of building codes. The proposed amendment updates references to state adopted code, modify building code enforcement appeal process, add and increase building enforcement fines and penalties to match zoning enforcement and cost of operations. The proposed changes will affect Chapters 18.24, 18.48 and 18.50 and related provisions of Title 18-Buildings and Construction. (Staff Contact: Craig Weinheimer at 801-535-6682 or craig.weinheimer@slcgov.com) **Case number PLNPCM2023-00868**

*For Planning Commission agendas, staff reports, and minutes, visit the Planning Division's website at [slc.gov/planning/public-meetings](http://slc.gov/planning/public-meetings). 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.*



# **EXHIBIT B**

## **Petition**



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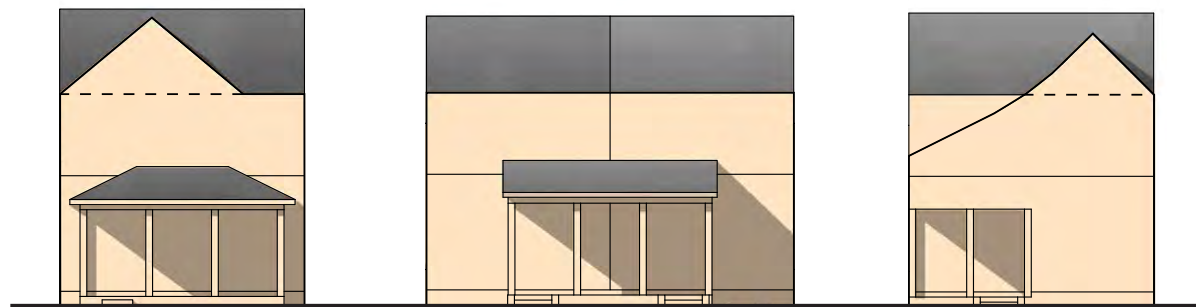
December 2023



# **BUILDING HEIGHT EXHIBIT**

## **CAPITOL PARK COTTAGES**

*Salt Lake City, Utah*



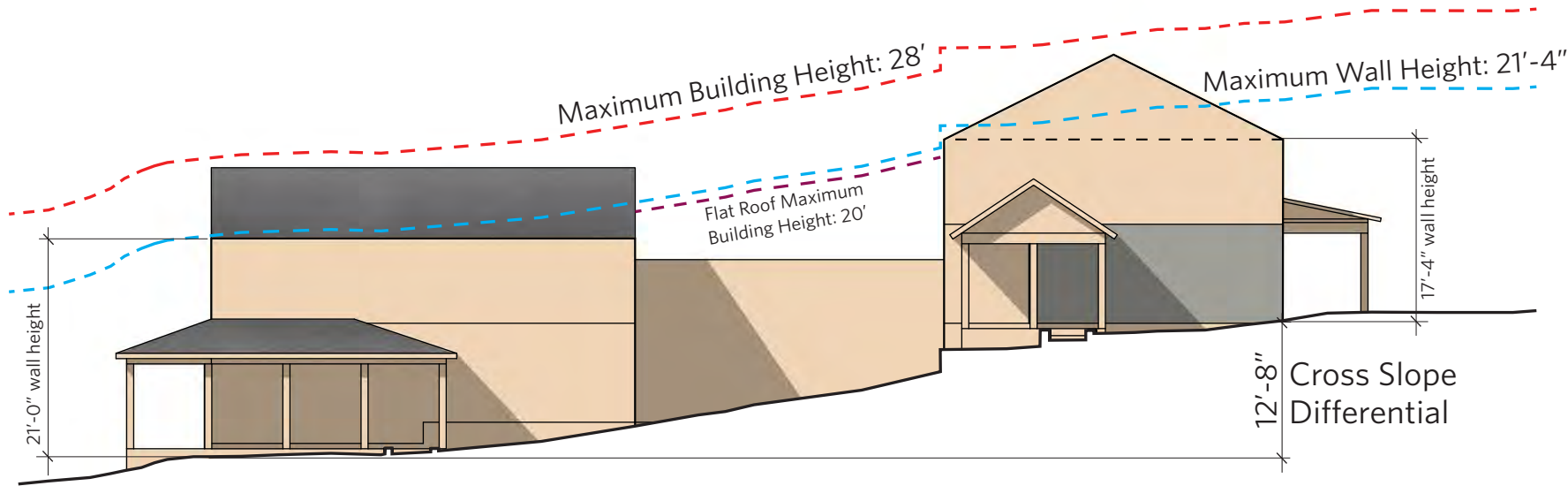


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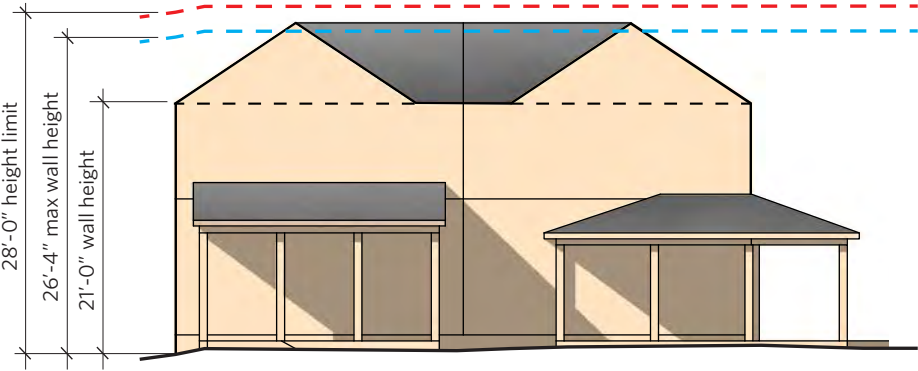
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Reduction due to setback*	5'
Increase due to grade**	6'-4"

Updated max wall height	21'-4"
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\* Wall height reduction of 1'-0" For every 1'-0" reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.  
\*\* Wall height increase of 0.5' for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).



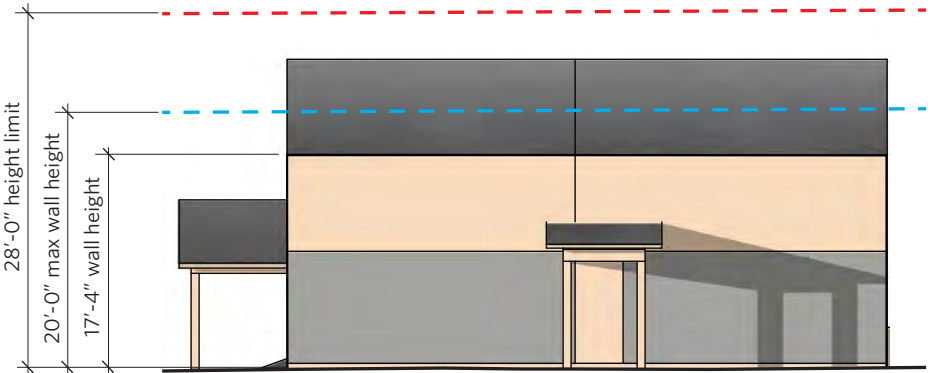
DOWNHILL ELEVATION



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Increase due to grade	6'-4"

Updated max wall height	26'-4"
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UPHILL ELEVATION



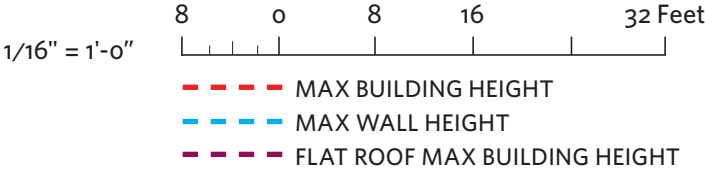
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Increase due to grade	N/A on uphill elevation

Updated max wall height	20'
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KEY PLAN (NTS)



LOTS 1 & 2 - BUILDING HEIGHT EXHIBIT





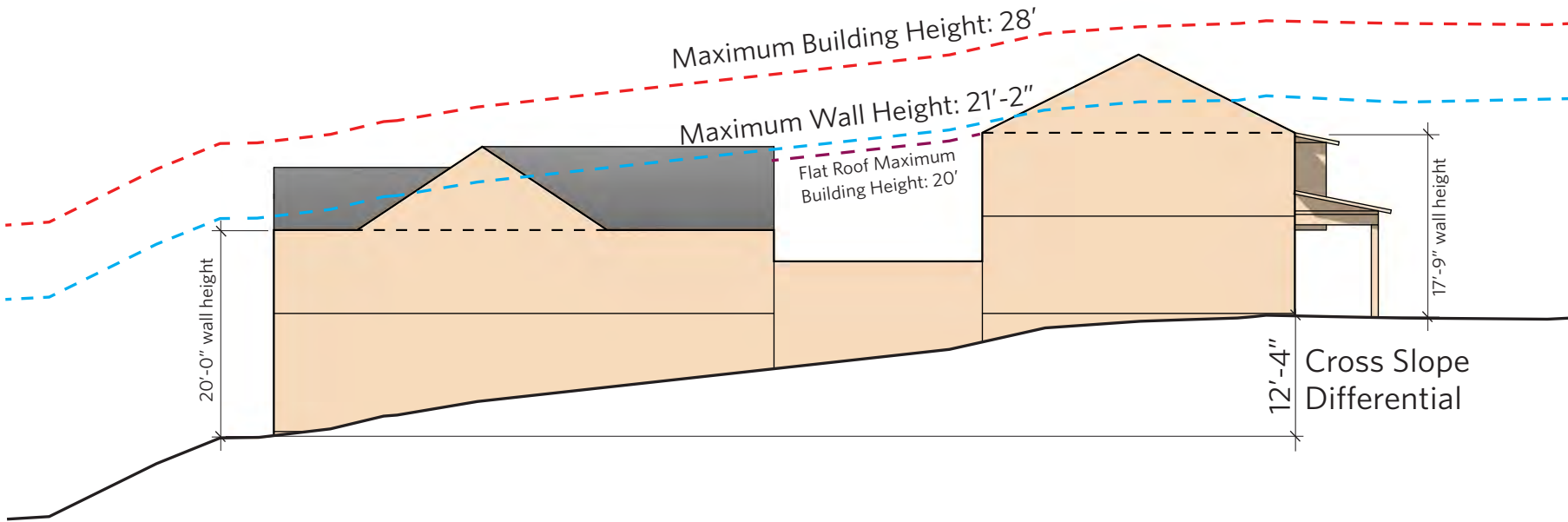
SIDE ELEVATION

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Reduction due to setback*	5'
Increase due to grade**	6'-2"

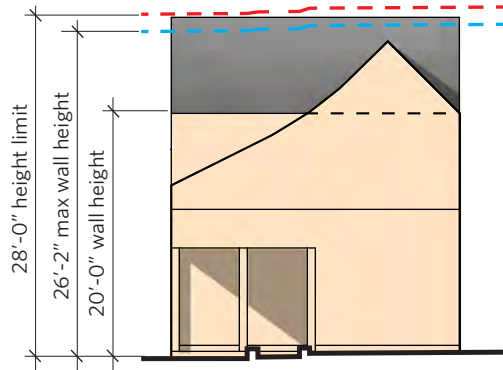
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\* Wall height reduction of 1'-0" For every 1'-0" reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

\*\* Wall height increase of 0.5' for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).



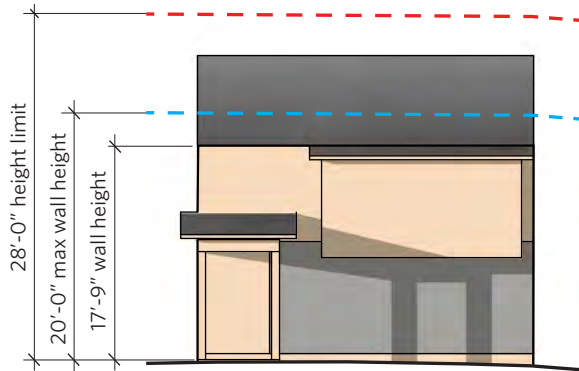
DOWNHILL ELEVATION



Base max wall height	20'
Increase due to grade	6'-2"

Updated max wall height	26'-2"
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UPHILL ELEVATION



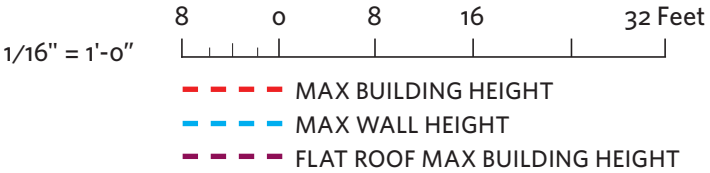
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Updated max wall height	20'
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KEY PLAN (NTS)



LOT 3 - BUILDING HEIGHT EXHIBIT





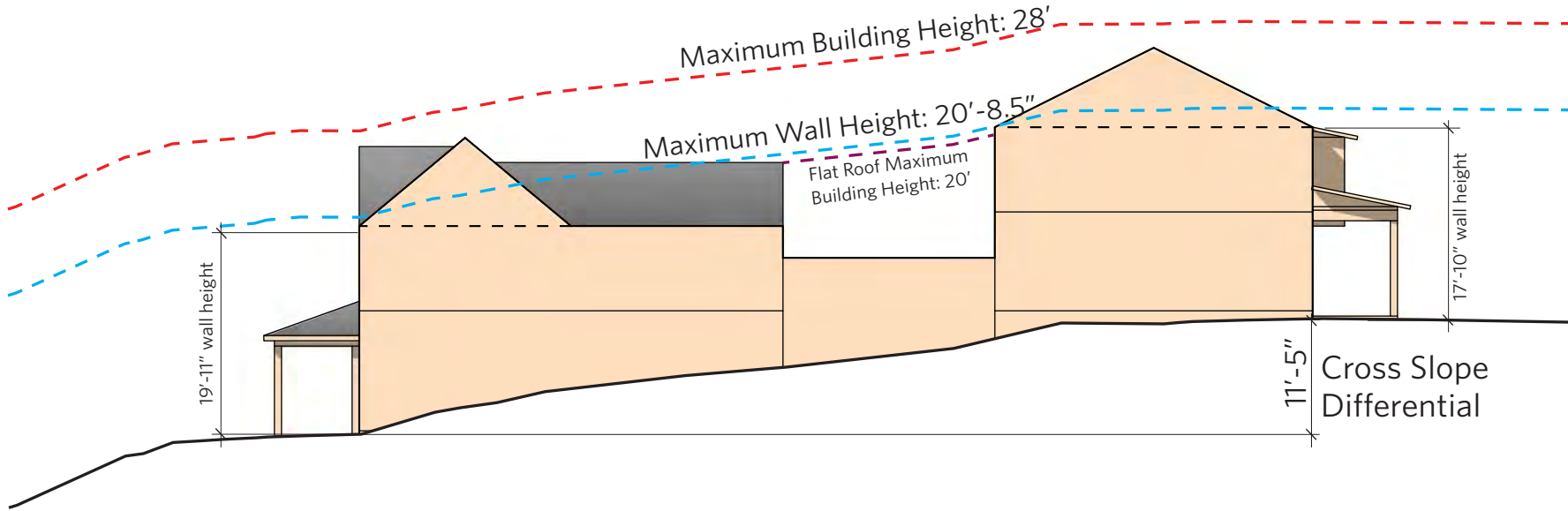
SIDE ELEVATION

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Reduction due to setback*	5'
Increase due to grade**	5'-8.5"

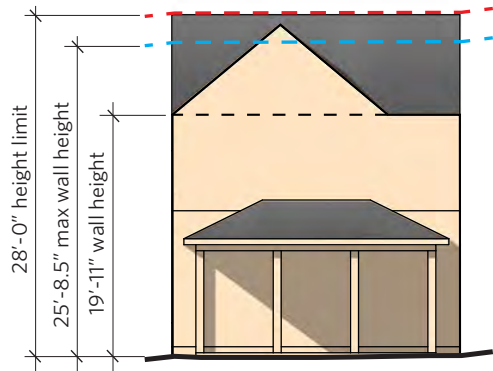
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\* Wall height reduction of 1'-0" For every 1'-0" reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

\*\* Wall height increase of 0.5' for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).



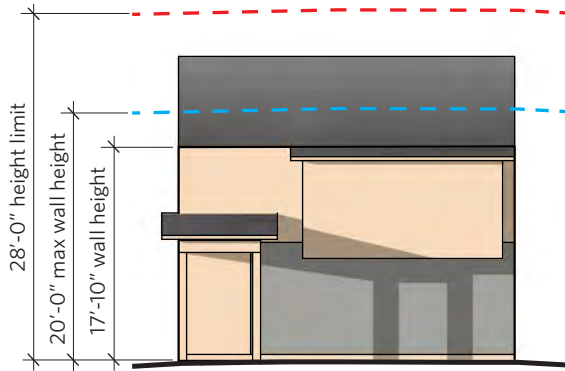
DOWNHILL ELEVATION



Base max wall height	20'
Increase due to grade	5'-8.5"

Updated max wall height	25'-8.5"
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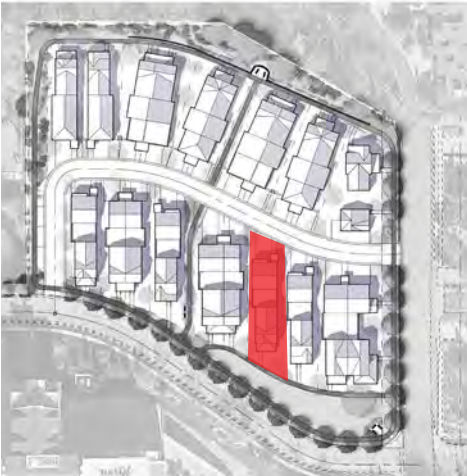
UPHILL ELEVATION



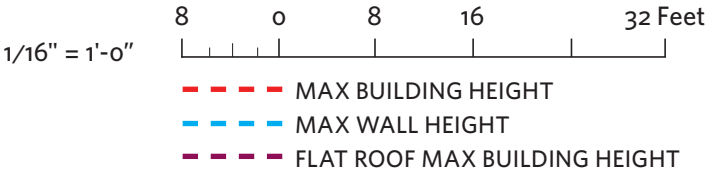
Base max wall height	20'
Increase due to grade	N/A on uphill elevation

Updated max wall height	20'
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KEY PLAN (NTS)



LOT 4 - BUILDING HEIGHT EXHIBIT





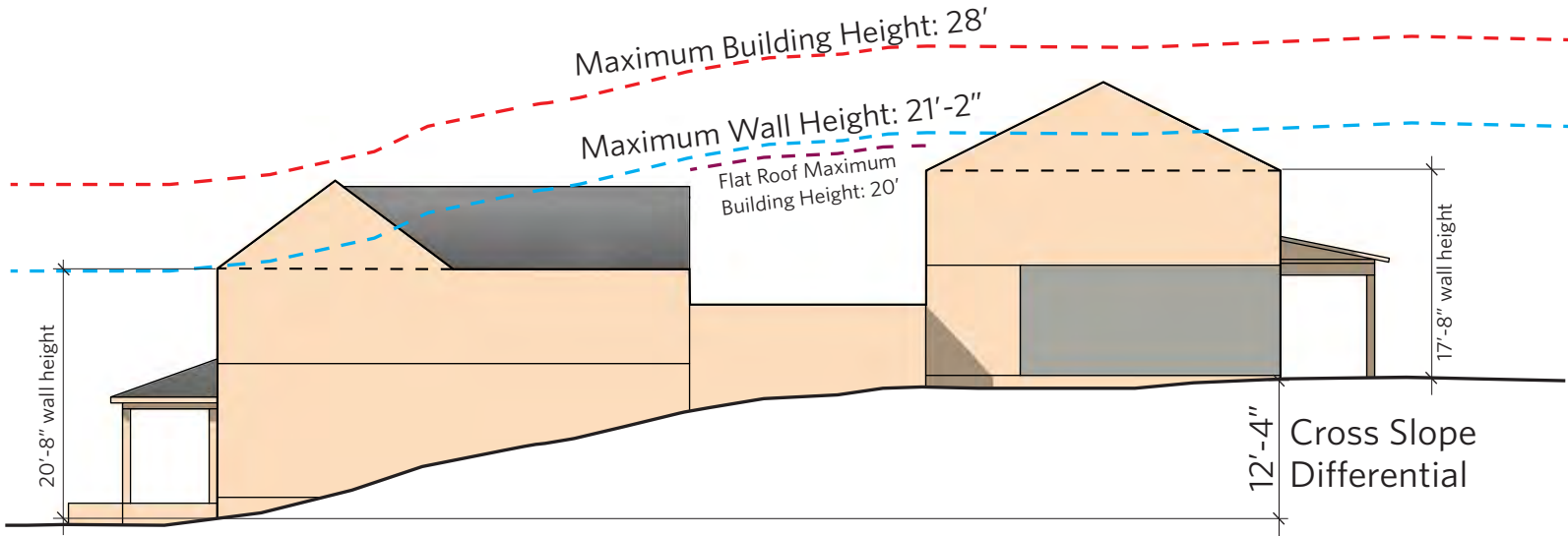
SIDE ELEVATION

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Reduction due to setback*	5'
Increase due to grade**	6'-2"

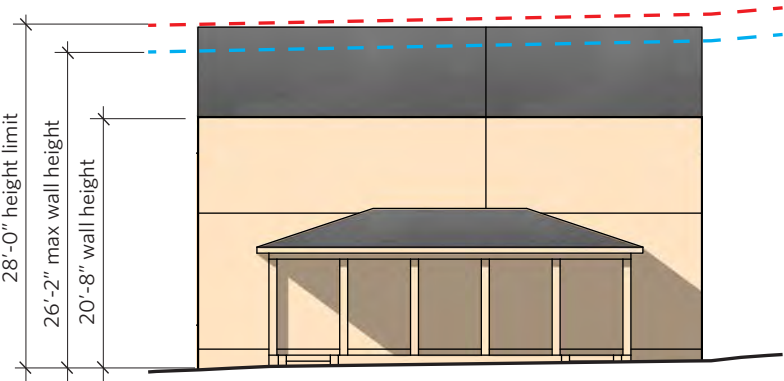
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\* Wall height reduction of 1'-0" For every 1'-0" reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

\*\* Wall height increase of 0.5' for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).



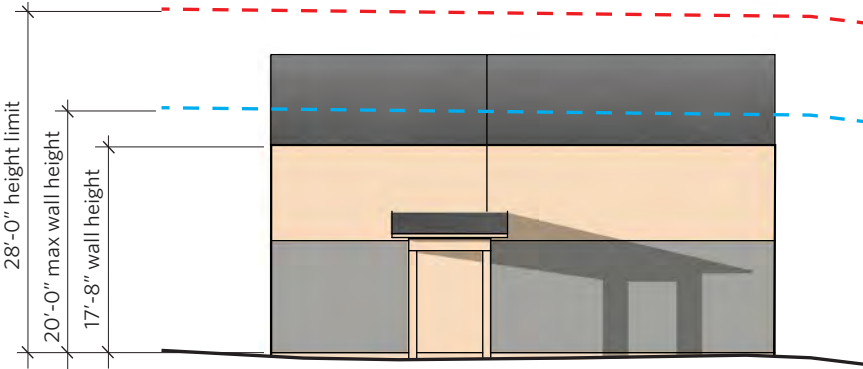
DOWNHILL ELEVATION



Base max wall height	20'
Increase due to grade	6'-2"

Updated max wall height	26'-2"
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UPHILL ELEVATION



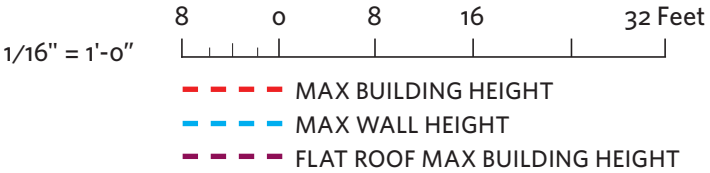
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Updated max wall height	20'
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KEY PLAN (NTS)



LOTS 5 & 6 - BUILDING HEIGHT EXHIBIT





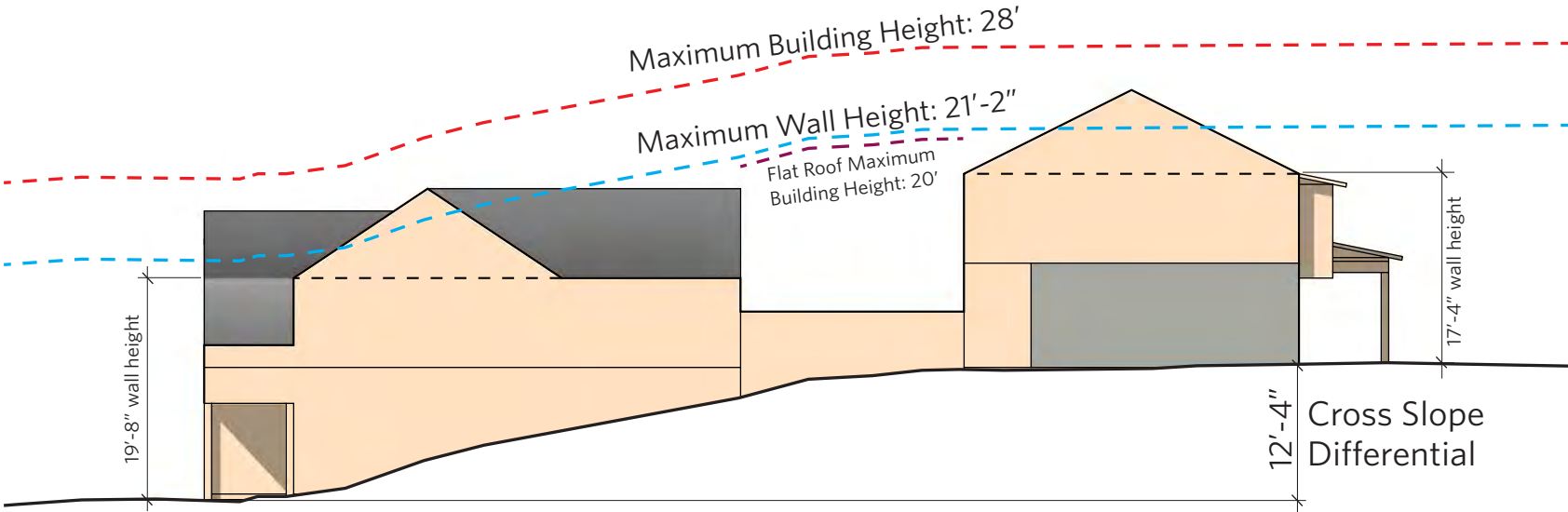
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Increase due to grade**	6'-2"

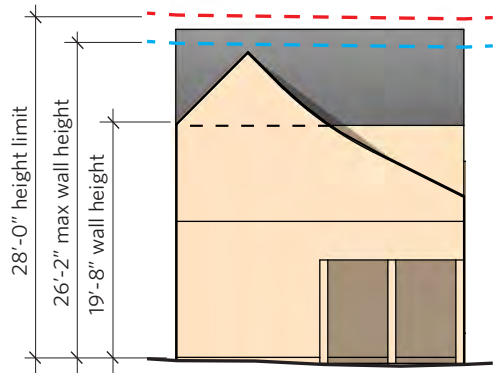
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\* Wall height reduction of 1'-0" For every 1'-0" reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

\*\* Wall height increase of 0.5' for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).



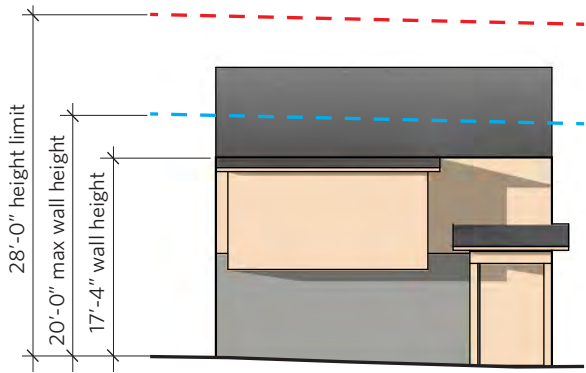
DOWNHILL ELEVATION



Base max wall height	20'
Increase due to grade	6'-2"

Updated max wall height	26'-2"
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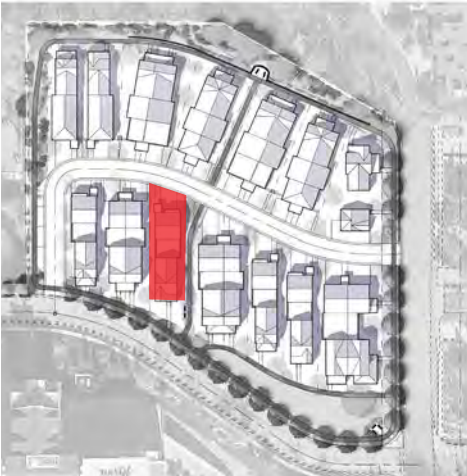
UPHILL ELEVATION



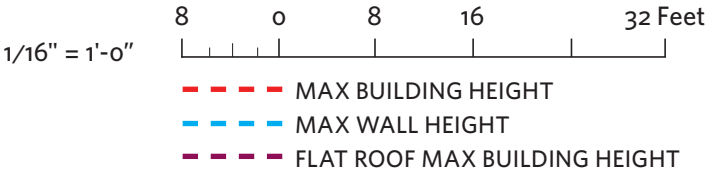
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Increase due to grade	N/A on uphill elevation

Updated max wall height	20'
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KEY PLAN (NTS)



LOT 7 - BUILDING HEIGHT EXHIBIT



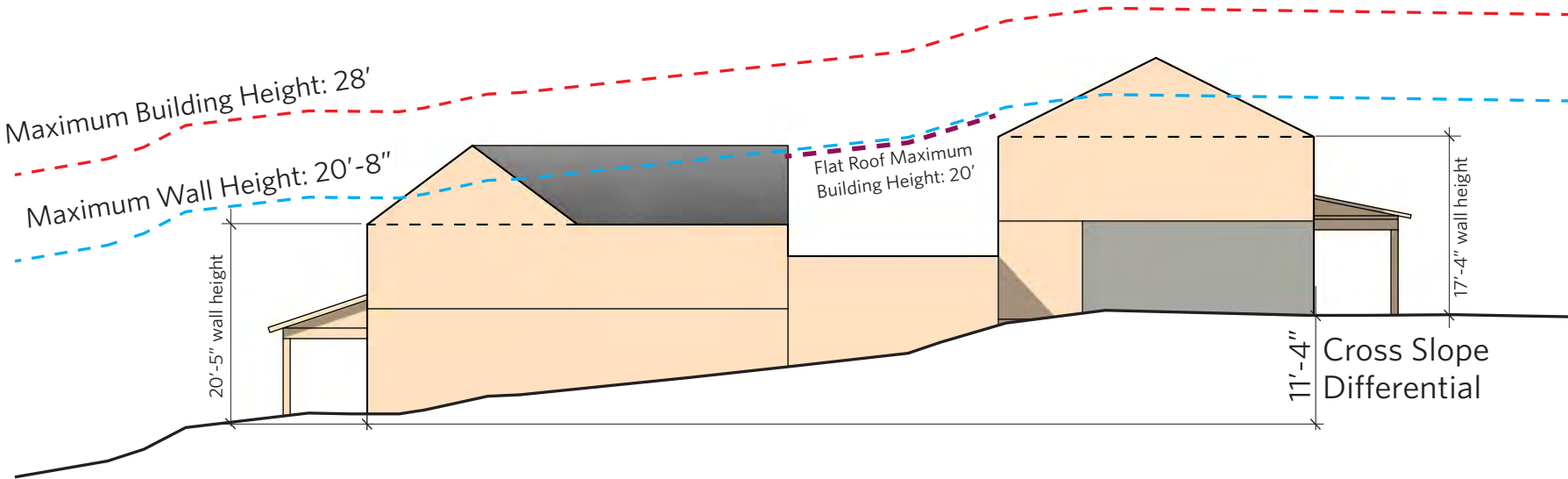


SIDE ELEVATION

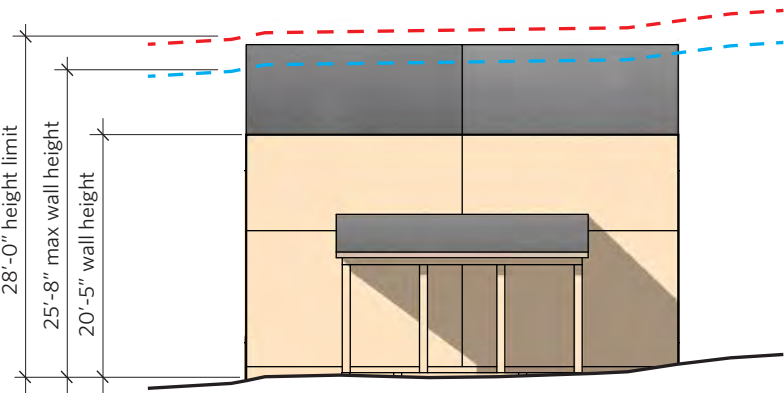
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Reduction due to setback*	5'
Increase due to grade**	5'-8"

Updated max wall height 20'-8"

\* Wall height reduction of 1'-0" For every 1'-0" reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.  
\*\* Wall height increase of 0.5' for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).



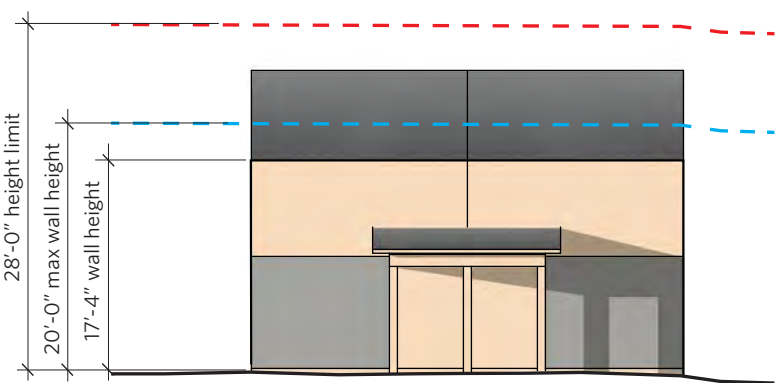
DOWNHILL ELEVATION



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UPHILL ELEVATION



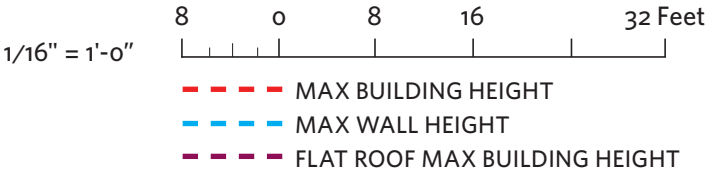
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Updated max wall height 20'

KEY PLAN (NTS)



LOTS 8 & 9 - BUILDING HEIGHT EXHIBIT



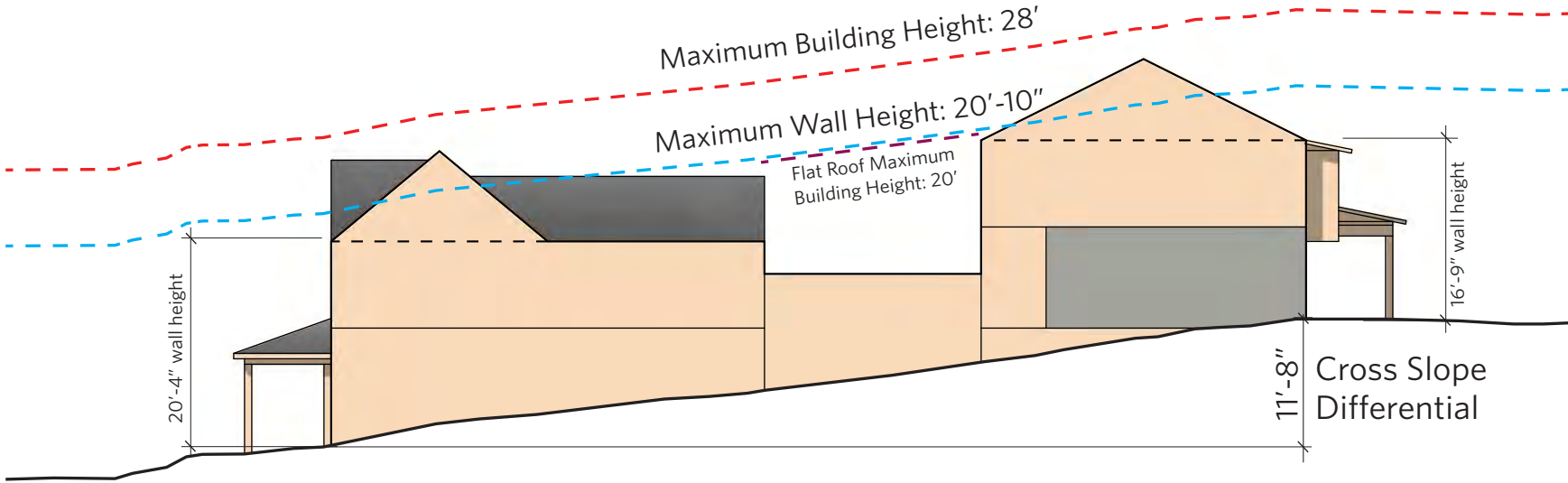


SIDE ELEVATION

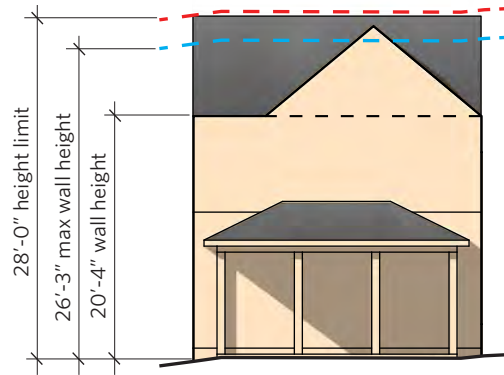
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Increase due to grade**	5'-10"

Updated max wall height	20'-10"
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\* Wall height reduction of 1'-0" For every 1'-0" reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.  
\*\* Wall height increase of 0.5' for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).



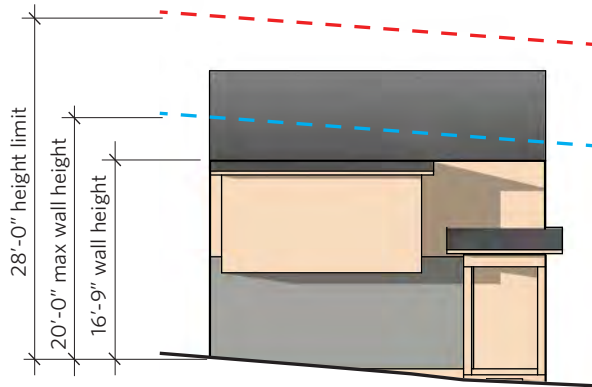
DOWNHILL ELEVATION



Base max wall height	20'
Increase due to grade	5'-10"

Updated max wall height	25'-10"
-------------------------	---------

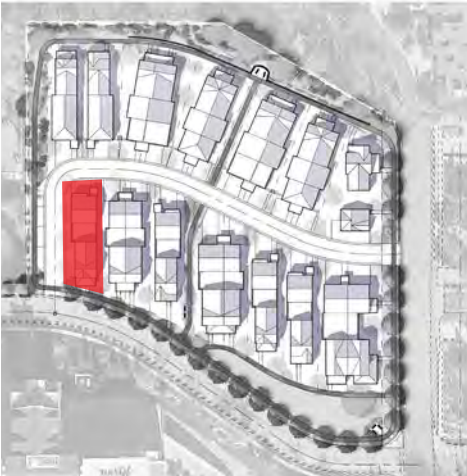
UPHILL ELEVATION



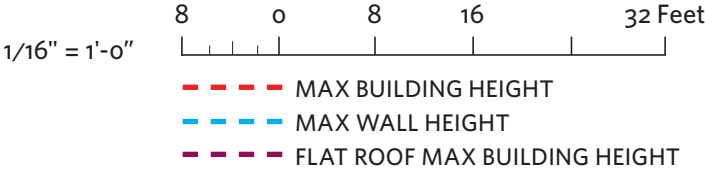
Base max wall height	20'
Increase due to grade	N/A on uphill elevation

Updated max wall height	20'
-------------------------	-----

KEY PLAN (NTS)



LOT 10 - BUILDING HEIGHT EXHIBIT



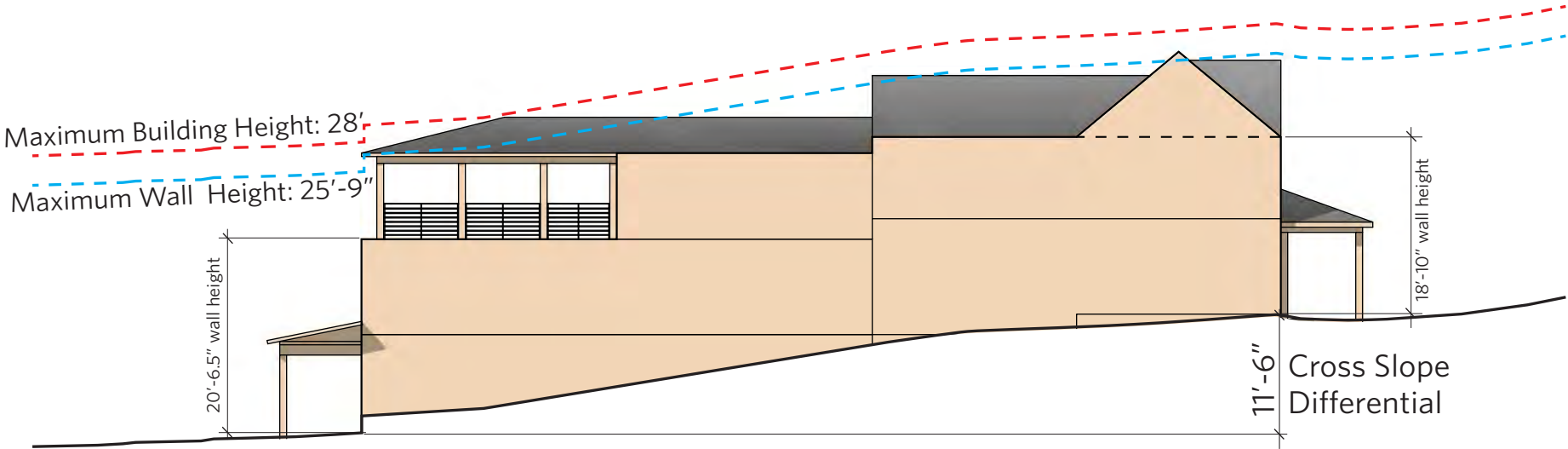


SIDE ELEVATION

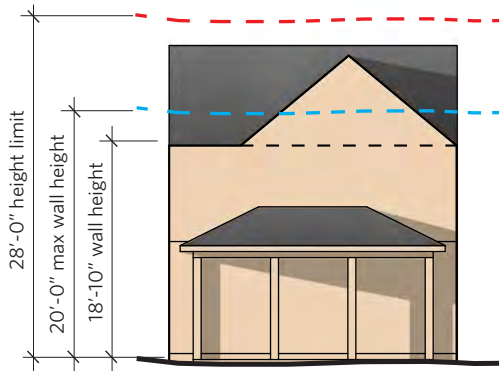
Base max wall height	20'
Reduction due to setback*	0'
Increase due to grade**	5'-9"

Updated max wall height	25'-9"
-------------------------	--------

\* Wall height reduction of 1'-0" For every 1'-0" reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.  
\*\* Wall height increase of 0.5' for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

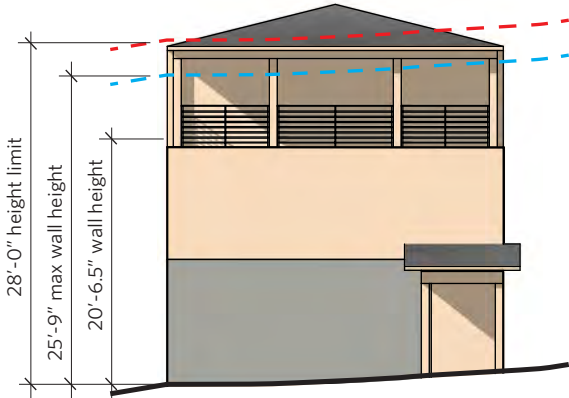


UPHILL ELEVATION



Base max wall height	20'
Increase due to grade	N/A on uphill elevation
Updated max wall height	20'

DOWNHILL ELEVATION

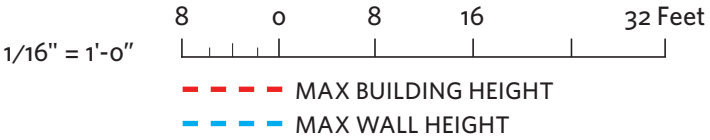


Base max wall height	20'
Increase due to grade	5'-9"
Updated max wall height	25'-9"

KEY PLAN (NTS)



LOT 11 - BUILDING HEIGHT EXHIBIT



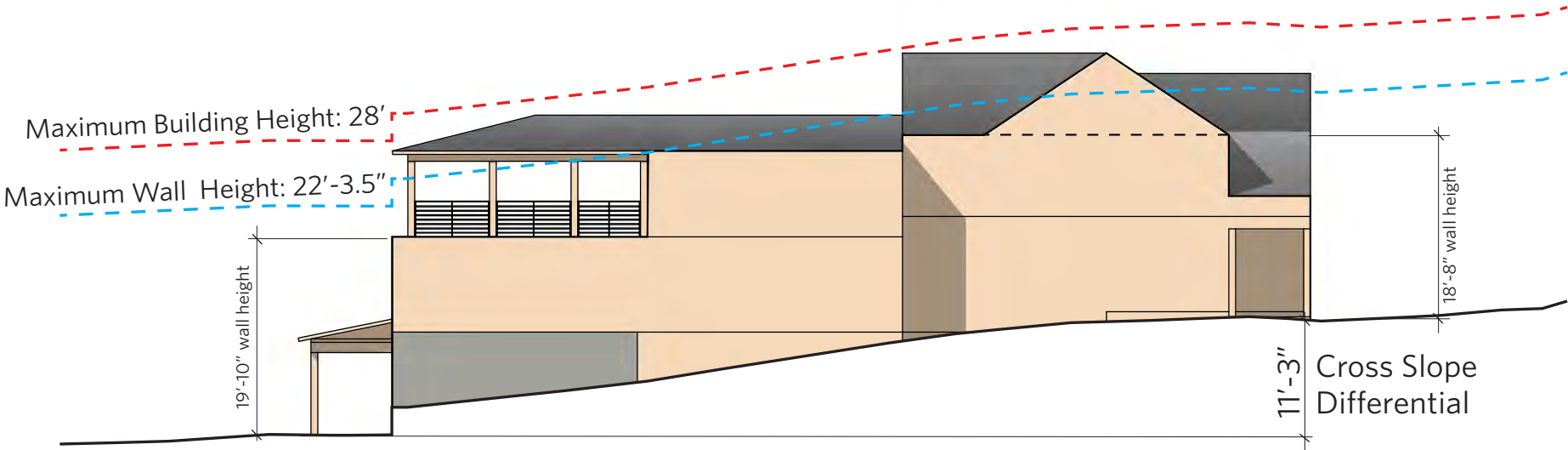


SIDE ELEVATION

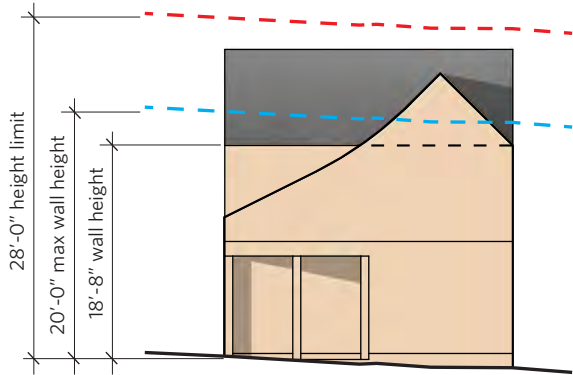
Base max wall height	20'
Reduction due to setback*	3'-4"
Increase due to grade**	5'-7.5"

Updated max wall height	22'-3.5"
-------------------------	----------

\* Wall height reduction of 1'-0" For every 1'-0" reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.  
\*\* Wall height increase of 0.5' for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

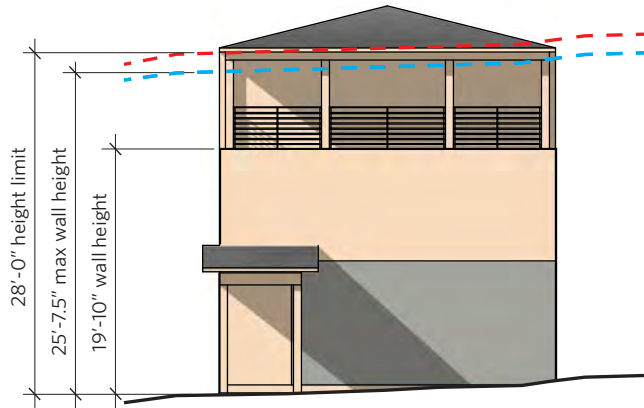


UPHILL ELEVATION



Base max wall height	20'
Increase due to grade	N/A on uphill elevation
Updated max wall height	20'

DOWNHILL ELEVATION

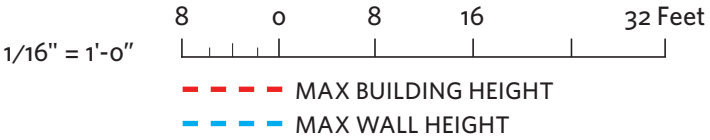


Base max wall height	20'
Increase due to grade	5'-7.5"
Updated max wall height	25'-7.5"

KEY PLAN (NTS)



LOT 12 - BUILDING HEIGHT EXHIBIT



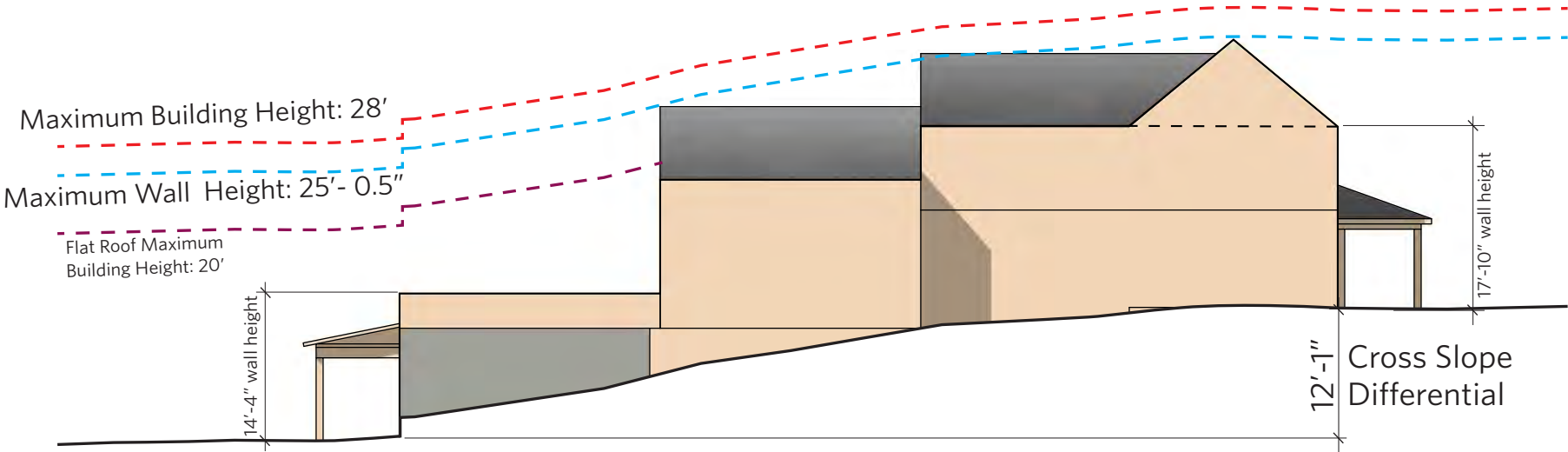


SIDE ELEVATION

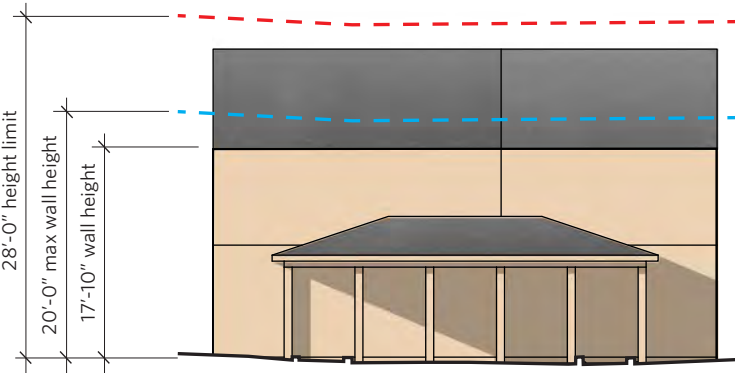
Base max wall height	20'
Reduction due to setback*	1'
Increase due to grade**	6'-0.5"

Updated max wall height	25'-0.5"
-------------------------	----------

\* Wall height reduction of 1'-0" For every 1'-0" reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.  
\*\* Wall height increase of 0.5' for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

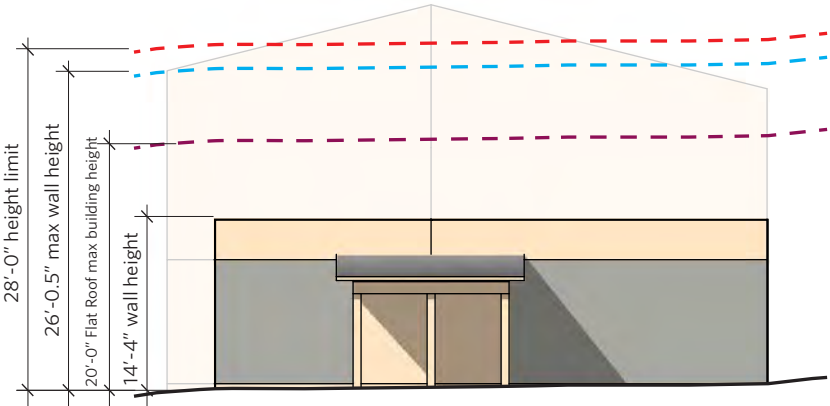


UPHILL ELEVATION



Base max wall height	20'
Increase due to grade	N/A on uphill elevation
Updated max wall height	20'

DOWNHILL ELEVATION

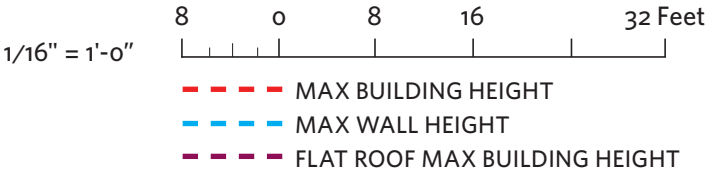


Base max wall height	20'
Increase due to grade	6'-0.5"
Updated max wall height	26'-0.5"

KEY PLAN (NTS)



LOTS 13 & 14 - BUILDING HEIGHT EXHIBIT



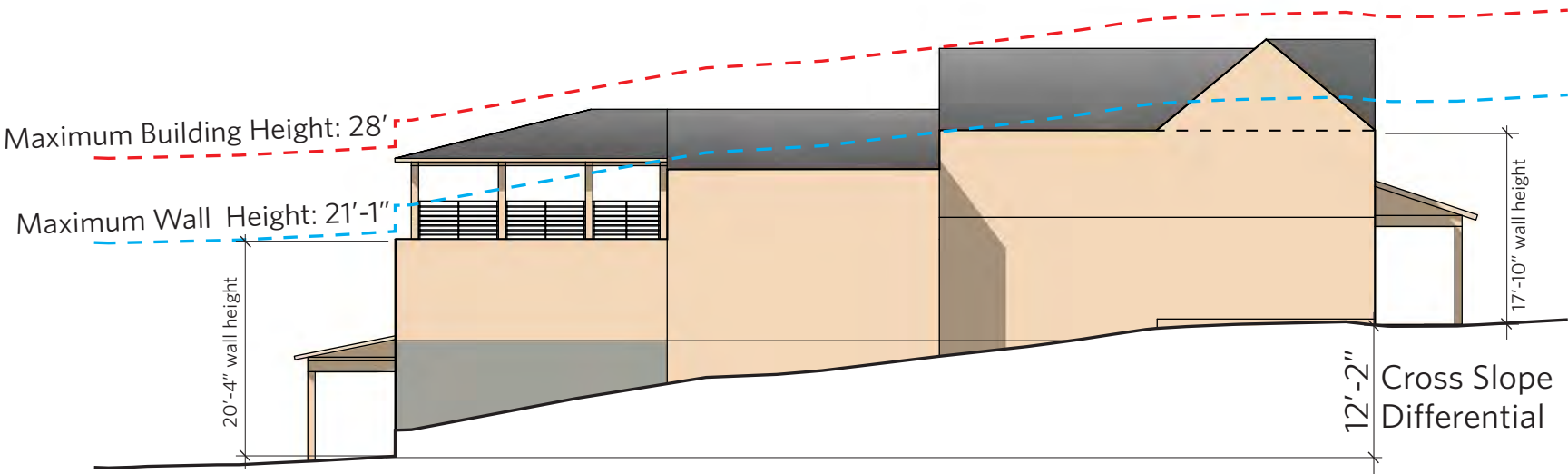


SIDE ELEVATION

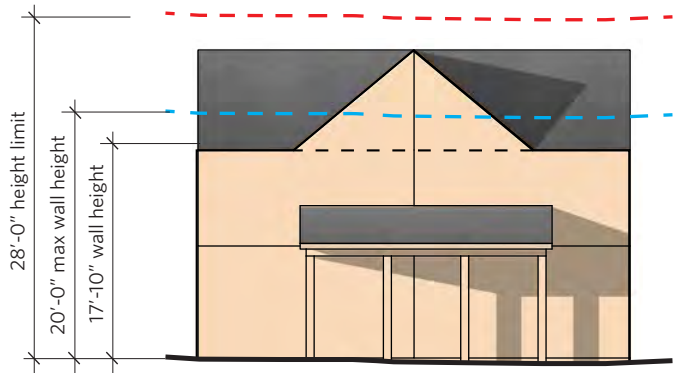
Base max wall height	20'
Reduction due to setback*	5'
Increase due to grade**	6'-1"

Updated max wall height 21'-1"

\* Wall height reduction of 1'-0" For every 1'-0" reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.  
\*\* Wall height increase of 0.5' for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).



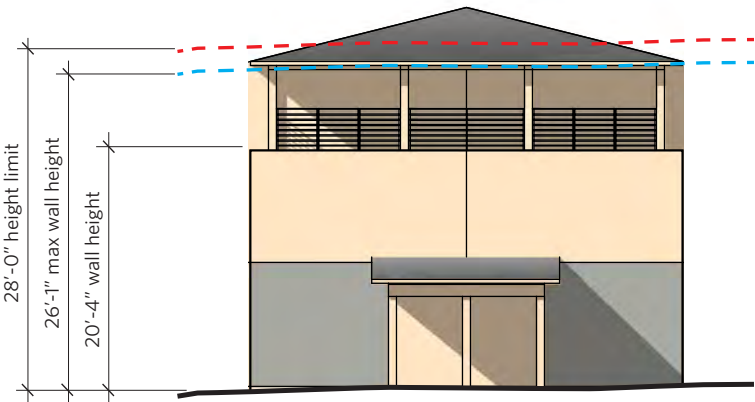
UPHILL ELEVATION



Base max wall height	20'
Increase due to grade	N/A on uphill elevation

Updated max wall height 20'

DOWNHILL ELEVATION



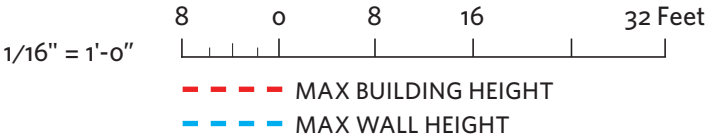
Base max wall height	20'
Increase due to grade	6'-1"

Updated max wall height 26'-1"

KEY PLAN (NTS)



LOTS 15 & 16 - BUILDING HEIGHT EXHIBIT





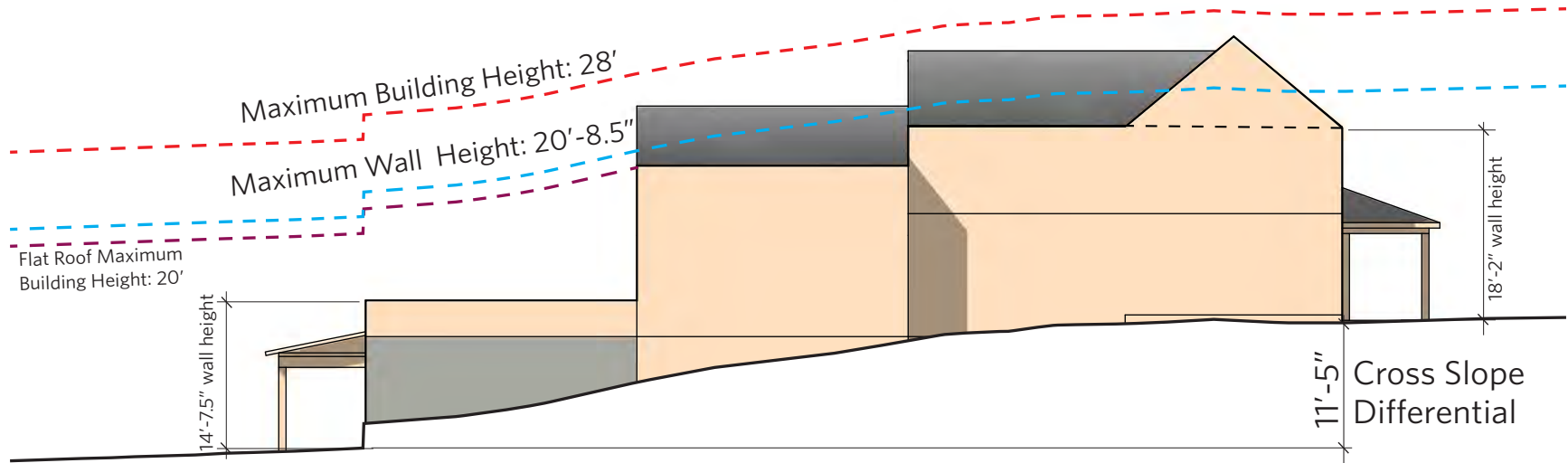
SIDE ELEVATION

Base max wall height	20'
Reduction due to setback*	5'
Increase due to grade**	5'-8.5"

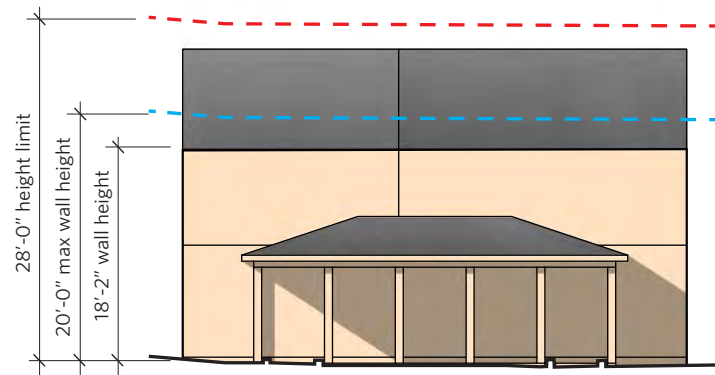
Updated max wall height	20'-8.5"
-------------------------	----------

\* Wall height reduction of 1'-0" For every 1'-0" reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

\*\* Wall height increase of 0.5' for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

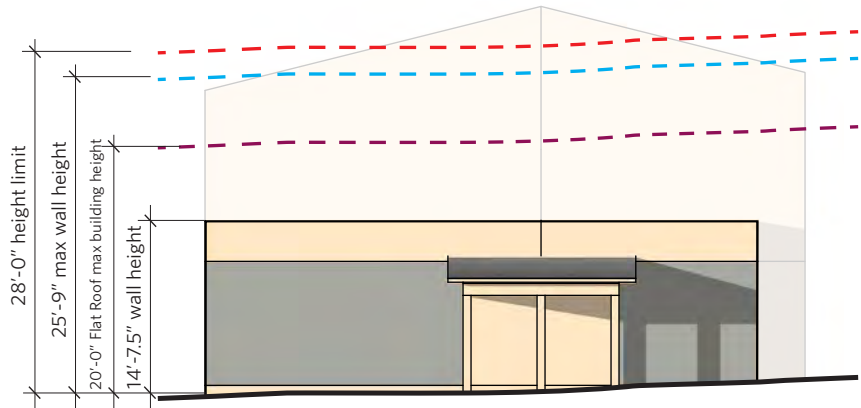


UPHILL ELEVATION



Base max wall height	20'
Increase due to grade	N/A on uphill elevation
Updated max wall height	20'

DOWNHILL ELEVATION

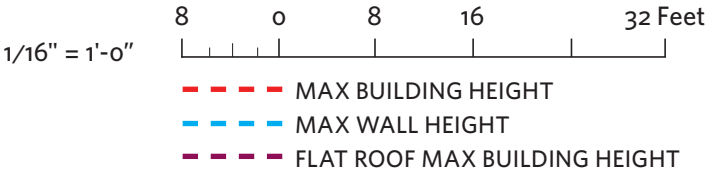


Base max wall height	20'
Increase due to grade	5'-8.5"
Updated max wall height	25'-8.5"

KEY PLAN (NTS)



LOTS 17 & 18 - BUILDING HEIGHT EXHIBIT





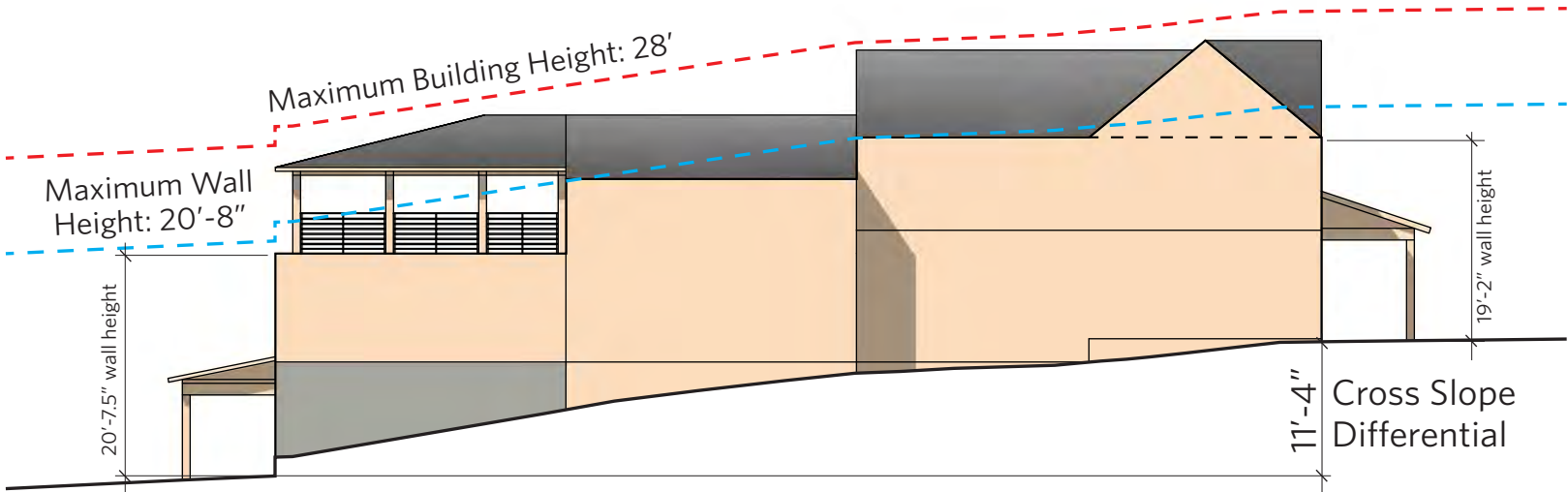
SIDE ELEVATION

Base max wall height	20'
Reduction due to setback*	5'
Increase due to grade**	5'-8"

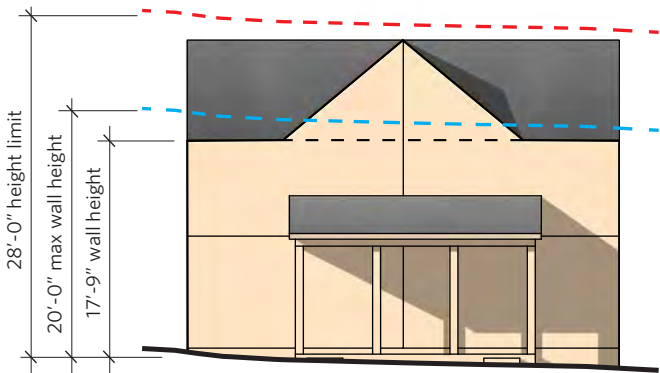
Updated max wall height	20'-8"
-------------------------	--------

\* Wall height reduction of 1'-0" For every 1'-0" reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

\*\* Wall height increase of 0.5' for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

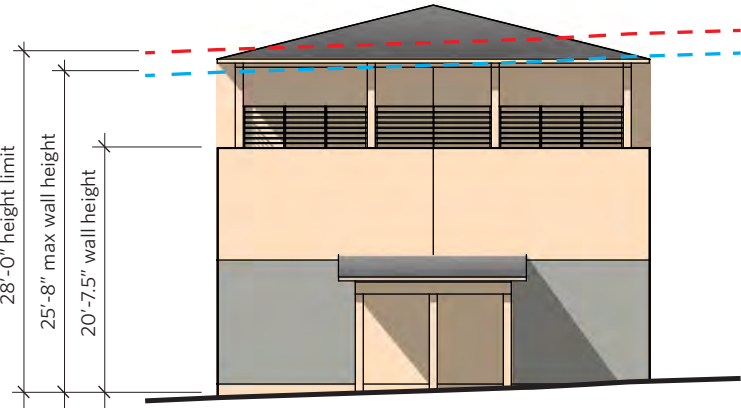


UPHILL ELEVATION



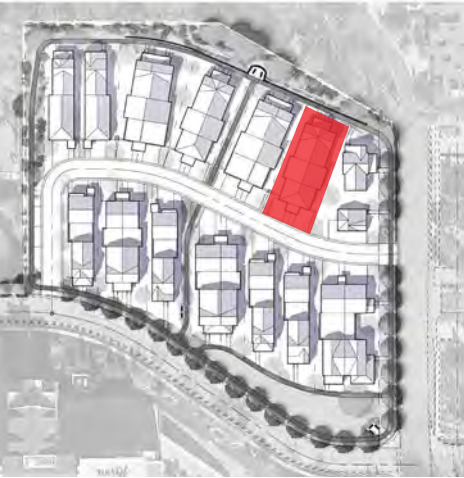
Base max wall height	20'
Increase due to grade	N/A on uphill elevation
Updated max wall height	20'

DOWNHILL ELEVATION

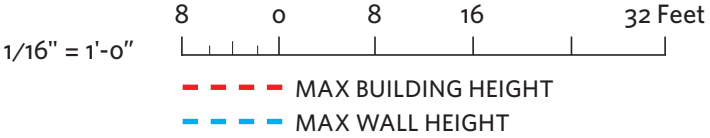


Base max wall height	20'
Increase due to grade	5'-8"
Updated max wall height	25'-8"

KEY PLAN (NTS)



LOTS 19 & 20 - BUILDING HEIGHT EXHIBIT





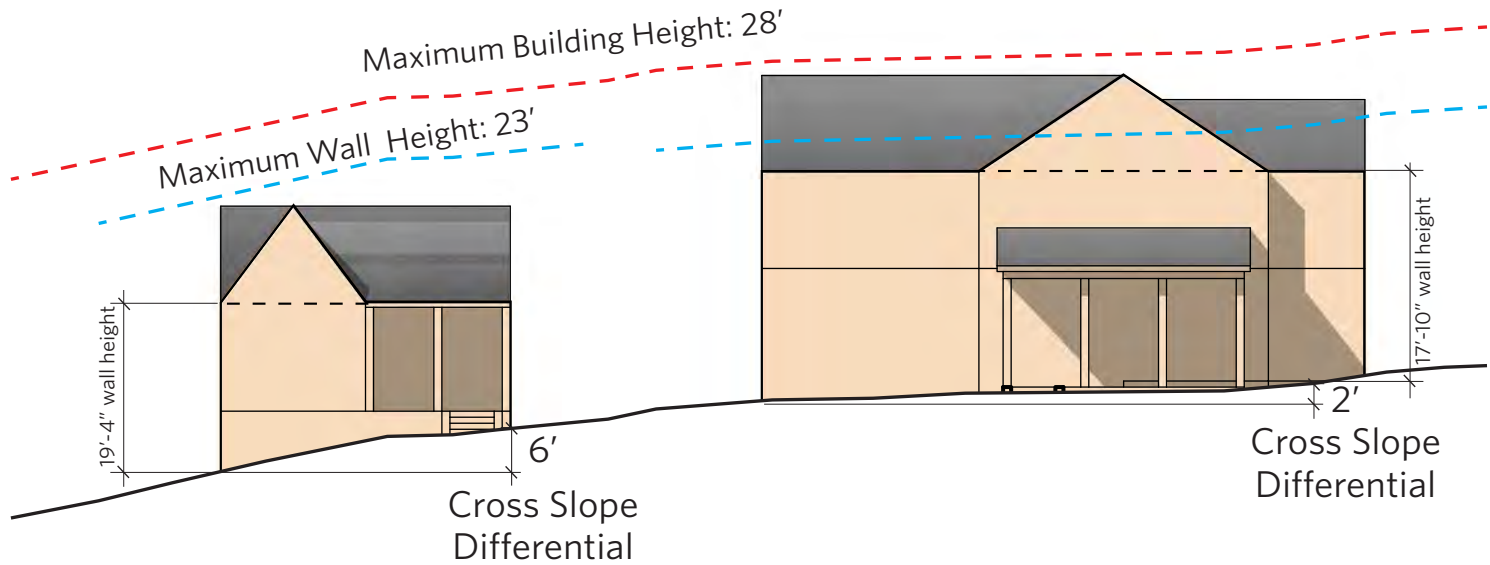
SIDE ELEVATION

Base max wall height	20'
Reduction due to setback*	0'
Increase due to grade**	3'

Updated max wall height 23'

\* Wall height reduction of 1'-0" For every 1'-0" reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

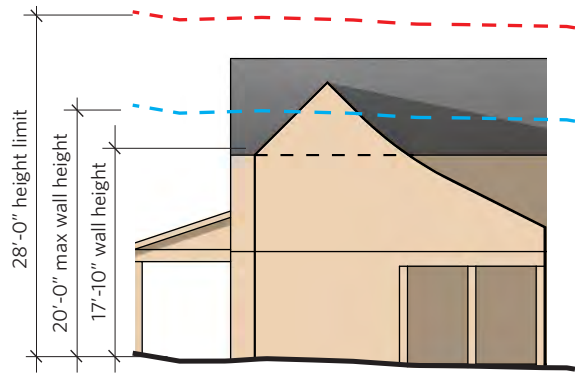
\*\* Wall height increase of 0.5' for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).



Base max wall height	20'
Reduction due to setback*	0'
Increase due to grade**	1'

Updated max wall height 21'

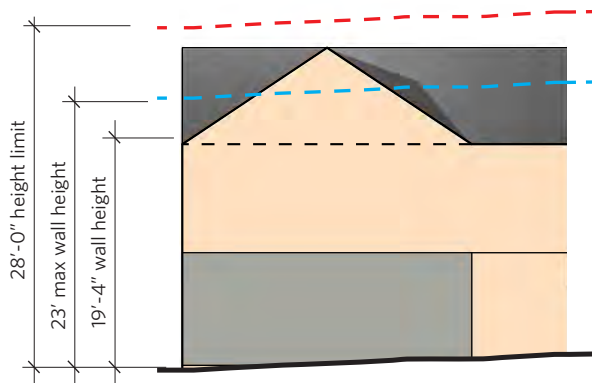
UPHILL ELEVATION



Base max wall height	20'
Increase due to grade	N/A on uphill elevation

Updated max wall height 20'

DOWNHILL ELEVATION



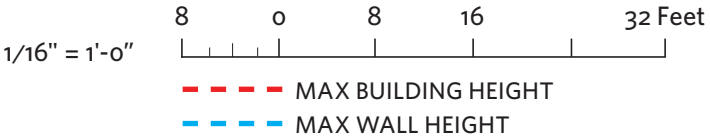
Base max wall height	20'
Increase due to grade	3'

Updated max wall height 23'

LOT 21 - BUILDING HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

KEY PLAN (NTS)







December 2023

UDA

# CAPITOL PARK COTTAGES

*Salt Lake City, Utah*



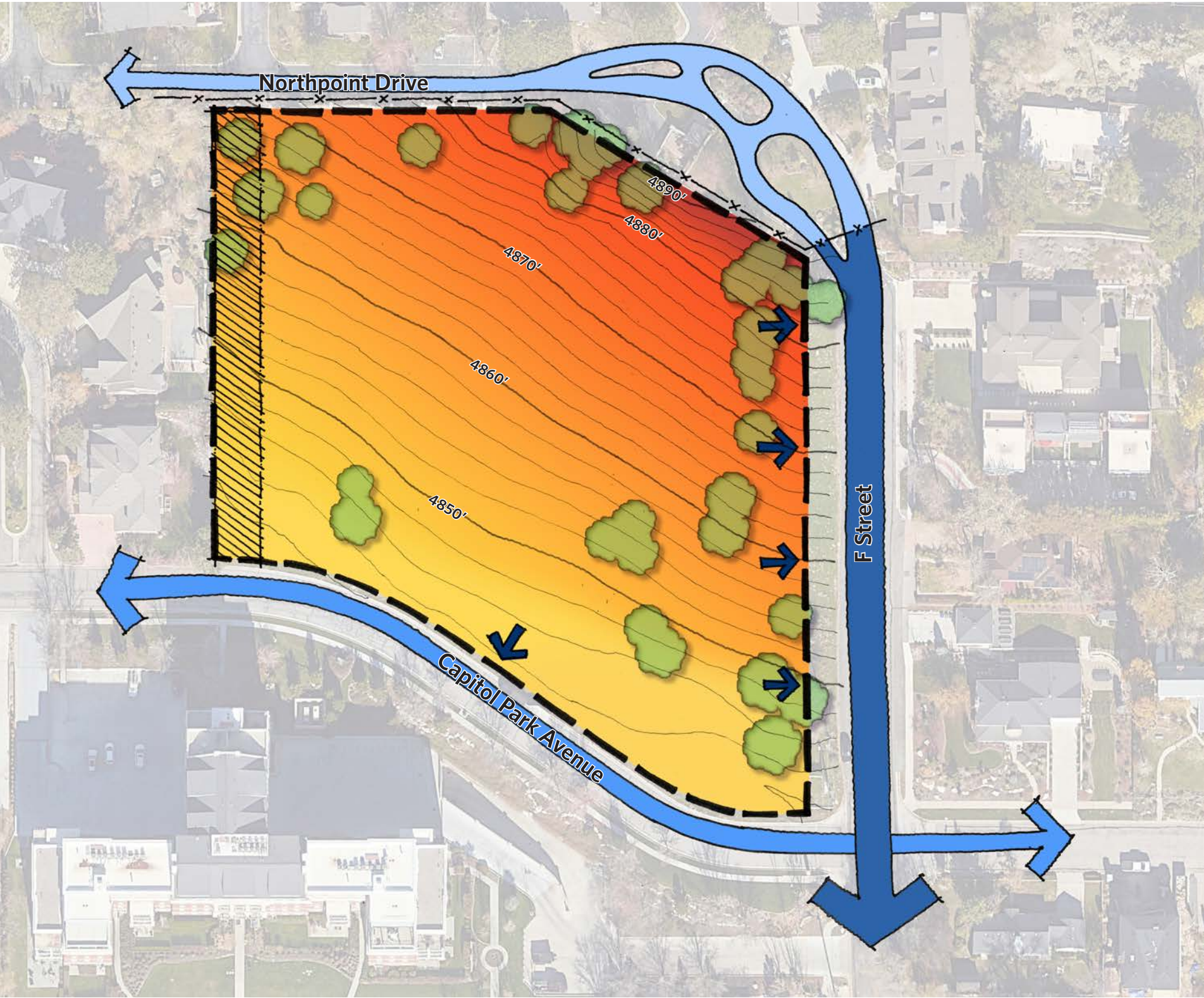
## DESIGN PRINCIPLES

- Develop a sensitive site plan with a variety of architecture to complement the surrounding neighborhood
- Create a public amenity, walking path through the new neighborhood
- Address affordability by providing ADUs and building additional housing
- Minimize Retaining Walls
- Provide ample parking for homes and visitors



## DESIGN PRINCIPLES

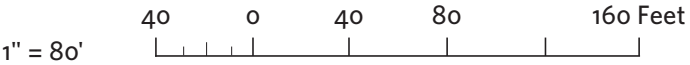




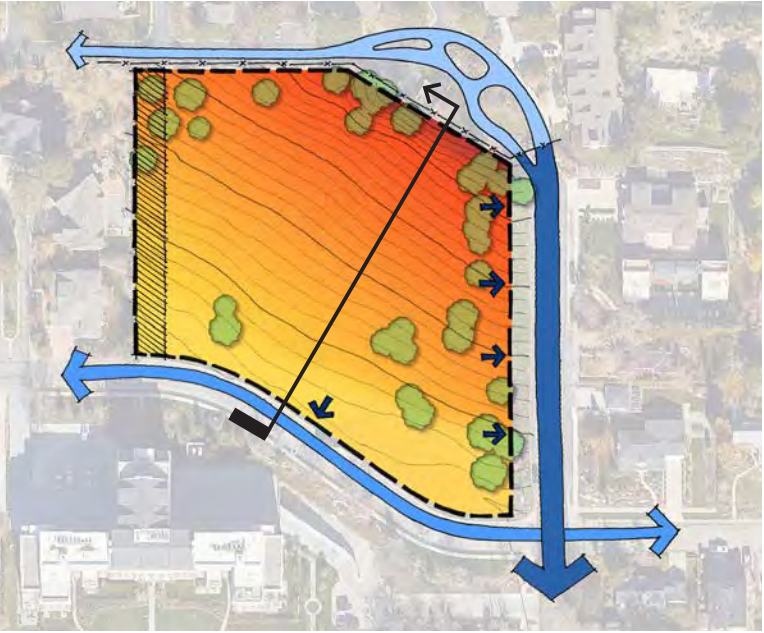
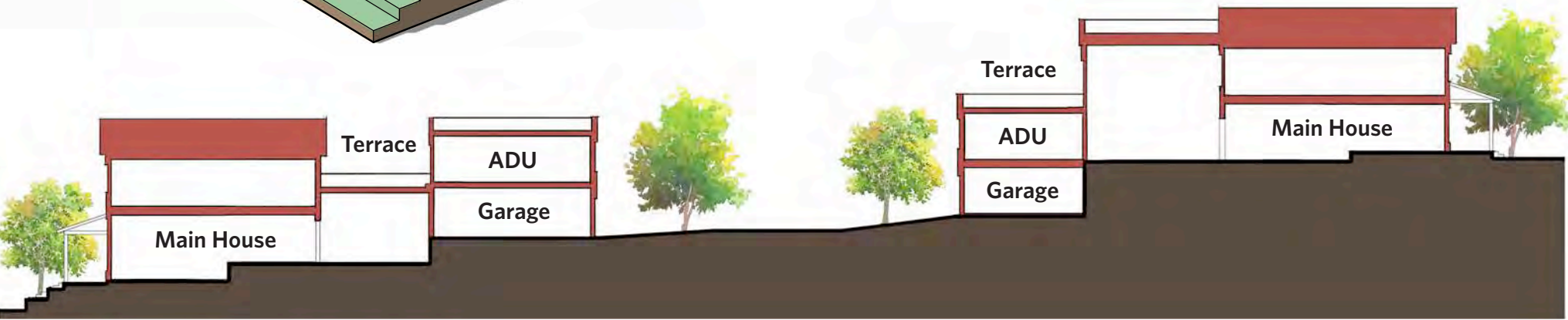
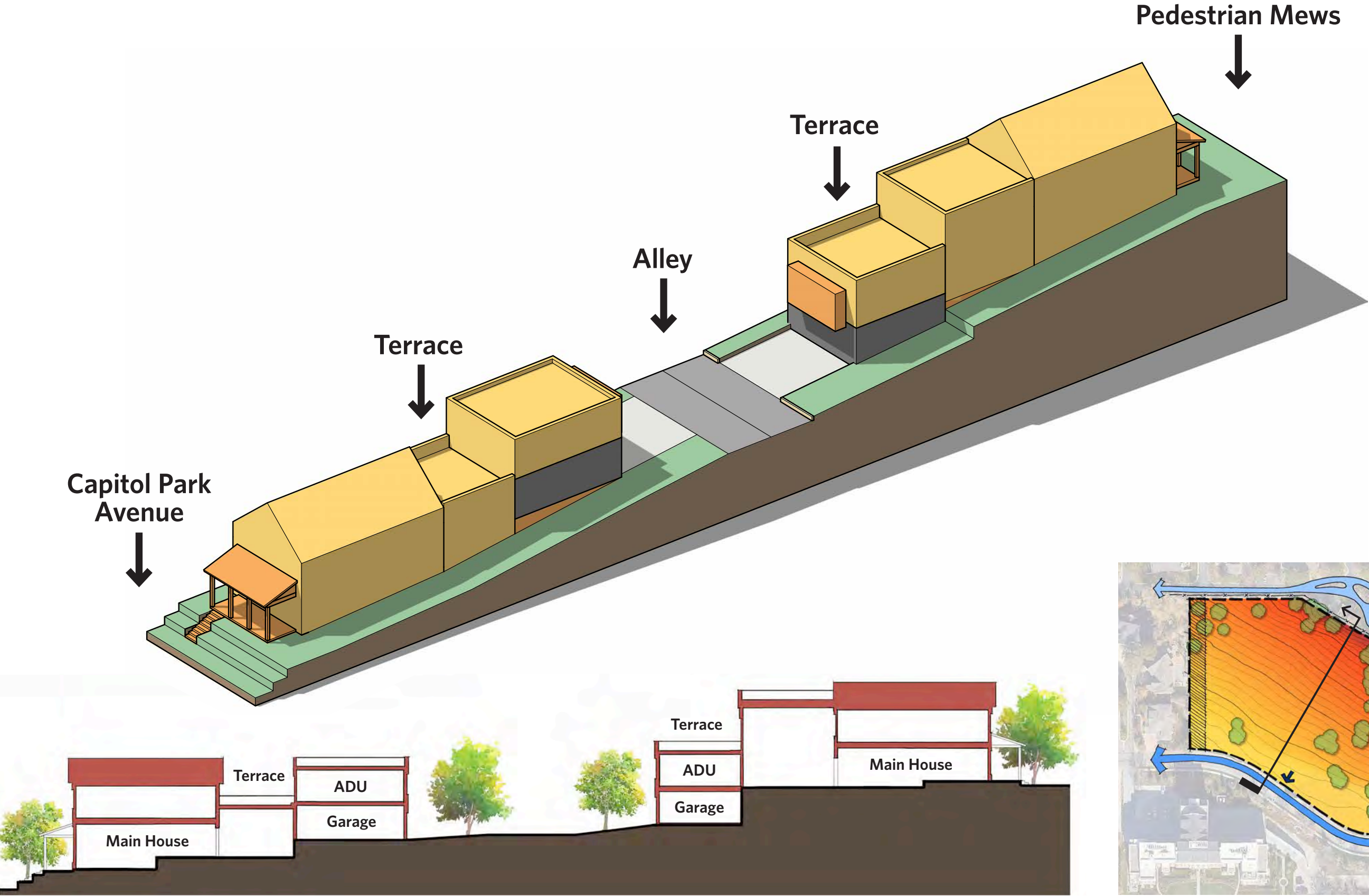
- x- FENCE
- 2' CONTOURS
- 10' CONTOURS
- 30' BUFFER
- ➔ ALLOWABLE CURB CUTS\*
- \* Only 1 curb cut is allowed on South Capitol Park Avenue, whereas multiple curb cuts are allowed on F Street
- PUBLIC ROAD
- PRIVATE ROAD
- PRIVATE ROAD, INACCESSIBLE TO THE SITE
- SITE BOUNDARY

# CONSTRAINTS | Plan

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

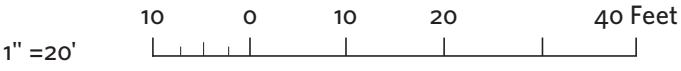






CONSTRAINTS | Section

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023







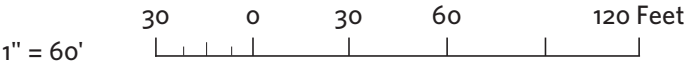
View of F Street, looking north



View of Capitol Park Ave, looking west

ILLUSTRATIVE PLAN

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023







**COMMUNITY AMENITY**

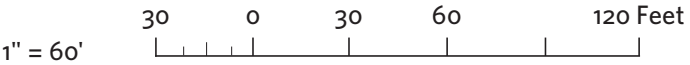
- Appx. 1.0 Acre of Community open space amenity
- 1/4 mile Recreational trail loop
- Benches for seating located on trail loop

**LANDSCAPE PRINCIPLES**

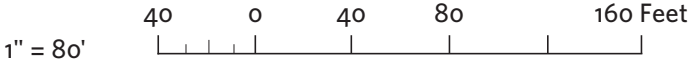
- Native vegetation
- Utilize water-wise principles
- Street trees to provide shaded walkways
- Preserve existing trees when possible

**LANDSCAPE & AMENITY PLAN**

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023







# SITE PLAN & PROGRAM

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

## UNIT COUNT

Unit Type	Main	Optional ADU
24' Single Family Units	7	7
24' Twin Home Units	5	5
18' Twin Home Units	9	9
Total	21	21

## PARKING COUNT

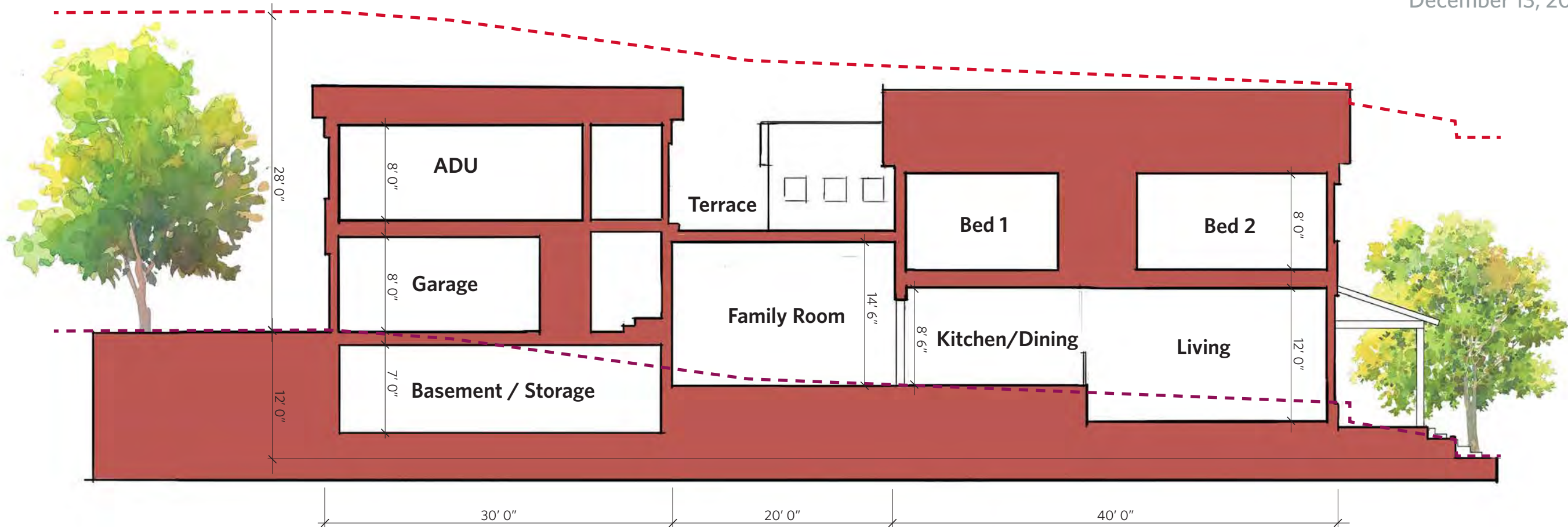
Type	Quantity
Garage	44
On-Lot Surface	41
Visitor	4
Total	89

## TOTAL BUILDABLE GSF\*

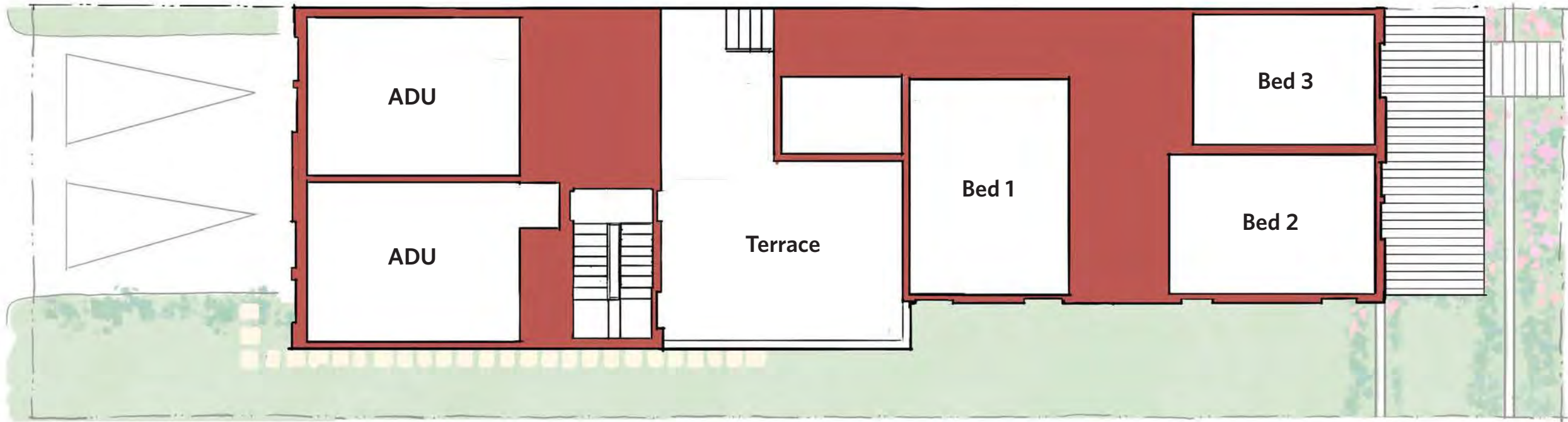
Type	Qty.	Area/Unit
24' Wide Uphill	4	4,550sf
24' Wide Downhill Detached	4	3,810 sf
24' Wide Downhill Attached	2	3,570 sf
18' Wide Uphill	6	4,010 sf
18' Wide Downhill	3	3,180 sf
F Street Uphill	1	2,900 sf
F Street Downhill	1	2,775 sf
Total	21	79,855 sf

\* Includes basement/storage area.





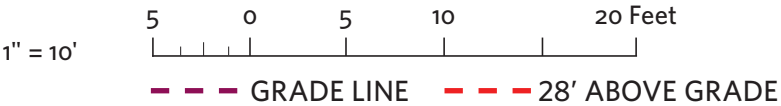
LOT SECTION



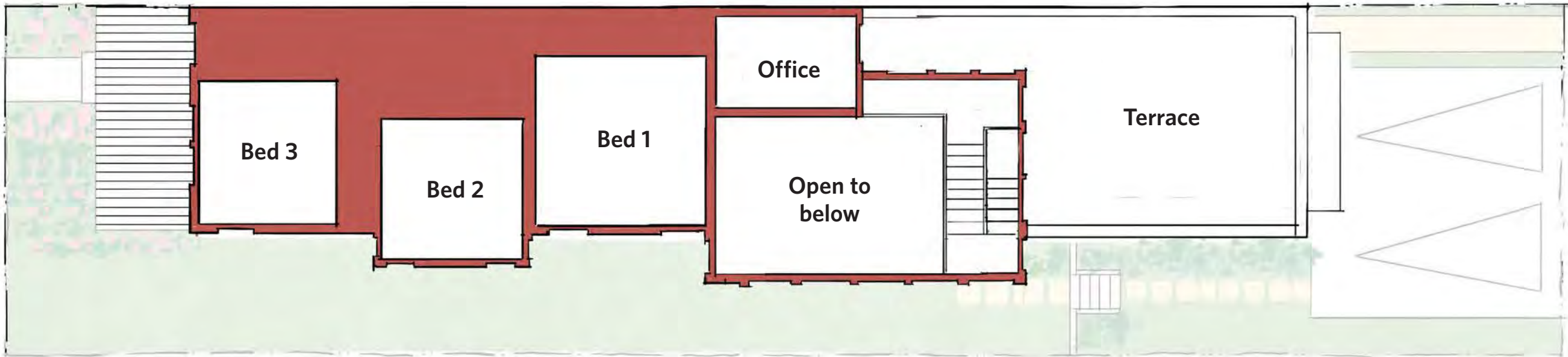
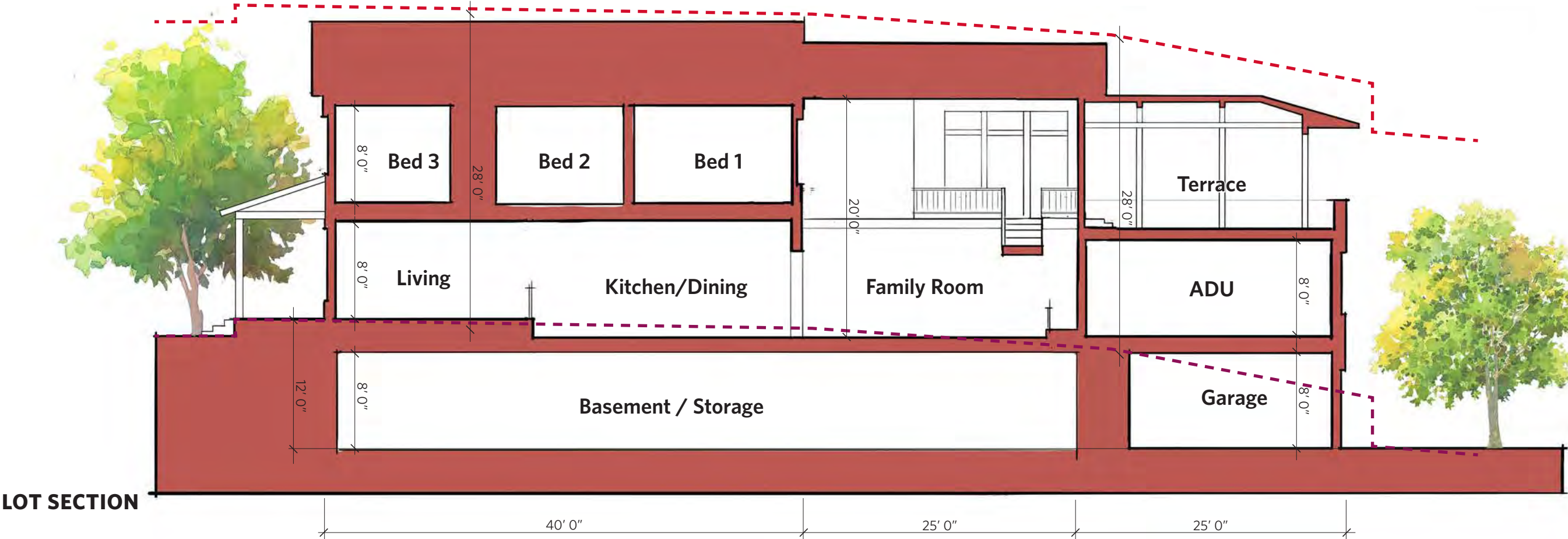
LOT PLAN

# DOWNHILL LOT | 24' Wide Unit

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023



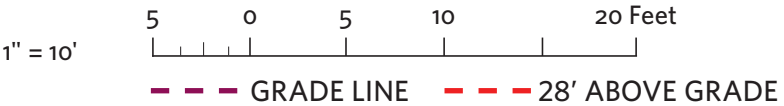




**LOT PLAN**

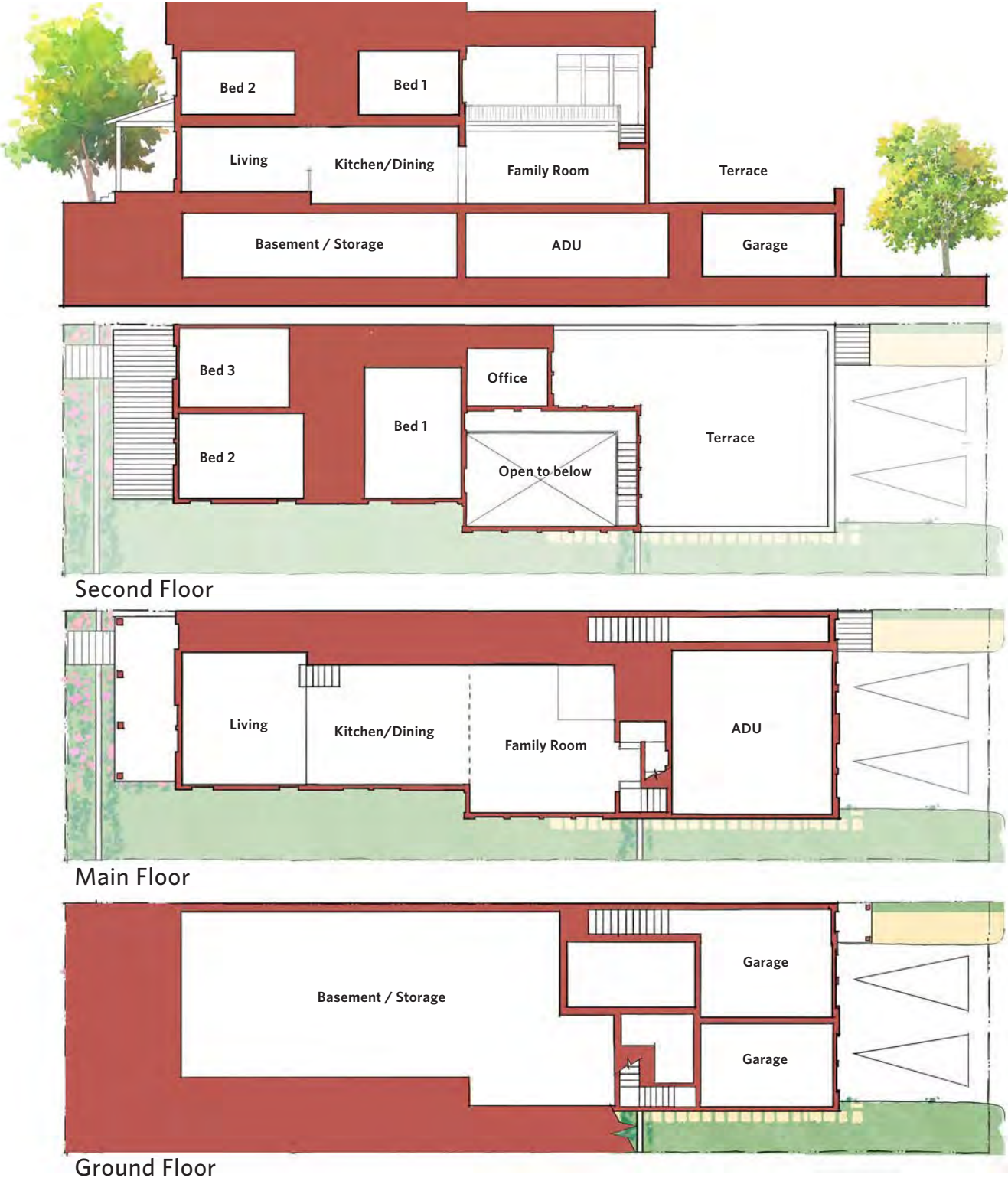
# UPHILL LOT | 18' Wide Unit

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023





UPHILL LOT 24' WIDE

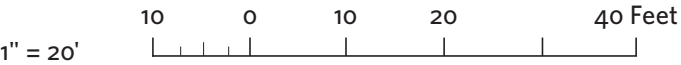


UPHILL LOT 18' WIDE



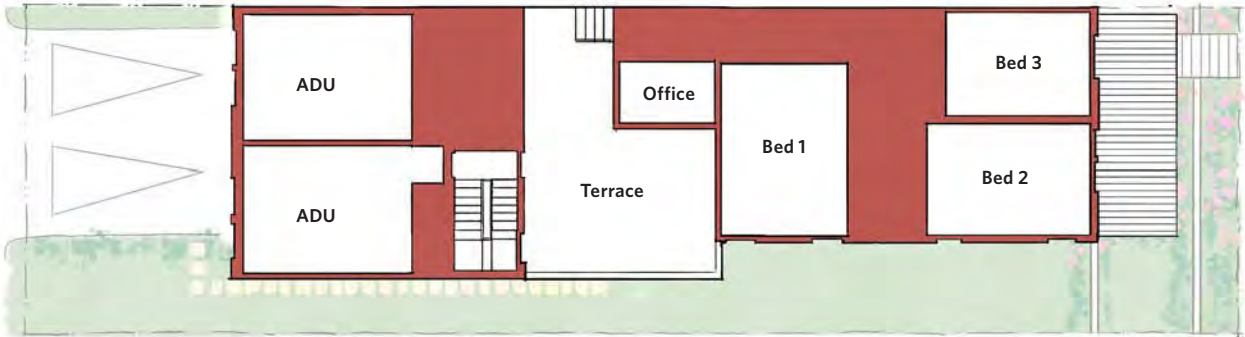
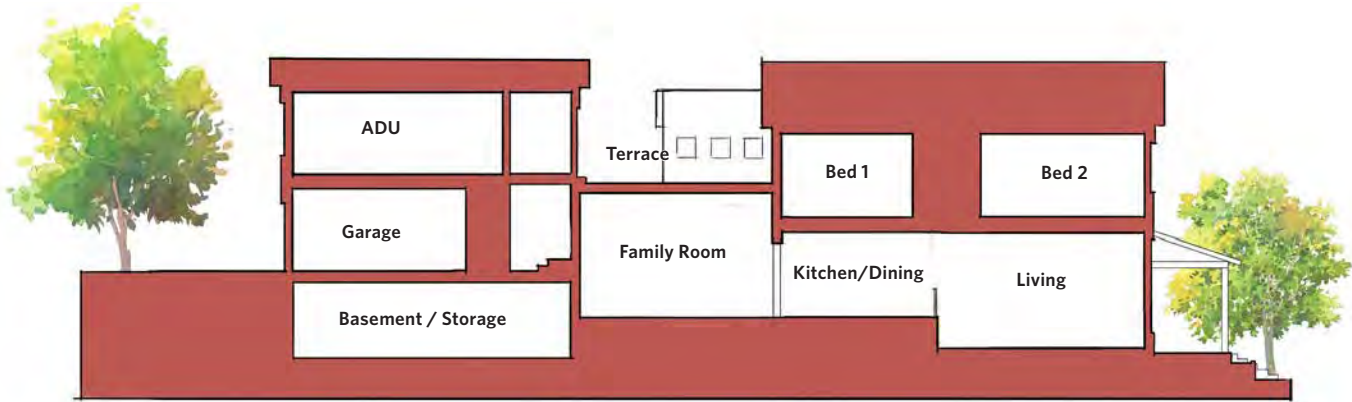
UPHILL UNIT | PLANS & SECTIONS

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

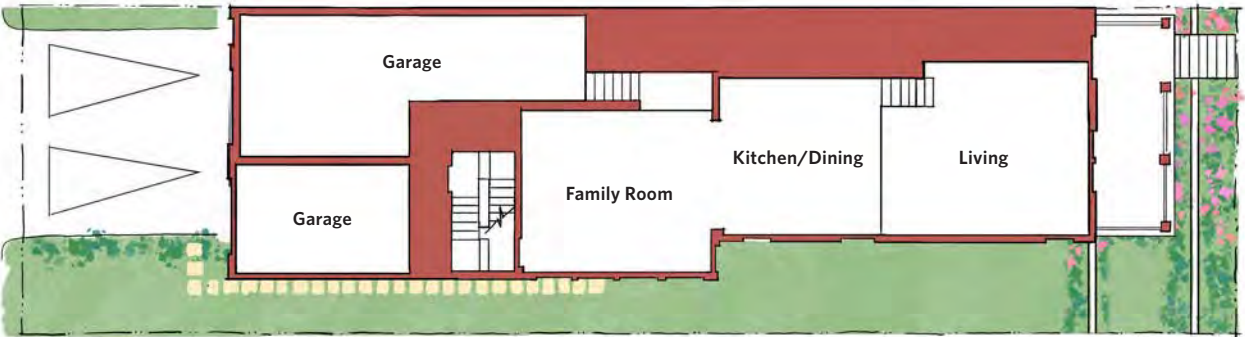




DOWNHILL LOT 24' WIDE

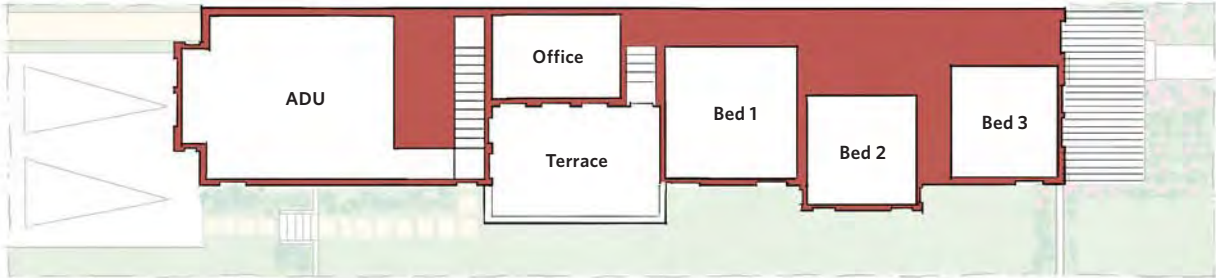


Second Floor

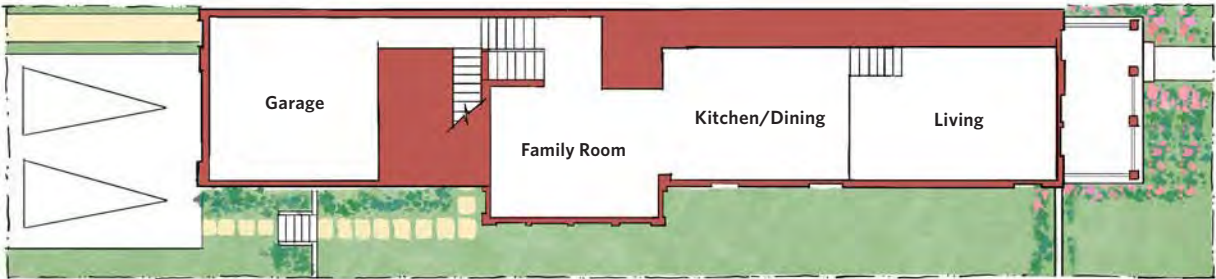


Main Floor

DOWNHILL LOT 18' WIDE



Second Floor

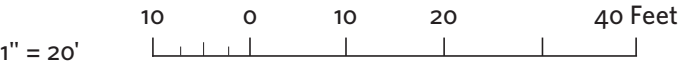


Main Floor

URBAN DESIGN ASSOCIATES

DOWNHILL UNIT | PLANS & SECTIONS

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023







Arts & Crafts



European Romantic



Colonial Revival

## PRECEDENTS | Surrounding Salt Lake City Neighborhoods

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023





## VIEW | Capitol Park Avenue

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023





Facade Type A



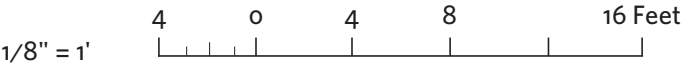
Facade Type B



Facade Type C

**ELEVATIONS | 24' Wide Units**

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023





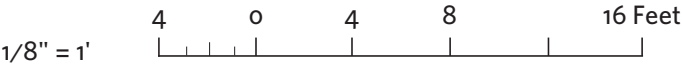


Facade Type A - A

Facade Type A - A'

ELEVATIONS | Twin Home Options

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023







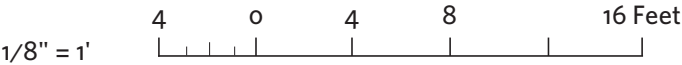
Facade Type B - B



Facade Type C - C

**ELEVATIONS | Twin Home Options**

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023







Twin Home

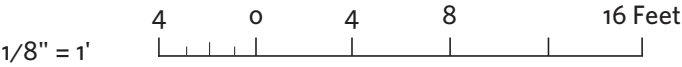


Garage and ADU

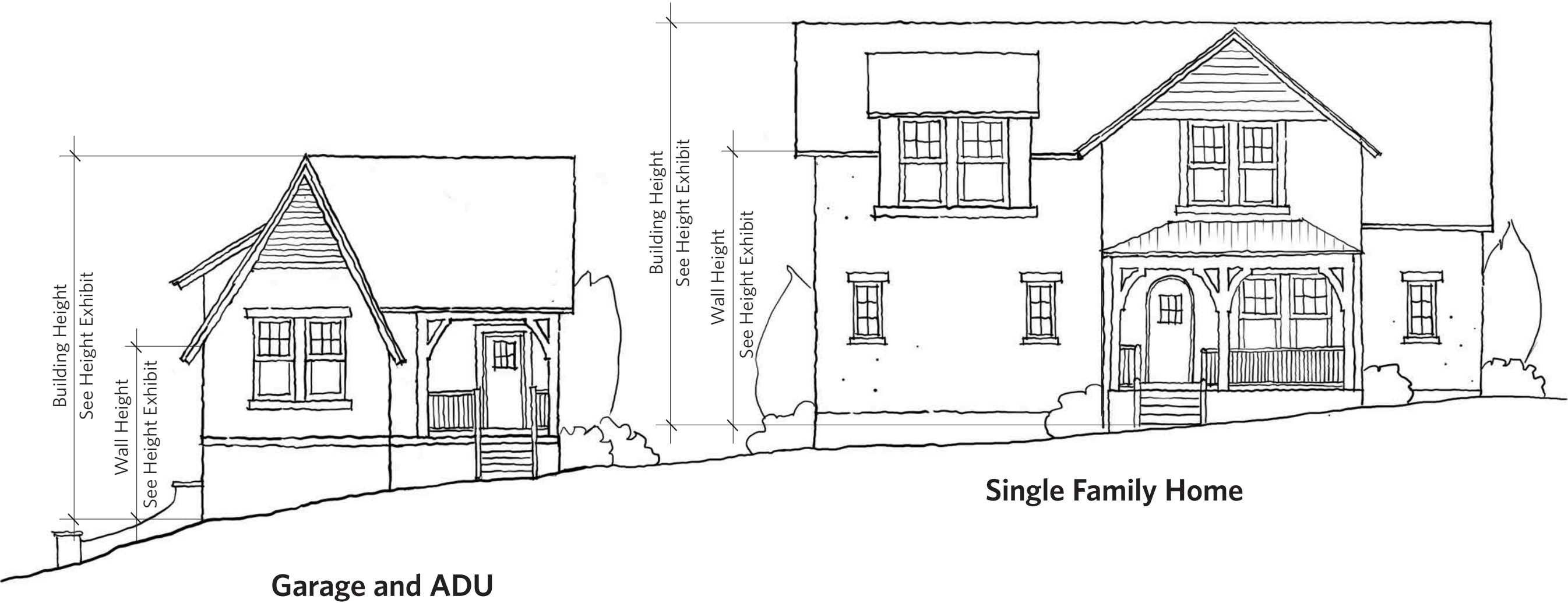
URBAN DESIGN ASSOCIATES

ELEVATIONS | Side Facades

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023



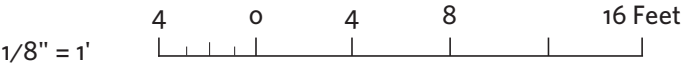




URBAN DESIGN ASSOCIATES

**ELEVATIONS | Side Facades**

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023







CAPITOL PARK AVENUE



F STREET

STREET FACADES





## VIEW | New Internal Street, Looking East

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023





Creating a sense of place through collaboration, context, and community.



Description	Frequency	Estimate						Total
		10-Yr Period	20-Year Period	30-Yr Period	40-Yr Period	50-Yr Period	60-Yr Period	
Operations								
Snow Removal	Annually	\$ 133,200.00	\$ 133,200.00	\$ 133,200.00	\$ 133,200.00	\$ 133,200.00	\$ 133,200.00	\$ 799,200.00
Landscaping	Annually	\$ 300,000.00	\$ 300,000.00	\$ 300,000.00	\$ 300,000.00	\$ 300,000.00	\$ 300,000.00	\$ 1,800,000.00
Underground Storm Drain Clean-Out	Annually	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 150,000.00
Operations Total:								\$ 2,749,200.00

#### Maintenance/Upkeep

Private Alley- Slurry Seal	10 Years	\$ 10,953.00		\$ 10,953.00		\$ 10,953.00		\$ 32,859.00
Private Alley- Rotomill & Resurface	20 Years		\$ 20,140.00				\$ 20,140.00	\$ 40,280.00
Private Alley- Full Depth Repave	40 Years					\$ 29,995.00		\$ 29,995.00
Sewer Lateral- Rotoruter	20 Years		\$ 1,250.00				\$ 1,250.00	\$ 2,500.00
Sewer Lateral- Full Replacement	40 Years				\$ 29,565.00			\$ 29,565.00
Water Lateral- Slipline	20 Years			\$ 5,356.00			\$ 5,356.00	\$ 10,712.00
Water Lateral- Full Replacement	40 Years				\$ 10,715.00			\$ 10,715.00
Irrigation- Minor Repairs	Every 5 Years	\$ 2,750.00	\$ 2,750.00	\$ 2,750.00	\$ 2,750.00	\$ 2,750.00	\$ 2,750.00	\$ 16,500.00
Irrigation- Major Part Replacements	Every 10 Years	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ 21,000.00
Landscaping- Plant Replacement (10%)	Every 3 Years	\$ 5,250.00	\$ 5,250.00	\$ 5,250.00	\$ 5,250.00	\$ 5,250.00	\$ 5,250.00	\$ 31,500.00
Landscaping- Professional Tree Trimming	Every 10 Years	\$ 11,500.00	\$ 11,500.00	\$ 11,500.00	\$ 11,500.00	\$ 11,500.00	\$ 11,500.00	\$ 69,000.00
<b>Maintenance/Upkeep Total:</b>								<b>\$ 294,626.00</b>

<b>Grand Total:</b>	<b>\$ 3,043,826.00</b>
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	0.035
2021 Cost	10750
2022 Cost	11126.25
2023 Cost	11515.67



Description	Estimate							
	0	10	20	30	40	50	60	Total
	Frequency	10-Yr Period	20-Year Period	30-Yr Period	40-Yr Period	50-Yr Period	60-Yr Period	
Operations								
Snow Removal	Annually	\$ 93,851	\$ 132,386	\$ 186,744	\$ 263,421	\$ 371,581	\$ 524,152	\$ 1,572,135
Landscaping	Annually	\$ 351,942	\$ 496,449	\$ 700,290	\$ 987,828	\$ 1,393,429	\$ 1,965,569	\$ 5,895,506
Underground Storm Drain Clean-Out	Annually	\$ 29,328	\$ 41,371	\$ 58,357	\$ 82,319	\$ 116,119	\$ 163,797	\$ 491,292
Operations Total:								\$ 7,958,934

#### Maintenance/Upkeep

Private Alley- Slurry Seal	10 Years	\$ 10,222	\$ 14,419	\$ 20,339	\$ 28,690	\$ 40,470	\$ 57,088	\$ 171,228
Private Alley- Rotomill & Resurface	20 Years		\$ 2,980		\$ 5,929		\$ 11,798	\$ 20,707
Private Alley- Full Depth Repave	40 Years				\$ 98,140			\$ 98,140
Sewer Lateral- Rotoruter	20 Years		\$ 2,403		\$ 4,782		\$ 9,515	\$ 16,699
Sewer Lateral- Full Replacement	40 Years				\$ 113,097			\$ 113,097
Water Lateral- Slipline	20 Years		\$ 10,297		\$ 20,489		\$ 40,768	\$ 71,554
Water Lateral- Full Replacement	40 Years				\$ 40,989			\$ 40,989
Irrigation- Minor Repairs	Every 5 Years	\$ 6,904	\$ 9,738	\$ 13,737	\$ 19,377	\$ 27,333	\$ 38,556	\$ 115,646
Irrigation- Major Part Replacements	Every 10 Years	\$ 4,770	\$ 6,729	\$ 9,492	\$ 13,389	\$ 18,886	\$ 26,641	\$ 79,906
Landscaping- Plant Replacement (10%)	Every 3 Years	\$ 18,773	\$ 25,585	\$ 49,107	\$ 52,691	\$ 71,812	\$ 137,834	\$ 355,801
Landscaping- Professional Tree Trimming	Every 10 Years	\$ 15,673	\$ 22,109	\$ 31,187	\$ 43,992	\$ 62,055	\$ 87,534	\$ 262,550
<b>Maintenance/Upkeep Total:</b>								<b>\$ 1,346,317</b>

#### NOTES

1) Annual inflation rate of 3.5% taken from the 30 yr long term average outlook from Engineering News-Record (ENR)

<b>Grand Total:</b>	<b>\$ 9,305,251</b>
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Inflation rate 3.5%

Frequency (Years)	Operations		
	Snow Removal	Landscaping	Underground Storm Drain Clean-Out
	1	1	1

Annual Rate Increase			
1 (Current Rate)	\$ 8,000	\$ 30,000	\$ 2,500
2	\$ 8,280	\$ 31,050	\$ 2,588
3	\$ 8,570	\$ 32,137	\$ 2,678
4	\$ 8,870	\$ 33,262	\$ 2,772
5	\$ 9,180	\$ 34,426	\$ 2,869
6	\$ 9,501	\$ 35,631	\$ 2,969
7	\$ 9,834	\$ 36,878	\$ 3,073
8	\$ 10,178	\$ 38,168	\$ 3,181
9	\$ 10,534	\$ 39,504	\$ 3,292
10	\$ 10,903	\$ 40,887	\$ 3,407
11	\$ 11,285	\$ 42,318	\$ 3,526
12	\$ 11,680	\$ 43,799	\$ 3,650
13	\$ 12,089	\$ 45,332	\$ 3,778
14	\$ 12,512	\$ 46,919	\$ 3,910
15	\$ 12,950	\$ 48,561	\$ 4,047
16	\$ 13,403	\$ 50,260	\$ 4,188
17	\$ 13,872	\$ 52,020	\$ 4,335
18	\$ 14,357	\$ 53,840	\$ 4,487
19	\$ 14,860	\$ 55,725	\$ 4,644
20	\$ 15,380	\$ 57,675	\$ 4,806
21	\$ 15,918	\$ 59,694	\$ 4,974
22	\$ 16,475	\$ 61,783	\$ 5,149
23	\$ 17,052	\$ 63,945	\$ 5,329
24	\$ 17,649	\$ 66,183	\$ 5,515
25	\$ 18,267	\$ 68,500	\$ 5,708
26	\$ 18,906	\$ 70,897	\$ 5,908
27	\$ 19,568	\$ 73,379	\$ 6,115
28	\$ 20,253	\$ 75,947	\$ 6,329
29	\$ 20,961	\$ 78,605	\$ 6,550
30	\$ 21,695	\$ 81,356	\$ 6,780
31	\$ 22,454	\$ 84,204	\$ 7,017
32	\$ 23,240	\$ 87,151	\$ 7,263
33	\$ 24,054	\$ 90,201	\$ 7,517
34	\$ 24,896	\$ 93,358	\$ 7,780
35	\$ 25,767	\$ 96,626	\$ 8,052
36	\$ 26,669	\$ 100,008	\$ 8,334
37	\$ 27,602	\$ 103,508	\$ 8,626
38	\$ 28,568	\$ 107,131	\$ 8,928
39	\$ 29,568	\$ 110,880	\$ 9,240
40	\$ 30,603	\$ 114,761	\$ 9,563
41	\$ 31,674	\$ 118,778	\$ 9,898
42	\$ 32,783	\$ 122,935	\$ 10,245
43	\$ 33,930	\$ 127,238	\$ 10,603
44	\$ 35,118	\$ 131,691	\$ 10,974
45	\$ 36,347	\$ 136,300	\$ 11,358
46	\$ 37,619	\$ 141,071	\$ 11,756
47	\$ 38,936	\$ 146,008	\$ 12,167
48	\$ 40,298	\$ 151,119	\$ 12,593
49	\$ 41,709	\$ 156,408	\$ 13,034
50	\$ 43,169	\$ 161,882	\$ 13,490



51	\$	44,679	\$	167,548	\$	13,962
52	\$	46,243	\$	173,412	\$	14,451
53	\$	47,862	\$	179,481	\$	14,957
54	\$	49,537	\$	185,763	\$	15,480
55	\$	51,271	\$	192,265	\$	16,022
56	\$	53,065	\$	198,994	\$	16,583
57	\$	54,922	\$	205,959	\$	17,163
58	\$	56,845	\$	213,168	\$	17,764
59	\$	58,834	\$	220,628	\$	18,386
60	\$	60,893	\$	228,350	\$	19,029

Frequency (Years)	Maintenance/Upkeep										
	Private Alley- Slurry Seal	Private Alley- Rotomill & Resurface	Private Alley- Full Depth Repave	Sewer Lateral- Rotoruter	Sewer Lateral- Full Replacement	Water Lateral- Slipline	Water Lateral- Full Replacement	Irrigation- Minor Repairs	Irrigation- Major Part Replacements	Landscaping- Plant Replacement (10%)	Landscaping- Professional Tree Trimming
	10	20	40	20	40	20	40	5	10	3	10

Annual Rate Increase																						
1 (Current Rate)	\$	7,500	\$	1,550	\$	25,655	\$	1,250	\$	29,565	\$	5,356	\$	10,715	\$	2,750	\$	3,500	\$	5,250	\$	11,500
2	\$	7,763	\$	1,604	\$	26,553	\$	1,294	\$	30,600	\$	5,543	\$	11,090	\$	2,846	\$	3,623	\$	5,434	\$	11,903
3	\$	8,034	\$	1,660	\$	27,482	\$	1,339	\$	31,671	\$	5,737	\$	11,478	\$	2,946	\$	3,749	\$	5,624	\$	12,319
4	\$	8,315	\$	1,719	\$	28,444	\$	1,386	\$	32,779	\$	5,938	\$	11,880	\$	3,049	\$	3,881	\$	5,821	\$	12,750
5	\$	8,606	\$	1,779	\$	29,440	\$	1,434	\$	33,927	\$	6,146	\$	12,296	\$	3,156	\$	4,016	\$	6,024	\$	13,197
6	\$	8,908	\$	1,841	\$	30,470	\$	1,485	\$	35,114	\$	6,361	\$	12,726	\$	3,266	\$	4,157	\$	6,235	\$	13,658
7	\$	9,219	\$	1,905	\$	31,537	\$	1,537	\$	36,343	\$	6,584	\$	13,171	\$	3,380	\$	4,302	\$	6,454	\$	14,136
8	\$	9,542	\$	1,972	\$	32,640	\$	1,590	\$	37,615	\$	6,814	\$	13,632	\$	3,499	\$	4,453	\$	6,679	\$	14,631
9	\$	9,876	\$	2,041	\$	33,783	\$	1,646	\$	38,931	\$	7,053	\$	14,110	\$	3,621	\$	4,609	\$	6,913	\$	15,143
10	\$	10,222	\$	2,112	\$	34,965	\$	1,704	\$	40,294	\$	7,300	\$	14,603	\$	3,748	\$	4,770	\$	7,155	\$	15,673
11	\$	10,579	\$	2,186	\$	36,189	\$	1,763	\$	41,704	\$	7,555	\$	15,115	\$	3,879	\$	4,937	\$	7,406	\$	16,222
12	\$	10,950	\$	2,263	\$	37,456	\$	1,825	\$	43,164	\$	7,820	\$	15,644	\$	4,015	\$	5,110	\$	7,665	\$	16,790
13	\$	11,333	\$	2,342	\$	38,766	\$	1,889	\$	44,675	\$	8,093	\$	16,191	\$	4,155	\$	5,289	\$	7,933	\$	17,377
14	\$	11,730	\$	2,424	\$	40,123	\$	1,955	\$	46,238	\$	8,377	\$	16,758	\$	4,301	\$	5,474	\$	8,211	\$	17,985
15	\$	12,140	\$	2,509	\$	41,528	\$	2,023	\$	47,857	\$	8,670	\$	17,344	\$	4,451	\$	5,665	\$	8,498	\$	18,615
16	\$	12,565	\$	2,597	\$	42,981	\$	2,094	\$	49,532	\$	8,973	\$	17,951	\$	4,607	\$	5,864	\$	8,796	\$	19,267
17	\$	13,005	\$	2,688	\$	44,485	\$	2,167	\$	51,265	\$	9,287	\$	18,580	\$	4,768	\$	6,069	\$	9,103	\$	19,941
18	\$	13,460	\$	2,782	\$	46,042	\$	2,243	\$	53,060	\$	9,612	\$	19,230	\$	4,935	\$	6,281	\$	9,422	\$	20,639
19	\$	13,931	\$	2,879	\$	47,654	\$	2,322	\$	54,917	\$	9,949	\$	19,903	\$	5,108	\$	6,501	\$	9,752	\$	21,361
20	\$	14,419	\$	2,980	\$	49,322	\$	2,403	\$	56,839	\$	10,297	\$	20,600	\$	5,287	\$	6,729	\$	10,093	\$	22,109
21	\$	14,923	\$	3,084	\$	51,048	\$	2,487	\$	58,828	\$	10,657	\$	21,321	\$	5,472	\$	6,964	\$	10,446	\$	22,883
22	\$	15,446	\$	3,192	\$	52,835	\$	2,574	\$	60,887	\$	11,030	\$	22,067	\$	5,663	\$	7,208	\$	10,812	\$	23,683
23	\$	15,986	\$	3,304	\$	54,684	\$	2,664	\$	63,018	\$	11,416	\$	22,839	\$	5,862	\$	7,460	\$	11,190	\$	24,512
24	\$	16,546	\$	3,419	\$	56,598	\$	2,758	\$	65,224	\$	11,816	\$	23,639	\$	6,067	\$	7,721	\$	11,582	\$	25,370
25	\$	17,125	\$	3,539	\$	58,579	\$	2,854	\$	67,507	\$	12,230	\$	24,466	\$	6,279	\$	7,992	\$	11,987	\$	26,258
26	\$	17,724	\$	3,663	\$	60,629	\$	2,954	\$	69,869	\$	12,658	\$	25,322	\$	6,499	\$	8,271	\$	12,407	\$	27,177
27	\$	18,345	\$	3,791	\$	62,751	\$	3,057	\$	72,315	\$	13,101	\$	26,208	\$	6,726	\$	8,561	\$	12,841	\$	28,129
28	\$	18,987	\$	3,924	\$	64,947	\$	3,164	\$	74,846	\$	13,559	\$	27,126	\$	6,962	\$	8,860	\$	13,291	\$	29,113
29	\$	19,651	\$	4,061	\$	67,221	\$	3,275	\$	77,465	\$	14,034	\$	28,075	\$	7,205	\$	9,171	\$	13,756	\$	30,132
30	\$	20,339	\$	4,203	\$	69,573	\$	3,390	\$	80,177	\$	14,525	\$	29,058	\$	7,458	\$	9,492	\$	14,237	\$	31,187
31	\$	21,051	\$	4,351	\$	72,008	\$	3,508	\$	82,983	\$	15,033	\$	30,075	\$	7,719	\$	9,824	\$	14,736	\$	32,278
32	\$	21,788	\$	4,503	\$	74,529	\$	3,631	\$	85,887	\$	15,559	\$	31,127	\$	7,989	\$	10,168	\$	15,251	\$	33,408
33	\$	22,550	\$	4,660	\$	77,137	\$	3,758	\$	88,893	\$	16,104	\$	32,217	\$	8,268	\$	10,523	\$	15,785	\$	34,577
34	\$	23,340	\$	4,824	\$	79,837	\$	3,890	\$	92,005	\$	16,668	\$	33,344	\$	8,558	\$	10,892	\$	16,338	\$	35,787
35	\$	24,156	\$	4,992	\$	82,631	\$	4,026	\$	95,225	\$	17,251	\$	34,512	\$	8,857	\$	11,273	\$	16,910	\$	37,040
36	\$	25,002	\$	5,167	\$	85,523	\$	4,167	\$	98,558	\$	17,855	\$	35,719	\$	9,167	\$	11,668	\$	17,501	\$	38,336
37	\$	25,877	\$	5,348	\$	88,517	\$	4,313	\$	102,007	\$	18,480	\$	36,970	\$	9,488	\$	12,076	\$	18,114	\$	39,678
38	\$	26,783	\$	5,535	\$	91,615	\$	4,464	\$	105,577	\$	19,126	\$	38,264	\$	9,820	\$	12,499	\$	18,748	\$	41,067
39	\$	27,720	\$	5,729	\$	94,821	\$	4,620	\$	109,273	\$	19,796	\$	39,603	\$	10,164	\$	12,936	\$	19,404	\$	42,504
40	\$	28,690	\$	5,929	\$	98,140	\$	4,782	\$	113,097	\$	20,489	\$	40,989	\$	10,520	\$	13,389	\$	20,083	\$	43,992
41	\$	29,694	\$	6,137	\$	101,575	\$	4,949	\$	117,056	\$	21,206	\$	42,423	\$	10,888	\$	13,857	\$	20,786	\$	45,531



42	\$	30,734	\$	6,352	\$	105,130	\$	5,122	\$	121,152	\$	21,948	\$	43,908	\$	11,269	\$	14,342	\$	21,514	\$	47,125
43	\$	31,809	\$	6,574	\$	108,809	\$	5,302	\$	125,393	\$	22,716	\$	45,445	\$	11,663	\$	14,844	\$	22,267	\$	48,774
44	\$	32,923	\$	6,804	\$	112,618	\$	5,487	\$	129,782	\$	23,511	\$	47,036	\$	12,072	\$	15,364	\$	23,046	\$	50,482
45	\$	34,075	\$	7,042	\$	116,559	\$	5,679	\$	134,324	\$	24,334	\$	48,682	\$	12,494	\$	15,902	\$	23,853	\$	52,248
46	\$	35,268	\$	7,289	\$	120,639	\$	5,878	\$	139,025	\$	25,186	\$	50,386	\$	12,931	\$	16,458	\$	24,687	\$	54,077
47	\$	36,502	\$	7,544	\$	124,861	\$	6,084	\$	143,891	\$	26,067	\$	52,149	\$	13,384	\$	17,034	\$	25,551	\$	55,970
48	\$	37,780	\$	7,808	\$	129,232	\$	6,297	\$	148,927	\$	26,980	\$	53,974	\$	13,853	\$	17,630	\$	26,446	\$	57,929
49	\$	39,102	\$	8,081	\$	133,755	\$	6,517	\$	154,140	\$	27,924	\$	55,864	\$	14,337	\$	18,248	\$	27,371	\$	59,956
50	\$	40,470	\$	8,364	\$	138,436	\$	6,745	\$	159,535	\$	28,901	\$	57,819	\$	14,839	\$	18,886	\$	28,329	\$	62,055
51	\$	41,887	\$	8,657	\$	143,281	\$	6,981	\$	165,118	\$	29,913	\$	59,842	\$	15,359	\$	19,547	\$	29,321	\$	64,227
52	\$	43,353	\$	8,960	\$	148,296	\$	7,225	\$	170,898	\$	30,960	\$	61,937	\$	15,896	\$	20,231	\$	30,347	\$	66,475
53	\$	44,870	\$	9,273	\$	153,487	\$	7,478	\$	176,879	\$	32,043	\$	64,105	\$	16,452	\$	20,939	\$	31,409	\$	68,801
54	\$	46,441	\$	9,598	\$	158,859	\$	7,740	\$	183,070	\$	33,165	\$	66,348	\$	17,028	\$	21,672	\$	32,509	\$	71,209
55	\$	48,066	\$	9,934	\$	164,419	\$	8,011	\$	189,477	\$	34,326	\$	68,671	\$	17,624	\$	22,431	\$	33,646	\$	73,702
56	\$	49,749	\$	10,281	\$	170,173	\$	8,291	\$	196,109	\$	35,527	\$	71,074	\$	18,241	\$	23,216	\$	34,824	\$	76,281
57	\$	51,490	\$	10,641	\$	176,129	\$	8,582	\$	202,973	\$	36,771	\$	73,562	\$	18,880	\$	24,029	\$	36,043	\$	78,951
58	\$	53,292	\$	11,014	\$	182,294	\$	8,882	\$	210,077	\$	38,058	\$	76,136	\$	19,540	\$	24,870	\$	37,304	\$	81,714
59	\$	55,157	\$	11,399	\$	188,674	\$	9,193	\$	217,429	\$	39,390	\$	78,801	\$	20,224	\$	25,740	\$	38,610	\$	84,574
60	\$	57,088	\$	11,798	\$	195,278	\$	9,515	\$	225,039	\$	40,768	\$	81,559	\$	20,932	\$	26,641	\$	39,961	\$	87,534





GENERAL NOTES

1. THIS SURVEY IS BASED UPON ONE TITLE REPORT: COMMITMENT FOR TITLE INSURANCE ISSUED BY OLD REPUBLIC TITLE, DATED DECEMBER 26, 2019 - OLD REPUBLIC TITLE FILE: 121577-KCP

2. NOTES PERTAINING TO EXCEPTIONS TO COVERAGE, SCHEDULE B OF REFERENCED TITLE REPORTS:

TITLE REPORT 1 - EXCEPTION 1 THROUGH 13, 16, 20 AND 21 ARE NOT ADDRESSED BY THIS SURVEY

3. DOCUMENTS FURNISHED AND UTILIZED IN THE PERFORMANCE OF THIS SURVEY ARE AS FOLLOWS:

1. OLD REPUBLIC TITLE, DATED DECEMBER 26, 2019 - OLD REPUBLIC TITLE FILE: 121577-KCP

R3) FEMA MAP NUMBER - 490350142G - EFFECTIVE ON 9/25/2009

4. UTILITIES AS SHOWN HEREON WERE LOCATED BASED UPON VISIBLE IMPROVEMENTS AT THE TIME OF THE SURVEY.

NOT ALL UTILITIES MAY BE SHOWN HEREON

5. SUBJECT PROPERTY IS LOCATED WITHIN "ZONE X" OF SAID PANEL.

6. TREE DIAMETERS ARE APPROXIMATE AND SHOWN TO GIVE RELATIVE SIZE.

1 OF 1





VICINITY MAP  
1" = 100'

# CAPITOL PARK COTTAGES

## SALT LAKE CITY, UTAH

### PRELIMINARY PLANS



2815 East 3300 South, Salt Lake City, UT 84109  
(801) 305-4670    www.edmpartners.com

OWNER:  
Ivory Development  
978 East Woodoak Lane  
Salt Lake City, UT 84117  
801-747-7000

**IVORYHOMES**  
Utah's Number One Homebuilder

NOTES:

GEOTECHNICAL STUDY

A SITE SPECIFIC GEOTECHNICAL STUDY HAS BEEN PREPARED FOR THIS PROJECT BY IGES. THE REPORT IS DATED MARCH 3, 2020, AND WAS PREPARED BY JUSTIN WHITMER, PE. IT IS IDENTIFIED BY IGES PROJECT NUMBER 02058-118. THE REQUIREMENTS OUTLINED IN THIS STUDY SHALL BE FOLLOWED ON THIS PROJECT.

SHEET INDEX

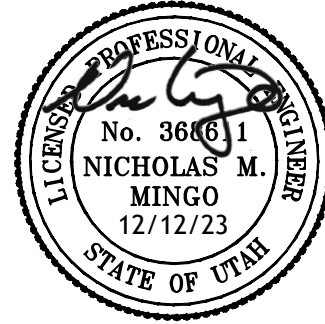
- O-1 TITLE SHEET
- SUBDIVISION PLAT
- O-3 SITE PLAN
- O-4 UTILITY PLAN
- O-5 GRADING AND DRAINAGE PLAN
- O-6 LOT DIMENSION PLAN
- O-7 PARKING PLAN
- O-8 TREE REMOVAL PLAN

LEGEND

- SS SS SDR 35 SANITARY SEWER
- (SS) (SS) EXISTING SANITARY SEWER
- SS SANITARY SEWER MANHOLE
- W W PVC C-900 WATER LINE
- (W) (W) EXISTING WATER LINE
- W V W WATER VALVE, TEE & BEND
- W F W FIRE HYDRANT
- W F W EXISTING FIRE HYDRANT
- W W PVC C-900 SEC. WATER LINE
- (W) (W) EXISTING IRRIGATION LINE
- W V W SEC. WATER VALVE, TEE & BEND
- W S W PROPOSED STREET LIGHT
- (W) (W) EXISTING OVERHEAD UTILITY
- W RCP CL III STORM DRAIN
- W SD COMBOBOX, CB & CO
- W U PROPOSED UNDER DRAIN
- (W) (W) EXISTING UNDER DRAIN
- W U UNDER DRAIN CLEANOUT
- W E EXISTING MAJOR CONTOUR
- W E EXISTING MINOR CONTOUR
- W PROPOSED MAJOR CONTOUR
- W PROPOSED MINOR CONTOUR

BENCHMARK

THE PROJECT BENCHMARK IS A BRASS CAP STREET MONUMENT IN A WELL AT THE INTERSECTION OF "F" STREET AND 13TH AVENUE. THE ELEVATION OF THE BRASS CAP IS 4840.88'.



Capitol Park  
Cottages  
Title Sheet

PROJECT: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_ KMW  
REVIEWED BY: \_\_\_\_\_ NMM  
REVISIONS: \_\_\_\_\_  
No. DATE \_\_\_\_\_ REMARKS \_\_\_\_\_

DATE: December 12, 2023

SHEET NUMBER:

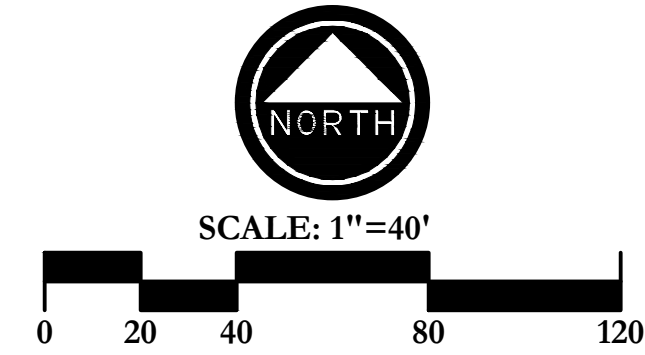
O-1



# CAPITOL PARK COTTAGES SUBDIVISION

PARCEL NUMBER 109-30-455-021

LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF  
SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND  
MERIDIAN, SALT LAKE CITY, SALT LAKE COUNTY, UTAH



LEGEND	
	BOUNDARY LINE
	LOT LINE
	SECTION LINE
	CENTERLINE / MONUMENT LINE
	ADJACENT PROPERTY LINE
	SURVEY TIE LINE
	RIGHT OF WAY LINE
	EASEMENT LINE
	SECTION CORNER (FOUND)
	CALCULATED STREET MONUMENT (NOT FOUND)
	ROAD MONUMENT
	MONUMENT TO BE SET BY PERMIT FROM THE S.L. COUNTY SURVEYOR
	FOUND PROPERTY CORNER (DESCRIPTION NOTED WHERE APPLICABLE)
	NEW ROAD MONUMENT

CURVE TABLE				
CURVE	ARC LENGTH	RADIUS	CHORD DIRECTION	CHORD LENGTH
C1	62.31	102.00	N72°30'02"W	61.34
C2	160.04	262.00	N72°29'59"W	157.57
C3	26.08	224.00	S86°40'16"E	26.07
C4	33.65	224.00	S79°01'56"E	33.61
C5	41.73	224.00	S69°23'33"E	41.67
C6	26.40	50.00	N74°52'48"W	26.10
C7	1.17	224.00	S63°54'24"E	1.17
C8	40.22	200.00	S71°10'13"E	40.15
C9	17.63	262.00	N56°55'41"W	17.63
C10	30.54	262.00	N62°11'45"W	30.53
C11	27.37	200.00	S80°51'06"E	27.35
C12	18.27	200.00	S87°23'22"E	18.27
C13	28.99	262.00	N68°42'22"W	28.98
C14	41.20	262.00	N76°22'53"W	41.16
C15	32.99	21.00	N44°59'36"E	29.70
C16	38.11	45.00	S65°43'55"W	36.98
C17	8.05	224.00	N88°58'37"W	8.05
C18	0.68	301.00	S89°56'32"E	0.68
C19	42.55	301.00	S85°49'42"E	42.52
C20	25.13	224.00	N84°44'02"W	25.11
C21	28.05	224.00	N77°56'01"W	28.03
C22	45.69	301.00	S77°25'48"E	45.65
C23	34.57	301.00	S69°47'26"E	34.56
C24	25.05	224.00	N71°08'35"W	25.04
C25	16.35	224.00	N65°50'54"W	16.34
C26	25.95	200.00	N67°28'32"W	25.94
C27	65.67	200.00	N80°36'00"W	65.38
C28	17.51	262.00	N88°05'06"W	17.51
C29	5.77	200.00	S64°35'01"E	5.77
C30	62.31	102.00	N72°30'00"W	61.34
C31	97.12	212.00	S76°52'56"E	96.28
C32	97.12	212.00	S76°52'56"E	96.28
C33	51.84	33.00	N44°59'36"E	46.67
C34	12.11	262.00	N82°12'39"W	12.11
C35	12.05	262.00	N84°51'10"W	12.05



## NARRATIVE:

THIS SUBDIVISION PLAT WAS PREPARED AT THE REQUEST OF IVORY DEVELOPMENT FOR THE PURPOSE OF SUBDIVIDING THE PARCELS OF LAND KNOWN BY THE SALT LAKE COUNTY ASSESSOR AS PARCEL NUMBER 09-30-455-021 INTO LOTS AND STREETS AS SHOWN HEREON. EXISTING MONUMENTS SHOWN ON THIS PLAT WERE OBSERVED IN THEIR RECORD LOCATIONS.

## BASIS OF BEARING:

NORTH 45°19'57" EAST, BEING THE BEARING BETWEEN TWO FOUND CENTER OF STREET MONUMENTS AT 12TH AVENUE/F STREET AND 13TH AVENUE/G STREET.

## ACCURACY STATEMENT:

FIELD MEASUREMENTS ON THE GROUND SHALL CLOSE WITHIN A TOLERANCE OF ONE FOOT (1') TO FIFTEEN THOUSAND FEET (15,000') OF PERIMETER PER SLC ORDINANCE 20.20.30.C.

## NOTES:

- A 5/8" REBAR WITH PLASTIC CAP MARKED EDM WILL BE SET AL ALL REAR CORNERS AND ALONG BOUNDARY EXCEPT, FRONT LOT LINES WILL BE MARKED WITH A RIVET IN THE CURB AT THE LOT LINE EXTENDED.
- PARCELS A & B ARE COMMON AREA PARCELS AND ARE HEREBY DEDICATED TO THE CAPITOL PARK COTTAGES HOMEOWNER'S ASSOCIATION.
- STREET ADDRESSES FOR EACH HOME AND ADU SHALL EITHER HAVE THE SUFFIX "UNIT A" OR "UNIT B". MAIN RESIDENCES SHALL BE ADDRESSED AS "UNIT A" WHILE THE ADU'S ADDRESSED AS "UNIT B".
- ALL THE PRIVATE ROADS AND COMMON PARCELS WITHIN THE SUBDIVISION ARE A PUBLIC UTILITY EASEMENT AND SERVE AS EASEMENTS FOR SHARED PRIVATE UTILITIES INCLUDING WATER, SEWER, AND STORM DRAIN.
- NOTICE TO PURCHASERS - THE INFRASTRUCTURE WITHIN THIS PROJECT IS PRIVATELY OWNED AND THE OPERATION, MAINTENANCE, REPAIR, AND REPLACEMENT IS THE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION. SALT LAKE CITY WILL NOT ASSUME THESE RESPONSIBILITIES.

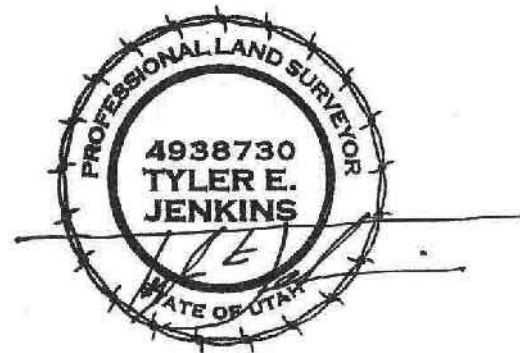
## SURVEYOR'S CERTIFICATE

I, TYLER E. JENKINS, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD LICENSE NO. 4938730 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS SUBDIVISION PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF UTAH STATE CODE AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THIS PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS PLAT; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY; AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS:

## CAPITOL PARK COTTAGES SUBDIVISION

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND.

12/12/23  
FOR REVIEW ONLY  
DO NOT RECORD



## BOUNDARY DESCRIPTION

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 CAPITOL PARK AVENUE EXTENSION SUBDIVISION, RECORDED AS ENTRY # 8923328, IN BOOK 2003P, ON PAGE 391 AT THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE; SAID POINT OF BEGINNING ALSO BEING N89°51'13"W 416.49 FEET, N00°00'24"W 3.89 FEET AND N90°00'00"W 41.69 FEET FROM A FOUND STREET MONUMENT AT THE INTERSECTION OF "G" STREET AND 13TH AVENUE; AND RUNNING THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING 4 CALLS: 1). N90°00'00"W 34.78 FEET; 2). THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 102.00 FEET, A DISTANCE OF 62.31 FEET, A CHORD DIRECTION OF N72°30'02"W AND A CHORD DISTANCE OF 61.34 FEET; 3). THENCE N55°00'00"W 180.63 FEET; 4). THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 262.00 FEET, A DISTANCE OF 160.04 FEET, A CHORD DIRECTION OF N72°29'59"W AND A CHORD DISTANCE OF 157.57 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE, SAID POINT ALSO BEING THE EASTERLY BOUNDARY OF CAPITOL PARK PLANNED DEVELOPMENT PHASE 4 AS RECORDED IN BOOK 1996P, ON PAGE 273 AT THE SALT LAKE COUNTY RECORDER'S OFFICE; THENCE N00°00'24"W 296.86 FEET ALONG SAID EAST BOUNDARY, SAID POINT ALSO BEING THE SOUTHERLY RIGHT-OF-WAY OF NORTH POINT DRIVE; THENCE S89°51'43"E 217.58 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY; S60°00'00"E 200.84 FEET TO THE WESTERLY RIGHT-OF-WAY OF "F" STREET; THENCE S00°00'24"E 365.35 FEET ALONG THE WESTERLY OF "F" STREET TO THE POINT OF BEGINNING. CONTAINING 3.21 ACRES IN AREA, 21 LOTS AND 2 PARCEL SALT LAKE COUNTY TAX ID. NO. 09-30-455-0210

## OWNER'S DEDICATION

I/WE, THE UNDERSIGNED OWNER(S) OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, STREETS AND COMMON AREAS AS SHOWN HEREON TO BE HEREAFTER KNOWN AS:

## CAPITOL PARK COTTAGES SUBDIVISION

AND DO HEREBY GRANT UNTO EACH PRIVATE UTILITY COMPANY AND PUBLIC UTILITY AGENCY PROVIDING UTILITY SERVICES TO THIS PROJECT, A PERPETUAL NON-EXCLUSIVE EASEMENT IN ALL AREAS SHOWN HEREON INCLUDING THE PRIVATE ROADWAY AND COMMON AREAS TO INSTALL, USE, KEEP, MAINTAIN, REPAIR AND REPLACE AS REQUIRED, UNDERGROUND UTILITY LINES, PIPES AND CONDUITS OF ALL TYPES AND APPURTENANCES THERETO SERVING THIS PROJECT.

NAME: CHRISTOPHER P. GAMVROULAS

TITLE: PRESIDENT OF IVORY DEVELOPMENT, LLC

## ACKNOWLEDGEMENT

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 20\_\_\_\_, CHRISTOPHER P. GAMVROULAS PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SALT LAKE IN THE STATE OF UTAH, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE PRESIDENT OF IVORY DEVELOPMENT LLC AND THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC COMMISSION NUMBER SIGNATURE

A NOTARY PUBLIC COMMISSIONED IN THE STATE OF UTAH. COMMISSION EXPIRES \_\_\_\_\_

## CAPITOL PARK COTTAGES SUBDIVISION

PARCEL NUMBER 109-30-455-021

LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF  
SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE  
AND MERIDIAN, SALT LAKE CITY, SALT LAKE COUNTY, UTAH

# SHEET 1 OF 1

DATE	REVISIONS	BY



2815 East 3300 South, Salt Lake City, UT 84109  
(801) 305-4670 www.edmpartners.com

## SALT LAKE COUNTY RECORDER

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF:  
DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_

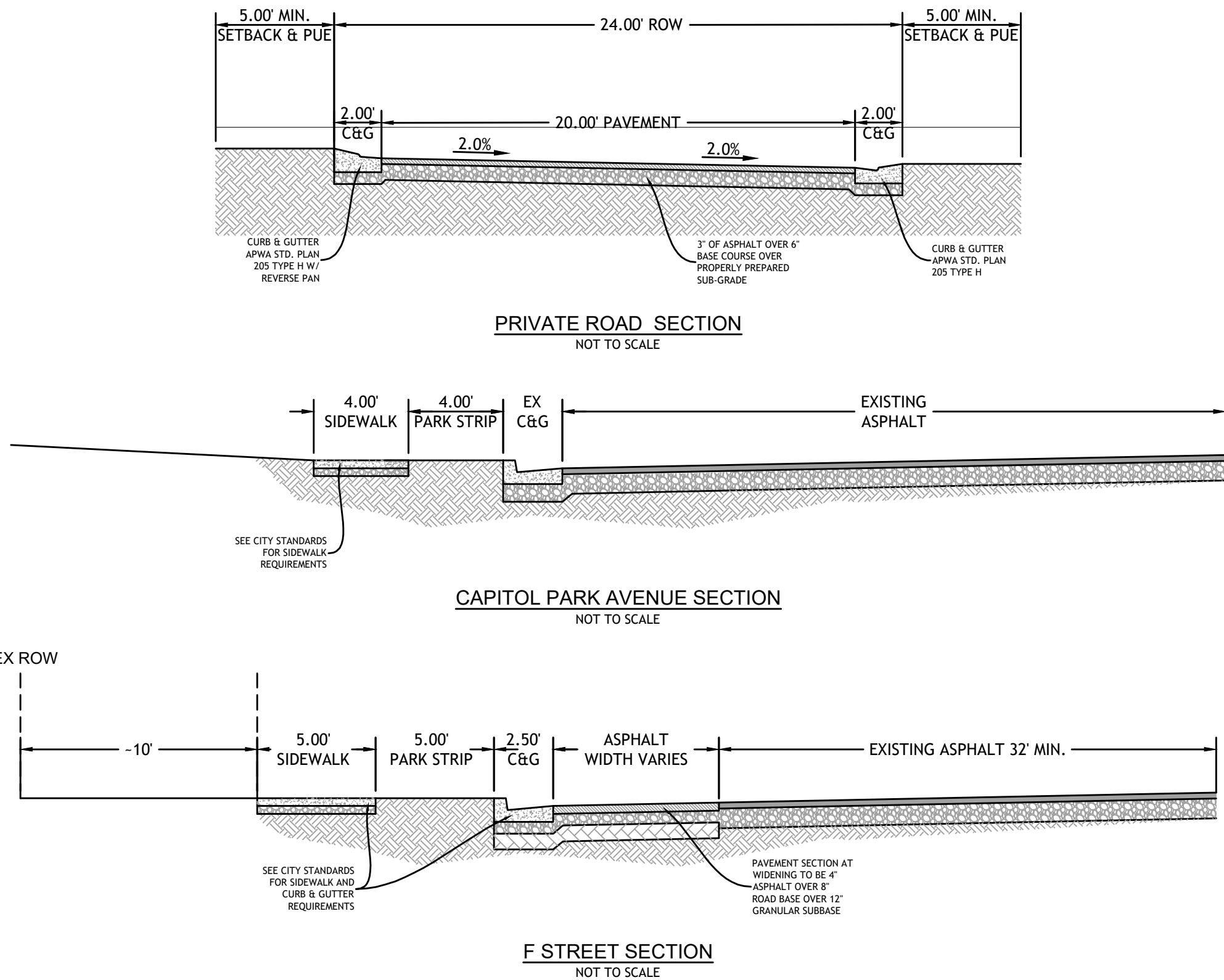
FEE SALT LAKE COUNTY DEPUTY RECORDER



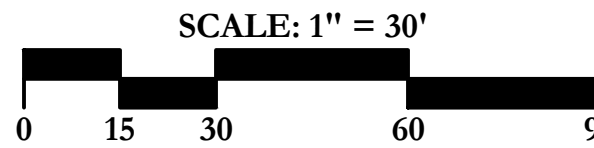


ZONING MODIFICATIONS		
	SR-1 ZONE	DESIGN
MIN. WIDTH	50'	26' *
MIN. AREA	5,000 SF	3,498 SF *
MIN. FRONT SETBACK	20'	2.95'
MIN. SIDE CORNER SETBACK	10'	5' *
MIN. SIDE SETBACK	4 / 10	5' *
MIN. REAR SETBACK	15'	2.3'
MAX COVERAGE	40%	34%
* ZONING REQUIREMENTS TO BE MODIFIED		

- NOTES:
1. EACH LOT CONTAINS ONE PRIMARY UNIT AND ONE POTENTIAL ADU.
  2. PRIVATE PARKING NOT IN DRIVEWAY.



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OWNER:

Ivory Development  
978 East Woodoak Lane  
Salt Lake City, UT 84117  
801-747-7000



NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. Trash Plans: individual house garbage/recycling receptacles will be kept within the garages of each respective house.

PROJECT STATISTICS

TOTAL AREA =	3.21 AC
LOTS =	21
DENSITY =	6.54 DU/AC
OPEN SPACE AREA=	0.68 AC (21.2%)
OFF-STREET PARKING=	0.01 AC (1.49%)



Capitol Park  
Cottages  
Site Plan

PROJECT:	
DRAWN BY:	KMW
REVIEWED BY:	NMM
REVISIONS:	
No. DATE	REMARKS

DATE: December 12, 2023

SHEET NUMBER:

O-3





2815 East 3300 South, Salt Lake City, UT 84109  
(801) 305-4670 www.edmpartners.com



SCALE: 1" = 30'



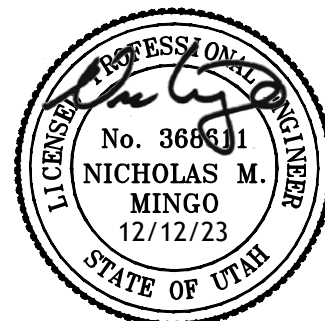
OWNER:

Ivory Development  
978 East Woodoak Lane  
Salt Lake City, UT 84117  
801-747-7000



NOTES:

- All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
- All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
- All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City and APWA.
- All private improvements shall conform to APWA standards and specifications.
- Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
- No new above-ground electrical equipment in public ROW.
- Water system is private and will be maintained by HOA.
- All utilities must meet separation requirements, including laterals.



## Capitol Park Cottages Utility Plan

PROJECT: \_\_\_\_\_  
DRAWN BY: KMW  
REVIEWED BY: NMM  
REVISIONS: \_\_\_\_\_  
No. DATE REMARKS

DATE: December 12, 2023

SHEET NUMBER:

O-4



### WATER CALCULATIONS:

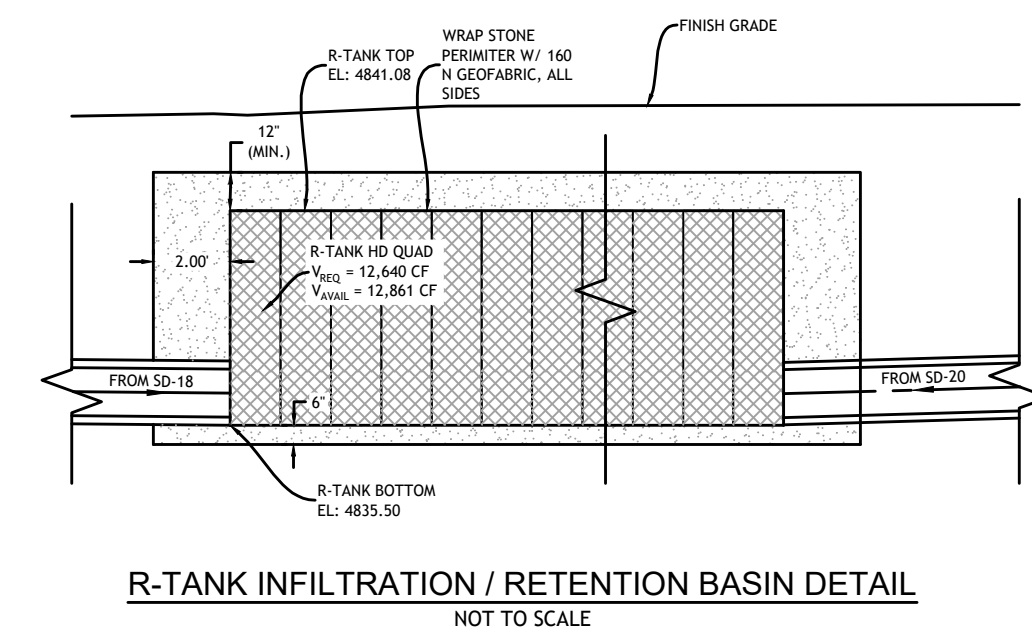
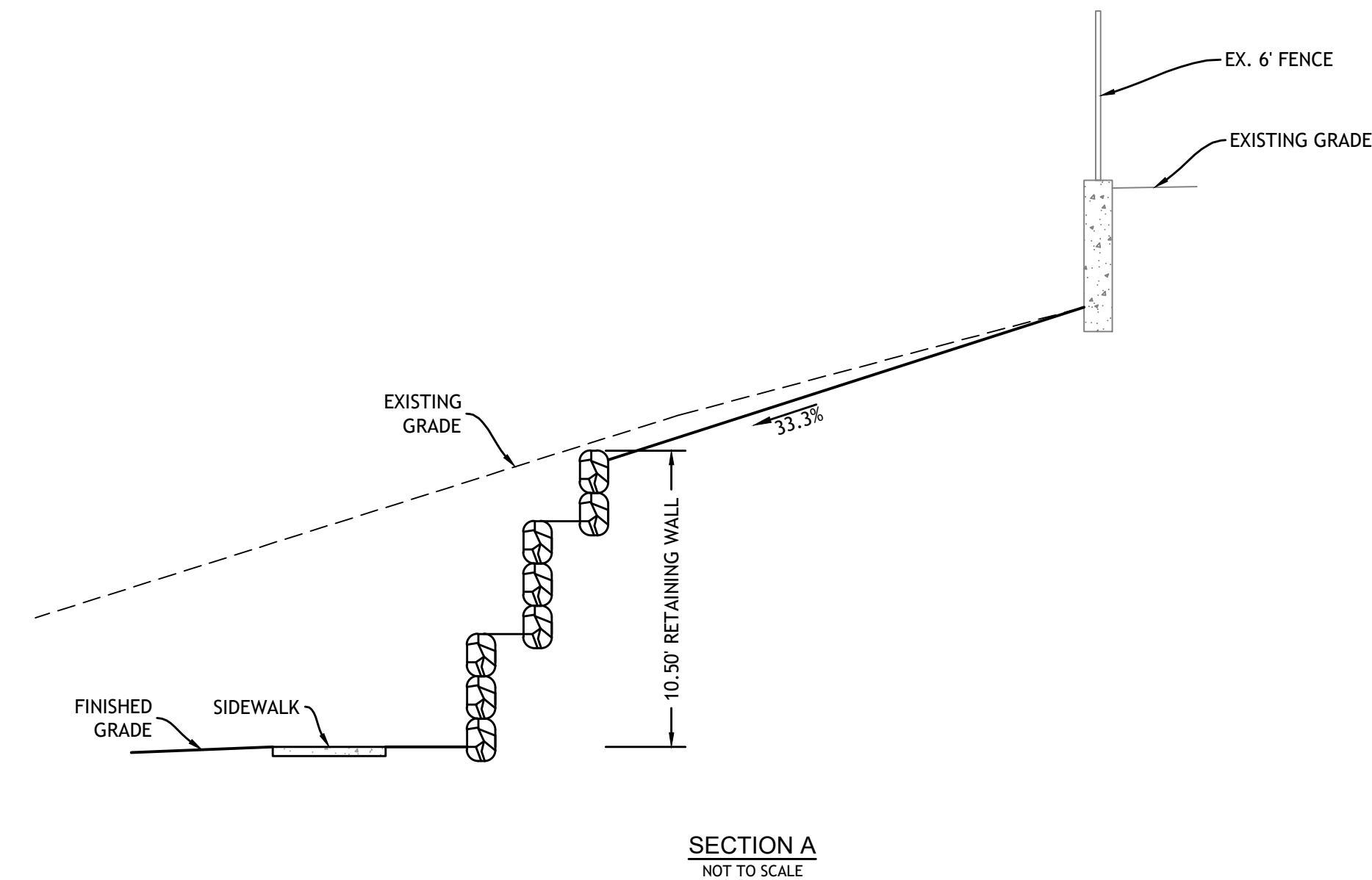
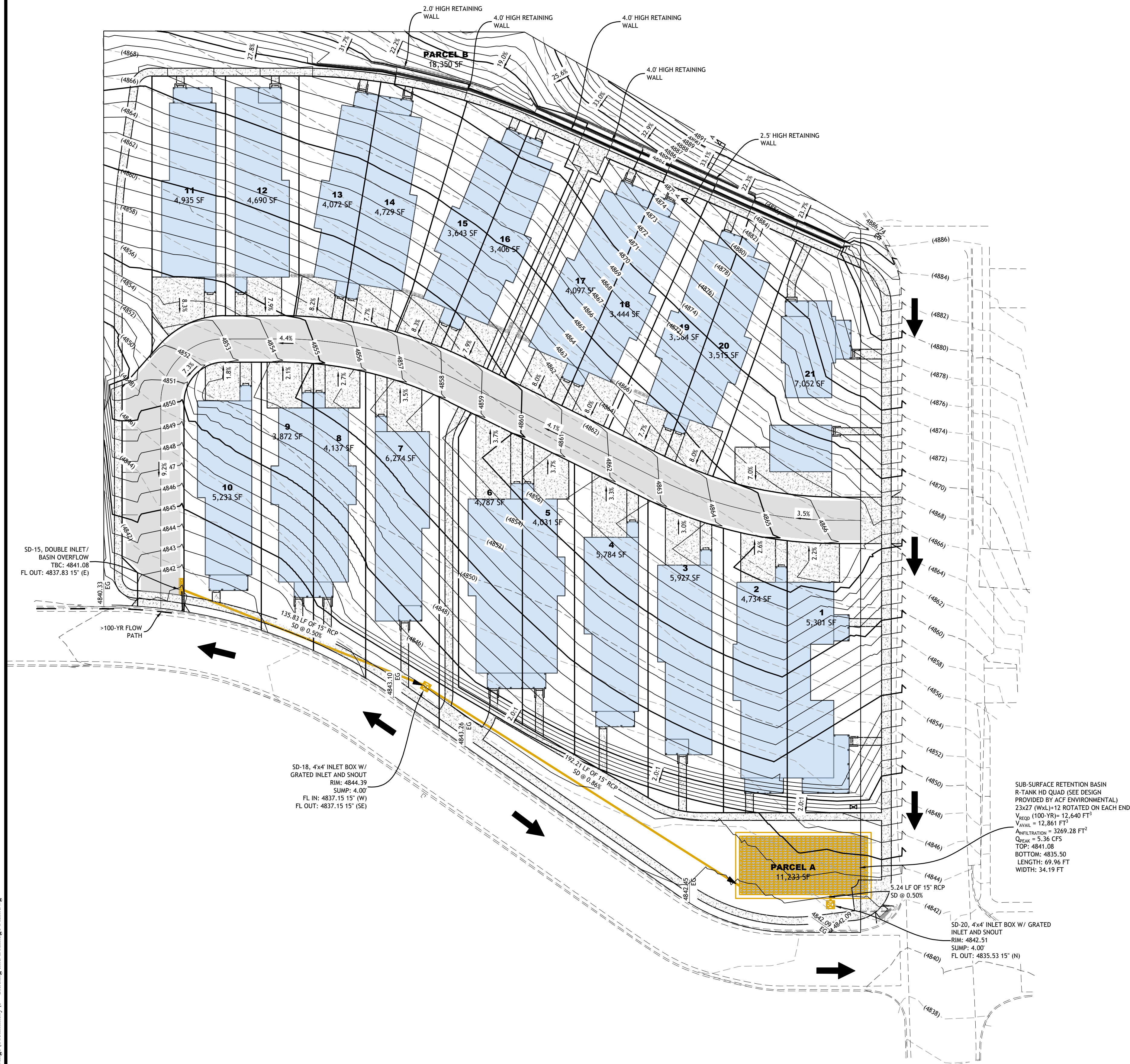
- SUBDIVISION DESIGN ASSUMPTIONS
  - TOTAL UNITS: 21
  - TOTAL LANDSCAPE AREA: 1.50 AC
- AVERAGE DAY DEMAND (STORAGE):
  - INDOOR - 21 UNITS \* 400 GALLONS/UNIT = 8,400 GALLONS
  - OUTDOOR - 1.50 AC \* 2,848 GALLONS/AC = 4,272 GALLONS
- PEAK DAY DEMAND (SOURCE):
  - INDOOR - 21 UNITS \* 0.56 GPM/UNIT = 11.76 GPM
  - OUTDOOR - 1.50 AC \* 3.96 GPM/AC = 5.94 GPM
  - TOTAL = 17.7 GPM (25,488 GPD)
- PEAK INSTANTANEOUS DEMAND
  - INDOOR - 10.8\*(21)<sup>0.64</sup> = 75.8 GPM
  - OUTDOOR - 1.50 AC \* 7.92 GPM/AC = 11.88 GPM
  - TOTAL = 87.7 GPM (126,259 GPD)
- FIRE FLOW:
  - 2,000 GPM FOR 2 HOURS

### SEWER CALCULATIONS:

- SUBDIVISION DESIGN ASSUMPTIONS
  - TOTAL LOTS: 21
- AVERAGE ANNUAL DAILY FLOW (AADF) RATE:
  - 21 UNITS \* 400 GPD/UNIT = 8,400 GPD = 5.83 GPM
- DESIGN FLOW RATE (AADF\*PF OF 4):
  - 21 UNITS \* 400 GPD/UNIT\*4 = 33,600 GPD = 23.3 GPM



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R-TANK INFILTRATION / RETENTION BASIN DETAIL

\*\*REFER TO MANUFACTURER'S  
INSTALLATION REQUIREMENTS  
AND RECOMMENDATIONS FOR  
MORE INFORMATION.



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SCALE: 1" = 30'



OWNER:

Ivory Development  
978 East Woodoak Lane  
Salt Lake City, UT 84117  
801-747-7000



NOTES:



## Capitol Park Cottages

Grading & Drainage Plan

PROJECT: \_\_\_\_\_  
DRAWN BY: KMW  
REVIEWED BY: NMM  
REVISIONS: \_\_\_\_\_  
No. DATE REMARKS

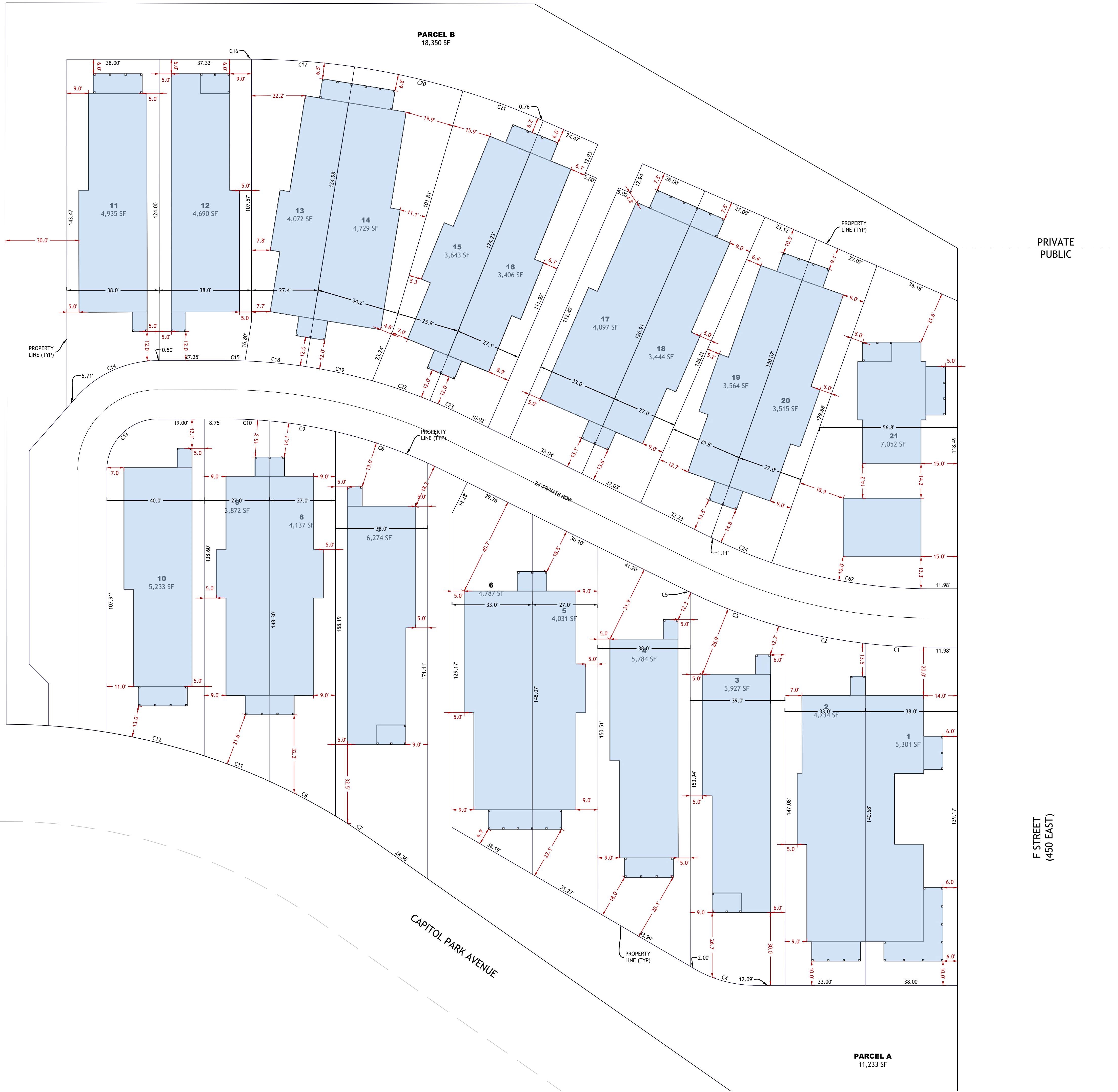
DATE: December 12, 2023

SHEET NUMBER:

O-5



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SCALE: 1" = 20'



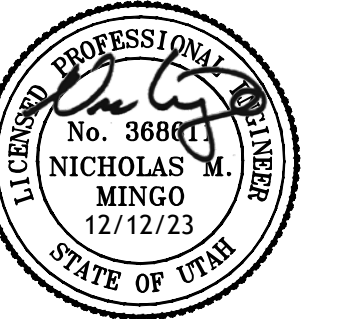
OWNER:

Ivory Development  
978 East Woodoak Lane  
Salt Lake City, UT 84117  
801-747-7000



NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. Trash Plans: individual house garbage/recycling receptacles will be kept within the garages of each respective house.



## Capitol Park Cottages Lot Dimension Plan

PROJECT: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_ KMW  
REVIEWED BY: \_\_\_\_\_ NMM  
REVISIONS: \_\_\_\_\_  
No. DATE \_\_\_\_\_ REMARKS \_\_\_\_\_

DATE: December 12, 2023

SHEET NUMBER:

O-6



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PARKING LEGEND

	TYPICAL GARAGE PARKING	41 STALLS
	TYPICAL DRIVEWAY PARKING	45 STALLS
	TYPICAL GUEST PARKING	4 STALLS

EDM Partners

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NORTH

SCALE: 1" = 20'

0 10 20 40 60

OWNER:

Ivory Development  
978 East Woodoak Lane  
Salt Lake City, UT 84117  
801-747-7000

IVORYHOMES

Utah's Number One Homebuilder

NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.

2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.

3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City.

4. All private improvements shall conform to APWA standards and specifications.

5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.

6. Trash Plans: individual house garbage/recycling receptacles will be kept within the garages of each respective house.

LICENSED PROFESSIONAL ENGINEER

No. 368814

NICHOLAS M. MINGO

12/12/23

STATE OF UTAH

Capitol Park Cottages

Parking Plan

PROJECT:

DRAWN BY: KMW

REVIEWED BY: NMM

REVISIONS:

No. DATE REMARKS

DATE: December 12, 2023

SHEET NUMBER: O-7



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TREE LEGEND

-  TREE TO BE REMOVED
-  TREE TO REMAIN



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SCALE: 1" = 30'



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NOTES:

- All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
- All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
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- All private improvements shall conform to APWA standards and specifications.
- Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
- Trash Plans: individual house garbage/recycling receptacles will be kept within the garages of each respective house.



Capitol Park  
Cottages  
Tree Removal Plan

PROJECT: \_\_\_\_\_  
DRAWN BY: KMW  
REVIEWED BY: NMM  
REVISIONS: \_\_\_\_\_  
No. DATE REMARKS

DATE: December 12, 2023

SHEET NUMBER:

O-8



Capitol Park Cottages  
Planned Development Application  
December 15<sup>th</sup>, 2023

## **Background**

Capitol Park Cottages is a 3.21-acre vacant property located in the Salt Lake City Avenues neighborhood. The property is the size of an average Avenues city block and is therefore incredibly unique in that it presents an opportunity for a planned development of scale that does not require the removal of historic buildings or encroachment into the hillsides. Ivory Development is approaching this residential development in a way that recognizes this scarce opportunity.

The vacant land was recently zoned SR-1 and could theoretically support twenty-seven single family detached lots or thirty-four twin homes. Unfortunately, the site is confined on three sides by private property and only has vehicular access from its east and south boundaries. This physical constraint requires an internal roadway design and limits the plausible lots that could be developed on-site.

Developing this property as efficiently as possible, while retaining the project's quality and livability, is an important consideration for our application. In fact, as we pursued our previous re-zone and master plan amendment applications, we heard from Planning Commission and City Council members that this site needs more units. Considering this shared vision between ourselves and the city we obtained the re-zone and are now pursuing a Planned Development and Site Plan application.

This updated application differs significantly from the site and architectural plans that we originally proposed more than three years ago. During our initial application process, we received an extensive amount of feedback from city officials, city staff, and the public at large regarding our plans. In an effort to recenter the focus on the re-zone and master plan application, we tabled our PD application 18 months ago. Since receiving a zone change, we brought in a different land planning consultant and asked them to reimagine our development patterns to increase density, reduce or remove retaining walls, and bring more "Avenues" architectural styles.

At the same time, we were still contemplating precedents already set by the historic Avenues, namely:

- Housing-type variety
- Owner/Renter mix and cohesion
- Family-structure diversity
- Eclectic Architecture

The site plan included with this application has a total of twenty-one lots, some of which will be detached single family, and some will be attached twin homes. The homes will honor a diversity of Avenues architectural precedents and create diverse and attractive streetscapes. The site plan



includes an entire acre of community open space with a ¼ mile recreational trail system. Most importantly, each of the homes has been designed to provide for the ability to incorporate an ADU if desired.

ADUs are a market-oriented tool recognized by the Growing Salt Lake: Five Year Plan that brings progressive easing to the city's housing shortage. The ADUs will attract a mix of multigenerational households and renters living cohesively in the same neighborhood.

## **Planned Development Purpose and Objective**

Capitol Park Cottages meets two critical objectives specifically outlined in the Planned Development ordinance:

- 1. Housing: Providing type of housing that helps achieve the City's housing goals and policies; (21A.55.010.C.2)***

The Capitol Park Cottages Site Plan was designed to facilitate ADUs in new home construction as a distinctive feature.

[Growing SLC: A Five Year Housing Plan](#) 1.1.3 specifically notes that a goal of the city is to "Revise the Accessory Dwelling Unit ordinance to *expand its application* and develop measures to *promote its use*."

Salt Lake City Planning has published a [Guide to Accessory Dwelling Units](#). In the Overview the Planning Division states, "Accessory dwelling units are part of a range of housing types that can help increase the housing supply with minimal impacts to the scale of an existing neighborhood. This makes ADUs a good option to help provide more housing in parts of the city where other types of housing may be too tall, too wide, or too bulky with the surrounding structures." (pg. 4)

Salt Lake City Zoning Code 21A.40.200 requires the Planning Division to submit a yearly report detailing the ADU statistics for the year and giving recommendations for potential improvements to the ordinance.

The [2022 ADUs Annual Report](#) details that since 2018 there had been a total of 170 ADU applications approved under the ordinance. Of the 170 applications only 44 have been built and completed. District 3 has only recorded 7 applications since 2018 and had no applications in 2022. Despite the city making enormous efforts to promote ADUs, very few have been built. As the [2020 report](#) stated "...the ADU ordinance is creating more housing choice. It is just doing it at a very slow rate and at a rate that is not making a noticeable impact..." (pg.11).

Prospective buyers of the homes will be able to show the expected income from rental of the ADUs; qualifying them for more than they would otherwise be allotted. Owners would be able to use the income from the rental to offset their mortgage cost and significantly decrease their percentage of income dedicated to housing.

Prospective tenants of the ADUs will have an attractive opportunity to find attainable units in an area of the upper avenues where rental supply is considerably low. The average monthly rent of a 1-bedroom unit in the Avenues is \$1,366. Even if the units were to let at the 95<sup>th</sup> percentile of



their bedroom type, rents would be expected not to exceed \$2,000 (See Exhibit A). ADUs are unique in the rental pool in that they frequently attract family or friends of those occupying the primary unit. In these scenarios it is often found that rents are offered below market pricing.

While the social and individual benefits of ADUs are wide ranging their implementation has been narrow and limited. ADUs have customarily been retrofitted to existing homes and lots. Retrofitting involves challenges with regard to design, construction, infrastructure, parking and financing; all of which stymie greater adoption of ADUs.

ADUs as part of a newly built neighborhood allow us to plan for those challenges and make this community blend into the surrounding neighborhood. Capitol Park Cottages can set a precedent for future builders and developers to consider adding in ADUs when constructing a new home.

Furthermore, financing and costs continue to be a constraint to adding more ADUs to existing neighborhoods. It is noted that the cost of additional utilities can be prohibitive, but in our case it simply is not. We are already going to be installing new sewer, water, power, and gas, so the incremental increase to infrastructure is minimal at best.

***2. Open Space and Natural Lands: Inclusion of public recreational opportunities, such as new trails...Clustering of development to preserve open spaces. (21A.55.010.A.1&6)***

The project site has been designed in a manner to cluster development through reduction of private lot sizing and typical building setbacks. By concentrating the buildable areas, the project is able to incorporate nearly an acre of open space that will be programmed for resident and public recreational use.

A quarter mile of paved walking trail will loop and intersect the community. Each home in the community will have direct front door access to this trail and the public can access the trail loop directly from F Street or Capitol Park Avenue.

**Consistency with Avenues Master Plan**

The Master Plan was amended for this property along with a zone change in the summer of 2022. The property is zoned as SR-1 and as Low Density in the city's Master Plan. The application is consistent with all density requirements per its Master Plan designation.

**Consistency with City Wide Master Plans**

**Housing SLC 2023-2027** includes in its 5<sup>th</sup> key finding that "There is a mismatch between the types of housing the market is producing and the needs of the community...Additionally, residents want more "missing middle" housing and more family-sized housing."

Family-Sized housing is defined by **Housing SLC** as including housing units with 3+ bedrooms. Each of the 21 proposed units in the project are definitionally "family-sized".



### **Compatibility with the surrounding neighborhood**

Today the historic hospital property has been rezoned RMF-35 and was converted into the Meridian Condominiums, a five-story condominium building. Directly across the street to the east is the historical avenues block pattern, to our north is Northpoint, a 49-unit townhome community and finally to our west, Capitol Park Estates, Planned Unit Development.

In other words, there is no single land use in the surrounding neighborhood(s), so compatibility is a difficult metric for this property.

(Exhibit “B” surrounding development)

### **Inclusion of appropriate landscaping**

Capitol Park Cottages will include full yard landscaping around each of the twenty-one homes that will be installed by Ivory and maintained by an HOA. Lot landscaping will be varied and include water-wise techniques.

Our water-wise techniques were developed in partnership with the Jordan Valley Water Conservancy District’s “Localscape” program. The intent of Localscapes is to provide for efficient, functional, and beautiful landscape designs that recognize the unique climate of Utah. Our design will reserve irrigation-intensive sod for those areas that use it most and install water efficient landscape arrangements everywhere else.

Street trees will be planted along F Street, Capitol Park Avenue, and the private road in the interior of the project. The trees will provide an even canopy through and around the project.

The open space trail loop will be dedicated to the HOA and built to provide recreation and community gathering opportunities for the residents and the public.

### **Mobility**

All twenty-one lots will have vehicular access through the private alley. The alley will make a connection from F Street to Capitol Park Avenue

With garages and driveways, and visitor parking there will be a total of 90 parking spaces. All parking will be accessed internally within the project and from the rear of each unit.

The front door of each home will have a direct connection to the open space and trail system.

### **Preservation of natural and built features that significantly contribute to the surrounding character.**

The property is vacant and includes no built features. The native vegetation includes several wild trees. Existing trees will be removed as part of the construction of the development. All trees will be replaced on site or otherwise as permitted by the Salt Lake City Private Tree Ordinance.



During the rezone and master plan amendment process the city listed the natural grade of site as a valuable natural feature. In our redesign we have used architectural changes to preserve the natural slope and eliminate most retaining walls.

### **No detrimental effect on city utilities**

There will be no detrimental effect on the city utilities. Salt Lake Public Utilities had reviewed an early conceptual plan and determined that there is adequate sewer, storm drain, culinary water and transportation capacity in the system.

Road and sidewalk infrastructure have never been completed along F Street. The development of Capitol Park Cottages will complete this public infrastructure project.

Capitol Park Avenue is a private street, as will be the interior of Capitol Park Cottages. No additional street maintenance requirements will be necessary from Salt Lake City. The original developer of The Meridian and Capitol Park granted an easement to connect utilities and have vehicular access through Capitol Park Avenue with a cost sharing agreement with the Meridien which meets all requirements of both the building and fire codes.



## Exhibit A

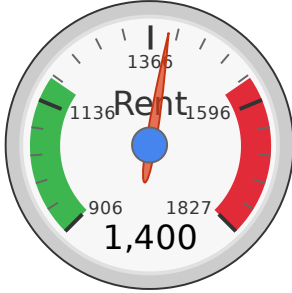
11/01/2023 Avenues Rental Report





**Hero Property Management**  
(801) 845-4390  
info@rentinghero.com

Your rent is reasonable for your area.



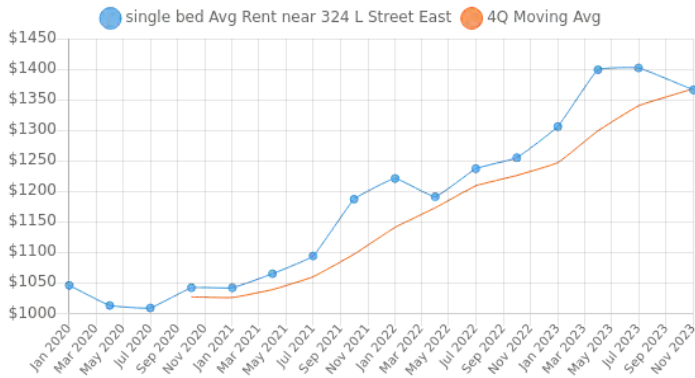
## 324 L Street East Salt Lake City, UT

Results based on 25, single bedroom rentals seen within 12 months in a 1.00 mile radius.

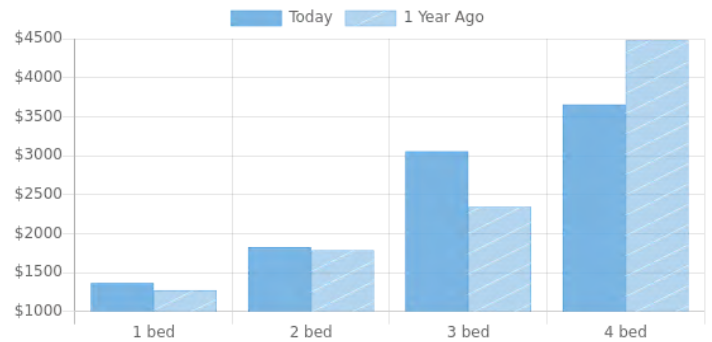
AVERAGE	MEDIAN	25TH PERCENTILE	75TH PERCENTILE
\$1,366 $\pm 4\%$	\$1,350	\$1,177	\$1,555

Report generated: 01 Nov 2023

### Historical Trend Line



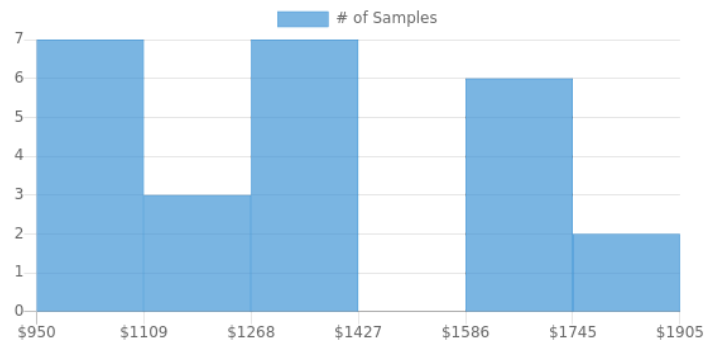
### Average Rent by Bedroom Type



### Summary Statistics

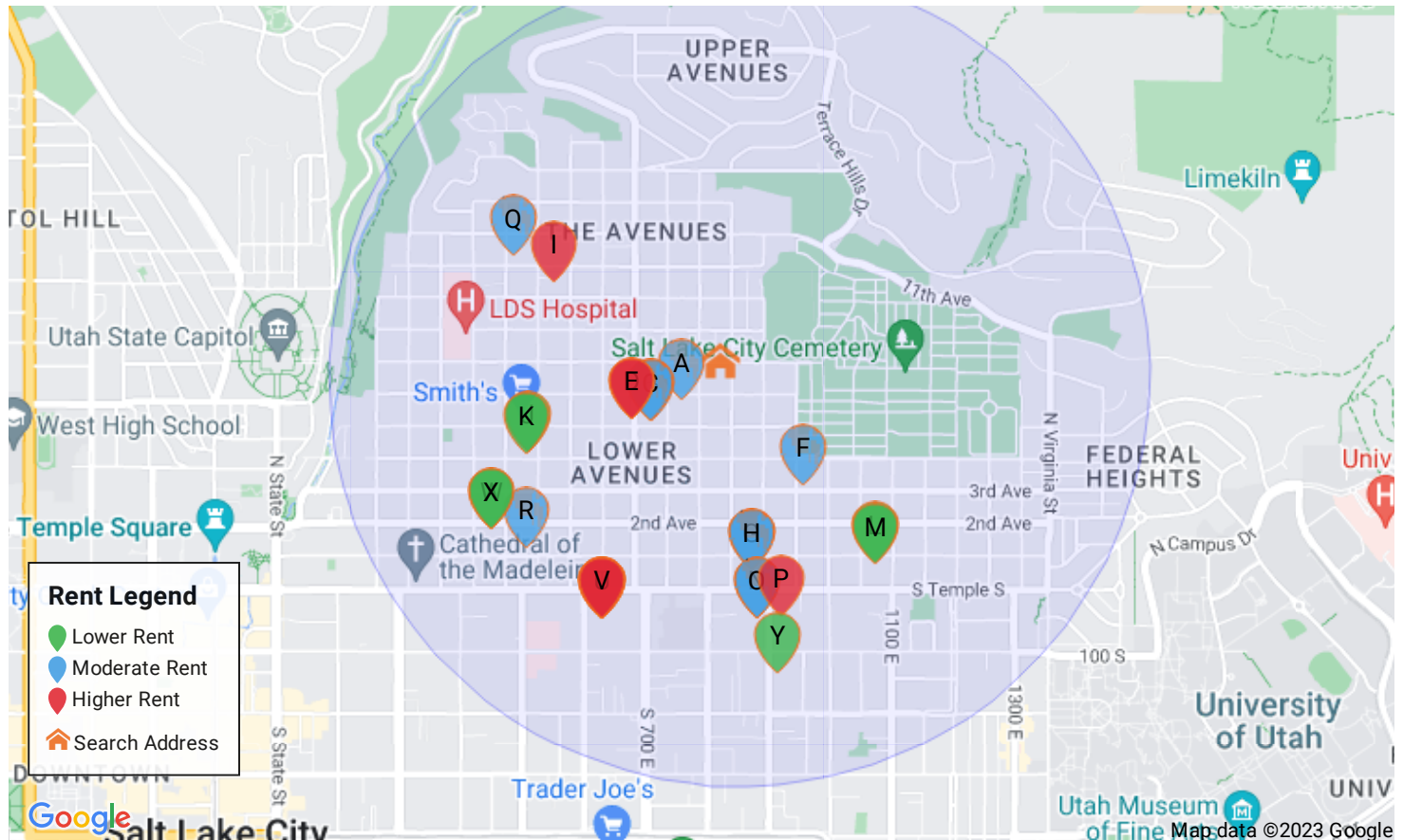
Sample Size	25
Sample Min	\$950
Sample Max	\$1,900
Sample Median	\$1,350
Sample Mean	\$1,366
Sample Standard Deviation	\$280
25th – 75th Percentile	\$1,177 – 1,555
10th – 90th Percentile	\$1,008 – 1,725
5th – 95th Percentile	\$906 – 1,826

### Rent Distribution





# Sample of Listings Used



Address	Distance	Rent	Size	\$/ft²	Beds	Baths	Bldg Type	Last Seen
<b>A</b> 668 E 6th Ave, Salt Lake City, UT 84103	0.2 mi	\$1,250	900 ft²	\$1.39/ft²	1 bed	1ba	House	Sep 2023
<b>B</b> 619 E 5th Ave, Salt Lake City, UT 84103	0.31 mi	\$1,350	800 ft²	\$1.69/ft²	1 bed	1ba	Condo	Mar 2023
<b>C</b> 619 E 5th Ave, Salt Lake City, UT 84103	0.32 mi	\$1,295	778 ft²	\$1.66/ft²	1 bed	1ba	Condo	Sep 2023
<b>D</b> 64 I St, Salt Lake City, UT 84103	0.37 mi	\$1,650	525 ft²	\$3.14/ft²	1 bed	1ba	Condo	Dec 2022
<b>E</b> 64 I St, Salt Lake City, UT 84103	0.37 mi	\$1,595	500 ft²	\$3.19/ft²	1 bed	1ba	Condo	Dec 2022
<b>F</b> 851 E 3rd Ave #4, Salt Lake City, UT 84103	0.4 mi	\$1,350	550 ft²	\$2.45/ft²	1 bed	1ba	Condo	Dec 2022
<b>G</b> 31 M St E, Salt Lake City, UT 84103	0.62 mi	\$1,295	650 ft²	\$1.99/ft²	1 bed	1ba	Condo	Sep 2023
<b>H</b> 31 M St E, Salt Lake City, UT 84103	0.62 mi	\$1,400	675 ft²	\$2.07/ft²	1 bed	1ba	Condo	Jul 2023
<b>I</b> 456 Victoria Pl N, Salt Lake City, UT 84103	0.67 mi	\$1,795	1,000 ft²	\$1.80/ft²	1 bed	1ba	House	Jan 2023
<b>J</b> 425 E 4th Ave, Salt Lake City, UT 84103	0.72 mi	\$995	566 ft²	\$1.76/ft²	1 bed	1ba	Condo	Sep 2023
<b>K</b> 425 E 4th Ave #2, Salt Lake City, UT 84103	0.72 mi	\$950	453 ft²	\$2.10/ft²	1 bed	1ba	Condo	Nov 2022
<b>L</b> 970 E 1st Ave #3, Salt Lake City, UT 84103	0.74 mi	\$1,100	550 ft²	\$2.00/ft²	1 bed	1ba	House	Sep 2023
<b>M</b> 970 E 1st Ave, Salt Lake City, UT 84103	0.74 mi	\$1,100	550 ft²	\$2.00/ft²	1 bed	1ba	House	Sep 2023



	Address	Distance	Rent	Size	\$/ft²	Beds	Baths	Bldg Type	Last Seen
<b>N</b>	40 S 900 E, Salt Lake City, UT 84102	0.78 mi	\$1,425	600 ft²	\$2.38/ft²	1 bed	1ba	Apartment	Oct 2023
<b>O</b>	40 S 900 E, Salt Lake City, UT 84102	0.78 mi	\$1,425	656 ft²	\$2.17/ft²	1 bed	1ba	Apartment	Oct 2023
<b>P</b>	41 S 900 E, Salt Lake City, UT 84102	0.78 mi	\$1,625	624 ft²	\$2.60/ft²	1 bed	1ba	Apartment	Oct 2023
<b>Q</b>	514 E St E, Salt Lake City, UT 84103	0.82 mi	\$1,250	642 ft²	\$1.95/ft²	1 bed	1ba	Apartment	Sep 2023
<b>R</b>	427 E 1st Ave, Salt Lake City, UT 84103	0.87 mi	\$1,180	728 ft²	\$1.62/ft²	1 bed	1ba	House	Aug 2023
<b>S</b>	33 S 600 E, Salt Lake City, UT 84102	0.89 mi	\$1,716	744 ft²	\$2.31/ft²	1 bed	1ba	Apartment	Sep 2023
<b>T</b>	33 S 600 E, Salt Lake City, UT 84102	0.89 mi	\$1,900	616 ft²	\$3.08/ft²	1 bed	1ba	Apartment	Sep 2023
<b>U</b>	33 S 600 E, Salt Lake City, UT 84102	0.89 mi	\$1,666	688 ft²	\$2.42/ft²	1 bed	1ba	Apartment	Sep 2023
<b>V</b>	33 S 600 E, Salt Lake City, UT 84102	0.89 mi	\$1,725	730 ft²	\$2.36/ft²	1 bed	1ba	Apartment	Oct 2023
<b>W</b>	376 2nd Ave #3, Salt Lake City, UT 84103	0.94 mi	\$1,095	566 ft²	\$1.93/ft²	1 bed	1ba	Condo	Nov 2022
<b>X</b>	376 2nd Ave, Salt Lake City, UT 84103	0.94 mi	\$1,025	616 ft²	\$1.66/ft²	1 bed	1ba	Condo	Mar 2023
<b>Y</b>	125 S 900 E, Salt Lake City, UT 84102	0.96 mi	\$985			1 bed	1ba	Apartment	Sep 2023



# Public Record Data

This information is compiled from various public sources and has not been verified by Rentometer. We do not have the ability to change this information.

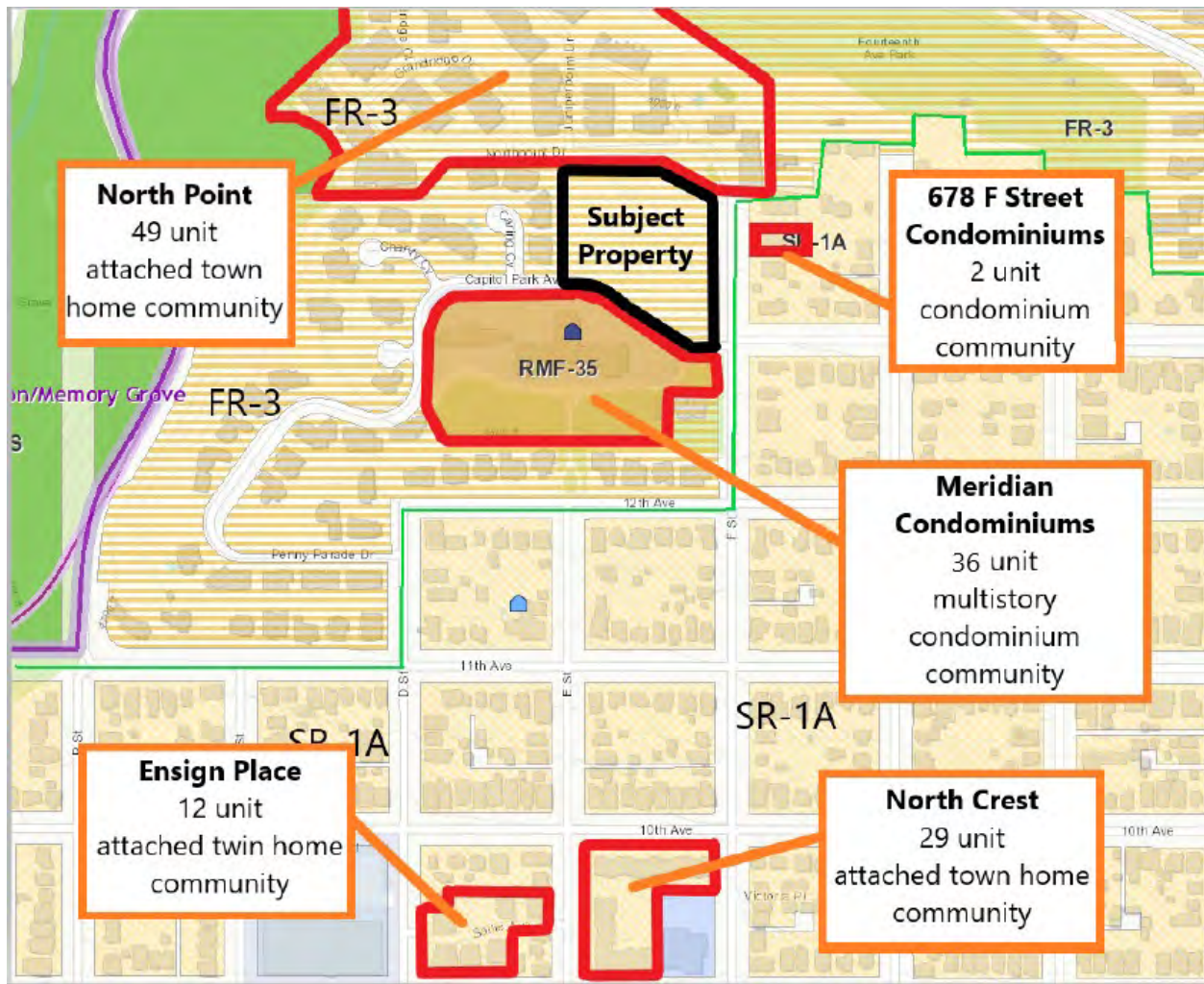
Vitals		Property Size	
Bedrooms	6	Building Area	2,403 ft²
Baths	2	Lot Area	0.1600 acres
Year Built	1918	Lot Dimensions	0.0×0.0
Property Use Group	Residential		
Tax Information		Deed Information	
Year Assessed	2023	Mortgage Amount	\$599,541
Assessed Value	\$378,455	Mortgage Date	2019-09-18
Tax Fiscal Year	2022	Lender Name	CITY CREEK MORTGAGE CORP
Tax Rate Area	13		
Tax Billed Amount	\$4,154.69		
Sale Information		Other Information	
Assessor Last Sale Date		Roof Material	Asphalt
Assessor Last Sale Amount	\$0	HVAC Cooling Detail	Unknown
Deed Last Sale Date	2019-09-18	HVAC Heating Detail	Central
Deed Last Sale Amount	\$0	HVAC Heating Fuel	Unknown

The research and data included in this report is aggregated from a variety of sources and many are third parties that are not affiliated with Rentometer, Inc. The information is believed to be accurate, but Rentometer, Inc. does not provide a warranty of any kind, either expressed or implied.



## Exhibit B

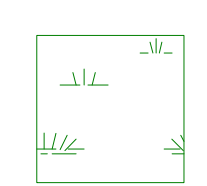
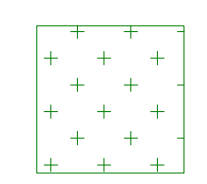
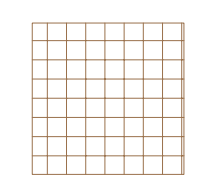
### Surrounding Development








Legend		
	Common Name	Qty
Flower, Grass		
	Grass, Muhly, Regal Mist	213
	Grass, 'Karl Foerster'	93
Flower, Perennial		
	Daylily, Stella	149
	Johnsons Blue Cranesbill	189
Shrub, Deciduous		
	Common Snowberry	8
	Dogwood Ivory Halo	118
	Dogwood, Baileys Red Twig	49
	Lilac, Dwarf Korean	29
	Smoke Bush	48
	Viburnum, Snowball	25
	Western Sand Cherry	29
Shrub, Evergreen Broadleaf		
	Grape Holly, Oregon	7
	Red-Tip Photinia	22
Tree, Deciduous		
	Chokecherry, Canada Red, Clump	22
	Maple, Autumn Blaze	8
	Oak, English, Columnar	19
	Pear, Redspire	23
Tree, Evergreen		
	Spruce, Weeping White	18

-  Native Grass
-  Turf Areas
-  Brown Bark Mulch

1" = 30'

24x36



Design Build  
Landscape Design  
Irrigation Design  
Lighting Design  
Digital Image Design

P.O. Box 1798  
West Jordan, Utah, 84084  
Office: 801-282-6303  
Fax: 801-282-3076  
Web: www.lmsinc.blogspot.com


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# Capitol Park

## Salt Lake City, UT

JOB NAME:

ORIENTATION:



NORTH

DATE:

12/15/2023

SHEET TITLE:

LANDSCAPE PLAN

SHEET NUMBER:

L-100



# **EXHIBIT C**

## **Easement Agreement**



8923197

Recording requested by  
and when recorded return to:

KIRTON & McCONKIE  
Attn: Steven L. Whitehead, Esq  
1800 Eagle Gate Plaza  
60 East South Temple  
Salt Lake City, Utah 84111

Property No. 533-3822

8923197  
12/12/2003 03:50 PM 30.00  
Book - 8923 Pg - 1596-1605  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
AMERICA WEST TITLE  
BY: BRM, DEPUTY - WL 10 P.

(Space Above This Line For Recorder's Use)

### EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT ("Agreement") is made and entered into as of this 12<sup>th</sup> day of October, 2001, by and between AVENUE HEIGHTS CONDOMINIUMS, L.L.C., a Utah limited liability company ("AHC") and CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole ("CPB"); individually, a "Party", and collectively, the "Parties".

### RECITALS:

- A. AHC is the fee owner of that certain real property located in the City of Salt Lake City, County of Salt Lake, State of Utah, which property is more particularly described on Exhibit "A" attached hereto and depicted by diagonal lines on the Plat Map attached hereto as Exhibit "B" ("**Easement Property**"). The Easement Property is improved with a private drive, curbs, gutters, sidewalks, and related improvements, which private drive connects Capitol Park Avenue to the intersection of "F" Street and 13<sup>th</sup> Avenue.
- B. CPB owns certain real property located in the City of Salt Lake City, Salt Lake County, State of Utah, which is legally described in Exhibit "C" attached hereto and incorporated herein by this reference ("**Existing Property**").
- C. CPB is purchasing from AHC, or has purchased from AHC, fee ownership of that certain real property located between the Easement Property and the Existing Property in the City of Salt Lake City, County of Salt Lake, State of Utah, which is legally described in Exhibit "D" attached hereto (the "**Adjacent Property**"). The Existing Property and the Adjacent Property shall hereinafter collectively be referred to as the "**CPB Property**."
- D. In connection with the purchase of the Adjacent Property by the CPB, AHC and CPB have entered into that certain Agreement for Purchase and Sale and Joint Escrow



Instructions (the "**Purchase Agreement**"). Pursuant to the terms and conditions of the Purchase Agreement, AHC desires to grant to CPB, for the benefit of CPB Property, a non-exclusive easement burdening the Easement Property and benefitting the CPB Property.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties hereby agree as follows:

1. **Grant of Easement.** AHC hereby grants, conveys and warrants to CPB for the benefit of CPB and any entity controlling, controlled by, or under common control with CPB, and their respective employees, agents, servants, members, beneficiaries, contractors, consultants, guests, invitees, successors and assigns (collectively, "**CPB Affiliates**"), upon each and every term and condition contained herein, a continuous, perpetual non-exclusive easement and right of way on the Easement Property appurtenant to the CPB Property for the placement, installation, maintenance, repair and removal of utilities and for pedestrian and vehicular ingress to and egress from the CPB Property ("**Easement**"). Subject to any municipal or governmental approvals, CPB shall have the right to place at least one (1) curb cut approximately thirty (30) feet wide in the curb located on the Easement Property at a location to be determined by CPB in its sole and absolute discretion to permit ingress to and egress from the CPB Property onto the Easement Property.

2. **Covenants Run with Land.** The Easement, together with each of the restrictions, covenants and agreements contained herein shall be appurtenant to and for the benefit of the CPB Property and shall be a burden upon the Easement Property, and shall run with the land. The Easement, this Agreement and the restrictions, covenants, benefits and obligations created hereby shall be binding upon and shall inure to the benefit of all present and future holders of interests in the CPB Property and shall be deemed a covenant running with the land.

3. **Maintenance.** The maintenance of the Easement Property will be addressed in a Joint Maintenance Agreement to be mutually agreed upon by the parties. Until the Joint Maintenance Agreement is negotiated and executed, the parties agree as follows: (i) AHC shall maintain the Easement Property in a good and clean condition; (ii) if AHC fails to maintain the Easement Property, CPB shall have the right, but not the obligation, to do so; (iii) the costs to maintain the Easement Property, along with a portion of a portion of a road extending westerly from the Easement Property to the point at the southwest corner of certain real property owned by Karen S. Wright commonly known as 364 East Capitol Park Avenue if such road is maintained by AHC, shall be allocated 16.67% to CPB and 83.33% to AHC; and (iv) each party will reimburse the other party that performed maintenance on the Easement Property and the adjacent road within thirty (30) days after receipt of a statement of the maintenance costs.



4. **Successors and Assigns.** This Agreement shall inure to the benefit of, and will be binding upon, the Parties hereto and their respective successors and assigns.

5. **Special Warranty.** AHC hereby fully warrants the title to the Easement Property and will defend the same against the lawful claims of all persons claiming by through or under AHC and against acts of AHC, subject to any easements and rights-of-way of record as of the date hereof.

6. **Not a Public Dedication.** Nothing contained in this Agreement will be deemed to be a gift or a dedication of any portion of the Easement Property to the general public or for the general public or for any public purpose whatsoever, it being the intent of the Parties that this Agreement be strictly limited to and for the purposes expressed herein.

7. **Authority.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, authority to do so and to bind the entities for which they are executing this Agreement.

8. **Exhibits.** The following exhibits are a part of this agreement to the same extent as if set forth in the body of this Agreement:

Exhibit A -	Legal Description of Easement Property
Exhibit B-	Plat Map Depicting Easement Property
Exhibit C-	Legal Description of Existing Property
Exhibit D-	Legal Description of Adjacent Property

**IN WITNESS WHEREOF**, the Parties have executed this Agreement as of the day and year first above written.

AHC:

**AVENUE HEIGHTS CONDOMINIUMS,  
L.L.C., a Utah limited liability company**

By: 


Its: Member

By: 


Its: Member


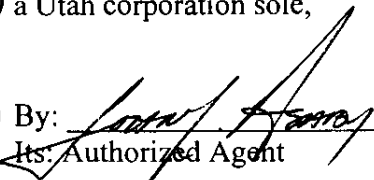


By: GREENWICH EAST, L.L.C., a  
Texas limited liability company  
Its Member

By:   
Kenneth W. Griswold  
Its Managing Member

CPB:

 CORPORATION OF THE PRESIDING  
BISHOP OF THE CHURCH OF JESUS  
CHRIST OF LATTER-DAY SAINTS,  
a Utah corporation sole,

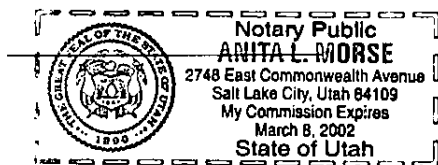
 By:  11/20/01  
Its Authorized Agent



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

On the 2nd day of November, 2001, personally appeared before me WALLACE A. WRIGHT, JR., who being duly sworn, did say, for himself that he is a member of AVENUE HEIGHTS CORPORATION\*, L.L.C., and that the within and foregoing instrument was signed in behalf of said limited liability company, and duly acknowledged to me that such limited liability company executed the same. \* CONDOMINIUMS

My Commission Expires

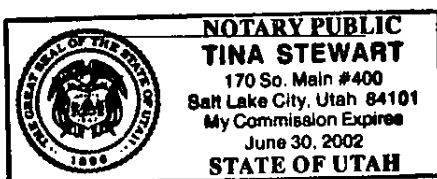


Anita L. Morse  
Notary Public

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

On the 17th day of October, 2001, personally appeared before me DAVID R. SABEY, who being duly sworn, did say, for himself that he is a member of AVENUE HEIGHTS \* CORPORATION, L.L.C., and that the within and foregoing instrument was signed in behalf of said limited liability company, and duly acknowledged to me that such limited liability company executed the same. \* CONDOMINIUMS

My Commission Expires



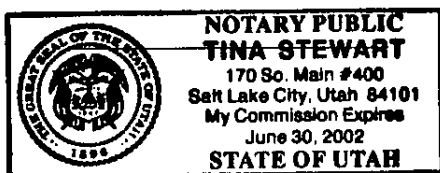
Tina Stewart  
Notary Public



STATE OF Utah )  
COUNTY OF Salt Lake ) ss.

On the 12<sup>th</sup> day of October, 2001, personally appeared before me KENNETH W. GRISWOLD, who being duly sworn, did say, for himself that he is the managing member of GREENWICH EAST, L.L.C., a member of AVENUE HEIGHTS CORPORATION, L.L.C., and that the within and foregoing instrument was signed in behalf of said limited liability company and duly acknowledged to me that such limited liability company executed the same. \* CONDOMINIUMS

My Commission Expires



Tina Stewart  
Notary Public

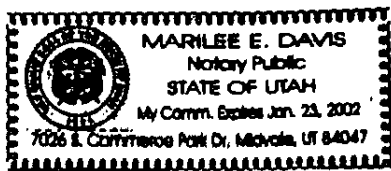
STATE OF UTAH )  
 ) ss.  
COUNTY OF SALT LAKE )

On the 20<sup>th</sup> day of November, 2001, personally appeared before me John Ashby, who being duly sworn, did say, for himself that he is the authorized agent of THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, and that the within and foregoing instrument was signed in behalf of said corporation by authority of its board of directors, and duly acknowledged to me that such corporation executed the same.

My Commission Expires

January 23, 2002

Marilee E. Davis  
Notary Public





**EXHIBIT "A"**  
**OF EASEMENT AGREEMENT**

**(Legal Description of Easement Property)**

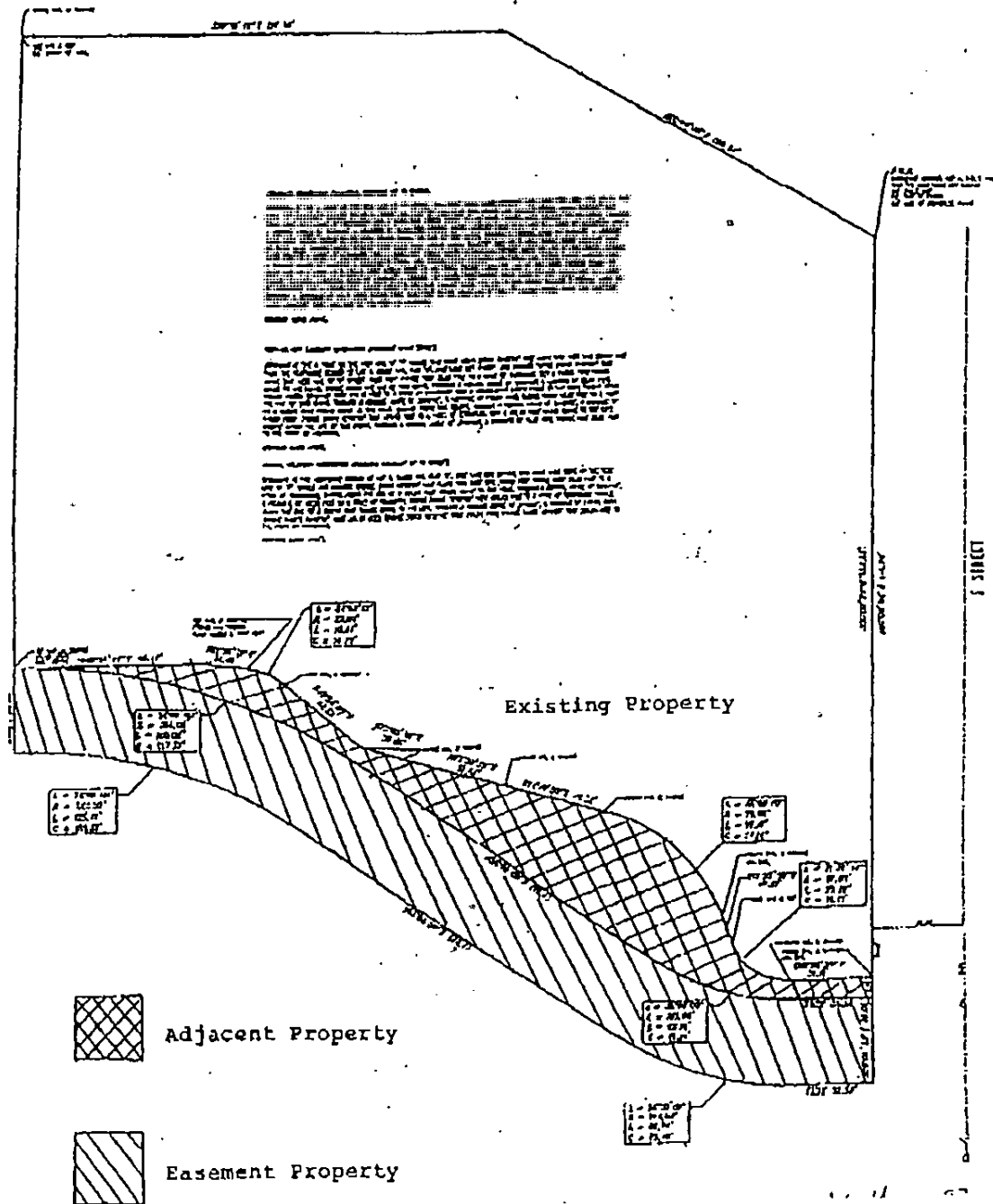
BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CAPITOL PARK AVENUE, A PRIVATE STREET, SOUTH 00°00'24" EAST 365.35 FEET FROM THE NORTHEAST CORNER OF LOT 4, BLOCK 188, PLAT "D", SALT LAKE CITY SURVEY, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF "F" STREET AND RUNNING THENCE SOUTH 00°00'24" EAST ALONG SAID WEST LINE 40.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CAPITOL PARK AVENUE, SAID POINT BEING NORTH 00°00'24" WEST 337.24 FEET (DEED = 337.15 FEET) FROM THE SOUTHEAST CORNER OF LOT 1, BLOCK 177, PLAT "D", SALT LAKE CITY SURVEY; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF CAPITOL PARK AVENUE THE FOLLOWING FOUR (4) COURSES; WEST 34.78 FEET TO A POINT OF CURVATURE; NORTHWESTERLY ALONG THE ARC OF A 142.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 35°00'00", A DISTANCE OF 86.74 FEET TO A POINT OF TANGENCY; NORTH 55°00'00" WEST 180.63 FEET TO A POINT OF CURVATURE; NORTHWESTERLY ALONG THE ARC OF A 222.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 35°00'00", A DISTANCE OF 135.61 FEET; THENCE NORTH 40.00 FEET TO THE SOUTHEAST CORNER OF LOT 415, CAPITOL PARK PLANNED DEVELOPMENT PHASE 4, AS RECORDED WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CAPITOL PARK AVENUE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES: SOUTHEASTERLY ALONG THE ARC OF A 262.00 FOOT RADIUS CURVE TO THE RIGHT, (CENTER BEARS DUE SOUTH), THROUGH A CENTRAL ANGLE OF 35°00'00". A DISTANCE OF 160.05 FEET TO A POINT OF TANGENCY; SOUTH 55°00'00" EAST 180.63 FEET TO A POINT OF CURVATURE; SOUTHEASTERLY ALONG THE ARC OF A 102.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 35°00'00" A DISTANCE OF 62.31 FEET TO A POINT OF TANGENCY AND EAST 34.78 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.402 ACRES

*179-36-455-008*



Exhibit "B"



FILMED AS RECEIVED  
CO. RECORDER



**EXHIBIT "C"**

(Legal Description of Existing Property)

BEGINNING at the Northeast corner of Lot 4, Block 188, Plat "D", Salt Lake City Survey, and running thence South  $00^{\circ}00'24''$  East 354.35 feet to the back of an existing curbwall; thence South  $89^{\circ}29'22''$  West 37.11 feet to a point of curvature; thence along the arc of a 27.00 foot radius curve to the right 33.77 feet to a point of tangency; thence North  $18^{\circ}50'50''$  West 14.61 feet to a point of curvature; thence along the arc of a 79.00 foot radius curve to the left 77.17 feet to a point of tangency; thence North  $74^{\circ}49'00''$  West 49.32 feet; thence North  $72^{\circ}00'28''$  West 51.64 feet; thence North  $72^{\circ}00'28''$  West 20.05 feet; thence North  $47^{\circ}53'00''$  West 44.93 feet to a point of curvature; thence along the arc of a 32.00 foot radius curve to the left 19.01 feet to a point of tangency, and North  $81^{\circ}55'21''$  West 18.46 feet; thence North  $89^{\circ}51'43''$  West 85.47 feet; thence North  $00^{\circ}00'24''$  West 296.86 feet; thence South  $89^{\circ}51'43''$  East 217.58 feet; thence South  $60^{\circ}00'00''$  East 200.84 feet to the point of BEGINNING.

09-30-455-008



**EXHIBIT "D"**  
**OF EASEMENT AGREEMENT**

**(Legal Description of Adjacent Property)**

BEGINNING AT A POINT ON THE WEST LINE OF "F" STREET, SAID POINT BEING SOUTH 00°00'24" EAST ALONG SAID WEST LINE 354.35 FEET FROM THE NORTHEAST CORNER OF LOT 4, BLOCK 188, PLAT "D", SALT LAKE CITY SURVEY, AND RUNNING THENCE SOUTH 89°29'22" WEST 37.11 FEET TO A POINT OF CURVATURE WITH A 27.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 71°39'44", A DISTANCE OF 33.77 FEET; THENCE NORTH 18°50'50" WEST 14.61 FEET TO A POINT OF CURVATURE WITH A 79.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 55°58'07", A DISTANCE OF 77.17 FEET; THENCE NORTH 74°49'00" WEST 49.32 FEET; THENCE NORTH 72°00'28" WEST 71.69 FEET; THENCE NORTH 47°53'00" WEST 44.93 FEET TO A POINT OF CURVATURE WITH A 32.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°02'14", A DISTANCE OF 19.01 FEET; THENCE NORTH 81°55'21" WEST 18.46 FEET, THENCE NORTH 89°51'43" WEST 85.47 FEET TO THE SOUTHEAST CORNER OF LOT 415, CAPITOL PARK PLANNED DEVELOPMENT, PHASE 4, BEING AT A POINT ON A 262.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, (CENTER BEARS DUE SOUTH), THROUGH A CENTRAL ANGLE OF 35°00'00", A DISTANCE OF 160.05 FEET; THENCE SOUTH 55°00'00" EAST 180.63 FEET TO A POINT OF CURVATURE WITH A 102.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 35°00'00", A DISTANCE OF 62.31 FEET, THENCE EAST 34.78 FEET TO THE WEST LINE OF SAID "F" STREET; THENCE ALONG SAID WEST LINE NORTH 00°00'24" WEST 11.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.208 ACRES

*09-30-455.008*



# **EXHIBIT D**

## **Notice of Board of Adjustment on Zoning Meeting**



NOTICE IS HEREBY GIVEN that the Board of Adjustment on Zoning for Salt Lake City, Utah, will meet on **Monday, May 12, 1997** beginning at **4:00 p.m.** at the City & County Building, 451 South State Street, in Room 126 (alternate room #315), and consider the following appeals with respect to the enforcement of the Zoning Ordinance. IT IS HEREBY REQUIRED that each case up for hearing will be presented and argued before the Board of Adjustment either by the petitioner or by an authorized agent. If represented by an agent, the agent must have written authorization from the owner. All those in favor of or in opposition to any of the applications will be given an opportunity to be heard at the meeting. The meeting will be electronically recorded and tapes will be retained by the Board for 90 days. The Board will provide sign language interpreters for the hearing impaired. If you need this service, please contact the office of the Board of Adjustment at 535-7741 at least 4 hours prior to the meeting.

Approval of the minutes for the meeting held April 21, 1997.

Case #2355-B by the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints at 60 West North Temple (Block 94) for a special exception to allow alternative parking for a proposed assembly building in a UI Urban Institutional Zone. (21A.40.030)

✓ Case #2356-B by the Church of Jesus Christ of Latter-day Saints at 675 North "F" Street for a special exception to allow a church building height and face wall to exceed the height limit in an FR-3 Residential Zone. (21A.24.010)

Case #2357-B by RPE Properties at 576 East South Temple for a special exception to allow a fence to exceed the four-foot height limit for an office in an RO Residential Office Zone. (21A.52.100(A))

Case #2358-B by Century International Corporation at 553, 555 and 557 East 900 South for a special exception to legalize six dwelling units in an RMF-30 Historic Zone. (21A.52.100(E))

Case #2359-B by Debra A. Lewis at 553 East Cleveland Avenue for a variance to allow an accessory building to exceed the height limit in an R-1/5000 Zone. (21A.40.040(E))

Case #2360-B by CN Howard at 1008 and 1010 East Harrison Avenue for a special exception to legalize two dwelling units in an R-1/5000 Zone. (21A.52.100(E))

Case #2361-B by John Papanikolas at 2513 South Scenic Drive for a variance to allow a new single family dwelling without the required front yard setback in an FR-3/12000 Residential Zone. (21A.24.040(E))

Case #2362-B by Joseph Bonacci at 2284 West 500 South for an appeal of an administrative decision contending that he is not unlawfully storing junk, unused, unlicensed or junk vehicles and parts or waste materials and unlawfully parking between the front of the building and the front property line in an M1 Zone. (21A.40.140)

Dated at Salt Lake City, Utah, this 26th day of April, 1997.

Deborah Kraft, Secretary



NOTICE IS HEREBY GIVEN that the Board of Adjustment on Zoning of Salt Lake City, Utah will, at its meeting to be held on Monday, May 12, 1997, beginning at 4:00 p.m. at the City & County Building, 451 South State Street, in Room 126 (alternate room #315), and consider the following appeals with respect to the enforcement of the Zoning Ordinance. IT IS HEREBY REQUIRED that each case up for hearing will be presented and argued before the Board of Adjustment either by the petitioner or by an authorized agent. If represented by an agent, the agent must have written authorization from the owner. All those in favor of or in opposition to any of the applications will be given an opportunity to be heard at the meeting. The meeting will be electronically recorded and tapes will be retained by the Board for 90 days. The Board will provide sign language interpreters for the hearing impaired. If you need this service, please contact the office of the Board of Adjustment at 535-7741 at least 4 hours prior to the meeting.

Approval of the minutes for the meeting held April 21, 1997.

Case #2355-B by the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints at 80 West North Temple (Block 94) for a special exception to allow alternative parking for a proposed assembly building in a U1 Urban Institutional Zone. (21A.40.030)

Granted

Case #2358-B by the Church of Jesus Christ of Latter-day Saints at 475 North "F" Street for a special exception to allow a church building height and face wall to exceed the height limit in an FR-3 Residential Zone. (21A.24.010)

Held 6/2

Case #2357-B by RPE Properties at 576 East South Temple for a special exception to allow a fence to exceed the four-foot height limit for an office in an RO Residential Office Zone. (21A.52.100(A))

Denied

Case #2358-B by Century International Corporation at 553, 555 and 557 East 900 South for a special exception to legalize six dwelling units in an RMF-30 Historic Zone. (21A.52.100(E))

Held

Case #2359-B by the Debra A. Lewis at 553 East Cleveland Avenue for a variance to allow an accessory building to exceed the height limit in an R-1/5000 Zone. (21A.40.040(E))

Held

Case #2360-B by CN Howard at 1008 and 1010 East Harrison Avenue for a special exception to legalize two dwelling units in an R-1/5000 Zone. (21A.52.100(E))

Denied

Case #2361-B by John Papanikolas at 2513 South Scenic Drive for a variance to allow a new single family dwelling without the required front yard setback in an FR-3/12000 Residential Zone. (21A.24.040(E))

Granted

Case #2362-B by Joseph Bonacci at 2284 West 500 South for an appeal of an administrative decision contending that he is not unlawfully storing junk, unused, unlicensed or junk vehicles and parts or waste materials and unlawfully parking between the front of the building and the front property line in an M1 Zone. (21A.40.140)

Held

Dated at Salt Lake City, Utah, this 26th day of April, 1997.

Deborah Kraft, Secretary  
4N820180



WILLIAM T. WRIGHT, AICP  
PLANNING DIRECTOR  
  
BRENT B. WILDE  
DEPUTY PLANNING DIRECTOR

**SALT LAKE CITY CORPORATION**  
COMMUNITY AND ECONOMIC DEVELOPMENT  
PLANNING DIVISION

DEEDEE CORRADINI  
MAYOR

March 23, 1999

Mr. Ken Millo  
Allen Millo Associates  
366 South 500 East #201  
Salt Lake City, UT 84102

Re: Petition No. 410-262

Dear Mr. Millo:

Enclosed please find your copy of the Findings and Order relative to Case No. 410-262 heard by the Salt Lake City Planning Commission on June 19, 1997. These Findings and Order incorporate the minutes and motion from that meeting.

If you have any questions pertaining to this matter, please feel free to contact me at 535-6171.

Sincerely,



Verene Froisland  
Administrative Secretary

cc: Case 410-262 file  
Enclosure



**SALT LAKE CITY PLANNING COMMISSION FINDINGS AND ORDER  
CASE NO. 410-262**

On Thursday, June 19, 1997, the Salt Lake City Planning Commission held a public hearing to receive comments on Case No. 410-262. This is an application by The Church of Jesus Christ of Latter-day Saints requesting approval for a conditional use and a preliminary subdivision plat approval to amend the location of the south property line for a new Ward/Branch Building located at approximately 675 North 'F' Street in a Foothills Residential "FR-3" zoning district.

**Planning Commission Minutes from June 19, 1997:**

PUBLIC HEARING - Petition No. 410-262 by the Church of Jesus Christ of Latter-day Saints requesting a conditional use and a preliminary subdivision plat approval to amend the location of the south property line for a new Ward/Branch Building located at approximately 675 N. 'F' Street in a Foothills Residential "FR-3" zoning district.

Mr. Ray McCandless presented the staff report outlining the major issues of the case, the findings of fact and the staff recommendation, a copy of which is filed with the minutes. Mr. McCandless stated that a final landscaping plan had not been received. Therefore, the Planning Commission should grant final approval subject to the Planning Director approving the final landscaping plan.

Ms. Kirk stated that she has a major concern about the trees on this property and that she wants them to be saved.

Mr. Ken Millo, a representative for the applicant, was present for this portion of the meeting and explained the process this project has been through prior to being on the Planning Commission agenda. He then stated that one of the biggest concerns of the LDS church was to save as many trees as possible. Mr. Millo stated that Mr. Tony Dietz, Urban Forestry Coordinator from the State of Utah, assessed the trees on the property to determine which trees, if any, would need to be removed. The assessment determined that all of the trees were in good to excellent structural condition (a copy of which is filed with the minutes). Mr. Millo then stated that the only trees that would be removed are the trees that sit in the building footprint or in the parking lot.

Ms. Kirk asked how many stalls are being proposed for the new LDS Ward Building. Mr. Millo stated that there are 167 stalls; zoning requires about 50 stalls. Mr. Millo then stated that there are plans to plant decorative trees in the terraces of the parking lot.

Mr. Smith stated that there is concern in reference to the amount of land relegated to parking and there is a lot of interest in retaining green space and trees. Mr. Wilde stated that the ordinance requires one parking stall for every five seats. Typically, this requirement is not adequate for an LDS Ward Building.



Mr. Young opened the hearing to the public and asked if anyone wished to address the Planning Commission.

Mr. Tom Rogan, Chair of the Greater Avenues Community Council, stated that he would like to express an appreciation to the members of the LDS Church. This is an outstanding example of a major institution cooperating with the community. Mr. Rogan agreed with the staff report presented by Mr. McCandless. Mr. Rogan continued by stating that at the last Greater Avenues Community Council meeting, the site plan presented by the petitioners was approved unanimously including the height issue of the steeple and expressing that the trees be saved.

Mr. Jim Bach, a landscape architect and a board member of the Greater Avenues Community Council, addressed the trees located on the above mentioned property. He stated that the community council would like the Planning Commission to consider the following recommendations:

1. The preservation of all trees not directly on the building or parking footprint.
2. The architect's site plan to provide structural protection (i.e. retaining wall or grading modifications) to protect the root zones of the trees on the edge of the grading required for the parking. That would save valuable trees on the west end of the third parking terrace and on the northeast corner of the upper fourth terrace.
3. Immediate provision for watering and protection of the trees, including a sprinkler system and fences, before construction begins.

Mr. Ken Bronston, a resident that lives directly across the street from the proposed project, presented a slide show. He addressed the importance of the trees and asked the Planning Commission members to save the trees and require that they be protected and watered as soon as possible.

Ms. Mary Moody, Mr. Ken Bronston's wife, stated that she would also like to have the trees protected and watered. She then stated that the residents have been concerned for the trees for several years and that there needs to be some kind of guarantee that they will be cared for.

Mr. Millo stated that he owns some property in the area and that saving the trees is just as important to him as it is to the other residents. As the architect of the project, Mr. Millo can recommend to the applicant that the only trees that should be removed are the ones that are located in the footprint of the building or parking lot. Mr. Millo then stated that the applicant has the discretion to move in the direction they would like to go. However, in this particular case, the LDS Church realizes that the trees are a valuable asset to the property and they are being sensitive to the concerns of the residents.



Mr. Kevin Oaks, a developer of the Capitol Park Planned Development adjacent to this church site, stated that the Capitol Park Development Team ("Team") would like the Planning Commission to consider the following suggestions:

1. The only type of fencing allowed in the Capitol Park Planned Development is a wrought iron type fence. The "Team" would like to see the same fence installed along the west property line of the church site.
2. The "Team" would like to see the same decorative street light poles installed along the LDS Building that have been lined along the Capitol Park Planned Development.
3. That there be more tree planting along the west property line so that it will be more of a buffer than just the wrought iron fence.

Upon receiving no further requests to address the Planning Commission, Mr. Young closed the hearing to the public and opened it for Planning Commission discussion.

The Planning Commissioners discussed possible solutions in relation to saving as many trees as possible.

Motion on Petition No. 410-262:

Ms. Kirk moved, based upon the findings of fact, to approve Petition No. 410-262.

Ms. Funk stated that she feels that the condition for the replacement of the trees that are removed is too restrictive.

Ms. Short seconded the motion. Ms. Kirk, Ms. Short, Ms. Barrows, Mr. McRea, Mr. Smith and Mr. Iker voted "Aye". Ms. Funk voted "Nay". Mr. Christensen and Mr. Fife were not present. Mr. Young, as Chair, did not vote. The motion passed.

**REPORT OF THE COMMISSION:**

WHEREAS, the Planning Commission does find, following a public hearing, that amending the location of the south property line for a new Ward/Branch Building in a Foothills Residential "FR-3" zoning district is in the best interests of the community.

IT IS THEREFORE ORDERED that approval be granted subject to the following conditions:

1. Providing architecturally integrated decorative lighting which will not impact adjoining properties.
2. Obtaining a special exception for the building height from the Board of Adjustment.



3. That the steeple can be used to accommodate and hide a cellular antenna if necessary.
4. Approval of a detailed landscaping plan by the Zoning Administrator.
5. Meeting all requirements of the various City departments.
6. All trees, not in the footprint of the building or parking lot, be kept. Any tree that is removed within the footprint of the building or in the parking lot, must be justified by the Planning Director and be replaced two to one by a 5"-6" caliper tree.
7. That retaining walls, water sprinkling systems and a water meter be installed within 14 days to protect the existing trees.
8. That additional landscaping be placed on the west side of the property.
9. That landscaping, including trees, be placed in the parking lot terraces.
10. Final landscape plan approval by the Planning Director.
11. The parking that is being provided be reevaluated to make sure that it is within reason (not excessive) based upon the occupant count and LDS church statistics.

THE FAILURE OF THE APPLICANT TO ABIDE BY THE CONDITIONS OF THIS CONDITIONAL USE SHALL CAUSE IT TO BECOME NULL AND VOID, WHICH IN EFFECT, IS THE SAME AS THE CONDITIONAL USE HAVING BEEN DENIED.

Action taken by the Planning Commission on Petition No. 410-262 at its June 19, 1997 meeting.

Dated in Salt Lake City, Utah on March 23, 1999.

Verone Froisland  
Secretary

Kimball Young / 17  
Chairperson



SALT LAKE, UT.

F05

SALT LAKE, UT.

TR

SIDWELL  
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29.95/956,100-TV  
5,100-LV  
1,000-IV  
29.95/9506,800-TV  
36,800-LV  
70,000-IV  
310.89/951996  
ReservedU E S  
TOTAL-TV  
LAND-LV  
MENT-IV  
TAXES/YR

78,500-TV

TRW-REDI

Nationwide 1-800-345-7334

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SIDWELL NUMBER	TAX DISTRICT	PROPERTY TYPE	ACRES	STATISTICAL	DEED BK-PG	USE	VALUES
OWNER NAME		TAX CLASS	DIMENSIONS	DATA			TOTAL-TV
MAILING ADDRESS		ZONING	STRUCTURAL DATA		MORTGAGE		LAND-LV
#PROPERTY LOCATION		LAND DATA	EXTRA FEATURES/EFF YEAR BLT				IMPROVEMENT-IV
PROPERTY DESCRIPTION							TOTAL TAXES/YR
09-30-455-004-0000	04	594-STORAGE WHSE	TOTAL - 2.93AC	YR BLT ACT-1935	5988-0091	RES	\$380,300-TV
CORP OF PB OF CH JC OF LDS		940-WAREHOUSE STRG	TOTAL - 127,630SF	YR BLT EFF-1950		C/I	\$369,200-LV
C/O REAL ESTATE		NE -NOT EXEMPT	GR FLR- 1,932SF	NBR FLOORS- 2			\$11,100-IV
50 E NORTHTEMPLE ST		ZONING -2200	BASE - 1,932SF	STORIES - 2			\$2,162.10/95
SALT LAKE CITY UT 84150-0002		TOPOGRPY-ROLLING	SECTN - 3,864SF	STORY HGT - 12			
		NHBRHOOD-0632	PERIMETER- 176		1031-CORP OF PB OF CH JC		
		ROAD TYP-TWO WAY	CONSTRUCT-WOOD FRAME				
		ROAD CND-PAVED	EXT WALL-BRICK				
		LOT LOC -INTERIOR	HEAT/AC -STEAM				
		RESIDENTIAL PRIMARY-ACRE					
		2.93AC					
		127,195SF					
#675							
NORTH F ST							
BEG AT NE COR OF LOT 4, BLK 188, PLAT D, SLC SUR; S 0100'24" E 354.35 FT; N 89129'22" W 37.11 FT;							
NW'LY ALG CURVE TO R 33.77 FT; N 18150'50" W 14.61 FT; NW'LY ALG CURVE TO L 77.17 FT; N 74149' W							
49.32 FT; N 72100'28" W 71.69 FT; N 47153' W 44.93 FT; NW'LY ALG CURVE TO L 19.01 FT; N 81155'21" W							
18.46 FT; N 89151'43" W 85.47 FT; N 0100'24" W 296.86 FT; S 89151'43" E 217.58 FT; S 601 E 200.84 FT							
TO BEG.							
09-30-455-007-0000	04	922-PUD	TOTAL - 5.52AC		7331-2326	RES	\$491,600-TV
PARK CITY CONSTRUCTION INC		ZONING -1112	TOTAL - 240,451SF			C/I	\$441,600-LV
ET AL		TOPOGRPY-ROLLING	HOSPITAL - 1 1922				\$50,000-IV
1450 N BECK ST		NHBRHOOD-0632					
SALT LAKE CITY UT 84116-1211		ROAD TYP-TWO WAY					
		ROAD CND-PAVED					
		SIDEWALK					
		CURB/GUTTER					
		LOT LOC -INTERIOR					
		RESIDENTIAL PRIMARY-ACRE					
		5.52AC					
		240,451SF					
#401							
EAST 12TH AVE							
BEG N 0100'24" W 310 FT FR SE COR LOT 1, BLK 177, PLAT D, SLC SUR; W 125 FT; S 188 FT; W 565 FT; N							
321 W 107.02 FT; NE'LY ALG CURVE TO L 55.65 FT; N 155 FT; NE'LY ALG CURVE TO R 133.52 FT; E 258 FT;							
SE'LY ALG CURVE TO R 135.61 S 72130' E 133.51 FT; S551 E 180.63 FT; SE'LY ALG 142 FT RA DIUS CURVE							
TO L 86.74 FT; E 34.78 FT; S 0100'24" E 27.15 FT TO BEG. 7130-1117 7204-2819							
09-30-455-008-0000	04	901-VCNT LND RES	TOTAL - .57AC		72819	RES	\$71,800-TV
PARK CITY CONSTRUCTION CO INC		ZONING -1112	TOTAL - 24,829SF				\$71,800-LV
ET AL		TOPOGRPY-ROLLING					
C/O IHC HOSPITALS/H B PETERSON		NHBRHOOD-0632					
36 S STATE ST # 100		ROAD TYP-TWO WAY					
SALT LAKE CITY UT 84136-0002		ROAD CND-PAVED					
		SIDEWALK					
		CURB/GUTTER					
		LOT LOC -INTERIOR					
		RESIDENTIAL PRIMARY-ACRE					
		.57AC					
		24,829SF					
#401							
EAST 12TH AVE							
BEG N 0100'24" W 388.15 FT FR SE COR LOT 1, BLK 177, PLAT D, SLC SUR; S 0100'24" E 51 FT; W 34.78							
FT; NW'LY ALG CURVE TO R 86.74 FT; N 551 W 180.63 FT; NW'LY ALG CURVE TO L 135.61 FT; N 40 FT; S							
89151'43" E 85.47 FT; S 811 55'21" E 18.46 FT; SE'LY ALG CURVE TO R 19.01 FT; S 471 53' E 44.93 FT;							
S 72100'28" E 71.69 FT; S 74149' E 49.32 FT; SE'LY ALG CURVE TO R 77.17 FT; S 18150'50" E 14.61 FT;							
SE'LY ALG CURVE TO L 33.77 FT; N 89129'22" E 37.11 FT TO BEG. 7130-1117							

SALT LAKE, UT.

G05

TRW-REDI

Nationwide 1-800-345-7334

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SIDWELL NUMBER	TAX DISTRICT	PROPERTY TYPE	ACRES	STATISTICAL	DEED BK-PG	USE	VALUES
OWNER NAME		TAX CLASS	DIMENSIONS	DATA			TOTAL-TV
MAILING ADDRESS		ZONING	STRUCTURAL DATA		MORTGAGE		LAND-LV
#PROPERTY LOCATION		LAND DATA	EXTRA FEATURES/EFF YEAR BLT				IMPROVEMENT-IV
PROPERTY DESCRIPTION							TOTAL TAXES/YR
09-30-455-009-0000	04	111-SMGL FAM RES	TOTAL - 18.09AC	YR BLT ACT-1940	7081-0001	RES	\$2,321,360-TV
CAPITAL PARK DEVELOPMENT LC		ZONING -1112	TOTAL - 788,000SF	YR BLT EFF-1956		RES	\$2,321,260-LV
							\$100-IV



# Allen • Millo Associates

Architects • Planners • Interior Designers

## FAX Transmittal

**To:** Ray McCandless, Principal Planner  
SALT LAKE CITY CORPORATION  
Community and Economic Development / Planning Division  
451 South State Street, Room 406  
Salt Lake City, Utah 84111

**From:** Paul S. Bratton

**Date:** 18 May 1998

**No. of Pages:** Three (3)

**FAX Number:** (801) 535-6174

**Re:** ENSIGN 1, 3, & 4  
675 North "F" Street  
Salt Lake City, Utah

**Project No:** 533-3822-77-3

Hi Ray --

We received your letter from May 14 and will try to get these issues addressed / resolved as quickly as possible.

In response to item no. 1 from your letter, I have sent a number of FAXes on to Gary Larson and Kevin Shields (the landscape architect) of The Church to address the number and caliper of trees that The Church is to provide for installation at the project job site. I have even forwarded copies of the Minutes from the Planning Commission Meeting of 06/19/97, so I know that they are well aware of the tree replacement requirement -- as well as the requirement to provide "architecturally integrated decorative lighting" exterior fixtures. We have discussed these issues a number of times recently and I know that Gary has given Kevin direction to revise the landscaping plan. We have a couple of meetings scheduled this week to review proposed design revisions, so I will have a better idea of the direction we are to take by the end of the week.

Referencing item no. 2 from your letter, Ken has verified that a water meter has been installed. I understand that The Church is responsible for maintenance of the existing trees. As mentioned previously, however, I have forwarded a copy of your letter to Gary Larson.

I have discussed item no. 3 from your letter with Kevin Shields and can assure you that every effort will be made to save the trees identified as nos. 37, 38, and 39. Substantial grading work is to occur in this area, however, so it not prove to be feasible if the rootball system of each respective tree is compromised to any great extent.

**Bruce B. Allen, AIA**

Phone: (801)532-5357 / FAX: (801)532-0930 • 366 South 500 East, Suite No. 201 • Salt Lake City, Utah 84102

**Kenneth C. Millo, AIA**



*Ray McCandless*  
18 May 1998

*Page 2*

We have attached a copy of the Parking Evaluation from The Church for your reference and review.

I will see to it that you get a copy of the revised landscaping drawings (and SD-1) as soon as we have them. In the meantime, please let me know if you require clarification or additional information. Thanks for your time, Ray.

Paul

pc: file.



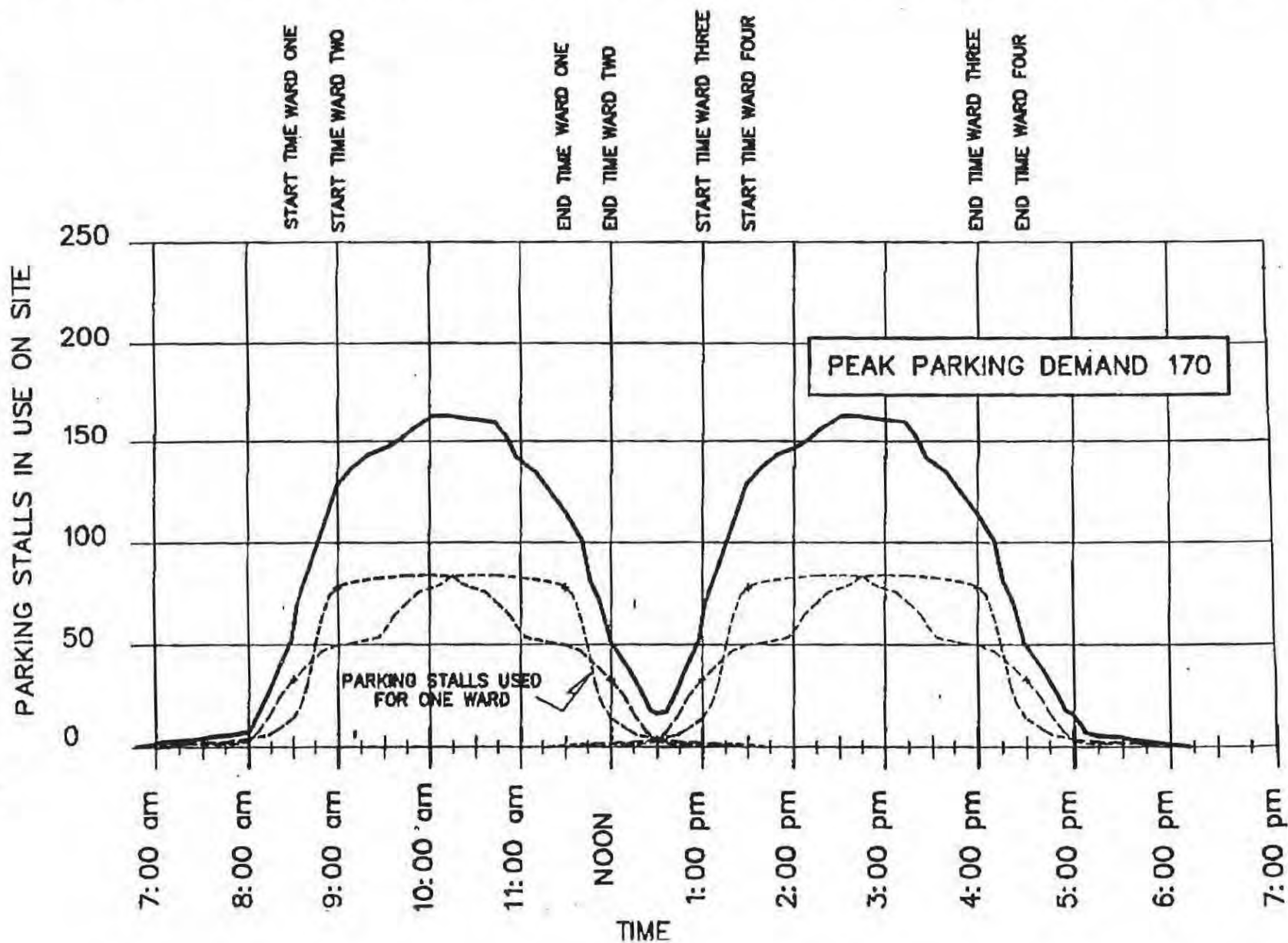
PFD/AES-MDDH-1/96

Program Guidelines 6-12

# SUNDAY PARKING REQUIREMENTS

## 4 WARDS WITH 240 AVERAGE ATTENDANCE EACH

### SHORTEST SCHEDULE-8 HOURS MOST PARKING- 170 CARS





# Allen • Millo Associates

Architects • Planners • Interior Designers

## Letter of Transmittal

27 March 1998

Mr. Ray McCandless, SLCC Planner  
SALT LAKE CITY PLANNING  
451 South State Street, Room 406  
Salt Lake City, Utah 84111



**Re:** ENSIGN 1,3, & 4  
675 North "F" Street  
Salt Lake City, Utah

**Project No:** 533-3822-77-3

**Attached:** Sheets SD-1, L-1, and L-2 from set of Construction Documents -- Plan(s)  
showing existing trees and trees to be removed.

### Comments:

Hi Ray --

As per your request, I have attached prints of Sheets SD-1, L-1, and L-2 for your reference and review. The Landscaping sheets show the location of existing trees to remain -- using a light dashed line -- as well as the locations for new trees to be planted. Sheet SD-1 may be more useful to you, however. It indicates the locations of *all existing trees*. The Tree Table on this sheet indicates which of the 53 existing trees are to be protected and preserved -- a total of 27.

If you have any questions or require additional information or clarification, please do not hesitate to call me. Thank you for your time.

Respectfully,

*Paul*

Paul S. Bratton

attachment

pc: file.

**Bruce B. Allen, AIA**

Phone: (801)532-5357 / FAX: (801)532-0930 • 366 South 500 East, Suite No. 201 • Salt Lake City, Utah 84102

**Kenneth C. Millo, AIA**



TO Doug w TO Rev  
4/21/98  
ORIGINAL MAILED TO  
MILLO ASSOCIATES

April 20, 1998

Millo Associates  
Attn. Mr. Paul S. Bratton  
366 South 500 East,  
Salt Lake City, Utah 84102

Dear Mr. Bratton,

Thank you for providing the landscaping drawings for the Ensign 1,3, & 4 project at 675 North F Street as we requested earlier.

In reviewing drawings SD-1, L-1 and L-2 with the conditions set by the Salt Lake City Planning Commission at its June 19, 1998 planning commission meeting, it appears there are several items that need to be addressed:

1. As you may be aware, there was significant discussion at the Planning Commission hearing regarding the preservation of the existing trees on the site. In reviewing drawings SD-1, L-1 and L-2, twenty-seven trees are proposed to be eliminated by construction of the church and parking area. Based on the Planning Commission's requirement to replace these trees at a 2 to 1 ratio, 54 new trees, each with a caliper of five to six inches must be provided. The plant legend on drawing L-1 shows that all proposed new trees will have a 1.5 to 2.5 inch caliper which does not meet this condition (see item number 6 on the attached planning commission meeting minutes). Please revise the landscaping plans accordingly.
2. Verification that condition number 7 on the accompanying planning commission minutes has been met needs to be provided.
3. It does not appear trees 37, 38 or 39 need to be eliminated as they are located away from the building and are not in a parking area.
4. Condition number 11 requires that a parking evaluation be provided to determine whether the proposed parking for this site is excessive.

As we understand construction of the building is scheduled in the near future, we would appreciate a response to these issues soon so there are no unnecessary delays in issuing building permits. Please call me if you have any questions at 535-7282.

Sincerely,

Ray McCandless  
Principal Planner



3. That final approval be delegated to the Planning Director.

Mr. Kirk seconded the motion. Ms. Kirk, Ms. Funk, Ms. Short, Ms. Barrows, Mr. McRea, Mr. Smith and Mr. Iker voted "Aye". Mr. Christensen and Mr. Fife were not present. Mr. Young, as Chair, did not vote. The motion passed.

PUBLIC HEARING - Petition No. 410-262 by the Church of Jesus Christ of Latter-day Saints requesting a conditional use and a preliminary subdivision plat approval to amend the location of the south property line for a new Ward/Branch Building located at approximately 675 N. 'F' Street in a Foothills Residential "FR-3" zoning district.

Mr. Ray McCandless presented the staff report outlining the major issues of the case, the findings of fact and the staff recommendation, a copy of which is filed with the minutes. Mr. McCandless stated that a final landscaping plan had not been received. Therefore, the Planning Commission should grant final approval subject to the Planning Director approving the final landscaping plan.

Ms. Kirk stated that she has a major concern about the trees on this property and that she wants them to be saved.

Mr. Ken Millo, a representative for the applicant, was present for this portion of the meeting and explained the process this project has been through prior to being on the Planning Commission agenda. He then stated that one the biggest concerns of the LDS church was to save as many trees as possible. Mr. Millo stated that Mr. Tony Dietz, Urban Forestry Coordinator from the State of Utah, assessed the trees on the property to determine which trees, if any, would need to be removed. The assessment determined that all of the trees were in good to excellent structural condition (a copy of which is filed with the minutes). Mr. Millo then stated that the only trees that would be removed are the trees that sit in the building footprint or in the parking lot.

Ms. Kirk asked how many stalls are being proposed for the new LDS Ward Building. Mr. Millo stated that there are 167 stalls; zoning requires about 50 stalls. Mr. Millo then stated that there are plans to plant decorative trees in the terraces of the parking lot.

Mr. Smith stated that there is concern in reference to the amount of land relegated to parking and there is a lot of interest in retaining green space and trees. Mr. Wilde stated that the ordinance requires one parking stall for every five seats. Typically, this requirement is not adequate for an LDS Ward Building.

Mr. Young opened the hearing to the public and asked if anyone wished to address the Planning Commission.



Mr. Tom Rogan, Chair of the Greater Avenues Community Council, stated that he would like to express an appreciation to the members of the LDS Church. This is an outstanding example of a major institution cooperating with the community. Mr. Rogan agreed with the staff report presented by Mr. McCandless. Mr. Rogan continued by stating that at the last Greater Avenues Community Council meeting, the site plan presented by the petitioners was approved unanimously including the height issue of the steeple and expressing that the trees be saved.

Mr. Jim Bach, a landscape architect and a board member of the Greater Avenues Community Council, addressed the trees located on the above mentioned property. He stated that the community council would like the Planning Commission to consider the following recommendations:

1. The preservation of all trees not directly on the building or parking footprint.
2. The architect's site plan to provide structural protection (i.e. retaining wall or grading modifications) to protect the root zones of the trees on the edge of the grading required for the parking. That would save valuable trees on the west end of the third parking terrace and on the northeast corner of the upper fourth terrace.
3. Immediate provision for watering and protection of the trees, including a sprinkler system and fences, before construction begins.

Mr. Ken Bronston, a resident that lives directly across the street from the proposed project, presented a slide show. He addressed the importance of the trees and asked the Planning Commission members to save the trees and require that they be protected and watered as soon as possible.

Ms. Mary Moody, Mr. Ken Bronston's wife, stated that she would also like to have the trees protected and watered. She then stated that the residents have been concerned for the trees for several years and that there needs to be some kind of guarantee that they will be cared for.

Mr. Millo stated that he owns some property in the area and that saving the trees is just as important to him as it is to the other residents. As the architect of the project, Mr. Millo can recommend to the applicant that the only trees that should be removed are the ones that are located in the footprint of the building or parking lot. Mr. Millo then stated that the applicant has the discretion to move in the direction they would like to go. However, in this particular case, the LDS Church realizes that the trees are a valuable asset to the property and they are being sensitive to the concerns of the residents.



Mr. Kevin Oaks, a developer of the Capitol Park Planned Development adjacent to this church site, stated that the Capitol Park Development Team ("Team") would like the Planning Commission to consider the following suggestions:

1. The only type of fencing allowed in the Capitol Park Planned Development is a wrought iron type fence. The "Team" would like to see the same fence installed along the west property line of the church site.
2. The "Team" would like to see the same decorative street light poles installed along the LDS Building that have been lined along the Capitol Park Planned Development.
3. That there be more tree planting along the west property line so that it will be more of a buffer than just the wrought iron fence.

Upon receiving no further requests to address the Planning Commission, Mr. Young closed the hearing to the public and opened it for Planning Commission discussion.

The Planning Commissioners discussed possible solutions in relation to saving as many trees as possible.

Motion on Petition No. 410-262:

Ms. Kirk moved, based upon the findings of fact, to approve Petition No. 410-262 subject to the following conditions:

1. Providing architecturally integrated decorative lighting which will not impact adjoining properties.
2. Obtaining a special exception for the building height from the Board of Adjustment.
3. That the steeple can be used to accommodate and hide a cellular antenna if necessary.
4. Approval of a detailed landscaping plan by the Zoning Administrator.
5. Meeting all requirements of the various City departments.
6. All trees, not in the footprint of the building or parking lot, be kept. Any tree that is removed within the footprint of the building or in the parking lot, must be justified by the Planning Director and be replaced two to one by a 5"-6" caliper tree.
7. That retaining walls, water sprinkling systems and a water meter be installed within 14 days to protect the existing trees.



8. That additional landscaping be placed on the west side of the property.
9. That landscaping, including trees, be placed in the parking lot terraces.
10. Final landscape plan approval by the Planning Director.
11. The parking that is being provided be reevaluated to make sure that it is within reason (not excessive) based upon the occupant count and LDS church statistics.

Ms. Funk stated that she feels that the condition for the replacement of the trees that are removed is too restrictive.

Ms. Short seconded the motion. Ms. Kirk, Ms. Short, Ms. Barrows, Mr. McRea, Mr. Smith and Mr. Iker voted "Aye". Ms. Funk voted "Nay". Mr. Christensen and Mr. Fife were not present. Mr. Young, as Chair, did not vote. The motion passed.

#### **OTHER BUSINESS**

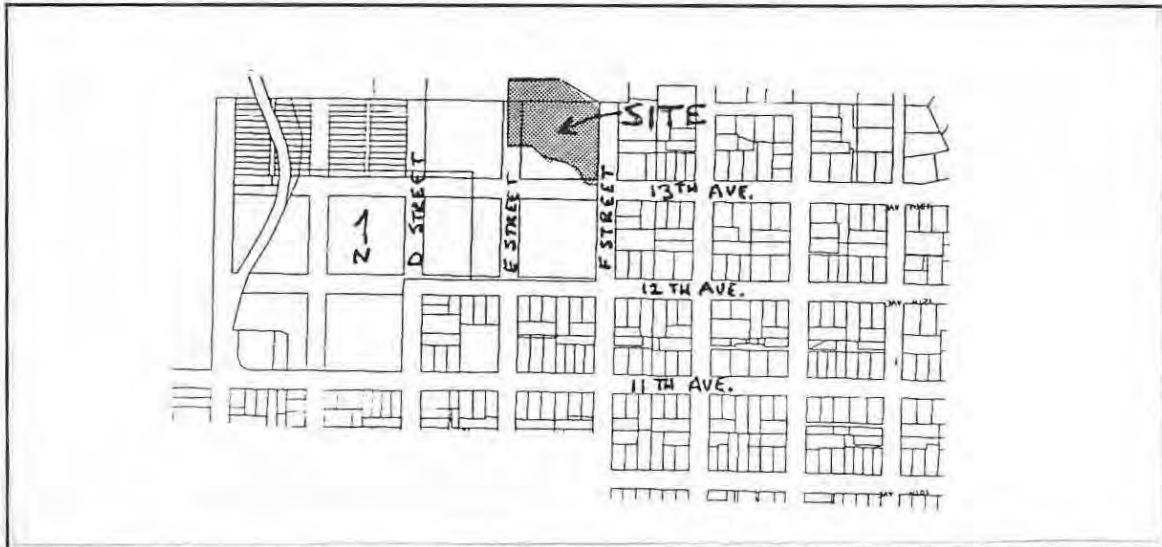
Mr. Wilde stated that due to the fact that the next Planning Commission meeting is scheduled for July 3<sup>rd</sup> and that there would only be a light agenda, the July 3<sup>rd</sup> meeting has been canceled.

There being no further business, the meeting adjourned at 7:50 p.m.

  
\_\_\_\_\_  
Verene Sears, Secretary



**SALT LAKE CITY PLANNING COMMISSION STAFF REPORT  
CASE 410-262, REQUEST BY THE LDS CHURCH FOR A  
CONDITIONAL USE TO ALLOW A CHURCH AND SUBDIVISION AT  
675 NORTH F STREET.**



**Overview**

The Planning Commission is the approval body for conditional uses. This project also includes preliminary subdivision approval consideration by the Planning Commission.

**Introduction**

The Church of Jesus Christ of Latter-Day Saints is requesting conditional use approval to construct a church at 675 North and F Street in an FR-3/12,000 Foothills Residential District. The building will be a two-story brick building located near the southeast corner of a 2.9 acre parcel of land.

Adjoining uses are predominantly residential with the Northpoint Condominiums to the north, single family dwellings to the east along F Street, the old Veteran's Administration Hospital (which is being converted to a condominium) to the south and Phase 4 of the Capitol Park Subdivision (undeveloped) to the west. The caretaker's residence for the old Veteran's Administration hospital on the south end of this property is proposed to be demolished to accommodate the new church.

Minor subdivision approval also is being requested. The south lot line is proposed to be realigned to better reflect the parcel as it relates to the private street that is now being built for the Capitol Park Subdivision.

**Community / Neighborhood Council Review**

The applicants have been working for some time with the Greater Avenues Community Council on this project. The Community Council Chairman was contacted on June 12,



1997 and verbally indicated the Community Council has approved the proposed building and site plan.

The Northpoint Estates Homeowner's Association also has reviewed and approved this proposal as mentioned in the attached letter dated May 9, 1997.

### **Findings of Fact / Conditional Use Standards**

Staff's analysis of the site using the conditional use standards in section 21A.54.080 of the Zoning Ordinance is as follows:

**Criteria (a):**     *The proposed development is one of the Conditional Uses specifically listed in the Zoning Ordinance;*

**Discussion:**     Places of religious worship on lots less than 4 acres in size are listed as a conditional use in section 21A.24.190 of the Zoning Ordinance.

**Finding:**         The proposed development is one of the Conditional Uses specifically listed in the Zoning Ordinance.

**Criteria (b):**     *The proposed development is in harmony with the general purposes and intent of the Zoning Ordinance and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans;*

**Discussion:**     The purpose of the FR-3 / 12,000 foothills residential district is to "promote environmentally sensitive and visually compatible development...suitable for foothills locations".

This is the second building design proposed for this site. The first design would have required significant cuts and fills to accommodate the building and parking area, however, in working with the Community Council, the site and building have been completely redesigned. Consideration has been given to the slope and orientation of the site and the building design is reflective of area's historical character.

The maximum allowable height allowed for a building in the FR-3 Zone is 28 feet above the existing grade. The proposed building is 44 feet above grade at the south end of the building. Although the building is tall, it is not out of scale with other buildings in the area. The V.A. Hospital building is six stories and many of the homes in the area are two story structures. The property slopes away from F Street and the existing vegetation on the property will help to reduce the perceived height of the building making the site visually compatible with the area.

A special exception must be granted by the Board of Adjustment to allow the building to exceed the maximum allowable height of the zoning district. On June 23, 1997, the City's Board of Adjustment will determine whether a special height exception should be granted. Given the slope of the property, elevation of the Northpoint Condominiums above this site, the proposed height of the building (two story design) is a reasonable request.



Because of these efforts made in making the project compatible with the existing site and neighborhood, this proposal is consistent with the goals and objectives of the Zoning Ordinance and Master Plan.

**Finding:** The proposal is consistent with the intent and objectives of the City's Master Plan and Zoning Ordinance.

Criteria (c): *Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets;*

Discussion: Access to this site is provided from both F Street and from a private street leading to the Capitol Park Subdivision. The City's Transportation Division has reviewed this request and has indicated that F-Street and the new private street will adequately handle the traffic generated by this use. The site is two blocks up from 11th Avenue which is a Collector Street and a bus route.

Adequate off-street parking will be provided. A total of 167 on-site parking stalls are proposed which meets the number of required stalls which is 1 space for every 5 fixed seats.

Public way improvements will be required along the F-Street frontage and private access agreements will be required to access the private street to the south.

**Finding:** The project will not materially degrade the service level on adjacent streets.

Criteria (d): *The internal circulation system of the proposed development is properly designed;*

The parking stalls and driveway widths meet the dimensional requirements of the Zoning Ordinance (Section 21A.44.020, Off-Street Parking Dimensions). Driveways on both F Street and the Capitol Park private street provide two separate accesses to the site.

**Finding:** The internal circulation system of the proposed development is properly designed.

Criteria (e): *Existing or proposed utility services are adequate for the proposed development;*

**Finding:** Utility service issues are now being coordinated through the City's Public Utilities Department. Existing services will be adequate for the proposed use.

Criteria (f): *Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;*

Discussion: F Street Frontage: A 50 foot setback is proposed along the F Street frontage which will help reduce the perceived height and mass of the building. This area will be planted with trees and lawn grass.



Northpoint Condominiums: Along the north property line there is a large retaining wall that is between 5 and 10 feet high. The condominiums are above this retaining wall. Because of the slope of the property, the roof of the church will be nearly level with top of the retaining wall. Because of this, and given the height of the old Veteran's Administration Hospital to the south, views from the Northpoint Condominiums would not be adversely impacted beyond the impact already present by the hospital and the vegetation now on the site.

Capitol Park Phase 4: Phase 4 of the Capitol Park Subdivision which abuts this property on the west has recently been approved but is not developed. The proposed site plan meets the landscape buffer requirements of the zone.

South Property Line: No additional buffering is required along the private street leading into the Capitol Park development. This area will be landscaped and treated as a corner lot front yard.

Although no lighting plan has been provided, all exterior lighting will need to be architecturally integrated decorative lighting which will not impact adjoining properties.

**Finding:** No significant impacts from light, noise or visual impacts are anticipated.

Criteria (g): *Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood;*

**Discussion:** The proposed building design is somewhat atypical of most LDS church plans in that it is a two story structure. The exterior of the building will be a red-brown Atlas brick. The building design complements architectural features of existing homes in the adjoining neighborhood and the V.A. Hospital.

**Finding:** The architecture and building materials are consistent with the development and compatible with the adjacent neighborhood.

Criteria (h): *Landscaping is appropriate for the scale of development;*

**Discussion:** Many of the existing mature trees on F Street will be kept and will not be disturbed by construction activities. This will help make the site look more established and will reduce the visual impacts of the new building. A detailed preliminary landscaping plan will need to be provided and approved by the Zoning Administrator to determine whether the proposed landscaping meets the requirements of the FR-3 zone. The final landscaping plan should be approved by the Planning Director.

**Finding:** Landscaping is appropriate for the scale of development provided the final landscaping plan is provided to, and approved by, the Planning Director.

Criteria (i): *The proposed development preserves historical, architectural and environmental features of the property;*

**Discussion:** As mentioned above, the caretaker's residence for the V.A. hospital is on this property and will be demolished to accommodate the new building.



Neither the building or site is in a Historic District, or on the National Historic Register or City's Register of Historic Places. Because of this, no documentation is required before construction begins on the church. The Caretaker's Residence does not contribute to the old V.A. Hospital architecture or sense of place.

**Finding:** The proposed development preserves historical, architectural and environmental features of the property.

Criteria (j): *Operating and delivery hours are compatible with adjacent land uses;*

**Finding:** The hours of operation are compatible with adjacent land uses.

Criteria (k): *The conditional use or, in the case of a planned development, the permitted and Conditional Uses contained therein, are compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the City as a whole;*

**Finding:** The proposed church would not have a material net cumulative adverse impact to the neighborhood or City as a whole as discussed above.

Criteria (l): *The proposed development complies with all other applicable codes and ordinances.*

**Discussion:** Parking Lot. The parking area on the F Street frontage cannot extend beyond the front building line as it is shown on the site plan. The applicant is aware of this and will modify the site plan accordingly.

Building Height. The maximum height limit of a building in the FR-3 zone is 28 feet above the existing grade unless a special exception is granted by the City's Board of Adjustment. The slope of the property averages between 10 and 15% which is relatively steep. At the south end of the building, the proposed height of the building is 44 feet which exceeds the height limit of the zoning district by 16 feet. The steeple is 61 feet above grade but is exempt from the height requirements of the FR-3 zone.

As mentioned above, given the slope of the property, elevation of the Northpoint Condominiums above this site, the proposed height of the building (two story design) is a reasonable request.

**Finding:** The proposed development must meet these and all other applicable codes and ordinances prior to issuance of a building permit.

### **Subdivision**

Minor subdivision approval also is being requested. The L.D.S. Church's south property line is being realigned to better reflect the property's relation to the Capitol Park private street. Some of the property that now belongs to the Capitol Park project will be added to the L.D.S. Church's site near the north side of the private street.



In the FR-3 zone, places of worship on lots less than 4 acres in size are listed as a conditional use. Shifting the lot line as proposed increases the lot area to 3.6 acres and does not make the site exceed the four acre maximum. The preliminary subdivision plat is now being prepared by the applicant's surveyor.

### **Recommendation**

Based upon findings of fact of the conditional use criteria contained in this staff report, the staff recommends conditional use of the proposed building subject to:

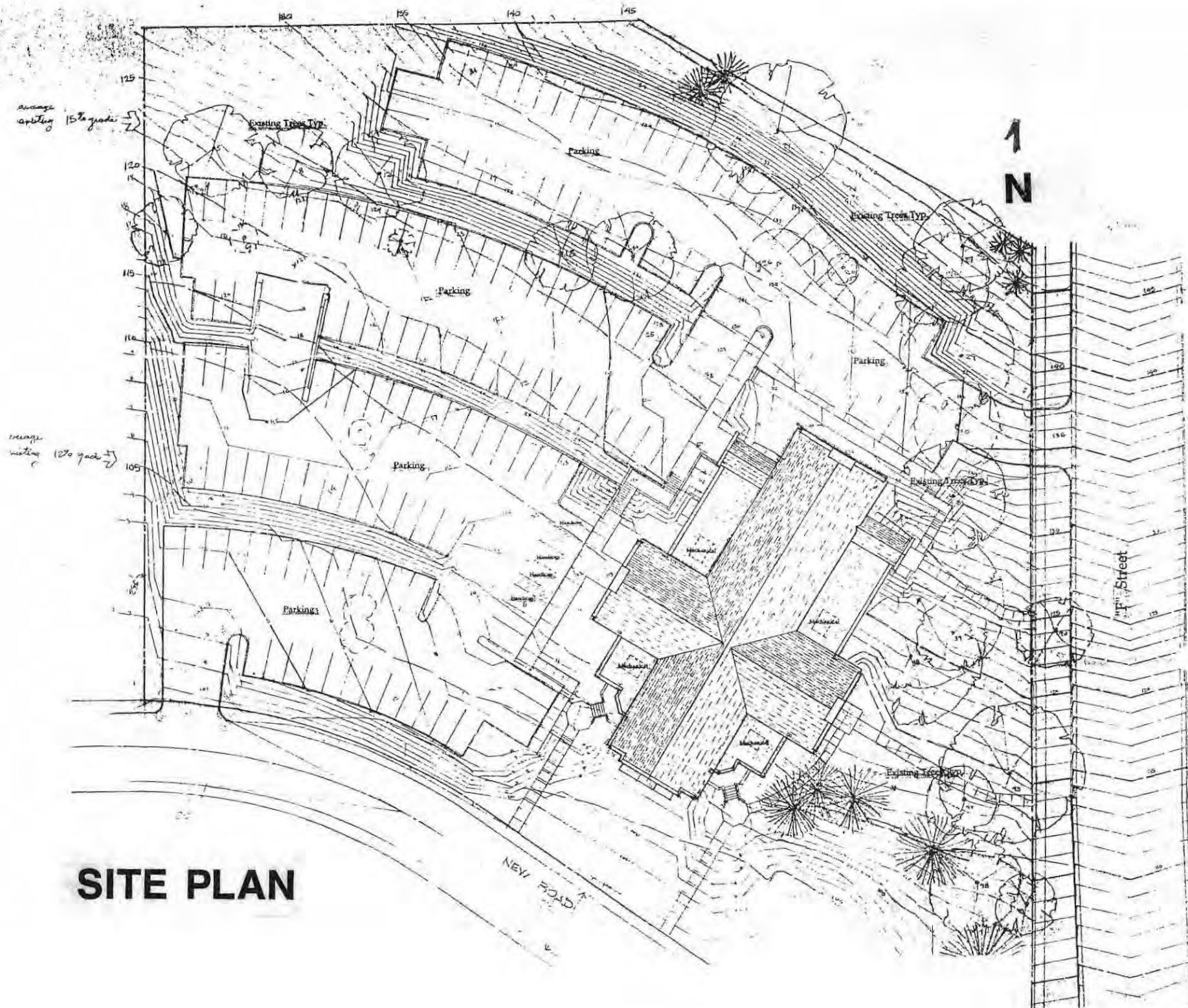
1. Providing architecturally integrated decorative lighting which will not impact adjoining properties.
2. Obtaining a special exception for the building height from the Board of Adjustment.
3. Approval of a detailed landscaping plan by the Zoning Administrator.
4. Meeting all requirements of the various City departments.
5. Final landscape plan approval by the Planning Director.

The Staff further recommends that the Planning Commission grant preliminary subdivision approval.

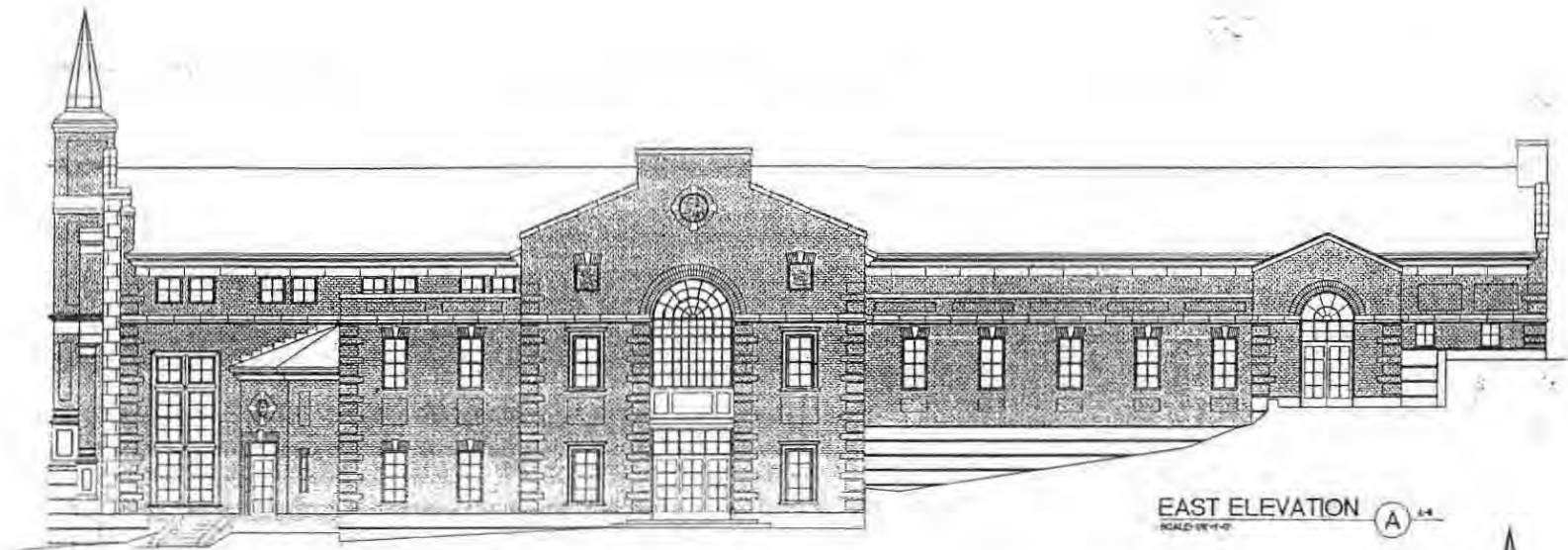
*Ray McCandless*  
*June 12, 1997*



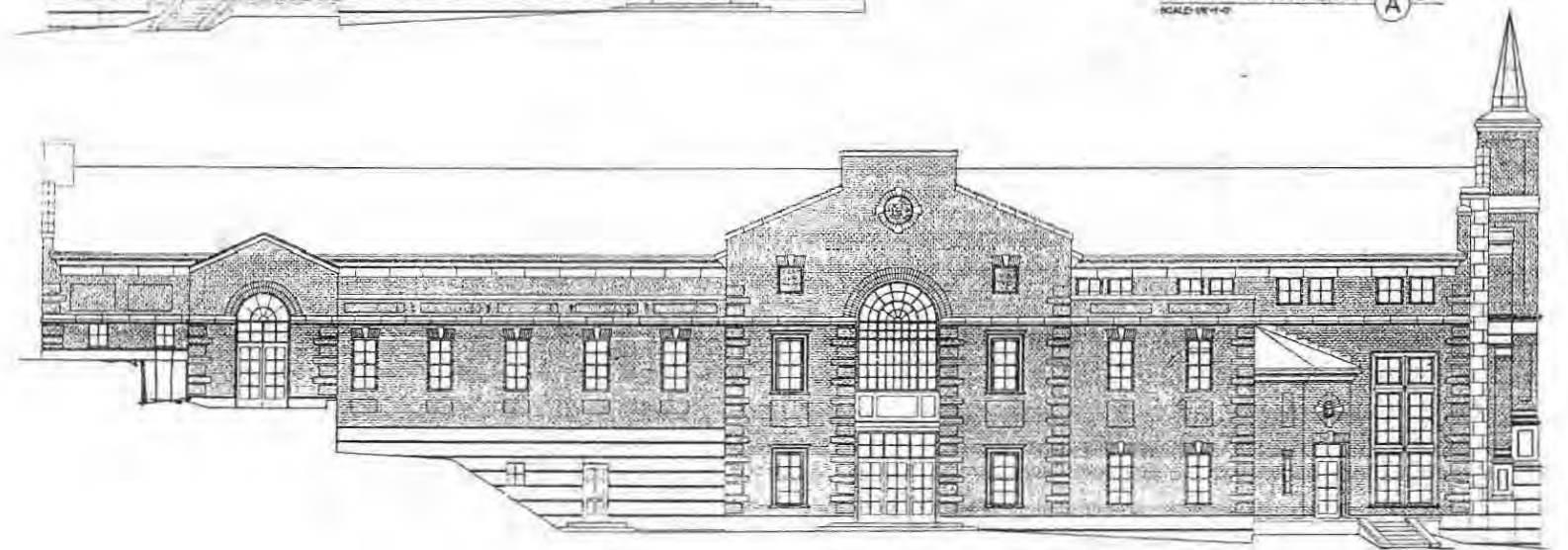
# SITE PLAN





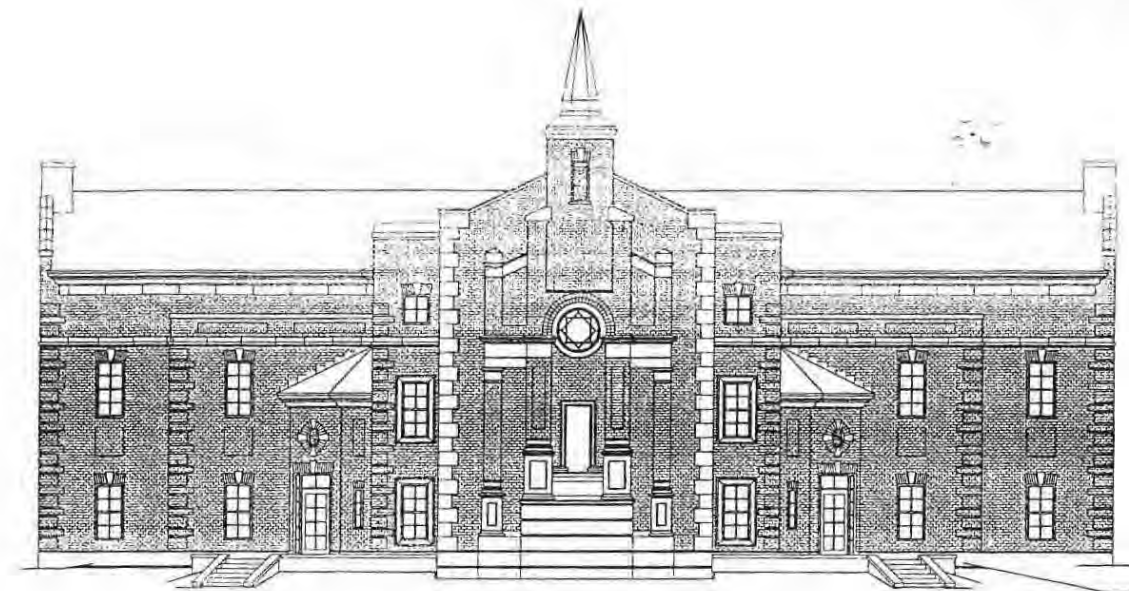


EAST ELEVATION A 1/4"  
SCALE 1/4" = 1'-0"

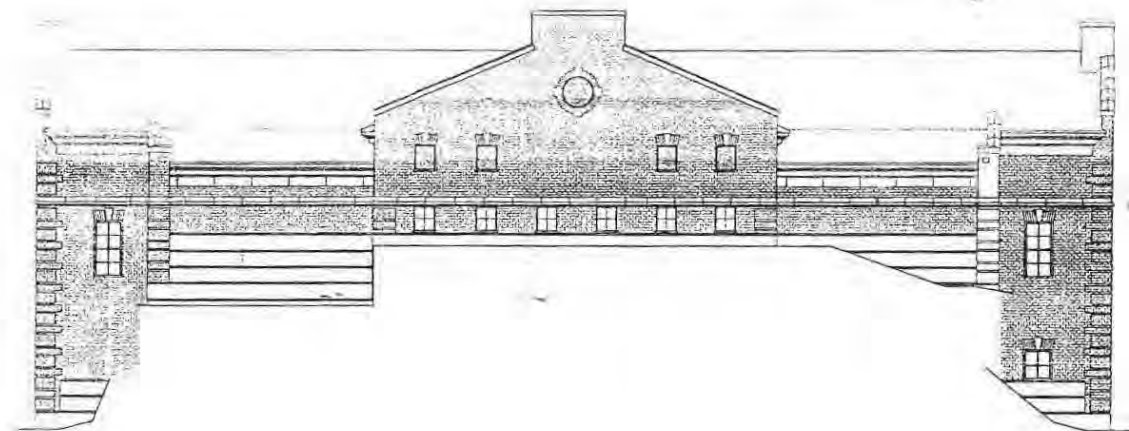


WEST ELEVATION A 1/4"  
SCALE 1/4" = 1'-0"





**SOUTH ELEVATION**  
SCALE 1/8"=1'-0"



**NORTH ELEVATION**  
SCALE 1/8"=1'-0"

**B**



# Allen • Millo Associates

Architects • Planners

20 March 1997

Mr. Joel Patterson, Principal Planner  
Salt Lake City Corporation  
Planning Commission  
451 South State  
Salt Lake City, Utah 84111

RE: CONDITIONAL USE APPLICATION SUPPLEMENT - Ensign 1,3,4

Dear Mr. Patterson,

Submitted along with this letter are the required Conditional Use application and documentation for County Tax Parcel 9-30-455-004. The property is zoned FR-3 and owned by The Church Of Jesus Christ Of Latter Day Saints who proposes to build a two story, three Ward building on this site. The proposed project consists of 20,400 sq.ft. finished building space with 167 parking stalls.

#### **Harmony with Zoning Ordinance and Compatibility with City Master Plan**

The proposed LDS Ensign 1st, 3rd and 4th Wards Chapel replaces two old chapel buildings, one at 9th Avenue and D Street the other at 9th Avenue and K Street in Salt Lake City. The building will house three wards on an historic three acre site that is bordered by F Street, Northpoint Condominiums, the old VA Hospital and the new Capital Park Subdivision.

The two story building is designed to be unique to this site. The custom plan will respect the hillside by minimizing grading; avoid disruption of views both uphill and downhill; respect the patterns and massing of adjacent homes and the hospital; preserve mature vegetation; and provide for the building needs of the members of the church and neighborhood.

Parking areas are tempered with generous planting areas and ironwork fences and street lighting are to be installed to match Capital Park Subdivision. In an effort to avoid curbside parking, parking areas well exceed zoning requirements.

Traffic will be increased in the neighborhood, but usually only on Sundays and in the early evenings, generally slow traffic periods. Adjacent streets appear to have plenty of available capacity. Traffic can approach the site from both F Street and 12th Avenue through Capital Park.

The following documents are included as part of this request:

Property Legal Description

Existing Site Survey scale: 1"= 20'

Proposed Site Plan scale: 1"= 20'

Aerial maps

Mailing labels of all property owners landing within 300 feet  
(exclusive of intervening streets and alley).

A traffic impact study will be provided if required.

As part of this proposal, a Special Exception Request will be submitted to the Board of Adjustment requesting a building height increase.

Sincerely yours,



Kenneth C. Millo AIA  
PRESIDENT



NORTHPOINT ESTATES HOMEOWNER'S ASSOCIATION  
835 Grandridge Court, Salt Lake City, Ut. 84103

May 9, 1997

Salt Lake City Corporation  
Board Of Adjustments  
451 South State St.  
Salt Lake City, Utah 84111

Re: Case #2356-B

Dear Board Members

Allen-Millo Associates, architects- planners, have met with the Northpoint Estates Homeowners Association and have reviewed the proposed plans for the construction of an LDS chapel on the site immediately adjacent to the south of the Homeowners property. At a meeting of the Homeowners Association all of the owners present at the meeting voted in favor of supporting the proposed plan, including the request for a special exception to allow the building height and face wall to exceed the height limit, and authorized sending this letter to advise you of this action.

Very truly yours,



Chairman, Management Committee



From: Thomas F. Rogan  
Attorney at Law  
136 South Main Street, Suite 325  
Salt Lake City, UT 84101

(voice) 801-355-0461  
(fax) 801-359-7561

To: Ray McCandless  
SLC Planning

Fax: 535-6174

To: Ken Millo  
Allen - Millo Architects

Fax: 532-0930

To: Ken Bronston

fax: 366-0167

Date: June 19, 1997

Number of pages, including this transmittal sheet: 4

Please contact me at my voice number above if there is a need to re-transmit this document.

Ray:

Attached are two items which I would like you to associate with my letter to you dated June 16.  
The first item is a handwritten note from Jim Bach, chair of the neighborhood committee working with the petitioner requesting three specific conditions with regard to the granting of the conditional use.  
The second item is a letter to Jim from the Office of Urban Forestry reporting on an inspection of the trees at the site.

If you have any questions, please call me.

Tom Rogan  
Chair, GACC



**GREATER AVENUES COMMUNITY COUNCIL  
1112 THIRD AVENUE  
SALT LAKE CITY, UT 84103**

March 21, 1997

Mr. Ray McCandless  
Salt Lake City Planning Division  
451 South State Street  
Salt Lake City, UT 84111



Re: Construction of Church Facility at 13<sup>th</sup> Avenue and D Street

By FAX and First-Class Mail

Dear Mr. McCandless:


At its general meeting on March 5, 1997, the Greater Avenues Community Council by a unanimous voice vote approved the design concept for the referenced project with the understanding that there would be a need for a variance with regard to the height restriction on the overlay zone.

The applicant and its architect have been working very closely and responsively with a committee established through the GACC, and they are continuing to do so. This collaborative effort represents the community council system functioning at its best; but it would not have been possible had it not been for the willingness on the part of the applicant not just to receive, but more importantly to embrace, the input of the community.

Please place this letter in the file so that it may accompany the applicant's request throughout the City's approval process.

If I may assist you further with regard to this matter, please let me know; and thank you for helping to move this matter forward.

Very best regards,

  
Tom Rogan  
Chair, GACC

cc: Ken Millo, applicant's architect



**GREATER AVENUES COMMUNITY COUNCIL  
1112 THIRD AVENUE  
SALT LAKE CITY, UT 84103**

March 21, 1997

Mr. Ray McCandless  
Salt Lake City Planning Division  
451 South State Street  
Salt Lake City, UT 84111

Re: Construction of Church Facility at 13<sup>th</sup> Avenue and D Street

By FAX and First-Class Mail

Dear Mr. McCandless:

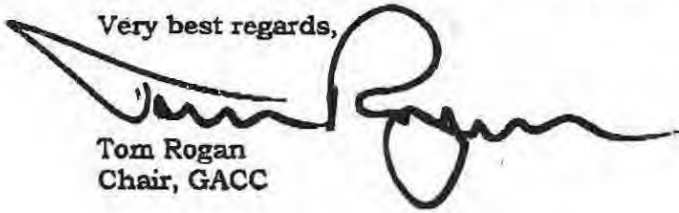
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Tom Rogan  
Chair, GACC

cc: Ken Millo, applicant's architect



**From:** Thomas F. Rogan  
Attorney at Law  
136 South Main Street, Suite 325  
Salt Lake City, UT 84101

(voice) 801-355-0461  
(fax) 801-359-7561

**To:** Ray McCandless  
Salt Lake City Planning

fax: 535-6174

Ken Millo

fax: 532-00930

**Date:** March 21, 1997

Number of pages, including this transmittal sheet: 2

Please contact me at my voice number above if there is a need to re-transmit this document.

Attached is letter from GACC regarding construction of Church facility at 13<sup>th</sup> Avenue and D Street.

Tom Rogan



# Allen • Millo Associates

Architects • Planners

## Fax Transmission

Date: 06/17/97

Pages: 3

To: Ray McCandless

Company: SLCC Planner

Fax Number: (801) 535-6174

From: Cathy Owen

Allen/Millo Associates

Fax Number: (801) 532-0930

Subject: Ensign 1,3,4 LDS Church Project  
F st. and 13th Avenue Salt Lake City, UT.

Ray, I received this report from Tony Deitz via James Bach of the Greater Avenues Community Council 06/16/97. Please include this information in your project file.

Bruce B. Allen, Architect • Kenneth C. Millo, Architect  
Salt Lake City Office: 366 South 500 East • Salt Lake City, Utah 84102 • (801) 532-5357  
Seattle Office: 1416 Post Alley • Seattle, Washington 98101 • (206) 233-0871





State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF FORESTRY, FIRE AND STATE LANDS

Michael O. Leavitt  
Governor

Ted Stewart  
Executive Director

Arthur W. DuFault  
State Forester/Director

1594 West North Temple, Suite 3520  
Box 145703  
Salt Lake City, Utah 84114-5703  
801-538-5555  
801-533-4111 (Fax)

June 12, 1997

James Bach  
James Bach and Associates  
56 W 400 S, Suite 230  
Salt Lake City, UT 84101

Dear Mr. Bach:

I visited the the planned site for the LDS Chapel on the grounds of the old VA Hospital Annex at approximately 13th Avenue and F Street in Salt Lake City on June 11, 1997 for the purpose of assessing the condition of the existing trees.

I found all of the trees to be in good to excellent structural condition, considering that they have not been watered nor maintained for several years. The trees have never been topped which is unusual in Utah. With proper care, they can live for many more years and increase the value of the property. All of the trees are in need of proper pruning, however, to remove broken or dead branches. I have enclosed a listing of ISA Certified Arborists for your use.

I observed Austrian pine, hackberry, Siberian elm, blue spruce, ponderosa pine, piñon pine, Bolleana poplar, catalpa, and honey locust; around 44 trees in all.

All of the Siberian elms have slime flux (wetwood), a bacterial infection that causes an oozing of sap down the side of the tree. This occurs following a wound such as a broken branch. Normally this condition does not affect the tree's strength, nor does it cause or augment decay in the tree. No treatment exists for this condition. The elms also have European elm leaf beetle damage. The insects eat the chlorophyll out of the leaves. This also does not affect the trees strength, but will affect its vigor over time. These insects may be controlled by sprays.

Although Siberian elm, *Ulmus pumila*, is considered by most people to be a trash species for a variety of reasons, they still provide benefits to the landscape and enhance this property.



Page Two  
James Bach  
June 12, 1997

There was evidence of some soil excavations around some of the trees. Several large roots had been shredded in the process. This will stress the trees affected. To reduce or eliminate further damage to the trees, I recommend that any trees left in the landscape be protected from construction activities by placing barrier fencing around the trees, at least 10 to 15 feet away from the trunks, but as far away as possible is preferred. This should be discussed with the building contractors emphasizing the need to keep people and equipment away from the trees to reduce impacts.

I also recommend that the final landscaping include mulching around the bases of all trees to a depth of 4 inches. This mulch should be coarse chipper debris (see enclosed article). This is best for the trees. The planting of blue grass under the trees is not recommended. The grass will not perform well in the deep shade, and this will lead to damage from grass trimming equipment such as lawnmowers and weed eaters. Mulched areas should be as wide as possible, with a minimum of ten feet around the base of the trees.

The trees on this site make it beautiful. It would take approximately 50-70 years to grow trees equivalent to these trees. I applaud your efforts to save as many of the trees as possible!

I remain available for further consultation on this matter or other similar situations at 538-5505.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony Dletz', with a stylized flourish extending from the end.

Tony Dletz  
Urban Forestry Coordinator

enclosures



# SALT LAKE CITY CORPORATION

## PLANNING DIVISION

451 S STATE ST #406  
SALT LAKE CITY UT 84111

# FAX

Date:

June 17, 1997

Number of pages including cover sheet:

121

To:

Ken Bronston

Phone:

Fax phone:

366 - 0167

From:

Ray Mc Candless

SLC Planning Division

Phone:

(801) 535-7757

Fax phone:

(801) 535-6174

REMARKS:

☐

Urgent

☐

For your review

☐

Reply ASAP

☐

Please comment

COMMENTS:

Staff Report -



# Allen • Millo Associates

Architects • Planners

## Fax Transmission

Date: 06/05/97

Pages: 1

To: Ray McCandless

Company: SLCC Planner

Fax Number: (801) 535-6174

From: Cathy Owen

Allen/Millo Associates

Fax Number: (801) 532-0930

Subject: Ensign 1,3,4 composite property description.

Bruce B. Allen, Architect • Kenneth C. Millo, Architect

**Salt Lake City Office:** 366 South 500 East • Salt Lake City, Utah 84102 • (801) 532-5357

**Seattle Office:** 1416 Post Alley • Seattle, Washington 98101 • (206) 233-0871



JUN-12-1997 05:50 FROM

TO

5320930 P.02

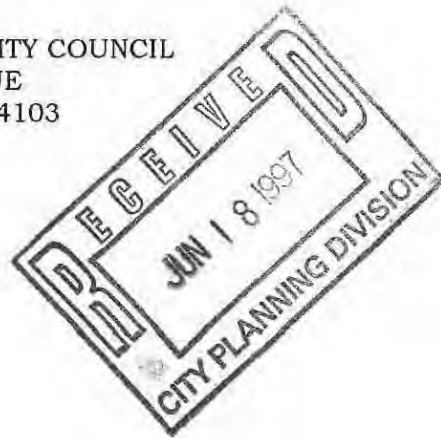
**OVERALL BOUNDARY DESCRIPTION:**

BEGINNING AT THE NORTHEAST CORNER OF LOT 4, BLOCK 188, PLAT "D", SALT LAKE CITY SURVEY, SAID POINT ALSO BEING ON THE WEST LINE OF "F" STREET AND RUNNING THENCE SOUTH  $00^{\circ}00'24''$  EAST ALONG SAID WEST LINE 404.09 FEET; THENCE WEST 35.58 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 142.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF  $35^{\circ}00'00''$ , 86.74 FEET TO A POINT OF TANGENCY; THENCE NORTH  $55^{\circ}00'00''$  WEST 178.43 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 222.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF  $35^{\circ}00'00''$ , 135.61 FEET; THENCE NORTH 40.00 FEET; THENCE NORTH  $00^{\circ}00'24''$  WEST 296.86 FEET; THENCE SOUTH  $30^{\circ}51'43''$  EAST 217.58 FEET; THENCE SOUTH  $60^{\circ}00'00''$  EAST 200.84 FEET TO THE POINT OF BEGINNING.

CONTAINS 3.608 ACRES.



GREATER AVENUES COMMUNITY COUNCIL  
1112 THIRD AVENUE  
SALT LAKE CITY, UT 84103



June 16, 1997

Mr. Ray McCandless  
Salt Lake City Planning  
451 South State, Room 406  
Salt Lake City, UT 84111

Re: Petition No. 410-262, 675 F Street,  
Church of Jesus Christ of Latter-day Saints

Dear Ray:


The petitioners in the referenced matter have twice appeared before the Greater Avenues Community Council, and they have met additionally with a committee of Avenues residents to deal with concerns which the community may have.

As of now, there is some question regarding what trees will be on the site when the project is completed. The petitioners are eager to save as many trees as possible, but there is some conflicting information regarding the viability of a number of trees.

Apart from this matter which cannot be addressed officially by the petitioner before the June 19 Planning Commission meeting, the petitioner has been most considerate in addressing the community's concerns, and the GACC unanimously supports the petition.

If it is possible for approval to be conditioned upon the resolution of the tree issue, we'd very much appreciate it. In any event, the GACC looks forward to working with the petitioner as the project moves forward.

Very truly yours,



Thomas F. Rogan, Chair

cc: Ken Millo, architect



Antje/Tom - In our letter and presentation to the Planning Commission regarding the Chapel site, can we ask for the following?

- 1) Preservation of all trees not directly in the building or parking footprint.
- 2) Architect's site plan provide structural (i.e. retaining wall or grading modifications) to protect trees on the edge of the grading required for the parking. That would save two trees on the west and east of the upper terrace.
- 3) Immediate provision for watering and protection with fences before construction begins.

Jim Bach





State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF FORESTRY, FIRE AND STATE LANDS

Michael O. Leavitt  
Governor  
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1594 West North Temple, Suite 3520  
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June 12, 1997

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James Bach and Associates  
56 W 400 S, Suite 230  
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I observed Austrian pine, hackberry, Siberian elm, blue spruce, ponderosa pine, pinyon pine, Bolleana poplar, catalpa, and honey locust; around 44 trees in all.

All of the Siberian elms have slime flux (wetwood), a bacterial infection that causes an oozing of sap down the side of the tree. This occurs following a wound such as a broken branch. Normally this condition does not affect the tree's strength, nor does it cause or augment decay in the tree. No treatment exists for this condition. The elms also have European elm leaf beetle damage. The insects eat the chlorophyll out of the leaves. This also does not affect the trees strength, but will affect its vigor over time. These insects may be controlled by sprays.

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Page Two  
James Bach  
June 12, 1997

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I also recommend that the final landscaping include mulching around the bases of all trees to a depth of 4 inches. This mulch should be coarse chipper debris (see enclosed article). This is best for the trees. The planting of blue grass under the trees is not recommended. The grass will not perform well in the deep shade, and this will lead to damage from grass trimming equipment such as lawnmowers and weed eaters. Mulched areas should be as wide as possible, with a minimum of ten feet around the base of the trees.

The trees on this site make it beautiful. It would take approximately 50-70 years to grow trees equivalent to these trees. I applaud your efforts to save as many of the trees as possible!

I remain available for further consultation on this matter or other similar situations at 538-5505.

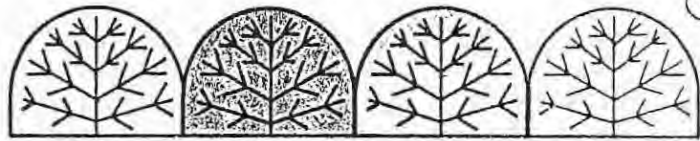
Sincerely,



Tony Dietz  
Urban Forestry Coordinator

enclosures





# western garden centers

BLAND BROTHERS  
TREE MOVES

May 12, 1997

Mr. Paul B. Nelson  
Ensign PM Group  
P.O.B. 526424  
Salt Lake City, Ut. 84152  
{phone: 578-6781/fax: 578-6661}

re: analysis & recommendations, vis-a-vis, trees @ LDS Church property-- "Old-Vets." Hosp."

Good Morning:

Pursuant to our conversations of April 28, 1997, I have examined the property and the trees at the site, as requested, detailed below is my analysis of those trees in light of the desired use of the site. Enclosed is a outlined map of the trees at the location; each tree is numbered and disposition outlined and indicated as follows, to wit:

## TREE NO./ TYPE-----/ DETERMINATION & REASONS FOR SAME:

- #1. Large Pine; Keep: This large tree has many good years ahead of it, if cared for properly. It needs to be cleaned-up, trimmed-up: taking out the dead branching caused by the shade from tree #2. I, also recommend feeding tree with Ross Root-Feeding.
- #2. Large Elm; Remove: This Elm shows signs of Borer in the upper scaffolding and scares of "slime-flux". And it is shading #1, which is a far better and more expensive tree, and is longer lived.
- #3. & #4. Pines; Keep: Same determination as #1.
- #5 thru. #7. Pines; Keep: Though younger than #1,3,4, they are very good trees. Same recommendations as above Pines; plus, #5 has or has had borer. Therefore, I recommend "Ace-capping" the tree. #7 shows signs of a yellow-bellied sap-sucker's holes. They appear not to be recent. But none-the-less, seems to have with stood the bird's attacks. If said activity continues, Ace-cap it too. And feed as in #1
- #8. Maple; Remove: this tree is blocking sun-light from two more expensive trees and needs to come out.
- #9. Elm; Remove: Tree though large is blocking sun from tree #4. But, also, has slim-flux and borer in the upper scaffolding making the tree of questionable value and a liability.
- #10. Maple; Save. Good tree well placed with no apparent problems, save that it needs to be trimmed-up and dead branching taken out. Feed with Ross Root Feed.
- #11. Linden; Save; Very good looking tree with no problems. Feed as indicated in #10.
- #12. thru. #19. Elms; Remove: They are severely infected with slim-flux and borer, endangering all the other deciduous trees. The disease is rampant in these trees.
- #20. thru. #22. Elms; Remove: They have been recently (last 3 or 4 years) infected with slim-flux disease. To keep these trees--Elms so infected--costs more than these "trash-trees" are worth. Besides, these 3 Elms are pushing and will ultimately ruin the stand of Spruce on your property, viz., #23 thru. #26.
- #23, thru. #26. Spruce; Save: Here, again, you have some young trees coming along that will add real beauty to that corner and is in keeping with the neighbor's stand of spruce, just outside fence. These four trees need to be cleaned-up and trimmed a little. They, also, need feeding and spraying for mites. Recommend spraying with Kelthane. and the use of Dyston 2% at the base of each.
- #27. Fastigate Poplar; Remove: This tree is very close to dying of disease and borer and can only serve as a source of corruption for the other trees.





## western garden centers

#28. Poplar; Save: This tree seems healthy and as not succumb to the problems of it's neighbor #27. It does need to be Ross-Root Fed; Trimmed-up and cleaned-up.

#29.thru.#31. Elm; Remove: These three trees are ill-placed, infected with slime-flux, and #31, seems to have borer beginning in the upper reaches of the tree.

#32. Elm; Remove: This tree appears to have been a volunteer and is infected.

#33. Elm; Remove: This tree is improperly placed and a volunteer that is interfering with your neighbor's linden tree. As to that, your neighbor to the north has, as we discussed placed several trees too close to the retaining-wall and is at some places deteriorating the integrity of same.

#34. Tree is dead! Remove. I ascertained that it died of borer infestation.

#35. Poplar; Save: Good tree; no problems. Trim & clean-up and fertilize.

#36. Poplar; Save: same as #35.

#37. thru. #39. Elms; Remove: These trees are volunteers that are ill-placed and are diseased. They are not worth keeping. Too many problems attend these type trees, and will cost far more that their utility deserves.

#40. Elm; Save: Un-like the others, this tree is in a fairly decent position and seems not to have any disease or insect infestations. It does need to be pruned-up, and cleaned-up, and fed.

#41. Pinion Pine; Save: Tree is in good condition. The trunk at the south-base-side has an old injury, but it seems not to have effected it. Tree needs to be cleaned-up and fed. It would be to your benefit to spray it and other conifers with a good insecticide.

#42. thru. #45. Canaerti Junipers (Juniperus virginiana Canaerti): Save all, but #44 that is between #43 & #45. This #44 is causing #43 and #45 to "brown" on the side abutting #44; this because they are too crowded. Then having removed #44, all the rest are in great shape! Canaerti's are great small trees and beautiful to boot! Rich dark green, heavily tufted foliage, very attractive and extremely hardy and tough. Ultimate height, 25 feet. These trees need to be cleaned-up and trimmed a little, and "Ace-capped" and sprayed with Ultra-fine oil mixed with Diazinon 25%, three times 3-weeks apart. They have spider-mites and scale. These junipers are of great worth in terms of beauty and type.

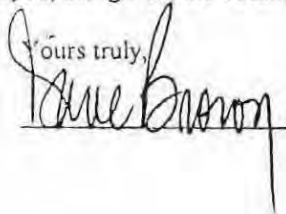
#46. Cutleaf Maple; Remove: This tree has borer, but still worse, it manifests the symptoms of Verticillium-Wilt disease [V. albo-atrum]. It should be pointed out that maples and elm are highly susceptible to this disease. Please, when removing, be careful not the spread the disease by "sloppy" tree removal procedures and carelessness on the part of the workers. After the take-down, I would recommend using Consan-20 to purify the ground area from under where the tree's canopy was and then out to 4 feet beyond that point.

And with this disease's apparent presence at the site, I would recommend resistant shrubs and trees, like all of the gymnosperms, including conifers such as pine and spruce. Other plants that exhibit resistance to this disease: crabapple, mountain ash, beech, birch, boxwood, dogwood, sweet-gum, hawthorn, holly, honeylocust, oak, pear, London planter and sycamore, rhododendrons, willow, zelkova. The red Maple cultivars: Armstrong, Autumn Flame, Bowhall, October Glory, and Red Sunset, Scarlet and Schlessinger have all been reported as resistant.

Also, note: someone has been "back-hoeing" under and too close to the good trees. Please, this will serve only as a detriment to those trees.

The care and fertilizing of these trees that are to remain is very important. The quicker you get someone out there doing the recommended procedures to the good trees the better.

If I can be of further service in this matter or any other, please, don't hesitate to call me. The invoice is attached to this analysis, along with the outlined map of the trees.

Yours truly,  


Garden Consultant-WESTERN GARDEN CENTERS.



JOHN D. HISKEY  
PUBLIC SERVICES DIRECTOR

# SALT LAKE CITY CORPORATION

DEPARTMENT OF PUBLIC SERVICES  
DIVISION OF TRANSPORTATION

DEEDEE CORRADINI  
MAYOR



June 13, 1997

Ray McCandless  
Planning Division  
451 South State Street, Room. 406  
Salt Lake City, Utah 84111

Re: L.D.S. Church "F" Street 675 North Petition #410-251 follow up review.

Dear Ray:

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

Past history of this area was the Hospital that has been relocated to Medical Drive and thus has reduced the overall traffic in this area. The subject of traffic impact generation with the Church Development should be of no consequence. 11th Avenue just to the south is a collector class roadway and the peak traffic flow will be on Sunday with no other generators to contend with in this area.

Sincerely,

Barry D. Walsh  
Transportation Engineer Assoc.

cc: Kevin J. Young, P.E.  
file



---

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**cc:Mail for: Ray McCandless**

---

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**Subject:** LDS Church F St  
**From:** Barry Walsh 6/13/97 12:21 PM  
**To:** Ray McCandless at CCMacMail

---

June 13, 1997

Ray McCandless  
Planning Division  
451 South State Street, Room. 406  
Salt Lake City, Utah 84111

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Barry D. Walsh  
Transportation Engineer Assoc.

cc: Kevin J. Young, P.E.  
file



JOHN D. HISKEY  
PUBLIC SERVICES DIRECTOR

**SALT LAKE CITY CORPORATION**  
DEPARTMENT OF PUBLIC SERVICES  
CITY ENGINEERING DIVISION

DEEDEE CORRADINI  
MAYOR



TO: RAY McCANDLESS  
FROM: SCOTT WEILER *SW*  
DATE: MAY 21, 1997  
SUBJECT: **LDS Church at 675 North "F" Street**

City Engineering review comments are as follows:

1. No curb, gutter or sidewalk exists on the west side of "F" Street along the frontage of the site. New curb, gutter and sidewalk must be installed to align with the existing curb, gutter and sidewalk on the west side of "F" Street south of 13th Avenue.
2. Capital Park Avenue is under construction adjacent to the south property line of the proposed project and will be paved this summer. If connection to the new water line in Capital Park Avenue is desired, it should be done immediately to avoid cutting the new pavement. Sewer must be served from "F" Street since there is no sewer line in Capital Park Avenue.
3. Storm drainage must be reviewed by SLC Public Utilities. On-site detention of storm runoff might be required.
4. The developer must have an access agreement to use Capital Park Avenue (a private street) since this will be controlled and maintained by the homeowners of the Capital Park Subdivision.
5. Prior to installing any improvements in the public way, a permit must be obtained.

cc: Rick Johnston  
Joel Harrison  
Kevin Young  
Jeff Niermeyer  
Harry Ewing  
Vault

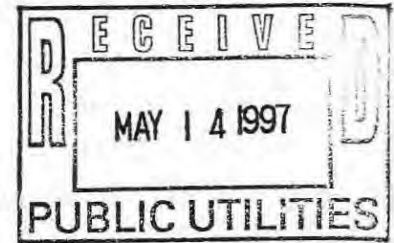


**WILLIAM T. WRIGHT, AICP**  
PLANNING DIRECTOR  
  
**BRENT B. WILDE**  
DEPUTY PLANNING DIRECTOR

**SALT LAKE CITY CORPORATION**  
COMMUNITY AND ECONOMIC DEVELOPMENT  
PLANNING DIVISION

**DEEDEE CORRADINI**  
MAYOR

**MEMORANDUM**



To: Laurel Bateman - Public Utilities  
From: Ray McCandless, Principal Planner  
Date: May 13, 1997  
Subject: LDS Church at 675 North F Street (13th Avenue)

---

Laurel,

The LDS Church is proposing to construct a new church at the above referenced address. Please let me know if there are any concerns regarding availability of services, access and street capacity as it relates to your department. This proposal requires conditional use approval by the Planning Commission and because a staff report needs to be done on this project next week, I would appreciate a phone call or e-mail from you indicating what your concerns are by Monday or Tuesday of next week if possible. My phone number is **535-7282**.

Thanks

**TO: LAUREL BATEMAN**

**DEPARTMENT: PUBLIC UTILITIES**



**SALT LAKE CITY CORP. - PUBLIC UTILITIES**  
**PRELIMINARY REVIEW AND RECOMMENDATION FORM - DRAFT**

EWO: 3396      Review Type: Preliminary      Login Date: 5/14/97      EWO Date: 5/14/97      Date Completed: 5/19/97

Project Title: LDS CHURCH

Project Location: 675 North F Street

Previously Developed No      Previous Master Plan: No

Annexation Req'd: No      Number of Lots: 1      Number of Units: 1      Acreage: 2.93

P&Z Contact: Ray McCandless      Contacts Phone: 535-7282      Subdivision Type: Residential

Developer: Corp. of P.B. of Church of J.C. of L.D.S      Developer's Phone

Developer's Address 50 East North Temple Street 84150-0002

Developers Engineer Allen Millo 366 South 500 East #201 84102      Engineers Phone: 532-5357

Engineers Contact: Allen Millo

Easement Comments:      Easements Needed: No

No Problems

**Water System Information**

Water Main Ext. Req'd: No      Water Project No:      Public System?: Ye      Platted On Map #: A-22

Tap on Extension: Exist 8" Tyt Duc 35-4056

Watermain Ext. Size Req'd: Exst 8" Ty      Min. Service Size: 1"

**Fire Flow Information**

Flow Test Date:      Static Pressure:      Residual Pressure:      Test Flow:

Flow @ 20 psi:      Location Flow Test:

Flow Problems: Do Not Know

Water Comments:

Final Approval subject to results of fire flow test to be conducted and approval from Salt Lake City Fire dept.

**Sanitary Sewer System**  
**Information**

Sewer Main Ext. Req'd.      Sewer Project No.:      Sewer Plat Book:      Page No.:      Model Link:

Exist. Pipe Size/Type:      Exist. Pipe Flow:      Exist. Pipe GPM:

Proposed GPM:      New Liftstation Req'd?:      Downstream Liftstations?:

Current Liftstation Cap.:      Total GPM into Exist. LS.:

Sanitary Sewer Comments

**Storm Drain System Information**

Storm Drain Ext. Req'd.:      SD Project No.:      SD Map No.:      Pipe No.:

FEMA Flood Zone:      Map      Effective Date:      On-Site Detention Req'd.:

Discharge Allowed:      Discharge Location

Storm Drain Comments



**SALT LAKE CITY CORP. - PUBLIC UTILITIES**  
**PRELIMINARY REVIEW AND RECOMMENDATION FORM - DRAFT**

EWO: 3396      Review Type: Preliminary      Login Date: 5/14/97      EWO Date: 5/14/97      Date Completed: 5/19/97

Project Title: LDS CHURCH

Project Location: 675 North F Street

Previously Developed No      Previous Master Plan: No

Annexation Req'd: No      Number of Lots: 1      Number of Units: 1      Acreage: 2.93

P&Z Contact: Ray McCandless      Contacts Phone: 535-7282      Subdivision Type: Residential

Developer: Corp. of P.B. of Church of J.C. of L.D.S      Developer's Phone

Developer's Address 50 East North Temple Street 84150-0002

Developers Engineer Allen Millo 366 South 500 East #201 84102      Engineers Phone: 532-5357

Engineers Contact: Allen Millo

Easement Comments:      Easements Needed: No

No Problems

**Water System Information**

Water Main Ext. Req'd: No      Water Project No:      Public System?: Ye      Platted On Map #: A-22

Tap on Extension: Exist 8" Tyt Duc 35-4056

Watermain Ext. Size Req'd: Exst 8" Ty      Min. Service Size: 1"

**Fire Flow Information**

Flow Test Date:      Static Pressure:      Residual Pressure:      Test Flow:

Flow @ 20 psi:      Location Flow Test:

Flow Problems: Do Not Know

Water Comments:

Final Approval subject to results of fire flow test to be conducted and approval from Salt Lake City Fire dept.

**Sanitary Sewer System**  
**Information**

Sewer Main Ext. Req'd.      Sewer Project No.:      Sewer Plat Book:      Page No.:      Model Link:

Exist. Pipe Size/Type:      Exist. Pipe Flow:      Exist. Pipe GPM:

Proposed GPM:      New Liftstation Req'd?:      Downstream Liftstations?:

Current Liftstation Cap.:      Total GPM into Exist. LS.:

Sanitary Sewer Comments

**Storm Drain System Information**

Storm Drain Ext. Req'd.:      SD Project No.:      SD Map No.:      Pipe No.:

FEMA Flood Zone:      Map      Effective Date:      On-Site Detention Req'd.:

Discharge Allowed:      Discharge Location

Storm Drain Comments





Salt Lake City Corporation  
Public Utilities



## ENGINEERING WORK ORDER

EWO DATE: **5/19/97**

PROJECT NO.: **410-251**

EWO NO.: **3284**

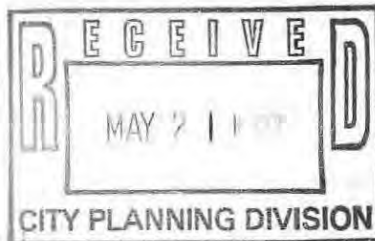
SUP.: **B**

PROJECT TITLE:

**LDS CHURCH SITE - ENSIGN WARD**

PROJECT LOCATION:

**675 NORTH "F" STREET**



PROJECT DESCRIPTION

**REVIEW NEW INFORMATION WITH THE LAST REVIEW. CALL PLANNING AND ZONING SEE WHAT IS GOING ON WITH THIS SITE.**

ACTIVITY REQUESTED: **REVIEW**

AGENCY REQUESTING **SLC P & Z**

REQUESTED BY: **JOEL PATERSON**

PHONE NO.: **535-6141**

PERSON TO CONTACT: *Ray McCandless*

PHONE NO.:

WORK ORDER GIVEN TO **N NEFF**

PHONE NO.: **483-6783**

DATE ASSIGNED: **5/19/97**

### Approvals -

Technician: *Nelson Neff* Completed: *5-21-97* Hours: *1*

Technician(2): \_\_\_\_\_ Completed: \_\_\_\_\_ Hours \_\_\_\_\_

Vehicle Usage - Vehicle No. \_\_\_\_\_ Vehicle Mileage: \_\_\_\_\_

Water Engineer: \_\_\_\_\_ Date \_\_\_\_\_

Sanitary Sewer Engineer: \_\_\_\_\_ Date \_\_\_\_\_

Storm Drain Engineer: \_\_\_\_\_ Date \_\_\_\_\_

Accounting Use Only

Total \_\_\_\_\_

Total \_\_\_\_\_

Total \_\_\_\_\_

Grand

Total \_\_\_\_\_

Water Comments - *you need to send us a set of corrected Utilities Drawings, as we previously sent the corrections needed, no utilities shown.*

Sewer Comments - *need previous redline corrections*

Storm Drain Comments - *need drainage calculations, show how water is to get to road C & Gutters etc.*

General Comments - \_\_\_\_\_



---

---

**cc:Mail for: Ray McCandless**

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---

**Subject:** LDS Church Proposal "F" st  
**From:** Barry Walsh 5/15/97 10:50 AM  
**To:** Ray McCandless at CCMacMail

---

---

May 15, 1997

Ray McCandless  
Planning Division  
451 South State Street, Room. 406  
Salt Lake City, Utah 84111

Re: LDS Church proposal Allen Miffo Arch's at 675 North "F" Street.

Dear Ray:

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

We have reviewed the site for petition 410-251 a similar proposal. The new proposal is as follows:

- 1) Public way improvements are required along the "F" street frontage with curb face to be 20 feet from the monument line and sidewalk at back of curb to match the roadway to the south.
- 2) Indicate new driveway to city standards, type CD-03-03, and grades for staging area before entering roadway.
- 3) Private access agreements need to be stated for the driveway on the south property line.
- 4) Indicate transition grades for the driveway accessing the private roadway.
- 5) The parking lots are within acceptable grades of 4% cross slope and 6% in line slope. The grades at the ADA parking stalls must be 2% maximum in both directions.
- 6) Pedestrian access has been provided from the building to the public way.

Sincerely,

Barry D. Walsh  
Transportation Engineer Assoc.

cc: Kevin J. Young, P.E.  
Scott Weiler, Engineering  
file



---

---

**cc:Mail for: Ray McCandless**

---

---

**Subject:** LDS Church Proposal "F" st  
**From:** Barry Walsh 5/15/97 10:50 AM  
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May 15, 1997

Ray McCandless  
Planning Division  
451 South State Street, Room. 406  
Salt Lake City, Utah 84111

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Sincerely,

Barry D. Walsh  
Transportation Engineer Assoc.

cc: Kevin J. Young, P.E.  
Scott Weiler, Engineering  
file



# SALT LAKE CITY CORPORATION

## PLANNING DIVISION

451 S STATE ST #406  
SALT LAKE CITY UT 84111

# FAX

Date: 5/8/97

Number of pages including cover sheet: 1

To:

Ken Miller / Kathy Owen

Phone:

Fax phone: 532-0930

From:

Ray McFarless

**SLC Planning Division**

Phone: **(801) 535-7757**

Fax phone: **(801) 535-6174**

REMARKS: ☐ Urgent ☐ For your review ☐ Reply ASAP ☐ Please comment

COMMENTS:

Amended Zoning Review Correction Sheet.

See #9.

Thanks - & Thank You For Providing The Elevation Drawings.



# SALT LAKE CITY BUILDING SERVICES & LICENSING

## Zoning Review Correction Sheet

Log Number: NL Cond. Use Ray M. Prelim.

Date: 5-5-97

Zoning District: FR-3 Reviewer: Larry Butcher

Phone #: 7645

Project Name: Ensign Ward.

Project Address: 13<sup>th</sup> Ave - "K" St.

Flood Plain Checked ☒ Yes ☐ No

Street Map checked ☐ Yes ☒ No

Avigation Easement required ☐ Yes ☒ No

Subdivision checked ☐ Yes ☒ No

Proximity to a Fault ☐ Yes ☒ No

### Number      Violations and/or Plan Corrections Needed:

1. Salt Lake City Public Utilities must approve development projects. Obtain information regarding utility hook-ups, fees, and approval criteria by calling (801) 483-6787
2. Any work conducted in the public way will require a separate permit from the Salt Lake City Engineering Division.
3. What is Lot Size? Over 4 Acres?
4. 20' Setback Req'd Along New Road
5. Grade Changes Exceed 4' in Yard Areas and 6' in Buildable Areas.
6. Unable to Determine Height of Building.
7. Landscape Plan Not Provided.
8. Parking Calc's Not Provided.
9. Parking Not Allowed Between Front Line of Bldg and Property Line.



WILLIAM T. WRIGHT, AICP  
PLANNING DIRECTOR

BRENT B. WILDE  
DEPUTY PLANNING DIRECTOR

**SALT LAKE CITY CORPORATION**  
COMMUNITY AND ECONOMIC DEVELOPMENT  
PLANNING DIVISION

DEEDEE CORRADINI  
MAYOR

**MEMORANDUM**

To: Larry Butcher, Building Permits and Licensing  
From: Ray McCandless, Planning *RW*  
Re: Ensign Ward, LDS Church at F Street and 13th Avenue  
Date: April 25, 1997

---

Larry,

The LDS Church is requesting Conditional Use approval for a proposed church on F Street. The accompanying site plan has been provided to us as part of the Conditional Use application. Please conduct a zoning review on this project and let me know what concerns you have. Elevation drawings of the building have not been provided, but as we discussed earlier, a height exception will need to be granted.

Thanks.

*Larry -  
Please Return the  
original - Thanks.  
Ray*



# SALT LAKE CITY CORPORATION

## PLANNING DIVISION

451 S STATE ST #406  
SALT LAKE CITY UT 84111

# FAX

Date: 5-5-97

Number of pages including cover sheet: 1

To:

KATHY OWENS / KEN WILCO

Phone:

Fax phone: 532-0930

From:

RAY MCARDLESS

**SLC Planning Division**

Phone: **(801) 535-7757**

Fax phone: **(801) 535-6174**

REMARKS: ☐ Urgent ☐ For your review ☐ Reply ASAP ☐ Please comment

COMMENTS:

PLEASE WORK DIRECTLY WITH LARRY BUTCHER TO ADDRESS THESE CONCERNS.

THANK YOU.



# SALT LAKE CITY BUILDING SERVICES & LICENSING

## Zoning Review Correction Sheet

Log Number: NL Cond. Use Ray M. Prelim.

Date: 5-5-97

Zoning District: FR-3 Reviewer: Larry Butcher Phone #: 7645

Project Name: Ensign Ward

Project Address: 13<sup>th</sup> Ave - "K" St.

Flood Plain Checked ✓ Yes      No      Street Map checked      Yes ✓ No

Avigation Easement required ☐ Yes ☒ No Subdivision checked ☐ Yes ☒ No

Proximity to a Fault            Yes   ✓   No[illegible]

1. Salt Lake City Public Utilities must approve development projects. Obtain information regarding utility hook-ups, fees, and approval criteria by calling (801) 483-6787
2. Any work conducted in the public way will require a separate permit from the Salt Lake City Engineering Division.
3. What is Lot Size? Over 4 Acres? 3.42
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WILLIAM T. WRIGHT, AICP  
PLANNING DIRECTOR  
  
BRENT B. WILDE  
DEPUTY PLANNING DIRECTOR

**SALT LAKE CITY CORPORATION**  
COMMUNITY AND ECONOMIC DEVELOPMENT  
PLANNING DIVISION

DEEDEE CORRADINI  
MAYOR



**MEMORANDUM**

To: Blaine Collins - Fire  
From: Ray McCandless, Principal Planner  
Date: May 13, 1997  
Subject: LDS Church at 675 North F Street (13th Avenue)

Blaine,

The LDS Church is proposing to construct a new church at the above referenced address. Please let me know if there are any concerns regarding availability of services, access and street capacity as it relates to your department. This proposal requires conditional use approval by the Planning Commission and because a staff report needs to be done on this project next week, I would appreciate a phone call or e-mail from you indicating what your concerns are by Monday or Tuesday of next week if possible. My phone number is 535-7282.

Thanks

Proposed Installation  
Acceptable to  
Salt Lake City Fire Dept.  
Plans Examiner

Date: 5/13/97  
By: [Signature]  
With the following changes

THE APPARATUS ACCESS ROADS APPEAR TO MEET  
OUR REQS. REQD. FIRE FLOW, NUMBER, LOCATION,  
+ SPACING OF HYDRANTS SHALL BE DETERMINED  
WHEN ARCHITECTURAL PLANS ARE SUBMITTED FOR REVIEW

**TO: BLAINE COLLINS**

**DEPARTMENT: FIRE**



JOHN D. HISKEY  
PUBLIC SERVICES DIRECTOR

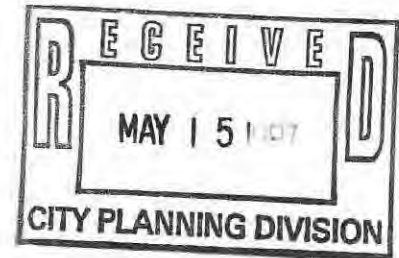
# SALT LAKE CITY CORPORATION

DEPARTMENT OF PUBLIC SERVICES  
DIVISION OF TRANSPORTATION

DEEDEE CORRADINI  
MAYOR

May 15, 1997

Ray McCandless  
Planning Division  
451 South State Street, Room. 406  
Salt Lake City, Utah 84111



Re: LDS Church proposal Allen Miffo Arch's at 675 North "F" Street.

Dear Ray:

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

We have reviewed the site for petition 410-251 a similar proposal. The new proposal is as follows:

- 1) Public way improvements are required along the "F" street frontage with curb face to be 20 feet from the monument line and sidewalk at back of curb to match the roadway to the south.
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- 6) Pedestrian access has been provided from the building to the public way.

Sincerely,

Barry D. Walsh  
Transportation Engineer Assoc.

cc: Kevin J. Young, P.E.  
Scott Weiler, Engineering  
file



WILLIAM T. WRIGHT, AICP

PLANNING DIRECTOR

BRENT B. WILDE

DEPUTY PLANNING DIRECTOR

# SALT LAKE CITY CORPORATION

COMMUNITY AND ECONOMIC DEVELOPMENT

PLANNING DIVISION

DEEDEE CORRADINI

MAYOR

## MEMORANDUM

To: Kevin Young - Transportation  
From: Ray McCandless, Principal Planner  
Date: May 13, 1997  
Subject: LDS Church at 675 North F Street (13th Avenue)

---

Kevin,

The LDS Church is proposing to construct a new church at the above referenced address. Please let me know if there are any concerns regarding availability of services, access and street capacity as it relates to your department. This proposal requires conditional use approval by the Planning Commission and because a staff report needs to be done on this project next week, I would appreciate a phone call or e-mail from you indicating what your concerns are by Monday or Tuesday of next week if possible. My phone number is 535-7282.

Thanks



**TO: KEVIN YOUNG**

**DEPARTMENT: TRANSPORTATION**





**ALLEN • MILLO ASSOCIATES****Architects • Planners**366 South 500 East Suite 201  
Salt Lake City, Utah 84102**(801) 532-5357****FAX (801) 532-0930**

TO: Salt Lake City Corporation

DATE: June 5, 1997	JOB NO.
ATTENTION: Ray McCandless SLCC Planner	
RE: Ensign 1,3,4 13th Avenue and "F" Street	

WE ARE SENDING YOU: (As per your request)

Building Elevations

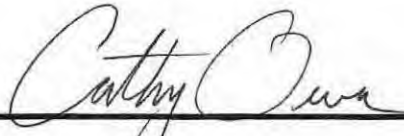
COPIES	DATE	NO.	DESCRIPTION
1	06/05/97		Letter of support - signed copy from North Pointe Condo Assoc.

THESE ARE SENT: Hand delivered.

## REMARKS:

. Please let us know if we can be of further assistance.

COPIES TO:

  
**TRANSMITTAL**  
SIGNED



**ALLEN • MILLO ASSOCIATES****Architects • Planners**366 South 500 East Suite 201  
Salt Lake City, Utah 84102**(801) 532-5357****FAX (801) 532-0930**

TO: Salt Lake City Corporation

DATE:	JOB NO.
May 6, 1997	
ATTENTION:	
Ray McCandless SLCC Planner	
RE:	
Ensign 1,3,4 13th Avenue and "F" Street	

WE ARE SENDING YOU: (As per your request)

Building Elevations

COPIES	DATE	NO.	DESCRIPTION
8	05/06/97		Building Elevations
8	05/06/97		11x17 plans

THESE ARE SENT: Hand delivered.

## REMARKS:

Please let us know if we can be of further assistance.

COPIES TO:

TRANSMITTAL  
SIGNED *Cathy Owen*



**ALLEN • MILLO ASSOCIATES****Architects • Planners**366 South 500 East Suite 201  
Salt Lake City, Utah 84102(801) 532-5357  
FAX (801) 532-0930

TO: Salt Lake City Corporation

DATE:

May 28, 1997

JOB NO.

ATTENTION:

Ray McCandless  
SLCC Planner

RE:

Ensign 1,3,4  
13th Avenue and "F" Street

WE ARE SENDING YOU: (As per your request)

Building Elevations

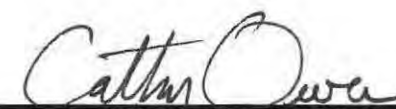
COPIES	DATE	NO.	DESCRIPTION
1	05/28/97		Building Elevations

THESE ARE SENT: Hand delivered.

## REMARKS:

. Please let us know if we can be of further assistance.

COPIES TO:



TRANSMITTAL

SIGNED



**ALLEN • MILLO ASSOCIATES****Architects • Planners**366 South 500 East Suite 201  
Salt Lake City, Utah 84102**(801) 532-5357****FAX (801) 532-0930**

TO: Salt Lake City Corporation

DATE:	JOB NO.
June 10, 1997	
ATTENTION:	
Ray McCandless SLCC Planner	
RE:	
Ensign 1,3,4 13th Avenue and "F" Street	

WE ARE SENDING YOU: (As per your request)

Building Elevations

COPIES	DATE	NO.	DESCRIPTION
1	06/10/97		Site Plan and Western Garden Tree Report

THESE ARE SENT: Hand delivered.

## REMARKS:

. Please let us know if we can be of further assistance.

COPIES TO:

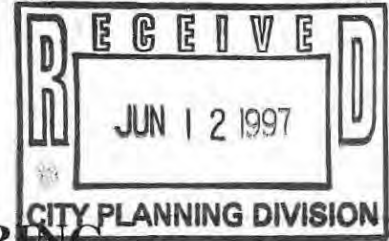
  
**TRANSMITTAL**  
SIGNED



WILLIAM T. WRIGHT, AICP  
PLANNING DIRECTOR  
BRENT B. WILDE  
DEPUTY PLANNING DIRECTOR

**SALT LAKE CITY CORPORATION**  
COMMUNITY AND ECONOMIC DEVELOPMENT  
PLANNING DIVISION

DEEDEE CORRADINI  
MAYOR



June 4, 1997

## NOTICE OF PUBLIC HEARING

The Salt Lake City Planning Commission has received Petition 410-262 from the Church of Jesus Christ of Latter-Day Saints requesting conditional use approval to construct a new church at approximately 675 North F Street. The church will be oriented toward Capitol Park Avenue, a future private street with parking to the west and north sides of the building. Minor subdivision approval also is being requested to realign the south property line to better reflect the proposed alignment of Capital Park Avenue. The caretaker's residence for the former Veterans Administration Hospital will be demolished to accommodate the new church. Zoning on this property is Foothills Residential, FR-3/12,000.

This request also requires a special exception from the Salt Lake City Board of Adjustments to allow the building height to exceed the maximum height allowed by the FR-3 zoning district. The proposed building height is 44 feet above grade near the south end of the building where 28 feet is allowed in the FR-3 zone. The height of the steeple is 62 feet. This meeting is scheduled for June 23, 1997. Please contact Mr. Merrill Nelson at 535-6183 if you are interested in further details.

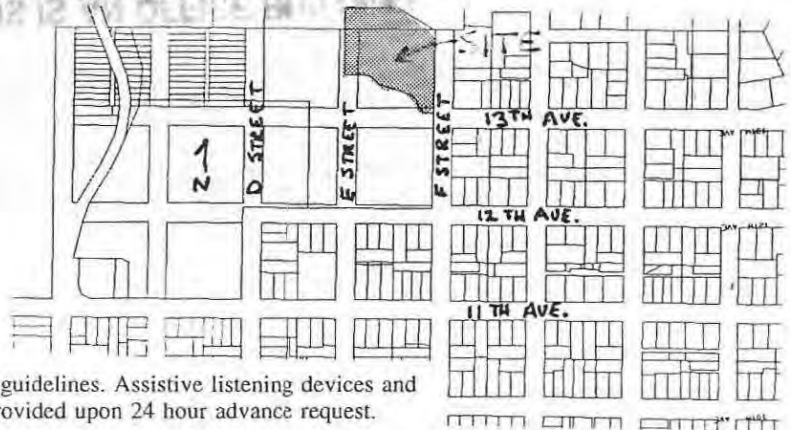
The Planning Commission will be holding an informal hearing to accept public comment on:

June 19, 1997  
Salt Lake City County Building  
451 South State Street  
Room 126  
6:10 P.M.

If you have any questions, comments or wish to view the proposal, you may do so at that time. If you have additional questions, you may contact me at 535-7282.

Respectfully,

Ray McCandless  
Principal Planner



We comply with all ADA guidelines. Assistive listening devices and interpretive services provided upon 24 hour advance request.

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111  
TELEPHONE: 801-535-7757 FAX 801-535-6174





WILLIAM T. WRIGHT, AICP  
PLANNING DIRECTOR

BRENT B. WILDE  
DEPUTY PLANNING DIRECTOR

**SALT LAKE CITY CORPORATION**  
COMMUNITY AND ECONOMIC DEVELOPMENT  
PLANNING DIVISION

DEEDEE CORRADINI  
MAYOR

June 4, 1997

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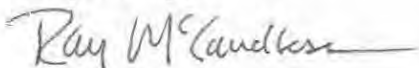
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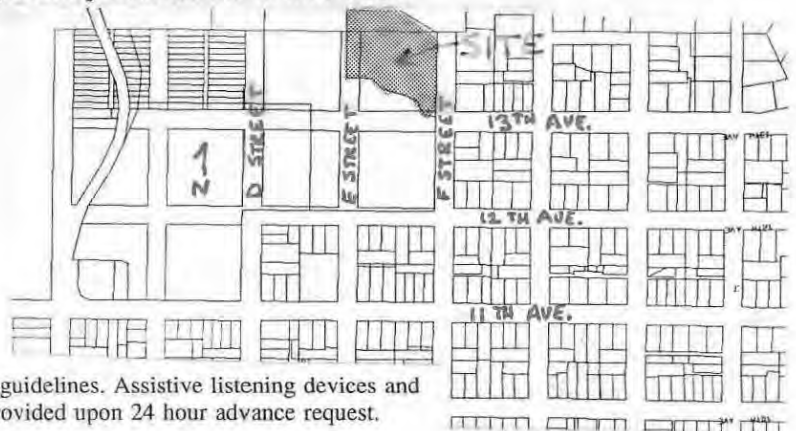
June 19, 1997  
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Room 126  
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Respectfully,



Ray McCandless  
Principal Planner



We comply with all ADA guidelines. Assistive listening devices and interpretive services provided upon 24 hour advance request.

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111  
TELEPHONE: 801-535-7757 FAX 801-535-6174



Richard Leader  
827 N Grandridge Drive  
Salt Lake City, UT 84103

Kathy Legare  
826 N Grandridge Ct  
Salt Lake City, UT 84103

Elizabeth Lindsey  
809 N Grandridge Drive  
Salt Lake City, UT 84103

Robert Mackie  
685 N "G" Street  
Salt Lake City, UT 84103

Igor Maksymiw  
853 N Juniperpoint Drive, #17  
Salt Lake City, UT 84103

Gideon Malherbe  
801 N Juniperpoint Drive  
Salt Lake City, UT 84103

Richard Maneval  
829 N Grandridge Drive, #41B  
Salt Lake City, UT 84103

Max McCormick  
803 N Grandridge Drive  
Salt Lake City, UT 84103

Derek Metcalfe  
813 N Juniperpoint Drive  
Salt Lake City, UT 84103

Kenneth Millo  
366 South 500 East, #201  
Salt Lake City, UT 84102

Elyce Mouskondis  
830 N Grandridge Ct  
Salt Lake City, UT 84103

Ruth Newman  
849 N Juniperpoint Drive  
Salt Lake City, UT 84103

Property Owner  
834 N Grandridge Ct  
Salt Lake City, UT 84103

Property Owner  
798 N Northpoint Drive  
Salt Lake City, UT 84103

Park City Const. Co. Inc. Et Al  
36 South State St., #100  
Salt Lake City, UT 84136

Park City Const. Inc. Et. Al  
401 E Twelfth Avenue  
Salt Lake City, UT 84103

Frederick Prince  
855 N Juniperpoint Drive  
Salt Lake City, UT 84103

Derrill Richards  
819 N Juniperpoint Drive  
Salt Lake City, UT 84103

Claude Rosenkrantz  
112 Sonora Avenue  
Danville, CA 94526

Leo Sant  
44 West Broadway Street  
Salt Lake City, UT 84101

Clara Sears  
P.O. Box 30880  
Salt Lake City, UT 84130

Charles Sherman  
620 N "F" Street  
Salt Lake City, Ut 84103

Douglas Sonntag  
833 N Grandridge Drive, #42D  
Salt Lake City, UT 84103

Philip Sonntag  
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LOS CHURCH 615 N. F STREET

Sheet 2 of 3

675 N. I street

Wendell Affleck  
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Mark Benson  
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Salt Lake City, UT 84103

Harden Breinholt  
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Salt Lake City, UT 84103

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George Brown  
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Capitol Park Development LC  
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C Castle  
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Salt Lake City, UT 84103

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Salt Lake City, UT 84103

Nancy Cook  
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Salt Lake City, UT 84103

Corp of PB of CH JC of LDS  
50 E North Temple Street  
Salt Lake City, UT 84150

Alan Crawford  
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Salt Lake City, UT 84103

John Dencker  
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Salt Lake City, UT 84103

Allie Derrick  
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Catherine Dixon  
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Patricia Gay  
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Farmington, UT 84025

Golden Oak Homes Inc.  
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Sandy, UT 84094

Alberta Harrington  
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Salt Lake City, UT 84103

Gerny Hayes  
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Salt Lake City, Ut 84103

Eldon Hugie  
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Judith Jardine  
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Salt Lake City, UT 84103

Brian Kammerath  
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Salt Lake City, UT 84121

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Wilford Kirton  
823 N Northpoint Drive  
Salt Lake City, UT 84103

Albert Kubota  
483 East Thirteenth Avenue  
Salt Lake City, UT 84103



LDS Cup 615 N. F. STREET

Sheet 3 of 3

675 N. F. ST. 1

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Lillian Wright  
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Eugene Zanolli  
742 N Richland Drive  
Salt Lake City, UT 84103

CHURCH OF JESUS CHRIST OF L.D.S.  
50 E. NORTH TEMPLE ST. #  
SLC, UT 84150

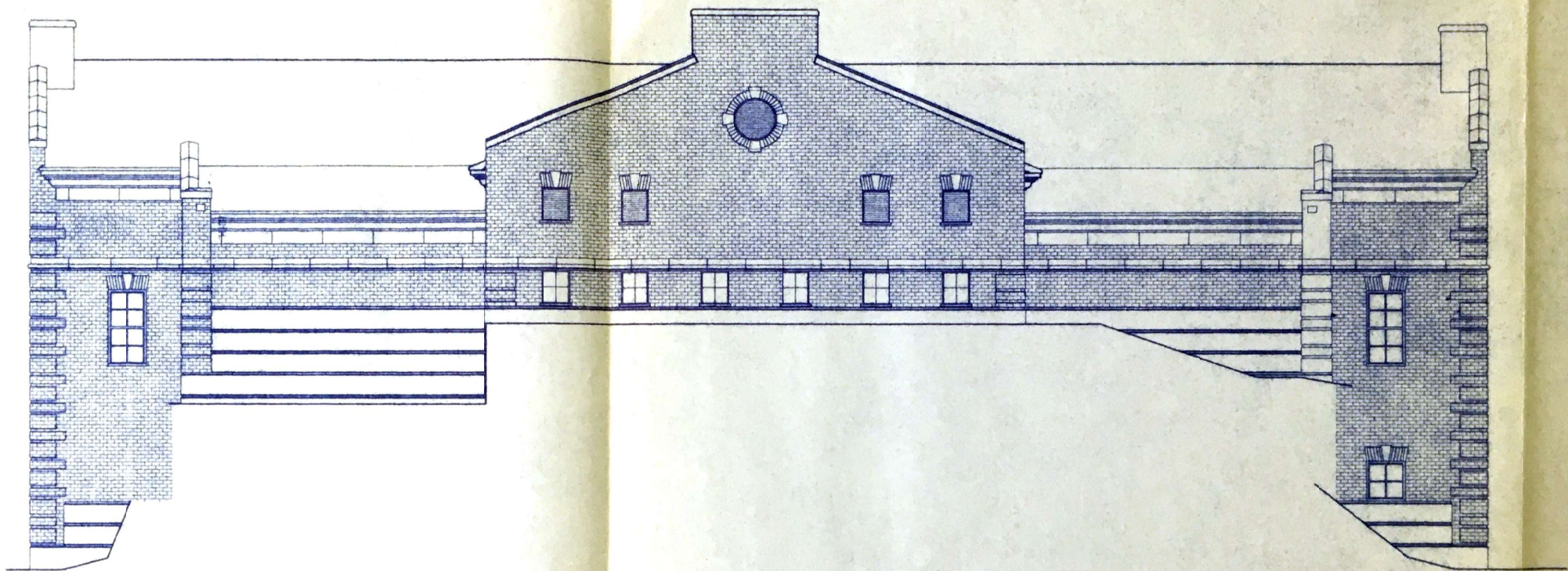
KEN MILLO  
ALLEN. MILLO ASSOCIATES  
366 SOUTH 500 EAST  
SUITE 201  
SLC, UTAH 84102



# **EXHIBIT E**

## **Elevation Plan for the Church's Meetinghouse**



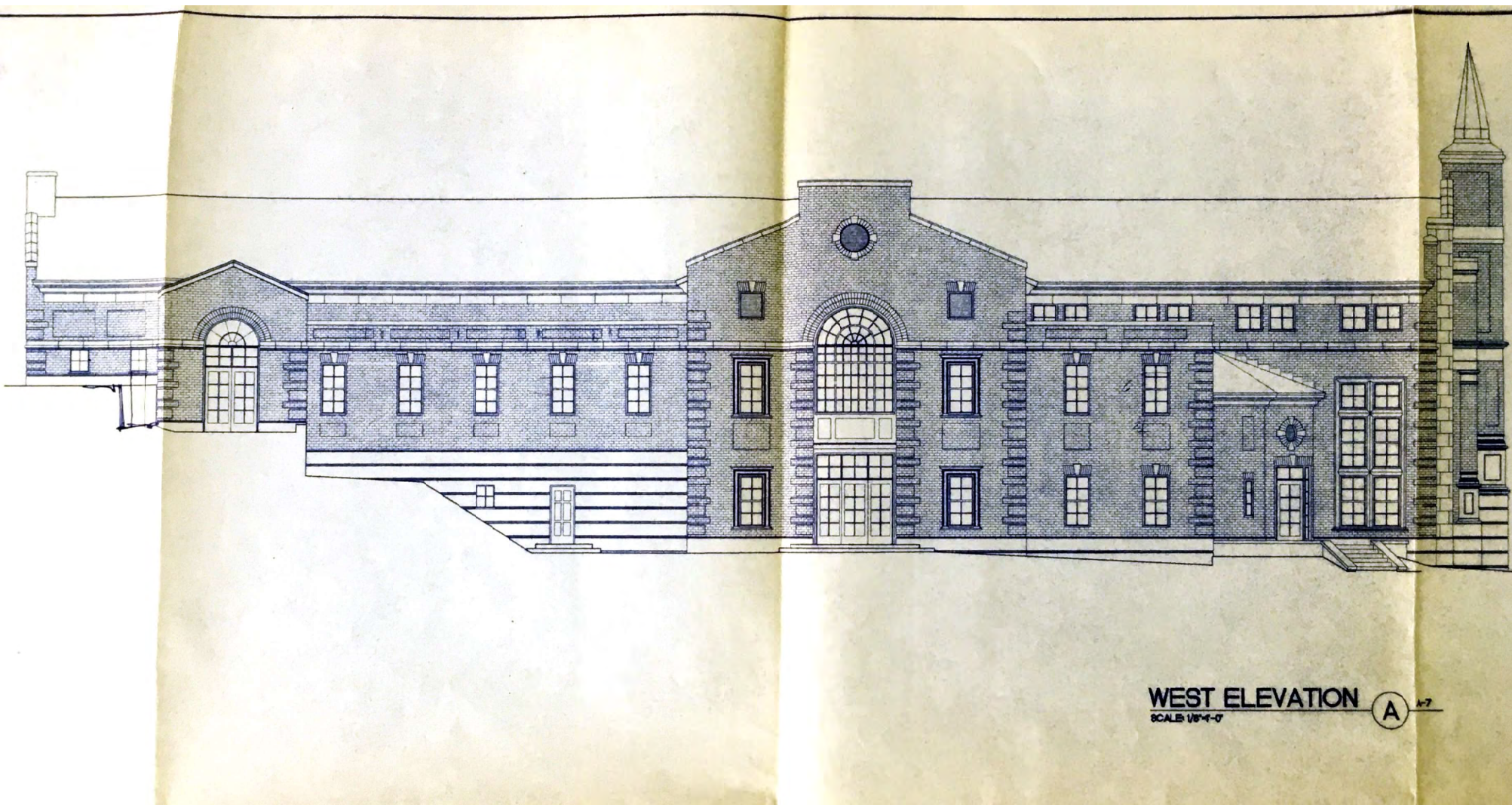


**NORTH ELEVATION**

SCALE 1/8"=1'-0"

**B** A-7

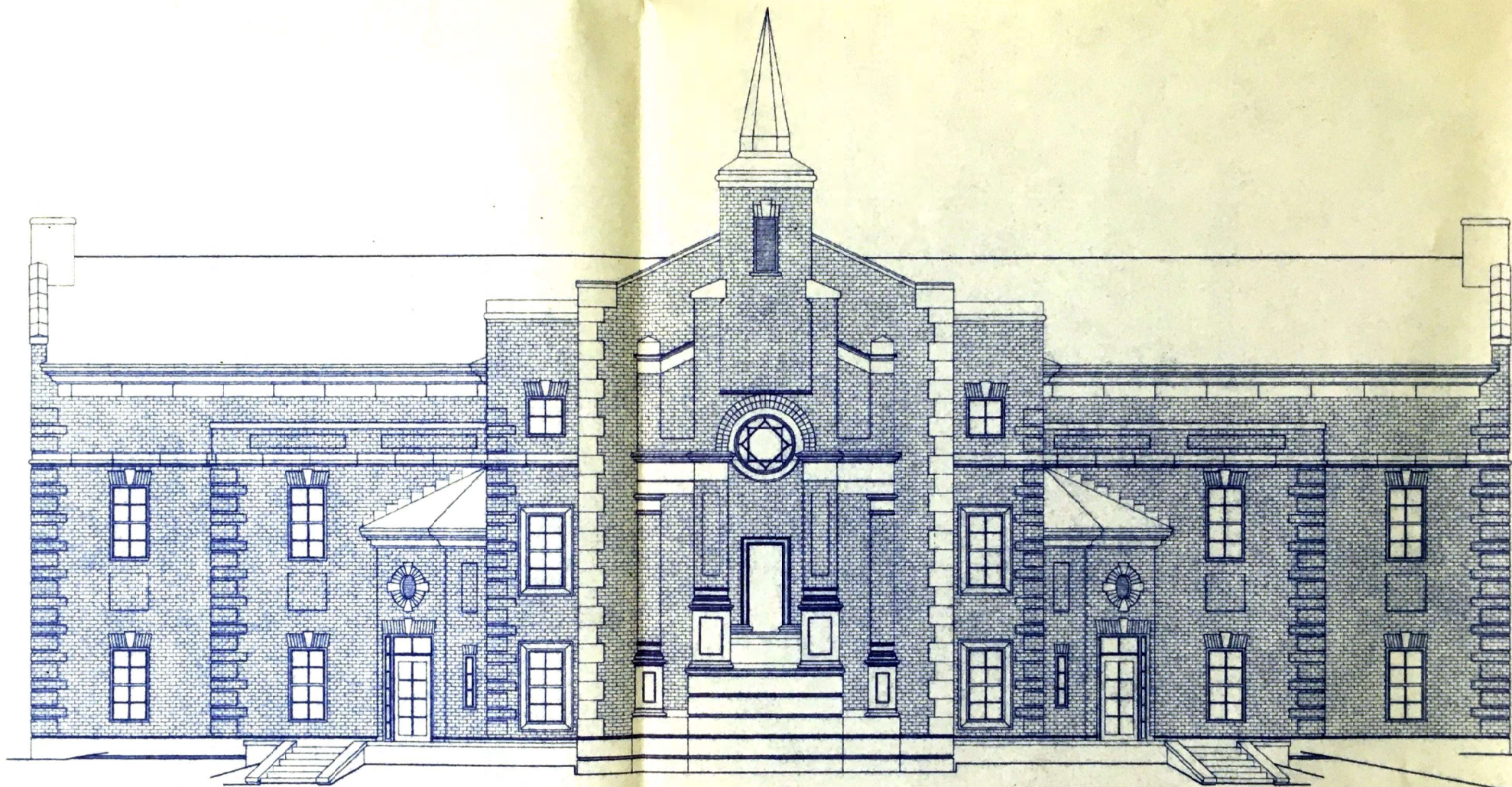




WEST ELEVATION  
SCALE 1/8"=1'-0"

A-7

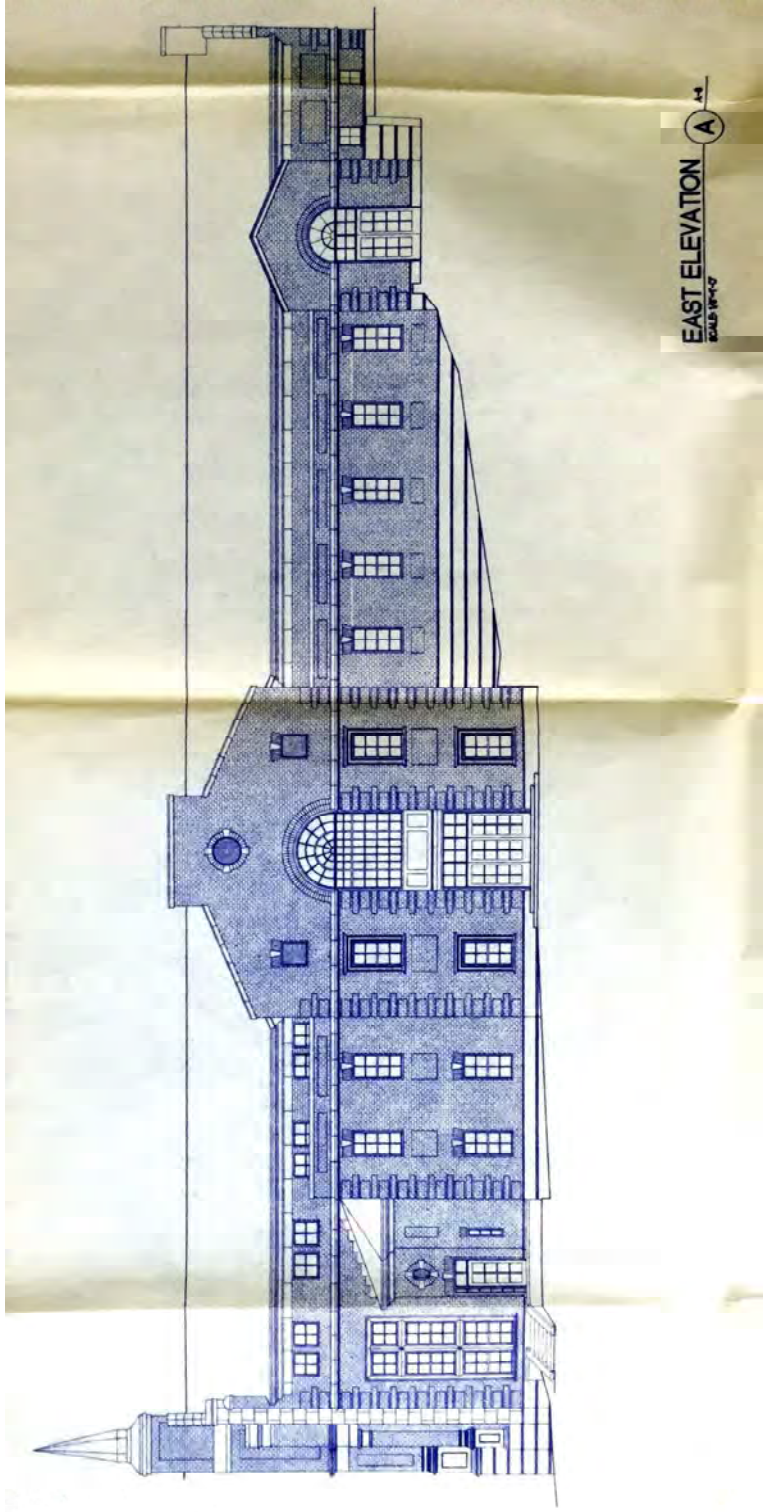




**SOUTH ELEVATION**  
SCALE 1/8"=1'-0"

B





EAST ELEVATION A 1/2  
SCALE 1/4" = 1'-0"



# **EXHIBIT F**

## **Meetinghouse Site Plan**







# **EXHIBIT G**

## **Density/Intensity Analysis**



**Ivory's proposal does not comply with the definition of Compatible Land Use as defined in 21A.62.040, or with the requirements for Compatibility as defined in the Purpose Statement for the SR-1 Zone 21A.24.080 or that defined in the Planned Development Ordinance 21A.55.010.**

**1). Summary**

The above referenced ordinances require that development intensity, building coverage, bulk, scale, occupancy, traffic generation and parking requirements be consistent with and similar to neighboring uses. To quantitatively assess if Ivory's proposed development meets these requirements, Avenues residents have conducted a detailed analysis of the ten closest blocks in the SR-1 zone. Each of the key design elements impacting development intensity has been measured for the 140 homes in these ten blocks utilizing the Salt Lake County Assessor database and interactive map, and these were then compared with those for Ivory's proposal. These design elements include (1) Above Grade Size of each home, (2) Number of Stories, (3) Number of Duplexes, (4) Spacing Between Buildings, (5) Front Setback, (6) Rear Setback, (7) Building Lot Coverage, (8) Occupancy and (9) Traffic Generation.

A comparison of these key metrics impacting development intensity, for the established neighborhood and Ivory's proposal, is shown in Fig.1 on the following page. Inspection of this data shows that on every key metric Ivory's proposal grossly exceeds that for the existing neighborhood. If one applies an equal weighting to each of the design elements impacting development intensity, then Ivory's proposed development is a staggering 2.65 times or 265% that for the neighborhood and completely fails to meet the criteria required by ordinance that new development "*be consistent with and and similar to neighboring uses.*"

This detailed quantitative analysis clearly demonstrates that Ivory's proposal does not meet the requirements of 21A.62.040, 21A.24.080 or 21A.55.010, contrary to law. Ivory's highly congested development with large, 90 feet long, two-story buildings, closely crammed together with shrunken setbacks and no yards, is in fact unrecognizable as belonging to the Avenues.

This analysis has been reviewed by Land Use Attorneys Craig Smith and Ethan Smith of Smith Hartvigsen who agree with the conclusion of this analysis. A letter from them to this effect is included on page 3.



**FIGURE 1.**

**ANALYSIS OF IVORY PROPOSAL VERSUS THE ESTABLISHED NEIGHBORHOOD**

	<b><u>NEIGHBORHOOD</u></b>	<b><u>IVORY</u></b>	<b><u>MULTIPLE</u></b>
DWELLINGS	14	42	3X
TRAFFIC GENERATION (Number of vehicles)	28	84	3X
ABOVE GRADE SIZE OF HOUSES (sq ft)	1863	3629	2X
NUMBER OF TWO-STORY BUILDINGS %	25%	100%	4X
NUMBER OF DUPLEX'S %	1.5%	67%	45X
DISTANCE BETWEEN BUILDINGS (Feet)	27	10	2.7X
FRONT SETBACK (Feet)	21.1	15	1.4X
REAR SETBACK (Feet)	45.6	13	3.5X
BUILDING LOT COVERAGE (DEVELOPED) %	20.8	48.5	2.3X
BUILDING LOT COVERAGE (GROSS) %	20.8	34	1.6X

**DEVELOPMENT INTENSITY NEIGHBORHOOD 1.0**  
**DEVELOPMENT INTENSITY IVORY 2.65**

**IVORY'S DEVELOPMENT INTENSITY IS 265% THAT OF THE NEIGHBORHOOD**

**Notes.**

- 1). Equal weighting given to each element. In fact, there is a compounding effect to the visual perception of scale and intensity such that this is an underestimate of the comparative scale and intensity.
- 2). Gross building lot coverage utilized since this is the planned development criteria. This is favorable to Ivory.
- 3). The impact of the large number of duplexes has been omitted from the calculation as the difference is so great this would distort the comparison. This again is favorable to Ivory.
- 4). Number of vehicles estimated at two per dwelling in all cases.
- 5). Parking intensity has been omitted from the calculation of Development Intensity as no suitable metric could be determined. Nonetheless, parking requirements grossly exceed those for the established development. Insufficient and inconvenient parking will be highly problematic. See later.
- 5). Detailed spreadsheets showing an analysis of each element for each lot and house, in each block, plus the analysis of Ivory's development is available on request. These have been omitted to reduce the file size to a manageable level.





J. CRAIG SMITH  
[REDACTED]

ETHAN M. SMITH  
[REDACTED]

January 18, 2024

**PRESERVE OUR AVENUES**

*Via Email* [REDACTED]

**ZONING COALITION**

c/o Peter Wright [REDACTED]

**Re:** *Ivory's proposal does not comply with the definition of Compatible Land Use as defined in 21A.62.040, or with the requirements for Compatibility as defined in the Purpose Statement for the SR-1 Zone 21A.24.080 or that defined in the Planned Development Ordinance 21A.55.010.*

I have reviewed the above-referenced memorandum (“**Memorandum**”) prepared for the Salt Lake City Planning Commission in regard to Petition: PLNPCM2020-00334/00335 (“**Petition**”). It is my legal opinion that the analysis in the Memorandum is correct and demonstrates that Ivory Development, LLC’s proposal to the Salt Lake City Planning Commission is not in compliance with Salt Lake City Municipal Ordinance 21A.62.040. The Petition as it is not within the definition of compatible land use, does not meet the requirements of compatibility for the SR-1 Zone as defined in Salt Lake City Municipal Ordinance 21A.24.080, or the compatible use for a planned development as defined in Salt Lake City Municipal Ordinance 21A.55.010.

The Memorandum correctly analyzes the Petition and interprets Utah law and Salt Lake City Municipal Ordinances.

Respectfully submitted,

**SMITH HARTVIGSEN, PLLC**

J. Craig Smith  
Ethan M. Smith



## **2). Review of Applicable Ordinances**

### **21A.62.040 Definitions.**

21A.62.040 defines Compatible Land Use as shown below.

**COMPATIBLE LAND USE:** *A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings.*

### **21A.24.080 Purpose Statement.**

The Purpose Statement for the SR-1 zone 21A.24.080 reads as follows:

*A. Purpose Statement: The purpose of the SR-1 Special Development Pattern Residential District is to maintain the unique character of older predominantly single-family and two-family dwelling neighborhoods that display a variety of yards, lot sizes and bulk characteristics. 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.* (Emphasis added).

While the planned development ordinance, 21A.55.020 Authority, gives the Planning Commission the ability to “change, alter, modify or waive” provisions of the relevant district ordinance it must also comply with the Purpose Statement for the district ordinance, as required in 21A.55.010, shown below:

### **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 incorporates special development characteristics that help to achieve City goals identified in adopted Master Plans and that provide an overall benefit to the community as determined by the planned development objectives. 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 with adjacent and nearby land developments..* (Emphasis added)

Furthermore, the planning commission has no authority to waive definitions contained in 21A.62.040 which are essential to the reading, understanding and interpretation of all ordinances.

Does not Conform to the Requirements of 21A.62.040, or 21A.24.080, or 21A.55.010. Contrary to Law.

Ivory's application for a planned development makes so many changes to density, building characteristics, setbacks, building lot coverage and building spacing, that it creates a development that is *"not compatible with the existing scale and intensity of the neighborhood "* as required in 21A.24.080, nor with the requirement in 21A.55.010 that, *"it be compatible with adjacent and nearby land developments.."*, nor is it in compliance with 21A.62.040 which requires *"A use of land and/or buildings that, in terms of development intensity, building coverage, design, bulk and ...is consistent with and similar to neighboring uses.."*. Indeed, this development is unrecognizable as belonging to the Avenues and fails to *"preserve the existing character of the neighborhood."* as required in 21A.24.080.

Additionally, Ivory's proposal does not conform with the provisions of 21A.62.040 with regards to occupancy, traffic generation and parking requirements, *"...occupancy, traffic generation, parking requirements, .... is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings."*

21A.64.040. Compatible Land Use.

The provisions of 21A.64.040 may be broken down into three sections as highlighted below with different colors. Ivory's application fails to comply with each of these three sections.

**COMPATIBLE LAND USE:** *A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings.*



Section 1). “...*in terms of development intensity, building coverage, design, bulk....*”. This section of 21A.64.040 is essentially the same as the requirements of 21A.24.080 and 21A.55.010 and is considered in section 3.

Section 2). “...*occupancy, traffic generation, parking requirements.*”, is considered in section 4.

Section 3). “...*adversely affect the quality of life of persons in surrounding and nearby buildings...*” is considered in section 5.

### Bulk, Scale and Intensity.

21A.62.040, 21A.24.080.A and 21A.55.010 refer to Bulk, Scale and Intensity with the 21A.62.040 requirement that these “*be consistent with and similar to*” that in the existing neighborhood.

The terms Bulk, Scale and Intensity as used in urban planning are similar in nature and overlapping. The Salt Lake City Definitions ordinance 21A.62.040 defines Bulk as shown below:

*BULK: The size and setbacks of the buildings or structures and the location of same with respect to one another, and including: a) height and area of buildings; b) location of exterior walls in relation to lot lines, streets or other buildings; c) all open spaces allocated to buildings; d) amount of lot area required for each dwelling unit; and e) lot coverage.*

Regrettably although the city ordinances use the terms *Scale and Intensity*, these are not defined in 21A.62.040. It would therefore seem logical to lean on the definition of Bulk and review metrics such as density, building size, number of stories, lot sizes, building lot coverage, setbacks and spacing between buildings in determining *Bulk, Scale and Intensity*.

### 3). A Detailed Analysis of the Nearest Ten Blocks in the SR-1 Zone and Comparison with Ivory’s Proposal.

#### 3.1 Scale, Bulk, and Development Intensity

In order to understand the “*existing scale and intensity of the neighborhood*” and the “*development intensity*” we have conducted a detailed analysis of the nearest ten blocks in the SR-1 section of the Avenues. The Salt Lake County Assessor Interactive Map, with measurement tools, provides an excellent resource for data collection.

For each of the 140 lots in these ten blocks we analyzed:



- Number of dwellings per block
- Above Grade square feet of each home, including accessory buildings.
- Number of stories.
- Single Family or Duplex.
- Front setback.
- Rear setback.
- Spacing between buildings.
- Building lot coverage.

These are all criteria that determine Bulk, Scale and Intensity.

Avenues blocks generally measure 2.5 acres. Ivory's plot is 3.2 acres; however, typical Avenues blocks have public streets on all four sides with homes fronting each of the public streets. Ivory's block fronts only one public street requiring the addition of a private road through the center and along the southwest side, plus sidewalks and park strips. If one accounts for the area of this private road and sidewalks the land area is almost identical making for valid comparisons between Ivory's proposed development and existing SR-1 Avenues blocks.

#### A Representative Sample.

21A.62.040 uses the term, "*...surrounding or nearby buildings.*"

21A.24.080 uses the term "*...neighborhood.*"

21A.55.010 uses the term "*...adjacent and nearby land development.*"

Each of these terms indicates that in making comparisons as to "*bulk, scale and development Intensity*" it is the "*surrounding, nearby, adjacent and nearby land development.*" that should be used as the basis for comparison. The chosen sample meets all these criteria. In fact, it is a highly generous sample for comparisons to Ivory's development since it considers only comparisons with development in the SR-1 zone. Had we drawn a circle around Ivory's parcel and considered adjacent property that is largely zoned FR-3, the comparisons would have been even more unfavorable to Ivory.

The sample size of ten blocks with 140 dwellings is of sufficient size to be statistically significant. Also, had we taken a larger sample size, of say 20 or 50 blocks the results would not have changed materially, as the character of the housing remains the same: a predominance of small, low bulk, single-story homes, well set-back from the road. Nowhere else in the neighborhood do we see a block comprised entirely of large, two-story, 90 feet long houses closely packed together with no yards.



### Comparisons with Ivory Site Plan.

If we compute the same metrics as shown above for Ivory's proposed development, we can compare Ivory's proposal with "*the existing scale and intensity of the neighborhood*" obtaining a detailed, objective, and quantified comparison. These comparisons are summarized in Fig.1 in the Summary section. (Page 2.)

### Comparisons

#### Number of Dwellings Per Block.

On average, each of the ten neighboring blocks contains 14 dwellings with a range of 11 to 16 dwellings. Ivory proposes a development with 21 primary dwellings, a 50% increase in the number of dwellings. If one includes the addition of an ADU to each unit the comparison is 14 to 42, a 300% increase in the number of dwellings, or occupancy.

#### Above Grade Building Size.

The average above grade building size for the neighboring ten blocks is 1863 square feet including garages and accessory buildings. Ivory proposes a development where the average above grade building size is 3629 square feet. An almost 200% increase in above ground building size. Building size is highly significant in determining Bulk, Scale and Intensity.

#### Number of Stories.

The number of stories has a dramatic impact on Bulk, Scale and Intensity, with two-story buildings considerably more intense than single-story buildings, particularly when closely grouped. In the ten blocks only one in four homes (25%) are two story buildings, whereas Ivory proposes that all (100%) will be large, two-story buildings. A 400% increase in the number of two-story buildings. Again, this is highly significant to determining Bulk, Scale and Intensity.

The blocks studied are not unusual in this regard. A Greater Avenues Community Council study in 2006 showed that throughout the Avenues 70% of homes are single story.



### Duplexes or Twin Homes.

Duplexes again add to scale and intensity since the buildings are twice the size. The increased scale and intensity of duplexes is recognized in the city ordinances where in the R2 district the number of duplexes is restricted such that no more than two duplexes can be positioned adjacent to each other, and no block face may contain greater than three such dwellings. (Ref. 21A.33.020 Table of Permitted and Conditional Uses in Residential Districts. Footnote 2.)

Although allowed by zone there are few duplexes or twin homes in the Avenues, there is only one in the nearest ten blocks, whereas Ivory proposes a development where 14 of 21 units are duplexes. A comparison of 1.5% to 66.66%. Because of the vast difference in this metric, this was excluded from the calculation of Development Intensity in Fig.1. This favors Ivory by essentially ignoring this additional component of bulk, scale and intensity.

### Building lot Coverage.

Building lot coverage for the nearest ten blocks averages 20.8%. The building lot coverage for Ivory's 21 lots is 48.5%, more than twice that for the nearest ten blocks. This is an enormous difference.

The planned development ordinance allows averaging across the entire site in determining conformance with Building Lot Coverage and on this basis, Ivory is 34.1%, this is still 64% greater than the neighboring ten blocks and again very significant when one considers much of the land that is not built on is roadways and sidewalks, not green open space or yards.

As anecdotal evidence for the extreme level of building lot coverage for this terrain, Ivory adds a drainage basin to the southwest corner of the lot. We see drainage basins nowhere else in residential development in the Avenues. The lower number for building cover was used in the computation of building lot coverage, again favoring Ivory.

### Front Setbacks.

Front setbacks also have a significant impact on Scale and Intensity. Front setbacks for homes in the ten nearest blocks averaged 21.1 feet whereas Ivory is proposing front setbacks averaging 15 feet; 6.1 feet or 29% less.

### Rear Setbacks.

The required rear setback is 25% of lot length, which for Ivory's long lots is 30 feet. The average rear setback in the ten neighboring blocks is 45.6 feet. Ivory



is proposing an average rear setback of 13 feet, just over a quarter of that for the neighboring ten blocks.

Most of Ivory's rear setback on their narrow lots is consumed by driveway, such that Ivory's lots have no yards, this is totally out of character with the Avenues and again adds to bulk, scale and intensity.

### Space Between Buildings.

The spacing between buildings is a key component of scale and intensity. The average distance between buildings in the nearest ten blocks is 27.0 feet. Ivory is proposing an average distance between buildings of 10 feet, about a third of that for existing buildings in the neighborhood. The spacing between buildings is highly significant and a major determinant of bulk, scale and intensity.

### Conclusions. Bulk, Scale and Intensity

This detailed review of Ivory's proposed development versus neighboring SR-1 development allows us to make an objective, quantified comparison regarding Bulk, Scale and Intensity as shown in the summary table in Section 1.

No single factor determines scale, bulk and intensity; it is a combination of all of the factors considered above. The combination of large, two-story buildings, many of which are duplexes, closely spaced, on lots with reduced setbacks, unquestionably creates a development of far higher bulk, scale and intensity than is present in the existing neighborhood.

Ivory's development is not in compliance with the requirements of 21A.62.040, 21A.24.080 or 21A.55.010.

### 3.2) Compatible Land Use. Occupancy, Traffic and Parking Requirements. 21A.62.040

*A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings.*

In this section we address the issue of "occupancy, traffic generation and parking requirements," noting that the requirement for "Compatible Land Use" is that these be "consistent with and similar to neighboring uses".



### Occupancy.

As a part of their planned development application Ivory proposes to create a subdivision of ADUs, where each unit will have an ADU. Ivory themselves have described this as an ‘*experiment*’ and “*the first of its kind in Utah*”; as such there is no precedent for such a development and no rules exist for regulating such a development. This concept has not been reviewed by the public, the planning commission or the city council as required by 21A.50. A subdivision of ADUs is not the same as adding a single ADU.

Neighboring blocks have an average of 14 single family homes. Ivory’s proposal is for 21 primary dwellings plus 21 ADUs for a total of 42 dwellings. This is a 300% increase in the number of dwellings and occupancy compared to that in the existing neighborhood, this is not *consistent with and similar to neighboring uses*, as required by 21A.62.040.

### Traffic.

This upper Avenues location is not a walkable section of the city, the topography is extremely steep, there are few amenities and public transport is inadequate for most people's needs; such that private automobiles are the primary method of transportation.

If one assumes two vehicles per dwelling we see a comparison of 28 vehicles for each neighboring block versus 84 vehicles for Ivory’s proposed development, a 300% increase in traffic generation compared to the existing neighborhood, this is not *consistent with and similar to neighboring uses*, in violation of 21A.62.040.

### Parking Requirements. Insufficient Parking Internal to the Proposed Development

Ivory provides inadequate and inconvenient parking internal to their development such that residents have estimated that at least 30 vehicles will be regularly parked on neighboring streets.

The only parking provided for ADU residents is on the short, narrow driveways to the primary residences. Sharing driveway parking between different households will be highly problematic, it will lead to constant, noisy, highly polluting shuttling of cars or ADU residents will park on the streets.



Ivory provides only four guest parking spots. This is totally inadequate for 42 homes. Neighboring developments such as the Meridien and Northpoint have provided close to ten times this amount of guest parking per residence. Guest parking spots are also used for the storage of plowed snow in winter and Ivory's spots are not even large enough to accommodate this need.

Ivory's internal road with a width of only 20 feet and with closely spaced driveways will not facilitate any parking.

The parking requirements for Ivory's proposed development are not *consistent with and similar to neighboring uses*, as required by 21A.62.040.

### 3.3) Quality of Life for Persons Living in Surrounding or Nearby Buildings.

Compatible Land Use as defined in 21A.62.040 uses the caveat, "*... and does not adversely affect the quality of life of persons living in surrounding or nearby buildings.*"

Ivory's proposed development does adversely affect the quality of life of persons living in surrounding or nearby buildings in the following ways:

#### Traffic.

Three times that for a normal SR-1 block, creating excess noise and pollution. Significantly increased traffic on F Street. Additional traffic on the entire length of Capitol Park Avenue which runs through the Capitol Park subdivision, a private street that in 2014 the city refused to accept responsibility for; citing that it was too narrow, too steep and had sharper curves than would be permitted for a city street. Overburdens the scope of the easement Ivory has to access Capitol Park Avenue which was originally granted for a chapel and which would have involved limited use primarily on Sundays only.

Adds additional traffic to the Avenues connector streets such as 11th Avenue, E Street, B Street and I Street, the commonly used routes in and out of the upper Avenues. These routes are already highly congested.

#### Parking.

Insufficient and inconvenient parking provisions internal to Ivory's development will lead to illegal parking on Capitol Park Avenue imposing a burden on Meridien in enforcing parking on their private street. This problem is further exaggerated by Ivory's design which fronts 9 of 21 units onto Capitol Park Avenue. Adds additional parking load to F Street and 13th Avenue



inconveniencing current residents. Increased parking on the top end of F Street increases the risk from wildfire to Northpoint residents, creating a choke point, where this is their only egress.

#### Air Pollution.

The addition of 84 vehicles to this non-walkable section of the city will add substantially to air pollution. Air pollution is most concentrated at its source and tends to linger for extended periods of time. Extensive shuttling of vehicles from shared driveways will lead to highly damaging start-up or cold-start pollution. Additionally, short trips characteristic of this location are the most polluting. The loss of the many mature trees from this lot will also negatively impact air quality.

#### Loss of Greenspace and Trees. No Yards.

In large part upper Avenues residents chose to live in this low-density foothill location on the outer edge of the city because of the character of the area. A quiet, low density, residential community with green leafy streets and low intensity housing.

Greenspace and openness are well known to increase an individual's sense of well-being. Ivory's crowded high intensity development with closely packed large houses and no yards, tends to decrease that sense of well-being.

#### Safety.

The section of F Street between Northpoint and 11th Avenue is extremely steep and a well-known winter driving hazard. The addition of a further 84 vehicles can only worsen this problem. Ivory's property, 120 yards from open land and city creek canyon, sits in a wildlife urban interface area where mule deer are frequent visitors. Ivory's proposal includes an 8.5-foot-high retaining wall running half the width of the property. This tall retaining wall presents a danger to both wildlife and children and constitutes an Attractive Nuisance.

#### Soil Removal.

Throughout the Avenues housing follows the contour of the land with sufficient space between buildings to deal with grade changes. Ivory adopts a different approach where they seek to substantially flatten the lot. This will involve the removal of thousands of tons of soil with thousands of dump trucks traversing our steep, narrow Avenues streets. These highly polluting trucks will



greatly inconvenience Avenues residents impacting the safety and quality of life for many during the construction phase and damaging Avenues streets.

#### Impact on Neighboring Property Values.

This congested development with no yards, excess traffic, parking problems, noise and pollution will negatively impact neighboring property values.

#### Community Opinion.

As evidence of how strongly residents believe this overly congested development, which includes a “*first of its kind*” subdivision of ADUs, will impact their quality of life it should be noted that:

- Over 2000 Avenues residents signed a petition opposing such overdevelopment of this foothills lot in a non-walkable section of the city.
- The GACC has conducted three ballots on various Ivory designs, all of which seek to overdevelop this lot with a high intensity congested development. In each case the result was 97% opposed with hundreds voting.
- In July of 2023, reviewing Ivory’s June 2023 submittal, which is very close to the current design, 163 of 163 nearby residents disapproved of this development and considered that it was not “*an enhanced product*” as required by the planned development ordinance.

There can be no question that in all the ways discussed above Ivory’s proposed development does “... *adversely affect the quality of life of persons living in surrounding or nearby buildings.*” in contravention of law as prescribed in 21A.62.040.

#### 4). Conclusions.

Ivory’s proposal is not in compliance with the applicable ordinances and is contrary to law.



# **EXHIBIT H**

## **Ownership Around 675 N F Street Lot Map**





TR GAC  
REV

JACK TYLER  
A & ANN  
MARIE  
LEONE  
FAMILY  
TRUST 06/  
04/2019

LASALLE  
JOEL M

Caring Cove

Capitol Park Ave

IVORY  
DEVELOPMENT  
LLC

MERIDIEN  
AT CAPITOL  
PARK  
CONDOMINIUM  
ASSOCIATION  
INC

CHRISTOPHER  
C KOLB;  
HEATHER  
M KOLB  
(JT)

IDENTIFIED  
TRUST  
NOT

678 F  
STREET  
CONDOMINIUMS  
UNIT  
OWNERS  
ASSOCIATION

PETAR  
GERMANOV;  
DIANA  
GERMANOV  
(JT)

STEINER  
ANDREW

JAD  
TRUST

13th Ave





## Barlow, Aaron

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**From:** Jim Jenkin [REDACTED]  
**Sent:** Wednesday, January 24, 2024 3:59 PM  
**To:** Barlow, Aaron  
**Subject:** (EXTERNAL) PLNPCM2021-00656. Ivory Homes Capital Cottages  
**Attachments:** JJ GACC Jan 24 for Planning Commission.pdf

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

**Caution:** This is an external email. Please be cautious when clicking links or opening attachments.

Dear Mr. Barlow,

Please find below my written comments for the Planning Commission, as PDF. I intend to be present and present verbally as well.

Jim Jenkin  
Land Use Committee Chair  
Greater Avenues Community Council  
[REDACTED]



Presentation of Jim Jenkin, GACC Land Use Committee Chair to Planning Commission, 24 Jan 2024 re: PLNPCM2021-00656

Thank you Mr/Ms Chairperson, Members of the Commission. As the Chair of the Land Use Committee of the Greater Avenues Community Council (GACC) it is my duty to brief the Commission on previous action of the GACC regarding the application by Ivory Homes (PLNPCM2021-00656). I would like to stress that Avenues residents have been following the proposed development closely since the initial application for rezoning in 2022. The June 2023 application, revised in December 2023, asks the Planning Commission to approve a planned development (PD).

Ivory's proposal was most recently reviewed at the August 2, 2023 Greater Avenues Community Council meeting. The SLC Planning Division and Ivory Homes were both invited but both declined to attend. Ivory instead chose to hold their own informational meeting at the Sweet Library on 9<sup>th</sup> Avenue and F Street on August 23, 2023.

Two prior votes had been held by the GACC on this topic, both of which attracted a record number of participants via Zoom and both of which demonstrated that Avenues residents were overwhelmingly opposed to Ivory's proposal.

A third vote to gauge public opinion on this development was held at the September 6th GACC meeting. Voting was restricted to Avenues residents and business owners and was conducted via in-person paper ballot or via Zoom voting. The wording for the ballot was: "Do you approve of Ivory Homes' request for a Planned Development at 675 North F Street as presented in their application to the city dated June 2023."

The results of the ballot were 213 opposed to a planned development and seven in favor. Then GACC Chair Merrilee Morgan communicated these results in an email dated September 12, 2023, and addressed to Aaron Barlow, et al.

Although Ivory has revised their plan since the September vote, the changes are fairly minimal and the rationale for the planned development is essentially the same, so I would argue the vote tally remains valid.

P.S.

[Incidentally, here is a bit of info about the previous votes:]

The Greater Avenues Community Council (GACC) held a second vote to gauge Avenue residents' attitudes toward Ivory Homes' application to Salt Lake City to rezone a 3.2 acre plot near the top of F Street that would allow them to build an overly dense development in this foothills location. The April 7, 2021 vote was 1244 opposed to the rezone; 25 in favor of the rezone. It is obvious that Greater Avenues residents overwhelmingly oppose this rezone.



The first vote was conducted in August 2020 and resulted in a 688 to 4 tally against the rezone. Plus, earlier in 2020, over 2100 Greater Avenues residents signed a petition opposing Ivory's development plan.



## Barlow, Aaron

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**From:** Gary Crittenden [REDACTED]  
**Sent:** Tuesday, January 23, 2024 1:46 PM  
**To:** Barlow, Aaron  
**Subject:** (EXTERNAL) Ivory Development in the Avenues

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Aaron,

I have been completing preparations for my short comments for this coming Wednesday. I have written to you before about the Ivory development on F Street. As I reviewed the specifics of their most recent proposal it is clearly in violation of the city ordinance 21A.62.040 that defines compatible land use.

You will see in the materials for Wednesday night that we provide detailed documentation that the Ivory development intensity is 265%% of the 140 homes in the Salt Lake County Assessor data base in the ten blocks which surround the project. This analysis includes the above grade size of each home, the number of stories, the number of duplexes, the spacing between buildings, the front setback, the rear setback, the building lot coverage, the occupancy, and traffic generation. The magnitude of the non-comparability and total disregard for enforcement of the existing city ordinances is astonishing.

I encourage you to enforce the city ordinances designed to protect homeowners.

Thanks,

Gary



**Barlow, Aaron**

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**From:** PENDRAGON [REDACTED]  
**Sent:** Wednesday, January 24, 2024 10:26 AM  
**To:** Planning Public Comments  
**Subject:** (EXTERNAL) IVORY HOMES PLANNED DEVELOPMENT ON THE AVENUES

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Ivory comments

**Caution:** This is an external email. Please be cautious when clicking links or opening attachments.

**WE STRONGLY OBJECT TO THIS “DEVELOPMENT!”**

**Please, please, DO NOT APPROVE IVORY HOMES’  
PLAN.**



## Barlow, Aaron

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**From:** Peter Wright [REDACTED]  
**Sent:** Thursday, January 18, 2024 12:32 PM  
**To:** Barlow, Aaron; Preserve Our Avenues Zoning Coalition; Thomas Keen; Alan Hayes; Lon Jenkins; John Kennedy; Don Warmbier; Joel Deaton; Scott Young  
**Subject:** (EXTERNAL) Ivory Application for a Planned Development at 675 North F Street - Development Intensity .  
**Attachments:** Development Intensity (3).docx

**Caution:** This is an external email. Please be cautious when clicking links or opening attachments.

Aaron,

I would appreciate you reviewing the attached document and ensuring this is forwarded to members of the planning commission.

Thank you.

Peter Wright  
Chair POAC

### **The Development Intensity of Ivory's Proposal Exceeds that Allowed by Ordinance**

Attached you will find a comprehensive analysis prepared by a group of Avenues residents comparing the Intensity of Ivory's proposed development with the established neighborhood. This quantitative analysis concludes that Ivory's development is at least 2.65 times that for the established SR-1 neighborhood in the Avenues and violates all of the relevant ordinances, 21A.62.040, 21A.24.080, and 21A.55.010.

Members of the planning commission we do hope you will take the time to review this document.

Thank you.



**Ivory's proposal does not comply with the definition of Compatible Land Use as defined in 21A.62.040, or with the requirements for Compatibility as defined in the Purpose Statement for the SR-1 Zone 21A.24.080 or that defined in the Planned Development Ordinance 21A.55.010.**

**1). Summary**

The above referenced ordinances require that development intensity, building coverage, bulk, scale, occupancy, traffic generation and parking requirements be consistent with and similar to neighboring uses. To quantitatively assess if Ivory's proposed development meets these requirements, Avenues residents have conducted a detailed analysis of the ten closest blocks in the SR-1 zone. Each of the key design elements impacting development intensity has been measured for the 140 homes in these ten blocks utilizing the Salt Lake County Assessor database and interactive map, and these were then compared with those for Ivory's proposal. These design elements include (1) Above Grade Size of each home, (2) Number of Stories, (3) Number of Duplexes, (4) Spacing Between Buildings, (5) Front Setback, (6) Rear Setback, (7) Building Lot Coverage, (8) Occupancy and (9) Traffic Generation.

A comparison of these key metrics impacting development intensity, for the established neighborhood and Ivory's proposal, is shown in Fig.1 on the following page. Inspection of this data shows that on every key metric Ivory's proposal grossly exceeds that for the existing neighborhood. If one applies an equal weighting to each of the design elements impacting development intensity, then Ivory's proposed development is a staggering 2.65 times or 265% that for the neighborhood and completely fails to meet the criteria required by ordinance that new development "*be consistent with and and similar to neighboring uses.*"

This detailed quantitative analysis clearly demonstrates that Ivory's proposal does not meet the requirements of 21A.62.040, 21A.24.080 or 21A.55.010, contrary to law. Ivory's highly congested development with large, 90 feet long, two-story buildings, closely crammed together with shrunken setbacks and no yards, is in fact unrecognizable as belonging to the Avenues.

This analysis has been reviewed by Land Use Attorneys Craig Smith and Ethan Smith of Smith Hartvigsen who agree with the conclusion of this analysis. A letter from them to this effect is included on page 3.



**FIGURE 1.**

**ANALYSIS OF IVORY PROPOSAL VERSUS THE ESTABLISHED NEIGHBORHOOD**

	<b><u>NEIGHBORHOOD</u></b>	<b><u>IVORY</u></b>	<b><u>MULTIPLE</u></b>
DWELLINGS	14	42	3X
TRAFFIC GENERATION (Number of vehicles)	28	84	3X
ABOVE GRADE SIZE OF HOUSES (sq ft)	1863	3629	2X
NUMBER OF TWO-STORY BUILDINGS %	25%	100%	4X
NUMBER OF DUPLEX'S %	1.5%	67%	45X
DISTANCE BETWEEN BUILDINGS (Feet)	27	10	2.7X
FRONT SETBACK (Feet)	21.1	15	1.4X
REAR SETBACK (Feet)	45.6	13	3.5X
BUILDING LOT COVERAGE (DEVELOPED) %	20.8	48.5	2.3X
BUILDING LOT COVERAGE (GROSS) %	20.8	34	1.6X

**DEVELOPMENT INTENSITY NEIGHBORHOOD 1.0**  
**DEVELOPMENT INTENSITY IVORY 2.65**

**IVORY'S DEVELOPMENT INTENSITY IS 265% THAT OF THE NEIGHBORHOOD**

**Notes.**

- 1). Equal weighting given to each element. In fact, there is a compounding effect to the visual perception of scale and intensity such that this is an underestimate of the comparative scale and intensity.
- 2). Gross building lot coverage utilized since this is the planned development criteria. This is favorable to Ivory.
- 3). The impact of the large number of duplexes has been omitted from the calculation as the difference is so great this would distort the comparison. This again is favorable to Ivory.
- 4). Number of vehicles estimated at two per dwelling in all cases.
- 5). Parking intensity has been omitted from the calculation of Development Intensity as no suitable metric could be determined. Nonetheless, parking requirements grossly exceed those for the established development. Insufficient and inconvenient parking will be highly problematic. See later.
- 5). Detailed spreadsheets showing an analysis of each element for each lot and house, in each block, plus the analysis of Ivory's development is available on request. These have been omitted to reduce the file size to a manageable level.





J. CRAIG SMITH

ETHAN M. SMITH

January 18, 2024

**PRESERVE OUR AVENUES**

*Via Email*

**ZONING COALITION**

c/o Peter Wright

***Re: Ivory's proposal does not comply with the definition of Compatible Land Use as defined in 21A.62.040, or with the requirements for Compatibility as defined in the Purpose Statement for the SR-1 Zone 21A.24.080 or that defined in the Planned Development Ordinance 21A.55.010.***

I have reviewed the above-referenced memorandum (“**Memorandum**”) prepared for the Salt Lake City Planning Commission in regard to Petition: PLNPCM2020-00334/00335 (“**Petition**”). It is my legal opinion that the analysis in the Memorandum is correct and demonstrates that Ivory Development, LLC’s proposal to the Salt Lake City Planning Commission is not in compliance with Salt Lake City Municipal Ordinance 21A.62.040. The Petition as it is not within the definition of compatible land use, does not meet the requirements of compatibility for the SR-1 Zone as defined in Salt Lake City Municipal Ordinance 21A.24.080, or the compatible use for a planned development as defined in Salt Lake City Municipal Ordinance 21A.55.010.

The Memorandum correctly analyzes the Petition and interprets Utah law and Salt Lake City Municipal Ordinances.

Respectfully submitted,

**SMITH HARTVIGSEN, PLLC**

J. Craig Smith  
Ethan M. Smith



## **2). Review of Applicable Ordinances**

### **21A.62.040 Definitions.**

21A.62.040 defines Compatible Land Use as shown below.

**COMPATIBLE LAND USE:** *A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings.*

### **21A.24.080 Purpose Statement.**

The Purpose Statement for the SR-1 zone 21A.24.080 reads as follows:

*A. Purpose Statement: The purpose of the SR-1 Special Development Pattern Residential District is to maintain the unique character of older predominantly single-family and two-family dwelling neighborhoods that display a variety of yards, lot sizes and bulk characteristics. 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.* (Emphasis added).

While the planned development ordinance, 21A.55.020 Authority, gives the Planning Commission the ability to “change, alter, modify or waive” provisions of the relevant district ordinance it must also comply with the Purpose Statement for the district ordinance, as required in 21A.55.010, shown below:

### **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 incorporates special development characteristics that help to achieve City goals identified in adopted Master Plans and that provide an overall benefit to the community as determined by the planned development objectives. 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 with adjacent and nearby land developments..* (Emphasis added)

Furthermore, the planning commission has no authority to waive definitions contained in 21A.62.040 which are essential to the reading, understanding and interpretation of all ordinances.

Does not Conform to the Requirements of 21A.62.040, or 21A.24.080, or 21A.55.010. Contrary to Law.

Ivory's application for a planned development makes so many changes to density, building characteristics, setbacks, building lot coverage and building spacing, that it creates a development that is *"not compatible with the existing scale and intensity of the neighborhood"* as required in 21A.24.080, nor with the requirement in 21A.55.010 that, *"it be compatible with adjacent and nearby land developments.."*, nor is it in compliance with 21A.62.040 which requires *"A use of land and/or buildings that, in terms of development intensity, building coverage, design, bulk and ...is consistent with and similar to neighboring uses.."*. Indeed, this development is unrecognizable as belonging to the Avenues and fails to *"preserve the existing character of the neighborhood."* as required in 21A.24.080.

Additionally, Ivory's proposal does not conform with the provisions of 21A.62.040 with regards to occupancy, traffic generation and parking requirements, *"...occupancy, traffic generation, parking requirements, .... is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings."*

21A.64.040. Compatible Land Use.

The provisions of 21A.64.040 may be broken down into three sections as highlighted below with different colors. Ivory's application fails to comply with each of these three sections.

**COMPATIBLE LAND USE:** *A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings.*



Section 1). “...*in terms of development intensity, building coverage, design, bulk....*”. This section of 21A.64.040 is essentially the same as the requirements of 21A.24.080 and 21A.55.010 and is considered in section 3.

Section 2). “...*occupancy, traffic generation, parking requirements.*”, is considered in section 4.

Section 3). “...*adversely affect the quality of life of persons in surrounding and nearby buildings...*” is considered in section 5.

### Bulk, Scale and Intensity.

21A.62.040, 21A.24.080.A and 21A.55.010 refer to Bulk, Scale and Intensity with the 21A.62.040 requirement that these “*be consistent with and similar to*” that in the existing neighborhood.

The terms Bulk, Scale and Intensity as used in urban planning are similar in nature and overlapping. The Salt Lake City Definitions ordinance 21A.62.040 defines Bulk as shown below:

*BULK: The size and setbacks of the buildings or structures and the location of same with respect to one another, and including: a) height and area of buildings; b) location of exterior walls in relation to lot lines, streets or other buildings; c) all open spaces allocated to buildings; d) amount of lot area required for each dwelling unit; and e) lot coverage.*

Regrettably although the city ordinances use the terms *Scale and Intensity*, these are not defined in 21A.62.040. It would therefore seem logical to lean on the definition of Bulk and review metrics such as density, building size, number of stories, lot sizes, building lot coverage, setbacks and spacing between buildings in determining *Bulk, Scale and Intensity*.

### 3). A Detailed Analysis of the Nearest Ten Blocks in the SR-1 Zone and Comparison with Ivory’s Proposal.

#### 3.1 Scale, Bulk, and Development Intensity

In order to understand the “*existing scale and intensity of the neighborhood*” and the “*development intensity*” we have conducted a detailed analysis of the nearest ten blocks in the SR-1 section of the Avenues. The Salt Lake County Assessor Interactive Map, with measurement tools, provides an excellent resource for data collection.

For each of the 140 lots in these ten blocks we analyzed:



- Number of dwellings per block
- Above Grade square feet of each home, including accessory buildings.
- Number of stories.
- Single Family or Duplex.
- Front setback.
- Rear setback.
- Spacing between buildings.
- Building lot coverage.

These are all criteria that determine Bulk, Scale and Intensity.

Avenues blocks generally measure 2.5 acres. Ivory's plot is 3.2 acres; however, typical Avenues blocks have public streets on all four sides with homes fronting each of the public streets. Ivory's block fronts only one public street requiring the addition of a private road through the center and along the southwest side, plus sidewalks and park strips. If one accounts for the area of this private road and sidewalks the land area is almost identical making for valid comparisons between Ivory's proposed development and existing SR-1 Avenues blocks.

#### A Representative Sample.

21A.62.040 uses the term, "*...surrounding or nearby buildings.*"

21A.24.080 uses the term "*...neighborhood.*"

21A.55.010 uses the term "*...adjacent and nearby land development.*"

Each of these terms indicates that in making comparisons as to "*bulk, scale and development Intensity*" it is the "*surrounding, nearby, adjacent and nearby land development.*" that should be used as the basis for comparison. The chosen sample meets all these criteria. In fact, it is a highly generous sample for comparisons to Ivory's development since it considers only comparisons with development in the SR-1 zone. Had we drawn a circle around Ivory's parcel and considered adjacent property that is largely zoned FR-3, the comparisons would have been even more unfavorable to Ivory.

The sample size of ten blocks with 140 dwellings is of sufficient size to be statistically significant. Also, had we taken a larger sample size, of say 20 or 50 blocks the results would not have changed materially, as the character of the housing remains the same: a predominance of small, low bulk, single-story homes, well set-back from the road. Nowhere else in the neighborhood do we see a block comprised entirely of large, two-story, 90 feet long houses closely packed together with no yards.



### Comparisons with Ivory Site Plan.

If we compute the same metrics as shown above for Ivory's proposed development, we can compare Ivory's proposal with "*the existing scale and intensity of the neighborhood*" obtaining a detailed, objective, and quantified comparison. These comparisons are summarized in Fig.1 in the Summary section. (Page 2.)

### Comparisons

#### Number of Dwellings Per Block.

On average, each of the ten neighboring blocks contains 14 dwellings with a range of 11 to 16 dwellings. Ivory proposes a development with 21 primary dwellings, a 50% increase in the number of dwellings. If one includes the addition of an ADU to each unit the comparison is 14 to 42, a 300% increase in the number of dwellings, or occupancy.

#### Above Grade Building Size.

The average above grade building size for the neighboring ten blocks is 1863 square feet including garages and accessory buildings. Ivory proposes a development where the average above grade building size is 3629 square feet. An almost 200% increase in above ground building size. Building size is highly significant in determining Bulk, Scale and Intensity.

#### Number of Stories.

The number of stories has a dramatic impact on Bulk, Scale and Intensity, with two-story buildings considerably more intense than single-story buildings, particularly when closely grouped. In the ten blocks only one in four homes (25%) are two story buildings, whereas Ivory proposes that all (100%) will be large, two-story buildings. A 400% increase in the number of two-story buildings. Again, this is highly significant to determining Bulk, Scale and Intensity.

The blocks studied are not unusual in this regard. A Greater Avenues Community Council study in 2006 showed that throughout the Avenues 70% of homes are single story.



### Duplexes or Twin Homes.

Duplexes again add to scale and intensity since the buildings are twice the size. The increased scale and intensity of duplexes is recognized in the city ordinances where in the R2 district the number of duplexes is restricted such that no more than two duplexes can be positioned adjacent to each other, and no block face may contain greater than three such dwellings. (Ref. 21A.33.020 Table of Permitted and Conditional Uses in Residential Districts. Footnote 2.)

Although allowed by zone there are few duplexes or twin homes in the Avenues, there is only one in the nearest ten blocks, whereas Ivory proposes a development where 14 of 21 units are duplexes. A comparison of 1.5% to 66.66%. Because of the vast difference in this metric, this was exclude from the calculation of Development Intensity in Fig.1. This favors Ivory by essentially ignoring this additional component of bulk, scale and intensity.

### Building lot Coverage.

Building lot coverage for the nearest ten blocks averages 20.8%. The building lot coverage for Ivory's 21 lots is 48.5%, more than twice that for the nearest ten blocks. This is an enormous difference.

The planned development ordinance allows averaging across the entire site in determining conformance with Building Lot Coverage and on this basis, Ivory is 34.1%, this is still 64% greater than the neighboring ten blocks and again very significant when one considers much of the land that is not built on is roadways and sidewalks, not green open space or yards.

As anecdotal evidence for the extreme level of building lot coverage for this terrain, Ivory adds a drainage basin to the southwest corner of the lot. We see drainage basins nowhere else in residential development in the Avenues. The lower number for building cover was used in the computation of building lot coverage, again favoring Ivory.

### Front Setbacks.

Front setbacks also have a significant impact on Scale and Intensity. Front setbacks for homes in the ten nearest blocks averaged 21.1 feet whereas Ivory is proposing front setbacks averaging 15 feet; 6.1 feet or 29% less.

### Rear Setbacks.

The required rear setback is 25% of lot length, which for Ivory's long lots is 30 feet. The average rear setback in the ten neighboring blocks is 45.6 feet. Ivory



is proposing an average rear setback of 13 feet, just over a quarter of that for the neighboring ten blocks.

Most of Ivory's rear setback on their narrow lots is consumed by driveway, such that Ivory's lots have no yards, this is totally out of character with the Avenues and again adds to bulk, scale and intensity.

### Space Between Buildings.

The spacing between buildings is a key component of scale and intensity. The average distance between buildings in the nearest ten blocks is 27.0 feet. Ivory is proposing an average distance between buildings of 10 feet, about a third of that for existing buildings in the neighborhood. The spacing between buildings is highly significant and a major determinant of bulk, scale and intensity.

### Conclusions. Bulk, Scale and Intensity

This detailed review of Ivory's proposed development versus neighboring SR-1 development allows us to make an objective, quantified comparison regarding Bulk, Scale and Intensity as shown in the summary table in Section 1.

No single factor determines scale, bulk and intensity; it is a combination of all of the factors considered above. The combination of large, two-story buildings, many of which are duplexes, closely spaced, on lots with reduced setbacks, unquestionably creates a development of far higher bulk, scale and intensity than is present in the existing neighborhood.

Ivory's development is not in compliance with the requirements of 21A.62.040, 21A.24.080 or 21A.55.010.

### 3.2) Compatible Land Use. Occupancy, Traffic and Parking Requirements. 21A.62.040

*A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings.*

In this section we address the issue of "occupancy, traffic generation and parking requirements," noting that the requirement for "Compatible Land Use" is that these be "consistent with and similar to neighboring uses".



### Occupancy.

As a part of their planned development application Ivory proposes to create a subdivision of ADUs, where each unit will have an ADU. Ivory themselves have described this as an ‘*experiment*’ and “*the first of its kind in Utah*”; as such there is no precedent for such a development and no rules exist for regulating such a development. This concept has not been reviewed by the public, the planning commission or the city council as required by 21A.50. A subdivision of ADUs is not the same as adding a single ADU.

Neighboring blocks have an average of 14 single family homes. Ivory’s proposal is for 21 primary dwellings plus 21 ADUs for a total of 42 dwellings. This is a 300% increase in the number of dwellings and occupancy compared to that in the existing neighborhood, this is not *consistent with and similar to neighboring uses*, as required by 21A.62.040.

### Traffic.

This upper Avenues location is not a walkable section of the city, the topography is extremely steep, there are few amenities and public transport is inadequate for most people's needs; such that private automobiles are the primary method of transportation.

If one assumes two vehicles per dwelling we see a comparison of 28 vehicles for each neighboring block versus 84 vehicles for Ivory’s proposed development, a 300% increase in traffic generation compared to the existing neighborhood, this is not *consistent with and similar to neighboring uses*, in violation of 21A.62.040.

### Parking Requirements. Insufficient Parking Internal to the Proposed Development

Ivory provides inadequate and inconvenient parking internal to their development such that residents have estimated that at least 30 vehicles will be regularly parked on neighboring streets.

The only parking provided for ADU residents is on the short, narrow driveways to the primary residences. Sharing driveway parking between different households will be highly problematic, it will lead to constant, noisy, highly polluting shuttling of cars or ADU residents will park on the streets.



Ivory provides only four guest parking spots. This is totally inadequate for 42 homes. Neighboring developments such as the Meridien and Northpoint have provided close to ten times this amount of guest parking per residence. Guest parking spots are also used for the storage of plowed snow in winter and Ivory's spots are not even large enough to accommodate this need.

Ivory's internal road with a width of only 20 feet and with closely spaced driveways will not facilitate any parking.

The parking requirements for Ivory's proposed development are not *consistent with and similar to neighboring uses*, as required by 21A.62.040.

### 3.3) Quality of Life for Persons Living in Surrounding or Nearby Buildings.

Compatible Land Use as defined in 21A.62.040 uses the caveat, "*... and does not adversely affect the quality of life of persons living in surrounding or nearby buildings.*"

Ivory's proposed development does adversely affect the quality of life of persons living in surrounding or nearby buildings in the following ways:

#### Traffic.

Three times that for a normal SR-1 block, creating excess noise and pollution. Significantly increased traffic on F Street. Additional traffic on the entire length of Capitol Park Avenue which runs through the Capitol Park subdivision, a private street that in 2014 the city refused to accept responsibility for; citing that it was too narrow, too steep and had sharper curves than would be permitted for a city street. Overburdens the scope of the easement Ivory has to access Capitol Park Avenue which was originally granted for a chapel and which would have involved limited use primarily on Sundays only.

Adds additional traffic to the Avenues connector streets such as 11th Avenue, E Street, B Street and I Street, the commonly used routes in and out of the upper Avenues. These routes are already highly congested.

#### Parking.

Insufficient and inconvenient parking provisions internal to Ivory's development will lead to illegal parking on Capitol Park Avenue imposing a burden on Meridien in enforcing parking on their private street. This problem is further exaggerated by Ivory's design which fronts 9 of 21 units onto Capitol Park Avenue. Adds additional parking load to F Street and 13th Avenue



inconveniencing current residents. Increased parking on the top end of F Street increases the risk from wildfire to Northpoint residents, creating a choke point, where this is their only egress.

#### Air Pollution.

The addition of 84 vehicles to this non-walkable section of the city will add substantially to air pollution. Air pollution is most concentrated at its source and tends to linger for extended periods of time. Extensive shuttling of vehicles from shared driveways will lead to highly damaging start-up or cold-start pollution. Additionally, short trips characteristic of this location are the most polluting. The loss of the many mature trees from this lot will also negatively impact air quality.

#### Loss of Greenspace and Trees. No Yards.

In large part upper Avenues residents chose to live in this low-density foothill location on the outer edge of the city because of the character of the area. A quiet, low density, residential community with green leafy streets and low intensity housing.

Greenspace and openness are well known to increase an individual's sense of well-being. Ivory's crowded high intensity development with closely packed large houses and no yards, tends to decrease that sense of well-being.

#### Safety.

The section of F Street between Northpoint and 11th Avenue is extremely steep and a well-known winter driving hazard. The addition of a further 84 vehicles can only worsen this problem. Ivory's property, 120 yards from open land and city creek canyon, sits in a wildlife urban interface area where mule deer are frequent visitors. Ivory's proposal includes an 8.5-foot-high retaining wall running half the width of the property. This tall retaining wall presents a danger to both wildlife and children and constitutes an Attractive Nuisance.

#### Soil Removal.

Throughout the Avenues housing follows the contour of the land with sufficient space between buildings to deal with grade changes. Ivory adopts a different approach where they seek to substantially flatten the lot. This will involve the removal of thousands of tons of soil with thousands of dump trucks traversing our steep, narrow Avenues streets. These highly polluting trucks will



greatly inconvenience Avenues residents impacting the safety and quality of life for many during the construction phase and damaging Avenues streets.

#### Impact on Neighboring Property Values.

This congested development with no yards, excess traffic, parking problems, noise and pollution will negatively impact neighboring property values.

#### Community Opinion.

As evidence of how strongly residents believe this overly congested development, which includes a “*first of its kind*” subdivision of ADUs, will impact their quality of life it should be noted that:

- Over 2000 Avenues residents signed a petition opposing such overdevelopment of this foothills lot in a non-walkable section of the city.
- The GACC has conducted three ballots on various Ivory designs, all of which seek to overdevelop this lot with a high intensity congested development. In each case the result was 97% opposed with hundreds voting.
- In July of 2023, reviewing Ivory’s June 2023 submittal, which is very close to the current design, 163 of 163 nearby residents disapproved of this development and considered that it was not “*an enhanced product*” as required by the planned development ordinance.

There can be no question that in all the ways discussed above Ivory’s proposed development does “... *adversely affect the quality of life of persons living in surrounding or nearby buildings.*” in contravention of law as prescribed in 21A.62.040.

#### 4). Conclusions.

Ivory’s proposal is not in compliance with the applicable ordinances and is contrary to law.



## Barlow, Aaron

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**From:** Joan Harris [REDACTED]  
**Sent:** Wednesday, January 24, 2024 9:56 AM  
**To:** Barlow, Aaron  
**Cc:** Ismael Tupaz  
**Subject:** (EXTERNAL) Planning Commission Meeting tonight

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Ivory comments

**Caution:** This is an external email. Please be cautious when clicking links or opening attachments.

Hello Aaron,

We won't be able to attend the meeting tonight, but we wanted to express our concerns regarding the Ivory Homes development.

We're very surprised that the commission would continue to entertain the possibility of allowing such a project to be done! It is so out of character for the neighborhood so as to be completely out of place!

The worst aspect of it is the density. These homes will be CRAMMED into a very small space without adequate parking or green space.

We think that the commission should not allow this project to be built!!

Joan Harris and Ismael Tupaz



## Barlow, Aaron

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**From:** [REDACTED]  
**Sent:** Tuesday, January 23, 2024 9:13 PM  
**To:** Barlow, Aaron  
**Subject:** (EXTERNAL) Opposition to Capitol Park Cottages

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Aaron Barlow,

I hope this letter finds you well. I am writing to express my strong opposition to the proposed development project, "Capitol Park Cottages." While I understand the importance of urban development, it is crucial that such projects adhere to zoning regulations to ensure the well-being of our community.

Upon careful examination, it has come to my attention that Capitol Park Cottages fails to comply with the established zoning regulations. This raises significant concerns about the impact the project may have on the neighborhood's character, traffic patterns, and overall quality of life for its residents.

Specifically, my objections are as follows:

**Zoning Violations:** The Capitol Park Cottages project appears to deviate from the stipulated zoning regulations for the area. It is essential that any development aligns with the existing zoning framework to maintain the integrity of the neighborhood.

**Increased Density and Traffic Congestion:** The proposed development seems to exceed the permissible density levels for the designated zone. This could result in heightened traffic congestion, placing an undue burden on existing infrastructure and compromising the safety and convenience of local residents.

**Aesthetic Discrepancies:** The architectural plans for Capitol Park Cottages seem inconsistent with the neighborhood's established aesthetic standards. Preserving the visual harmony of our community is integral to maintaining its unique identity.

I urge you to thoroughly review the Capitol Park Cottages project and take necessary measures to ensure it aligns with the existing zoning regulations. This will safeguard the best interests of our community and prevent any potential adverse effects on the neighborhood.

Thank you for your attention to this matter. I trust that, as stewards of our city's development, you will consider these concerns and make decisions that prioritize the well-being of our community.

Sincerely,

Dayana Arreola



## Barlow, Aaron

---

**From:** Tom Becnel [REDACTED]  
**Sent:** Tuesday, January 23, 2024 9:13 PM  
**To:** Barlow, Aaron  
**Subject:** (EXTERNAL) Opposition to Capitol Park Cottages

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Ivory comments

**Caution:** This is an external email. Please be cautious when clicking links or opening attachments.

Dear Aaron Barlow,

I hope this letter finds you well. I am writing to express my strong opposition to the proposed development project, "Capitol Park Cottages." While I understand the importance of urban development, it is crucial that such projects adhere to zoning regulations to ensure the well-being of our community.

Upon careful examination, it has come to my attention that Capitol Park Cottages fails to comply with the established zoning regulations. This raises significant concerns about the impact the project may have on the neighborhood's character, traffic patterns, and overall quality of life for its residents.

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Thank you for your attention to this matter. I trust that, as stewards of our city's development, you will consider these concerns and make decisions that prioritize the well-being of our community.

Sincerely,

Tom Becnel



## Barlow, Aaron

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**From:** Drew McClelland [REDACTED]  
**Sent:** Tuesday, January 23, 2024 9:02 PM  
**To:** Barlow, Aaron  
**Subject:** (EXTERNAL) Capitol Park Cottages Input

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Ivory comments

**Caution:** This is an external email. Please be cautious when clicking links or opening attachments.

Hey Aaron,

Hope you're having a good day! I just wanted to provide some of my input to the Capitol Park Cottages project located in the avenues.

I am extremely opposed to this project and especially its location. This undeveloped space provides a ton of space for wildlife (especially hawks) and is amazing to have in the neighborhood. I think it's disgusting that developers are taking advantage of the housing crisis to build whatever they want in locations not zoned for housing. In addition, now they're just disregarding the building regulations? It's absurd. The justification has been along the lines of "every neighborhood needs to do its part", but 12 townhomes in the avenues aren't going to have any impact on the housing crisis. This housing is going to be extraordinarily expensive and does nothing for the vast majority of would-be home owners in Salt Lake.

I've lived in Salt Lake for 10 years and in Utah for my whole life. I am saddened by how difficult it will be for me to ever own a home here. Projects like this have no impact on the people who actually need housing. It's just more homes for the influx of wealthy people from out of state.

It's so incredibly obvious that developers are reaping all of the rewards from the huge influx of population without any concern for sustainability, quality housing, affordability, or neighborhood culture.

I know you're not the one to blame for this, but I wanted to express my strong opposition towards this project. I also apologize if none of this feedback is relevant to the current stage of the discussions, but wanted to provide my input in case it could make a difference.

Thanks so much for your time and I wish you the best of luck on this project! Best of luck, and sorry you drew the short straw.

Thanks,  
-Drew  
[REDACTED]



## Barlow, Aaron

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**From:** CClark [REDACTED]  
**Sent:** Wednesday, January 24, 2024 1:40 PM  
**To:** Planning Public Comments  
**Subject:** (EXTERNAL) Ivory Homes project in the Avenues

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Ivory comments

**Caution:** This is an external email. Please be cautious when clicking links or opening attachments.

Please do not approve Ivory Homes' latest proposed plan to build 21 homes plus 21 ADU's in the Avenues. This area is zoned as SR-1. This area is not intended for cramming in a lot of homes.

As previously pointed out, this creates a dangerous situation with too many people trying to get away all at once, if there should be an emergency evacuation. It also creates clogged roads for services such as garbage disposal and snow removal.

This proposed project is contrary to the ambiance of the Avenues. We Avenues residents have chosen to live in the Avenues because we want a peaceful quality of life with breathing room to go for a safe walk. We do not want excessive traffic.

This project does NOTHING to create "affordable housing". We all know that the houses will be selling for prices that are much higher than "affordable housing." After all, Ivory Homes wants to make a tidy profit. And realistically, a person who pays so much for their house will not want to rent out their ADU to an indigent person. So there is no affordable housing involved.

Please listen to residents' comments. Do not be swayed by the idea that you will get a lot of tax money from these houses. Maybe you will, but some things are worth more than dollars. The value of a quality lifestyle far exceeds the value of big dollars.

Please preserve the sanity of the Avenues and do not allow Ivory's proposed plan to go through.

Carolyn Clark & Rick Gamble  
long-time Avenues residents



**Barlow, Aaron**

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**From:** joan clissold [REDACTED]  
**Sent:** Wednesday, January 24, 2024 3:33 PM  
**To:** Planning Public Comments  
**Subject:** (EXTERNAL) Ivory Homes project for the Avenues

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

I cannot attend the meeting this evening but I want to repeat my opposition to this project.

I have written letters in the past and wish to reiterate my strong objections again.

Sincerely, joan clissold



**Barlow, Aaron**

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**From:** M Lar [REDACTED]  
**Sent:** Wednesday, January 24, 2024 6:39 PM  
**To:** Planning Public Comments  
**Subject:** (EXTERNAL) Fwd: Oppose Ivory Homes Plan of Development

**Caution:** This is an external email. Please be cautious when clicking links or opening attachments.

The pictures shown by Ivory of homes that are near -- are not near - they are far down the hill from the 13th avenue location of the Ivory lot.

Thank you - I continue to oppose the Ivory plan

M Lisa Larriva  
[REDACTED]

----- Forwarded message -----

**From:** M Lar [REDACTED]  
**Date:** Wed, Jan 24, 2024 at 6:16 PM  
**Subject:** Oppose Ivory Homes Plan of Development  
**To:** <[planning.comments@slcgov.com](mailto:planning.comments@slcgov.com)>

I live at 790 Northpoint Drive - diagonally across from the Ivory Homes property.

Ivory has already received a new zoning. SR-1  
The Ivory plan exceeds the granted zoning -- they plan more dwellings than allowed in SR-1.  
The Ivory plan houses are twice the size of the community and have only a minimal distance between the buildings. The scale is not typical as Ivory indicates.

I oppose this development.

M Lisa Larriva  
[REDACTED]



**Barlow, Aaron**

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**From:** Turner Bitton [REDACTED]  
**Sent:** Wednesday, January 24, 2024 5:19 PM  
**To:** Planning Public Comments  
**Subject:** (EXTERNAL) PLNPCM2021-00656 and PLNSUB2021-01175

**Caution:** This is an external email. Please be cautious when clicking links or opening attachments.

Hello,

I am writing on behalf of SLC Neighbors for More Neighbors to support the planned development and subdivision plat proposals before you. We previously supported the requested rezoning for this petition, and the submitted plans should result in the approval of the proposal.

We believe there are three main benefits of this project for the planning commission to consider:

- 1) Housing Diversity: The project provides both main single-family units and accessory dwelling units. This will increase housing diversity in a highly desirable area of the city and is completely in line with the neighborhood's existing character.
- 2) Increased Density: Including ADUs increases the housing density, thus creating more housing than would otherwise be achieved with single-family homes only.
- 3) Infill Development: As mentioned in the staff report, the proposal accomplishes much-needed infill development in an underutilized space. This will contribute to the city's stated goal of creating 10,000 housing units throughout the city.

Thank you for considering this project. We encourage the planning commission to approve the requests before you.

Thanks,  
Turner C. Bitton (he/him)  
Executive Director  
SLC Neighbors for More Neighbors  
[REDACTED]



Scanned 1/25/2024



675 'F' ST. SLO-NOV, 2023



Scanned 1/25/2024

## OPEN SPACE



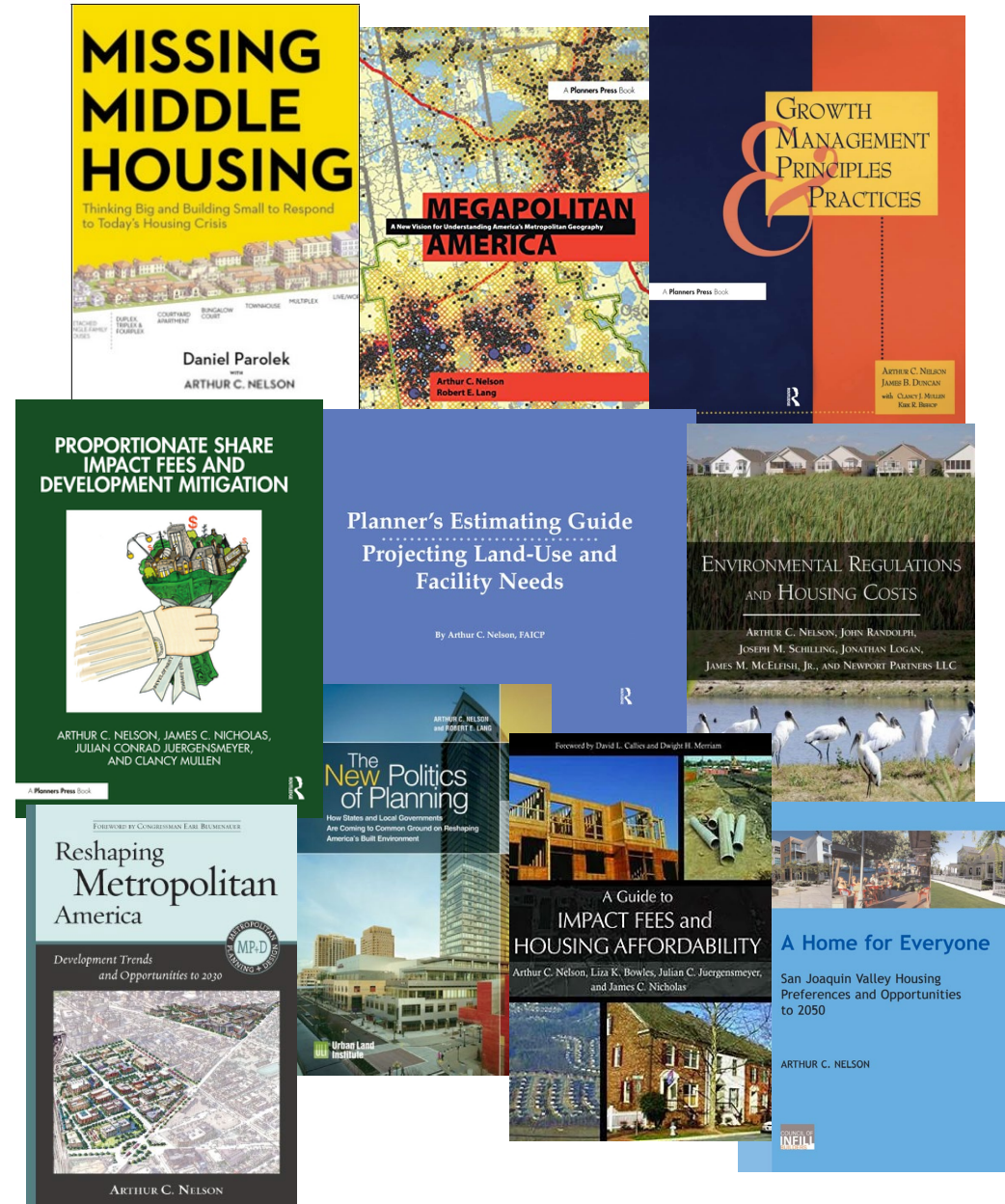
IVORY DOES NOT "CLUSTER" BUILDINGS TO PRESERVE OPEN LAND, THIS IS LAND THEY CANNOT BUILD ON.



# Capitol Park Perspectives



Chris Nelson, Ph.D., FAcSS, FAICP  
Presidential Professor Emeritus  
University of Utah  
Professor Emeritus  
University of Arizona  
January 24, 2024



## EXPERTISE

Land Use  
Housing  
Demography  
Economics  
Finance

## CLIENTS

HUD  
USDOT  
Commerce  
Brookings  
APA  
ULI  
NRDC  
MacArthur  
LDS Church  
Arizona  
Georgia  
Nevada  
Virginia  
Utah



# Unmet Housing Needs

## Salt Lake City

**2,500** Households do not have a home of their own.

## Capitol Park Census Tracts

**1,506** Fewer people in 2021 than in 2000.

**600** More than units needed to bring the people back.

Sources: Salt Lake City figures based on proportionate-share interpolation from the award-winning *Homes on the Range: Closing the Southern Tier Household Gap*, <https://www.westernplanner.org/2023/2023/1/28/homes-on-the-range-closing-the-southern-tier-household-gap>. Capitol Park Census Tracts 1010 and 1148 data from 2000 Salt Lake City Census Atlas 2014 and data from American Community Survey 2021.








# City Plan Requires New Housing Everywhere

- Add **10,000** new housing units by 2027.
- More housing than in **any 5-year period** of SLC's history.
- Expand **moderate income** housing such as ADUs @ Capitol Park.
- Create new **housing opportunities** on sites like Capitol Park.
- Maximize the number of **housing units** allowed by zoning.

Source: <https://www.slcdocs.com/CAN/2023-Housing-SLC-Plan-Spread-1.pdf>.



# Efficient Delivery of Facilities at Capitol Park

<u>Facility</u>	<u>Available</u>
Roads	
Water	
Sewer	
Stormwater	
Parks	
Fire	
Police	
Schools → <i>more</i> children for local schools	



# Capitol Park is in Accordance with the Plan

- Fully served → **No new** or expanded facilities needed.
- Helps keep **local schools** open.
- New taxes and fees **reduce demands** on existing taxpayers.
- Creates new infill **Middle Housing** opportunities.
- Expands **housing choices** where housing is needed.
- In **accordance with** the City's plans.