



A. LOUIS ZUNGUZE
DIRECTOR
BRENT B. WILDE
DEPUTY DIRECTOR

SALT LAKE CITY CORPORATION
DEPT. OF COMMUNITY DEVELOPMENT
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON
MAYOR

CITY COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer  **DATE:** August 11, 2006
FROM: Louis Zunguze, Community Development Director 
RE: Petition 400-01-37 by Salt Lake Apartment Builders, LLC requesting an extension of time for a rezoning approval for Phase II of the Emigration Court Housing Development located at approximately 556 East 300 South

STAFF CONTACTS: Doug Dansie, Principal Planner, at 535-6182 or
doug.dansie@slcgov.com

RECOMMENDATION: That the City Council review and approve a second extension of time for Ordinance 11 of 2003

DOCUMENT TYPE: Resolution

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: In a letter to the Planning Director dated July 6, 2006, Salt Lake Apartment Builders, LLC outlined their progress on the development of the Emigration Court apartments and requested an extension of the Ordinance 11 of 2003. The project was originally approved for Overland Development but was subsequently transferred to Salt Lake Apartment Builders, LLC.

Analysis: The original project was approved in three phases. There are three separate ordinances for zoning changes adopted by the City Council on March 20, 2003, with three separate expiration dates. The first phase is for a mixed-use building facing 500 East; the zoning change has taken effect and the building is near completion. The second phase is for an apartment building facing 300 South; the original ordinance for zoning change (Ordinance 11 of 2003) was extended to September 20, 2006 (Resolution 14, 2005). The third phase is for a condominium building facing 600 East; the original ordinance for zoning change (Ordinance 12 of 2003) was extended to March 20 2008 (Resolution 15, 2005).

There are also three phases of Planned Development approval and Historic Landmark Commission approval. The first phase of the Planned Development has been approved by the Planning Commission and the Historic Landmark Commission for the building presently under

construction. The second and third phases of the Planned Development were conceptually approved by the Planning Commission but are required to be returned the Planning Commission for final approval. Historic Landmark Commission approval is also required for the second and third phases. All three phases share a common parking garage and/or amenities.

Phase three is intended to be condominiums and phase two is intended to be apartments, however, in lieu of existing market conditions the developer wishes to reverse the order of their construction. Because of this and other issues outlined in the attached letter, Salt Lake Apartment Builders, LLC is asking that the City Council provide an extension of the time period allowed for the rezone for phase two. Ordinances for both phases (Ordinance 11 and 12 of 2003) were originally approved by the City Council on March 20, 2003 and specifically state: SECTION 5 "The City Council may for good cause shown, extend the time period for satisfying the conditions identified above."

Because construction will begin on shortly on phase three, no time extension is necessary for that phase.

The existing approval for the zone change for phase two (Ordinance 11 of 2003) is due to expire on September 20, 2006. The approval for phase three (Ordinance 12 of 2003) is due to expire on March 20, 2008. Salt Lake Apartment Builders, LLC is asking that phase two be extended 24 months to September 20, 2008 so they can construct phase three next, then return to construct phase two at a later date. The rationale for their request is outlined in their letter. Issues include financing and construction schedules. Salt Lake Apartment Builders, LLC fully intends to complete the project.

The Planning Commission has previously recommended approval of the proposed rezone and will continue to be involved in the Planned Development approvals for phases two and three. The Historic Landmark Commission will also continue to be involved in phases two and three. Therefore the Planning staff recommends to the City Council that the time frame for the rezone ordinance for phase two be extended as requested.

Master Plan Considerations: Not applicable

PUBLIC PROCESS: Not applicable

RELEVANT ORDINANCES: An ordinance related to the request for an extension of time for a rezoning approval for is attached.

Table of contents

- 1. Original ordinances**
- 2. Petitioner letter**
- 3. New ordinance**

1. Original ordinances

RESOLUTION NO. 14 OF 2005

A RESOLUTION EXTENDING THE TIME PERIOD
FOR SATISFYING THE CONDITIONS SET FORTH
IN ORDINANCE NO. 11 OF 2003

WHEREAS, the City Council enacted Ordinance No. 11 of 2003 on March 20, 2003; and

WHEREAS, that ordinance imposed certain conditions and required that those conditions be met within two years from the date that the ordinance was signed; and

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

WHEREAS, the City Council finds that there is good cause to extend the deadline for satisfying the conditions set forth in the ordinance;

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

SECTION 1. The deadline for satisfying the conditions set forth in Ordinance No. 11 of 2003 shall be and hereby is extended for a period of 18 months, from March 20, 2005 to September 20, 2006.

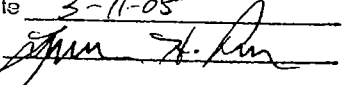
DATED this 15th day of March, 2005.

Passed by the City Council of Salt Lake City, Utah, this 15th day of

March, 2005.

SALT LAKE CITY COUNCIL

By: 
CHAIRPERSON

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 3-11-05
By: 

ATTEST AND COUNTERSIGN:

Caroline Meeker
CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM:

SALT LAKE CITY ATTORNEY



SALT LAKE CITY ORDINANCE

No. 11 of 2003

(Rezoning property located at 550-558 East 300 South)

AN ORDINANCE REZONING THE PROPERTY LOCATED AT 550-558 EAST 300 SOUTH, FROM RESIDENTIAL OFFICE (RO) TO RESIDENTIAL MIXED USE (R-MU), PURSUANT TO PETITION NO. 400-01-37.

WHEREAS, the Planning Commission and the City Council have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and any local master plan as part of their deliberations. Pursuant to these deliberations, the City Council has concluded that the proposed change of zoning for the property identified herein is appropriate for the development of the community in that area.

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

SECTION 1. Rezoning. The property located at 550-558 East 300 South, which is more particularly described on Exhibit A attached hereto, shall be and hereby is rezoned from Residential Office (RO) to Residential Mixed Use (R-MU).

SECTION 2. Amendment of zoning map. The Salt Lake City zoning map, as adopted by Salt Lake City Code, relating to the fixing of boundaries and zoning districts, shall be, and hereby is amended consistent with the rezoning identified above.

SECTION 3. Conditions. The rezoning approved herein is conditioned upon the following:


- a. The zoning for this property shall not take effect until a building permit has been issued by the City for that property.

- b. The mid-block walkway between 500 and 600 East shall be improved with landscaping and pedestrian oriented amenities. The final landscaping plan must be approved by the Salt Lake City Planning Director.
- c. The development of this property must be processed as a planned development with approval obtained from the Salt Lake City Planning Commission.
- d. Approval of the final design of the buildings must be obtained from the Salt Lake City Planning Director and the Historic Landmark Commission.

SECTION 4. Effective Date. This ordinance shall become effective on the date of its first publication and shall be recorded with the Salt Lake County Recorder. The City Recorder is instructed not to publish or record this ordinance until the conditions identified above have been met, as certified by the Salt Lake City Planning Director.

SECTION 5. Time. If the conditions identified above have not been met within two years from the date that this ordinance is signed, this ordinance shall become null and void. The City Council may, for good cause shown, extend the time period for satisfying the conditions identified above.

Passed by the City Council of Salt Lake City, Utah, this 20th day of March, 2003.


CHAIRPERSON

ATTEST:

Christine Meeker
CHIEF DEPUTY CITY RECORDER

Transmitted to the Mayor on 3/21/03

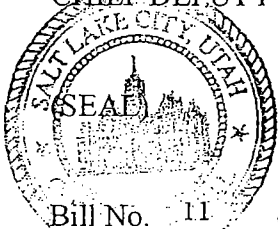
Mayor's Action: X Approved. Vetoed.

[Signature]
MAYOR

ATTEST:

Christine Meeker
CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 1-8-03
By [Signature]



Bill No. 11 of 2003.

Published: _____

OVERLAND

PHASE 1 BOUNDARY

BEGINNING AT THE NORTH WEST CORNER OF LOT 4, BLOCK 38, PLAT "B", SALT LAKE CITY SURVEY, SAID POINT ALSO LYING ON THE EAST LINE OF 500 EAST STREET; THENCE N89°57'40"E 361.114 FEET ALONG THE NORTH LINE OF SAID LOT 4, AND LOT 7 OF SAID BLOCK 38; THENCE SOUTH 24.585 FEET; THENCE EAST 153.750 FEET; THENCE SOUTH 181.083 FEET; THENCE WEST 153.750 FEET; THENCE SOUTH 17.736 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 7; THENCE S89°57'40"W 361.028 FEET ALONG SAID SOUTH LINE AND ALONG THE SOUTH LINE OF SAID LOT 4 TO THE SOUTH WEST CORNER OF LOT 4, SAID POINT ALSO LYING ON THE EAST LINE OF 500 EAST STREET; THENCE N0°01'19"W 223.404 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING. CONTAINS 2.491 ACRES.

revised 11/12/02 cb

PHASE 2 BOUNDARY

BEGINNING AT THE NORTH WEST CORNER OF LOT 6, BLOCK 38, PLAT "B", SALT LAKE CITY SURVEY, SAID POINT ALSO LYING ON THE SOUTH LINE OF 300 SOUTH STREET; THENCE N89°57'38"E 181.496 FEET ALONG SAID SOUTH LINE; THENCE S0°01'22"E 190.346 FEET TO A POINT ON THE NORTH LINE OF PHASE 1; THENCE ALONG THE NORTHERLY BOUNDARY OF SAID PHASE 1 THE FOLLOWING THREE COURSES: WEST 151.056 FEET; THENCE NORTH 24.585 FEET; THENCE S89°57'40"W 30.450 FEET TO A POINT ON THE EAST LINE OF SAID LOT 6; THENCE N0°01'22"W 165.657 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING. CONTAINS 0.776 ACRES.

PHASE 3 BOUNDARY

BEGINNING AT THE SOUTH EAST CORNER OF LOT 6, BLOCK 38, PLAT "B", SALT LAKE CITY SURVEY, SAID POINT ALSO LYING ON THE WEST LINE OF 600 EAST STREET; THENCE S0°01'25"E 290.061 FEET ALONG SAID WEST LINE TO A SET REBAR AND CAP # 158397; THENCE S89°57'38"W 330.667 FEET TO THE EAST LINE OF LOT 3 OF SAID BLOCK 38; THENCE N0°01'22"W 66.664 FEET ALONG SAID EAST LINE TO THE NORTH EAST CORNER OF SAID LOT 3, SAID POINT ALSO LYING ON THE SOUTH LINE OF PHASE 1; THENCE ALONG THE SOUTHERLY AND EASTERLY BOUNDARY OF SAID PHASE 1 THE FOLLOWING FIVE COURSES: N89°57'40"E 30.361 FEET; THENCE NORTH 17.736 FEET; THENCE EAST 153.750 FEET; THENCE NORTH 181.083 FEET; THENCE WEST 2.694 FEET TO THE SOUTH EAST CORNER OF PHASE 2; THENCE N0°01'22"W 24.682 FEET ALONG THE EAST LINE OF SAID PHASE 2 TO A POINT ON THE SOUTH LINE OF THE AFOREMENTIONED LOT 6; THENCE N89°57'38"E 149.167 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING. CONTAINS 1.321 ACRES.

file: U:\86301148 Emmigration Court\design\legals\PHASE 1-2-3 BOUNDARY.doc

500 East
21-331
South
RMF-35
RO

50-558 E
300 South
RO

600 East
RMF-35

Affected Sidwell Numbers

16-06-427-036

16-06-427-013

16-06-426-008

16-06-283-001

16-06-283-006

2. Petitioner letter

Salt Lake Apartment Builders, LLC

July 6, 2006

Alex Ikefuna
Planning Director, Salt Lake City
451 South State Street
Salt Lake City, Utah 84111

RE: Emigration Court, Block 38 Development

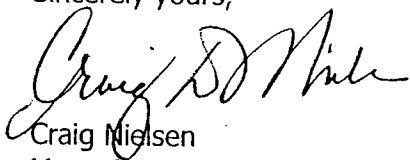
Dear Mr. Ikefuna:

With completion of the first phase of the Emigration Court Apartments and with construction beginning on the plaza level of the parking structure, we are ready to move forward to the next phase of this exciting project. The original plan was to begin phase II on 300 South following the completion of phase I, however, after evaluating the market and building costs phase II does not make sense at this time and it will be better for all involved to move forward with the property on 600 East, which in the past has been phase III.

However, the re-zone on Phase II property along 300 South will be expiring September 2006. As the project makes most sense to move ahead with the development of the 600 East parcel, we would like to respectfully request an extension on the zoning for the 300 South property. Following completion of the building along 600 East, we will then develop this remaining piece.

We have begun development and entitlements for the 600 East parcel and have retained the services of Cooper Roberts Simonsen Architects to design the building and go through the Landmarks and Planning Commissions for final building approvals. It is anticipated that construction will begin on this project in early Spring 2007. The 600 East parcel will take approximately 18 months to build. That puts us into approximately into Fall 2008 to move forward on the 300 South property.

Sincerely yours,



Craig Nielsen
Managing Partner
Salt Lake Apartment Builders, LLC

CC: Mr. Doug Dansie, Community Planning / Land Use and Transportation
Ms. Elizabeth Giraud, Senior Planner, Preservation & Urban Design
Mr. Soren Simonsen, Cooper Roberts Simonsen Architects
Mr. Paul Ellsworth, PEG Development

3. New ordinance

RESOLUTION NO. _____ OF 2006

A RESOLUTION EXTENDING THE TIME PERIOD
FOR SATISFYING THE CONDITIONS SET FORTH
IN ORDINANCE NO. 11 OF 2003

WHEREAS, the City Council enacted Ordinance No. 11 of 2003 on March 20, 2003; and

WHEREAS, that ordinance imposed certain conditions and required that those conditions be met within two years from the date that the ordinance was signed; and

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

WHEREAS, on March 15, 2005, the City Council passed Resolution No. 14 of 2005, which extended the time for satisfying the conditions set forth in the ordinance from March 20, 2005 to September 20, 2006; and

WHEREAS, the City Council finds that there is good cause to extend the deadline for satisfying the conditions set forth in the ordinance;

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

SECTION 1. The deadline for satisfying the conditions set forth in Ordinance No. 11 of 2003 shall be and hereby is extended for a period of 24 months, from September 20, 2006 to September 20, 2008.

DATED this _____ day of _____, 2006.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2006.

SALT LAKE CITY COUNCIL

By: _____
CHAIRPERSON

ATTEST AND COUNTERSIGN:

CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM:

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date July 25, 2006
By Melanie King

SALT LAKE CITY ATTORNEY