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# SALT LAKE CITY COUNCIL STAFF REPORT

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**DATE:** June 27, 2008

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

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

**STAFF REPORT BY:** Sarah Church, Policy Analyst

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

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

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## KEY ELEMENTS:

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

Conditions:

1. Petitioner will transfer to Salt Lake City the land originally intended to be retained by Salt Lake City (refer to Exhibit “B” in the proposed ordinance).
2. Petitioner shall modify the current irrigation system, at his, her or its sole expense, so that the irrigation system for Hillcrest Park will still remain intact and useable after the proposed church expansion, as certified by the City’s Director of Public Services.
3. Petitioner shall revise the current use agreement with the City to properly reflect the adjusted boundaries and public access and public parking areas of the property to be rezoned, as certified by the City’s Director of Public Services.
4. Petitioner shall revise the current use agreement with the City to properly reflect that the petitioner is required to modify the current irrigation system, and will also acknowledge that maintenance of the irrigation system will not transfer to the City until modifications have been satisfactorily completed.

B. Key points from the Administration’s transmittal and Planning Staff Report are summarized below. (Please see the Administration’s transmittal letter dated February 7, 2008 and the Planning Staff Report dated October 4, 2007 for additional details).

1. The proposed petition would rezone 0.372 acres from Open Space to Institutional (Exhibit “A” in proposed ordinance).
  2. The proposed petition would included the transfer of 0.372 acres to Salt Lake City which would also be zoned Open Space (Exhibit “B” in the proposed ordinance).
  3. The proposed petition would institute several conditions:
    - a. Petitioner will transfer to Salt Lake City the land originally intended to be retained by Salt Lake City (refer to Exhibit “B” in the proposed ordinance).
    - b. Petitioner shall modify the current irrigation system, at his, her or its sole expense, so that the irrigation system for Hillcrest Park will still remain intact and useable after the proposed church expansion, as certified by the City’s Director of Public Services.
    - c. Petitioner shall revise the current use agreement with the City to properly reflect the adjusted boundaries and public access and public parking areas of the property to be rezoned, as certified by the City’s Director of Public Services.
    - d. Petitioner shall revise the current use agreement with the City to properly reflect that the petitioner is required to modify the current irrigation system, and will also acknowledge that maintenance of the irrigation system will not transfer to the City until modifications have been satisfactorily completed.
  4. This action would allow the Redeemer Lutheran Church and School to expand their current parking lot and add a recreation facility to their campus (For details, see attachments to this staff report: Attachment A – Vicinity Map; Attachment B – Proposed Site Master Plan).
  5. This ordinance seeks to correct the deed, property lines, and zoning for the subject parcel, as was intended in 1987. (See Administration’s transmittal letter dated February 7, 2008) Key points include:
    - a. The City closed a segment of Hillcrest Avenue (2570 South 2000 East) in 1987 (Ordinance No. 74 of 1987).
    - b. Redeemer Lutheran Church purchased 0.359 acres of the vacated street; the remainder of the street was to be retained by the City and incorporated into a proposed park (Hillcrest Park).
    - c. The quit-claim deed recorded in 1989 included an incorrect legal description and as a result the entire street was deeded to Redeemer Lutheran Church.
    - d. In 1994 Redeemer Lutheran Church and the City entered into an agreement that allowed the City to use and maintain Redeemer Lutheran Church’s half of the abandoned street for use as part of Hillcrest Park.
    - e. The proposed petition would deed back to the City, the 0.372 acres of the vacated street originally intended to remain in City ownership.
- C. The purpose of the “OS” Open Space District is to preserve and protect areas of public and private open space and exert a greater level of control over any potential redevelopment of existing open space areas.
- D. The purpose of the “I” Institutional District is to regulate the development of larger public and semipublic uses in a manner harmonious with surrounding uses. The uses regulated by this district are generally those having multiple buildings on a campus like site.
- E. The public process included two presentations to the Sugar House Community Council, two public hearings before the Planning Commission, and written notification of the Planning Commission public hearing to property owners within a 450 foot radius of the subject property. The Planning staff report notes:
- **Sugar House Community Council**

- a. February 7, 2007: The Sugar House Community Council did not vote to forward a recommendation to the Planning Commission. Concerns expressed included traffic cutting through the proposed parking lot, the possibility of the applicant placing a fence between their property and the park, and confusion regarding ownership of the subject parcel.
  - b. September 5, 2007: The Sugar House Community Council expressed concern over the protection of existing open space. Members of the community council were generally supportive of rezoning the property to reflect the proposed modified parcel boundaries.
- F. The Planning staff report provides findings for the Zoning Ordinance Section 21A.50.050 - Standards for General Amendments. The standards were evaluated in the Planning staff report and considered by the Planning Commission (Discussion and findings for the standards are found on pages 5-6 of the Planning staff report dated October 24, 2007).
- G. The project has been reviewed by the appropriate City Departments/Divisions. The Building Services Division noted that parking setback and open space requirements must be met, and that at the time of applying for a building permit, the applicant must provide parking calculations. Public Services did not have objections but recommended certain conditions to be included as part of the rezoning approval. The Fire Department, Public Utilities Department, and Transportation Division had no objections to the proposed rezoning or addition; however, all requested more information as the applicant's proposed development progresses.
- H. On October 24, 2007, the Planning Commission held a public hearing and voted to forward a positive recommendation to the City Council to rezone the property subject to the conditions identified by the Planning Commission.

## **MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:**

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

## BUDGET RELATED FACTS

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

## MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Administration's paperwork and Planning staff report notes:
1. The Sugar House Master Plan adopted in 2001 shows the subject property as an open street and does not appear as a parcel on the future land use map. The parcel to the north (Hillcrest Park) has a future land use of "Parks and Open Space" and the parcel to the south (Redeemer Lutheran Church and School) has a future land use of "Institutional and Public Lands".
  2. The future land use map in the Sugar House Master Plan shows the vacated Hillcrest Avenue as the dividing line between Open Space and Institutional uses.
  3. The Salt Lake City Open Space Plan, adopted in 1992 identifies this area (including Hillcrest Park) as a park and indicates that it should be retained to provide access to the Parley's Creek Corridor. Planning Staff notes that approval of this petition will not substantially affect the inclusion of Hillcrest Park in the Parley's Creek Corridor system.
- B. The Sugar House Master Plan (2005) notes support of open space and details needed improvements to Hillcrest Park. The Master Plan also indicates the need to evaluate transportation impacts to any changes in land use, which could be pertinent to Redeemer Lutheran's intended expansion project.
1. *Hillcrest Park* is a 0.75-acre Mini Park. Needed improvements include grading, improved drainage, additional benches, trash receptacles, landscaping, lighting, and concrete walkways. There is also an opportunity to connect this park to the Parley's Creek Corridor trail system that will run east-west from Parley's Canyon to the Sugar House Business District (p.8).
  2. General Master Plan Policy (p.1) Policies that support the maintenance and enhancement of recreational and natural resources such as parks, open space and trails.
  3. Open Space Policy (p.8 - 9):
    - i. Create sufficient park space for residents to walk to within their neighborhood.
    - ii. Improve and maintain existing park facilities and support ongoing funding.
    - iii. Support the implementation of the Salt Lake City Open Space Plan, and the continued development of greenways and trails. This plan incorporates the Salt Lake City Open Space Plan by reference into the Sugar House Master Plan.
  4. Land Use and Transportation Policies (p.11):
    - i. Ensure that decisions made for planning, zoning, public works projects, or any other public or private investment are guided by a full understanding of the relationships between land use and transportation impacts.
    - ii. Require traffic impact studies for projects considered significant to determine the cumulative impact of adding the new development to the area.
- C. The Transportation Master Plan (1996) provides direction that residential neighborhoods should be protected from the negative impact of overflow parking from adjacent land uses (p.9).

D. The Council's growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:

1. Is aesthetically pleasing;
2. Contributes to a livable community environment;
3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
4. Forestalls negative impacts associated with inactivity.

## **CHRONOLOGY:**

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

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

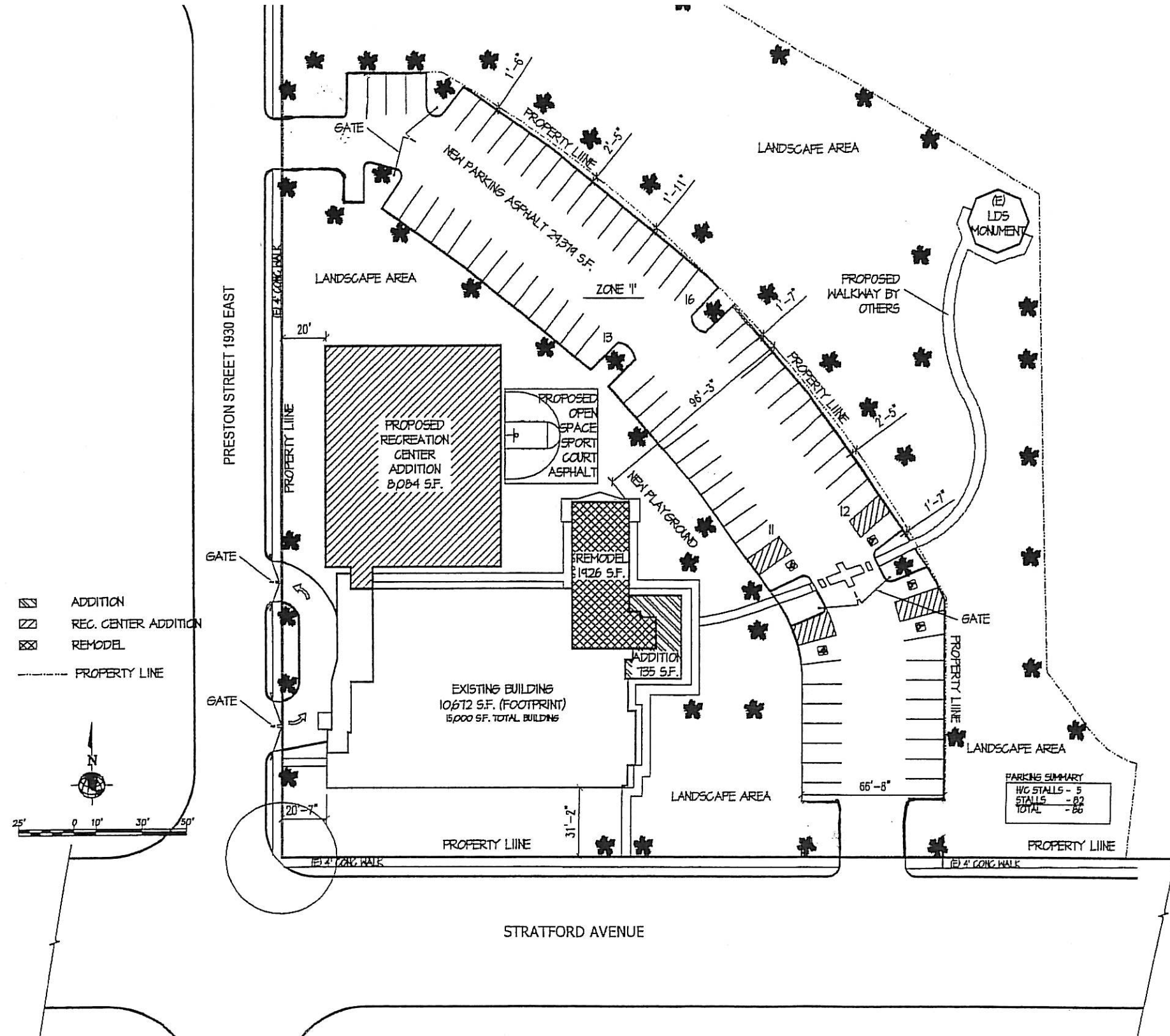
cc: David Everitt, Esther Hunter, Lyn Creswell, Ed Rutan, Lynn Pace, Melanie Reif, Paul Neilson, Frank Gray, Mary De La Mare -Schaefer, Cheri Coffey, Joel Paterson, Nick Britton, Val Pope, Rick Graham, Max Peterson, John Spencer, Steve Fawcett, Lynn Curt, City Council Liaisons, Community Affairs Specialists

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

Attachment A

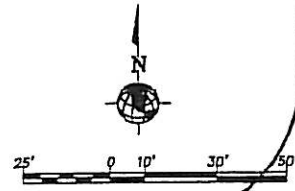
Vicinity Map





10672 S.F. - EXISTING BUILDING
755 S.F. - ADDITION TO EXISTING BUILDING
8084 S.F. - PROPOSED RECREATION CENTER
24378 S.F. - NEW PARKING ASPHALT
49544 S.F. - TOTAL USED AREA
85863 S.F. - TOTAL ADJUSTED LOT AREA
36314 S.F. - REMAINING OPEN SPACE (O.S.)
O.S. OR I = 43% OF TOTAL LOT SPACE

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



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

SITE MASTER PLAN

11-02-07



Redeemer Lutheran Church

1955 East, Stratford Avenue

# Attachment B

JUN 25 2008

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2008

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

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

WHEREAS, after hearings before the Planning Commission and the Salt Lake City Council, the City Council has determined that the following ordinance is in the best interest of the City.

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

SECTION 1. Rezoning of property. The property generally located at 1955 East Stratford Avenue, which is more particularly identified on Exhibit "A" attached hereto, shall be and hereby are rezoned from Open Space (OS) to Institutional (I).

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

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

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

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

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

SECTION 3. Effective Date. This ordinance shall become effective on the date of its first publication and shall be recorded with the Salt Lake County Recorder. The City Recorder is instructed not to publish or record this ordinance until the conditions identified above have been met, as certified by the Salt Lake City Property Manager and Director of Public Services.

SECTION 4. Time. If the conditions identified above have not been met within one year after adoption, this ordinance shall become null and void. The City Council may, for good cause shown, by resolution, extend the time period for satisfying the conditions identified above.

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2008.  
Published: \_\_\_\_\_.

APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date June 25, 2008  
By Melanie Pfeiffer

HB\_ATTU-#2555-v1-Rezoning\_property\_located\_at\_1955\_East\_Stratford\_Avenue.DOC

EXHIBIT "A"

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

## EXHIBIT "B"


### HILLCREST AVENUE (SLC PORTION OF ABANDONED ROAD)

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

# SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT  
OFFICE OF THE DIRECTOR

## CITY COUNCIL TRANSMITTAL

**TO:** David Everitt, Chief of Staff **DATE:** February 7, 2008  
**FROM:** Mary De La Mare-Schaefer, Acting Community Development Director   
**RE:** Petition 400-06-49: Zoning Map Amendment by Redeemer Lutheran Church and School at 1955 East Stratford Avenue to rezone a segment of 2570 South 2000 East from "Open Space" to "Institutional"

**STAFF CONTACTS:** Nick Britton, Principal Planner, at 535-7932 or  
nick.britton@slcgov.com

**RECOMMENDATION:** That the City Council hold a briefing and schedule a Public Hearing

**DOCUMENT TYPE:** Ordinance

**BUDGET IMPACT:** None

### DISCUSSION:

**Issue Origin:** Redeemer Lutheran Church and School initially requested that the parcel at 2570 South 2000 East be rezoned from its current designation Open Space ("OS") to Institutional ("I") to facilitate expansion of their existing facilities at 1955 East Stratford Avenue. According to Salt Lake County records, Redeemer was the owner of the entire 0.744 acre parcel at the time of this application. The subject parcel is an abandoned section of Hillcrest Avenue.

At the Planning Commission public hearing on March 14, 2007, the Sugar House Community Council raised some concerns regarding the petition, noting that this parcel should not be owned entirely by Redeemer and that some of it was part of Hillcrest Park to the north. The Planning Commission tabled the petition and requested that Staff research the issue.

**Analysis:** Planning staff worked with Property Management and the Recorder's Office to assess the actual ownership status. Staff went through the progress of the street closure petition and re-created the sequence of events that led to the current ownership pattern.

In the mid-1980s, both the Sugar House Community Council (Petition 400-121 in 1983) and Redeemer Lutheran Church and School (Petition 400-392 in 1985) petitioned for the City to close a segment of Hillcrest Avenue. Redeemer Church intended to expand their facilities at a

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later date, and SHCC wished to incorporate the land into a proposed park (Hillcrest Park). The street was closed by the City Council on October 13, 1987 (Ordinance No. 74 of 1987). Redeemer Church purchased approximately one half (0.359 acres) of the vacated street, and the remainder of the street was retained by the City. The property lines agreed upon did not travel down the center of the closed right-of-way but instead jogged in a number of places to ensure the park could be accessed from Stratford Avenue and Preston Avenue (see Exhibit C). However, when the quit-claim deed was recorded on January 31, 1989, an incorrect legal description was used as the exhibit on the deed. As a result, the entire street was deeded to Redeemer Church, and because the abandoned portion of Hillcrest Avenue was no longer an improved street and did not physically exist at the time, the land was used more or less as intended, mostly as green space associated with the park and by the school for outdoor activities.

On September 26, 1994, Redeemer Church and Salt Lake City entered into an Agreement for a License in Real Property, allowing the City to use and maintain Redeemer Church's half of the abandoned street for use as part of Hillcrest Park. This agreement reinforced the prior property line agreement from 1987 but did not fix the mistake made on the quit-claim deed. As a result, Redeemer's half of the street has been used and maintained as part of the park, but the remainder of the street has mistakenly remained under Redeemer's ownership.

In 1995, when zoning lines were redrawn to reflect large-scale zoning ordinance changes, the street parcel, owned by Redeemer, was zoned "OS". There is no way of knowing whether or not this was a result of the parcel's use as part of Hillcrest Park or if it was simply a mistake, but this zoning designation further compounded the error made in the quit-claim deed in 1989.

As a result of this zoning designation error, Redeemer Lutheran Church and School developed new expansion plans with the belief they owned the entire street, as reflected in the county records. After identifying the mistake, Staff worked with Redeemer's architect and attorney to devise a compromise that would allow Redeemer to continue with their existing plans while requiring them to deed back 0.385 acres, the amount of land that Salt Lake City should have retained as a result of the 1989 City Council decision. The modified proposal retains the division of the street in terms of acreage but the alignment is slightly different (please see Exhibit 5-b).

The intent of the proposed rezoning is to facilitate the expansion of Redeemer Lutheran Church and School's campus at 1955 East Stratford Avenue. The modification of this petition, which would change the boundary lines of both the 1987 proposal which the City Council approved and the boundary lines that were actually recorded, is a response to the quit-claim deed error from 1989 that gave Redeemer all of the subject property.

Only about half of the subject property at 2570 South 2000 East will be rezoned from "OS" to "I". The other half will remain "OS" and, after Redeemer records the quit-claim deed as required as a condition of approval, will become part of Hillcrest Park as originally intended. Redeemer currently owns the entire 0.744 acres that is the abandoned portion of Hillcrest Avenue. Redeemer would retain 0.359 acres of that property and deed 0.385 acres to Salt Lake City, as originally intended with Ordinance No. 74 of 1987. The only major difference between this petition and the previous petition is the configuration of the boundary lines and the fact that the zoning boundary between "OS" and "I" will follow the new boundary line.

While the proposed rezoning may appear to decrease the amount of land zoned "OS" in the city, this situation is only the result of the quit-claim deed error made in 1989. Had the correct deed been filed at that time, Redeemer's portion of the street would have been zoned "I" and the amount of land zoned "OS" at that time would be equivalent to the amount of land that would be zoned "OS" as a result of this petition.

Information for the current zoning amendment petition was routed at the time of its application and comments from the necessary City departments were mainly focused on the proposed expansion of the church facilities and its conformance to applicable zoning requirements. Public Services was asked to review the plans because of its proximity to a city-owned park and they requested that the use agreement between Salt Lake City and Redeemer be modified to reflect these changes, including modifications to the existing irrigation system and the parking.

**Master Plan Considerations:** There are two applicable master plans for this area. One is the *Sugar House Master Plan* adopted in 2001, and the subject parcel appears as an open street but does not appear as a parcel on the future land use map. The parcel to the north (the city-owned Hillcrest Park) has a future land use of "Parks and Open Space" and the parcel to the south (the church and school) has a future land use of "Institutional and Public Lands". The Plan also refers to Hillcrest Park in the Mini Parks section and suggests improvements, including additional benches, drainage improvements, landscaping, and concrete walkways. The second applicable master plan is the *Salt Lake City Open Space Plan*, adopted in 1992. This open space area, which includes Hillcrest Park, is identified as a park site that should be retained to provide access to the Parley's Creek Corridor.

As noted in the *Sugar House Master Plan*, the future land use map shows the vacated Hillside Avenue as the dividing line between Open Space and Institutional uses. The Sugar House Master Plan text also identifies potential improvements for Hillcrest Park. If the rezoning is approved and the City purchases part of the applicant's property near the eastern half of the park, access will be improved and there is potential for some of the master plan suggested improvements to be realized. The current modified proposal retains the park entrances as originally defined in the 1994 agreement. The other master plan applicable to the subject property is the *Open Space Plan* adopted in 1992. The city-owned portion of Hillcrest Park will remain in City ownership and the user agreement between Redeemer Lutheran Church and School and Salt Lake City ensures public access to the park and the Parley's Creek Corridor. Staff does not find that approval of this petition will substantially affect the inclusion of Hillcrest Park in the Parley's Creek Corridor system.

## **PUBLIC PROCESS:**

Redeemer Lutheran Church and School presented their proposal to the Sugar House Community Council on February 7, 2007, where there was initially some opposition to the proposal due to the confusion regarding property lines. The modified petition was presented by Planning staff to the Sugar House Community Council on September 5, 2007. At that time, some members of the Community Council requested the legal descriptions that would be filed with the deed. Those

descriptions were given to the community council's representatives prior to the Planning Commission hearing.

The Planning Commission held a Public Hearing on October 24, 2007. No major issues were raised at the public hearing, but members of the Sugar House Community Council did request that the City consider future upgrades to Hillcrest Park as per the conceptual plans developed in 1987. The Planning Commission unanimously passed a motion to recommend approval for the proposed rezoning at 1955 East Stratford Avenue, including the modified property lines.

**RELEVANT ORDINANCES:**

Amendments to the Zoning Ordinance and Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 21A.50.050: "A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard." It does, however, list five standards, which should be analyzed prior to rezoning property (Section 21A.50.050 A-E). The five standards are discussed in detail starting on page 5 of the Planning Commission Staff Report (see Exhibit 5-b).

**TRANSMITTAL**

PETITION NO. 400-06-49: REDEEMER LUTHERAN CHURCH AND SCHOOL

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  - b. Staff Report: October 24, 2007
  - c. Minutes: October 24, 2007
6. Planning Commission Hearing: March 14, 2007
  - a. Original Notice and Postmark: March 14, 2007
  - b. Staff Report: March 14, 2007
  - c. Minutes: March 14, 2007
7. Original Petition

# Exhibit 1 Chronology

**Petition #400-06-49**

Chronology

- November 30, 2006:** Application received by Planning Division.
- December 8, 2006:** Petition routed to applicable city departments and divisions.
- February 7, 2007:** Proposal presented by applicant to Sugar House Community Council.
- February 28, 2007:** Public hearing notice mailed.
- March 2, 2007:** Subject property posted with public hearing notice.
- March 14, 2007:** First Planning Commission public hearing. Item tabled for further review.
- March 29, 2007:** Internal meeting with Property Management and review of project records.
- April 18, 2007:** Internal meeting with Public Services to discuss deed error.
- April 24, 2007:** Meeting with applicant and representatives regarding error and discussion regarding this petition's future. Applicant would revise plans to show a new potential property line.
- June 1, 2007:** Meeting with applicant and representatives with City Attorney's office.
- July 25, 2007:** Meeting with applicant and representatives to review and discuss new proposal.
- August 29, 2007:** Internal meeting with Engineering regarding legal descriptions.
- September 5, 2007:** Planning presented modified proposal to Sugar House Community Council.
- October 24, 2007:** Planning Commission public hearing. Motion to recommended approval passed unanimously.
- November 2, 2007:** Proposed ordinance requested from City Attorney's Office.
- November ??, 2007:** Proposed ordinance received.
- November ??, 2007:** Legal descriptions received from Engineering.

Exhibit 2  
Proposed Ordinance

EXHIBIT "A"

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

**Exhibit 3**  
**City Council Public Hearing Notice**

## NOTICE OF PUBLIC HEARING

The Salt Lake City Council will hold a public hearing and consider adopting an ordinance regarding Petition No. 400-06-49, a request to rezone a portion of a parcel located at 2570 South 2000 from "Open Space" to "Institutional". The request has been made by Redeemer Lutheran Church and School at 1955 East Stratford Avenue in order to facilitate their proposed expansion. This petition has been modified by the applicant and the Planning Division to reconcile an error made regarding the subject parcel's property lines. The modification addresses the intent of Ordinance No. 74 of 1987 which closed a portion of Hillcrest Avenue and sold approximately half of the land to the applicant, Redeemer Lutheran Church and School.

The City Council hearing will be held:

**Date:**

**Time:** 7:00 PM

**Place:** Room 315 (City Council Chambers)  
Salt Lake City and County Building  
451 South State Street  
Salt Lake City, UT 84111

You are invited to attend this hearing, ask questions, or provide input concerning the topic listed above. If you have any questions, contact Nick Britton at 535-7932 between the hours of 8:00 AM and 5:00 PM, or send an e-mail to [nick.britton@slcgov.com](mailto:nick.britton@slcgov.com).

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact (801) 535-7971; TDD (801) 535-6021.

Exhibit 4  
Mailing List

16214790140000 2652 S 2000 E SALT LAKE CITY UT 84109	16223510140000 2003 E CRYSTAL AVE SALT LAKE CITY UT 84109	16223520030000 2021 E STRATFORD DR SALT LAKE CITY UT 84109
16223510010000 2004 E STRATFORD DR SALT LAKE CITY UT 84109	16223510150000 2009 E CRYSTAL AVE SALT LAKE CITY UT 84109	16223520040000 2025 E STRATFORD DR SALT LAKE CITY UT 84109
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16223510030000 2012 E STRATFORD DR SALT LAKE CITY UT 84109	16223510170000 2023 E CRYSTAL AVE SALT LAKE CITY UT 84109	16223520060000 2033 E STRATFORD DR SALT LAKE CITY UT 84109
16223510040000 2016 E STRATFORD DR SALT LAKE CITY UT 84109	16223510180000 2029 E CRYSTAL AVE SALT LAKE CITY UT 84109	16223520070000 5320 WOODENSHOE LN PEOA UT 84061
16223510050000 2020 E STRATFORD DR SALT LAKE CITY UT 84109	16223510190000 2035 E CRYSTAL AVE SALT LAKE CITY UT 84109	16223520080000 2039 E STRATFORD DR SALT LAKE CITY UT 84109
16223510060000 2026 E STRATFORD DR SALT LAKE CITY UT 84109	16223510200000 2041 E CRYSTAL AVE SALT LAKE CITY UT 84109	16223520090000 2041 E STRATFORD DR SALT LAKE CITY UT 84109
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16223510080000 2038 E STRATFORD DR SALT LAKE CITY UT 84109	16223520020000 2015 E STRATFORD DR SALT LAKE CITY UT 84109	

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16214260190000 1885 E HILLCREST AVE SALT LAKE CITY UT 84106	16214780020000 1916 E STRATFORD AVE SALT LAKE CITY UT 84106	16214780330000 919 W PORTER LN WEST BOUNTIFUL UT 84087
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16214780010000 2615 S 1900 E SALT LAKE CITY UT 84106	16214780230000 2648 S PRESTON ST SALT LAKE CITY UT 84106	16214790130000 2644 S 2000 E SALT LAKE CITY UT 84109

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Lori Briesacher  
c/o Redeemer Lutheran  
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Bob Farrington, Director  
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S.L. Chamber of Commerce  
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Exhibit 5-a  
Planning Commission Hearing  
Original Notice and Postmark: October 24, 2007

**AMENDED AGENDA FOR THE  
SALT LAKE CITY PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building at 451 South State Street  
Wednesday, October 24, 2007 at 5:45 p.m.**

***The field trip is scheduled to leave at 4:00 p.m.*** Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. This portion of the meeting is open to the public for observation.

**APPROVAL OF MINUTES FROM WEDNESDAY, October 10, 2007**

**REPORT OF THE CHAIR AND VICE CHAIR**

**REPORT OF THE DIRECTOR**

**PUBLIC HEARING**

- 1. Petition 400-06-40: Redeemer Lutheran Church Rezone**—a request by Redeemer Lutheran Church and School at 1955 East Stratford Avenue to rezone a portion of one of their parcels from the Open Space Zoning District (OS) to the Institutional Zoning District (I). The remaining portion of the subject parcel (a closed portion of Hillcrest Avenue) will remain Open Space and be deeded to Salt Lake City. This is a modification to the original request that was heard by the Planning Commission on March 14, 2007 and tabled so that Planning staff could obtain more information (Staff—Nick Britton at 535-7932 or [nick.britton@slcgov.com](mailto:nick.britton@slcgov.com)).

**ISSUES ONLY PUBLIC HEARING**

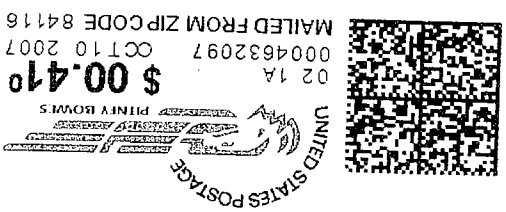
- 2. Petition No. 470-07-26, Almond Street Condominiums**—Watts Enterprises is proposing to amend a 1999 Historic Landmark Commission approval for the Almond Street Condominiums that included seventeen (17) dwelling units at approximately 289 North Almond Street. The new proposal would add five (5) additional dwelling units to the overall project, which if approved, would include twenty-two (22) dwelling units total. As part of this request, Watts Enterprises proposes to amend a development agreement with Salt Lake City that limits development on this site to thirty-four (34) dwelling units and a minimum of eighty (80) parking spaces. The proposed amendment to the development agreement would allow Watts Enterprises to develop eighteen (18) new dwelling units in addition to the four existing dwelling units already on site. The amended project would include a total of twenty-two (22) dwelling units and seventy-four (74) parking spaces. The Salt Lake City Community Development Director has the final authority to approve an amendment to the existing development agreement. As a part of this request, the Planning Commission would forward a recommendation on whether or not to amend the development agreement, as proposed, to the Community Development Director (Staff—Joel Paterson at 535-6141 or [joel.paterson@slcgov.com](mailto:joel.paterson@slcgov.com)).

*Visit the Planning and Zoning Enforcement Division's website at [www.slcgov.com/CED/planning.com](http://www.slcgov.com/CED/planning.com) for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.*

Nick Britton, Planning Div.  
451 S. State St. Room 406

# PUBLIC HEARING NOTICE

Salt Lake City Planning Division  
451 South State Street, Room 406  
PO Box 145480  
Salt Lake City UT 84111



FIRST CLASS

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing
3. In order to be considerate of everyone attending the meeting, public comments are limited to two (2) minutes per person, per item. A spokesperson who has already been asked by a group to summarize their concerns will be allowed five (5) minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting.  
Written comments should be sent to:  
  
Salt Lake City Planning Commission  
451 South State Street, Room 406  
Salt Lake City UT 84111
4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. The Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.

Exhibit 5-b  
Planning Commission Hearing  
Staff Report: October 24, 2007

# PLANNING COMMISSION STAFF REPORT

## Redeemer Lutheran Church Rezone

Petition #400-06-49: A modified request to rezone a portion of an abandoned stretch of Hillcrest Avenue from Open Space to Institutional  
October 24, 2007



Planning and Zoning Division  
Department of Community  
Development

**Applicant:**

Redeemer Lutheran Church and School

**Staff:**

Nick Britton, Principal Planner  
535-7932  
nick.britton@slcgov.com

**Tax ID:**

16-21-430-002-0000

**Current Zone:**

OS

**Master Plan Designation:**

N/A (not shown)

**Council District:**

Council District 7  
Søren Simonsen

**Acreage:**

0.74 acres

**Current Use:**

City park

**Applicable Land Use**

**Regulations:**

- 21A.32.080: I (Institutional District)
- 21A.32.100: OS (Open Space District)

**Attachments:**

- Proposed Property Line
- Proposed Legal Descriptions
- Original Proposed Property Line (1987)
- Original Deed (1989)
- March 14, 2007 P.C. Minutes
- Photographs

**REQUEST:**

Redeemer Lutheran Church and School is requesting that the City rezone a portion of their property from Open Space (OS) to Institutional (I). The subject parcel is an abandoned stretch of Hillcrest Avenue that runs from Preston Street to the northwest corner of the intersection of 2000 East and Stratford Avenue. The applicant has requested the zone change so that the church and school can expand their current facilities and add a recreation facility to their campus.

The subject parcel was closed by the Salt Lake City Council in 1987, but in January 1989 the entire parcel was mistakenly deeded to Redeemer Lutheran Church and School. Approximately one-half of the right-of-way was intended to remain with the City and become part of Hillcrest Park. The applicant paid for approximately one-half of the right-of-way but the wrong legal description was provided with the deed and as a result, the entire property fell under the ownership of Redeemer. The property was effectively used as intended as there has never been a clear delineation between the properties owned by the City or by Redeemer Church.

This matter, as originally proposed (a rezone of the entire right-of-way), was heard by the Planning Commission on March 14, 2007 and tabled due to confusion stemming over the property lines. Planning staff worked with Property Management and the City Recorder's Office to determine the root of the confusion and discovered the incorrect deed. After numerous meetings with representatives for Redeemer Church, Planning staff arrived at a solution with the applicants that not only allowed them to develop their property as originally planned but also allowed Salt Lake City to recover the land that was originally intended to be incorporated into Hillcrest Park.

This modified request consists of a zoning change for only a portion of the original rezone request as identified in Exhibit A. Redeemer Church would deed back to Salt Lake City a portion of the street closure now under their ownership and the portion of the abandoned street that they will retain would be rezoned from "OS" to "I" under this proposal.

**RECOMMENDATION:**

Staff recommends that the Planning Commission forward a positive recommendation to the Salt Lake City Council regarding the modified rezoning request of a parcel generally located 1955 East Stratford Avenue from Open Space (OS) to Institutional (I). Staff recommends the following conditions:

1. The applicant transfer to Salt Lake City the land originally intended to be retained by Salt Lake City as identified in this staff report.
2. The current irrigation system must be modified at the applicant's expense so that the irrigation system for Hillcrest Park will still remain intact and useable after the proposed expansion.
3. Revision of the current use agreement between Redeemer Lutheran Church and the City as to public access and public parking use, which reflects the adjusted property boundaries and the future site expansion of the church.
4. The future church expansion project must meet all applicable City code and zoning requirements, or receive relief from appropriate boards in subsequent public processes.

## Vicinity Map:



## Comments:

### *Department/Division Comments*

The application material was routed in January 2007. The comments received from pertinent City Departments/Divisions and the Community Council are summarized below.

#### **A. Airport (Allen McCandless)**

Mr. McCandless noted that the subject parcel is not in an airport influence zone and does not create any observed impacts to airport operations.

#### **B. Building Services Division (Larry Butcher)**

Mr. Butcher noted that parking setbacks must be 20 feet from front or corner side yard property lines and that for the future development, the applicant must document that the 40 percent open space requirement will be met. Furthermore, Mr. Butcher remarked that the proposed expansion may constitute a 50 percent square footage increase which would require landscaping upgrade as per Section 21A.48.170 of the Zoning Ordinance. Finally, parking calculations must be provided at the time of building permits application showing that the proposed parking meets the regulation of one stall per five seats in the main auditorium as per Table 21A.44.060F of the Zoning Ordinance).

#### **C. Engineering (Lynn Curt)**

No comments were received from Engineering originally. Lynn Curt helped Planning determine the new property line and drafted the new legal descriptions in September of 2007; see attachment "B" for the revised legal descriptions as prepared by the city surveyor.

**D. Fire Department (Wayne Leydsman)**

The Fire Department had no objections to the proposed rezoning or addition. Mr. Leydsman requested updated site plans as the project progressed so that the Fire Department could review potential impacts to water mains and fire hydrants.

**E. Police Department**

No comments were received from the Police Department.

**F. Property Management (John Spencer)**

No comments were received from Property Management originally. Through the research effort, John Spencer provided Planning with the necessary documents to determine how and when the deed error occurred.

**G. Public Services (Rick Graham, Val Pope)**

Planning Staff met with Rick Graham and Val Pope to discuss the potential impacts to the City-owned Hillcrest Park to the north of the subject parcel. Public Services did not have any objection to the rezoning of the subject parcel (the abandoned portion of Hillcrest Avenue) but requested certain conditions on the recommendation for approval. Those conditions included:

- The church will allow for pedestrian access to the park from both Stratford Avenue and Preston Street and an allowance for public parking in the new parking lot.
- A modification, at the expense of the applicant, to the current irrigation that irrigates both the park and the private property so that Hillcrest Park's irrigation remains intact and useable.
- A modification to the current agreement or a new agreement between Redeemer Lutheran Church and School and Salt Lake City regarding access to and use of portions of the subject parcel.

**H. Public Utilities Department (Jason Brown)**

Public Utilities had no issues with this request, but they will require the applicant to submit plans for the future expansion.

**I. Transportation Division (Barry Walsh)**

Mr. Walsh noted that the proposal would have no impact to the existing transportation corridors of Preston Street, Stratford Avenue, or 2000 East. The proposed expansion is subject to improvement requirements noted in the DRT review regarding public way improvements and upgrades.

***Community Council Comments***

Representatives for Redeemer Lutheran Church and School presented their proposal to the Sugar House Community Council (SHCC) on February 7, 2007. The community council did not vote to forward a recommendation to the Planning Commission. A number of people expressed a concern with traffic cutting through the proposed parking lot from Preston Street to Stratford Avenue. There was also a concern about the applicant placing a fence on their property between the church and the park. There was some confusion regarding who owned the parcel in question and the extent to the agreement between the church and the City and how it impacted the size and extent of Hillcrest Park. It was explained to the community council that Redeemer Lutheran Church and School owned the parcel and that the agreement specified that Salt Lake City could use and maintain the subject parcel but it did not transfer ownership. Based on the confusion, the SHCC

voted to invite Redeemer Lutheran Church and School back to the March meeting and asked them to notify the neighbors of their proposal (see Exhibit E).

Planning staff presented the modified proposal to the SHCC on September 5, 2007. Staff also explained the nature of the deed mistake and how it happened while explaining how the modified proposal would now benefit both parties. There was some concern over the protection of existing open space, but members of the community council were generally supportive rezoning to reflect the modified parcel boundaries as per the modified proposal. At the request of trustees, Planning staff provided the proposed legal descriptions at a later date.

## **Analysis:**

### ***Background Information***

In the early 1980s, both Redeemer Lutheran Church and School and the Sugar House Community Council (SHCC) petitioned for the City to close a segment of Hillcrest Avenue. Redeemer Church wished to expand their facilities at a later date and SHCC wished to incorporate the land into a proposed park (Hillcrest Park). The street was closed by the City Council on October 13, 1987 (Ordinance No. 74 of 1987). Redeemer Church purchased approximately one half (0.359 acres) of the street and the remainder of the street was retained by the City. The property lines agreed upon did not travel down the center of the closed right-of-way, but rather jogged in a number of places to ensure the park could be accessed from Stratford Avenue and Preston Avenue (see Exhibit C); however, when the quit-claim deed was recorded on January 31, 1989, the incorrect legal description was used as the exhibit on the deed. The entire street was deeded to Redeemer Church, and because the abandoned portion of Hillcrest Avenue never existed on the ground, the land was used more or less as intended, mostly as green space associated with the park and by the school for outdoor activities.

On September 26, 1994, Redeemer Church and Salt Lake City entered into an Agreement for a License in Real Property, allowing the City to use and maintain Redeemer Church's half of the abandoned street for use as part of Hillcrest Park. This agreement reinforced the prior property line agreement from 1987, but did not fix the mistake made on the quit-claim deed. As a result, Redeemer's half of the street has been used and maintained as part of the park, but the remainder of the street has mistakenly remained under Redeemer's ownership.

In 1995, when the zoning lines were redrawn to reflect large-scale zoning ordinance changes, the street parcel, owned by Redeemer, was zoned Open Space (OS). There is no way of knowing whether or not this was a result of the parcel's use as part of Hillcrest Park or if it was simply a mistake, but this zoning designation further solidified the mistake made in the quit-claim deed in 1989, and if the proper legal description were attached to the quit-claim deed, Redeemer would already have a similar piece of land to use for their expansion. While this proposal changes the 20-year-old agreement, it still meets the intent of the agreement and approved street closure, while reflecting the Church's change in plans. The proposal, presented in this staff report, would allow the City to reclaim the land it should have retained as part of the 1987 street closure, and it would allow Redeemer Lutheran Church and School to expand with their current plans.

### ***Master Plan Specifications***

There are two applicable master plans for this area; the first is the *Sugar House Master Plan* adopted in 2001, and the subject parcel appears as an open street, but does not appear as a parcel on the future land use map. The parcel to the north (the city-owned Hillcrest Park) has a future land use of "Parks and Open Space" and the parcel to the south (the church and school) has a future land use of "Institutional and Public Lands". The plan also refers to Hillcrest Park in the Mini Parks section and suggests improvements, including: additional

benches, drainage improvements, landscaping, and concrete walkways. The second applicable master plan is the *Salt Lake City Open Space Plan*, adopted in 1992. This open space area, which includes Hillcrest Park, is identified as a park site that should be retained to provide access to the Parley's Creek Corridor.

### ***Standards of Review***

The Planning Commission will need to review the request to rezone a parcel from Open Space to Institutional using the Standards for General Amendments, found in Section 21A.50.050 of the Salt Lake City Zoning Ordinance.

### **21A.50.050: Standards for General Amendments**

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard; however, in making its decision concerning a proposed amendment, the City Council should consider the following factors:

#### **A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.**

**Discussion:** As noted above, in the Sugar House Master plan, the future land use map shows the vacated Hillside Avenue as the dividing line between Open Space uses and Institutional. The Sugar House Master Plan text also identifies potential improvements for Hillcrest Park. If the rezoning is approved and the City purchases part of the applicant's property near the eastern half of the park, access will be improved and there is potential for some of the master plan suggested improvements to be realized. The current modified proposal retains the park entrances as originally defined in the 1994 agreement.

The other master plan applicable to the subject property is the Open Space Plan adopted in 1992. The city-owned portion of Hillcrest Park will remain in City ownership and the user agreement between Redeemer Lutheran Church and School and Salt Lake City ensures public access to the park and the Parley's Creek Corridor. Staff does not find that approval of this petition will substantially affect the inclusion of Hillcrest Park in the Parley's Creek Corridor system.

**Finding:** The requested rezoning is consistent with the *Sugar House Master Plan* and the *Salt Lake City Open Space Plan*. The proposal, as modified, will be different than the original agreement from 1987, but is consistent with the intent and goal of that agreement by dividing the closed street between Redeemer and Salt Lake City.

#### **B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.**

**Discussion:** Currently, the church occupies a large parcel at the northeastern corner of Stratford Avenue and Preston Street and is surrounded on the north and east sides by open space, which includes Hillcrest Park. There are four duplexes and a single family home to the west across Preston Street and an LDS Church across Stratford Avenue. To the east there are single family homes across 2000 East. The amount of total open space will decrease somewhat as a result of this proposal, but the existing amount of open space is the result of a mistake and does not reflect the original intent of the 1987 street closure approval by the City Council. This proposed modification will reflect the intended amount of open space and the intended amount of church property.

**Finding:** The proposed zoning map amendment is harmonious with the character of the existing development in the immediate vicinity of the subject property.

**C. The extent to which the proposed amendment will adversely affect adjacent properties.**

**Discussion:** The use and the intensity of the site will not change as a result of this proposed rezone. Staff does not foresee any impacts, adverse or otherwise, on the surrounding residential properties or the LDS church across the street. This rezoning will have a perceived impact on the size of Hillcrest Park because the amount of landscaping adjacent to Hillcrest Park will be reduced. The amount of City owned open space; however, will *increase* and reflect the original intent of the agreement from 1987. Furthermore, this proposal will allow the City to correct the mistake and it will provide an opportunity to maximize and improve Hillcrest Park. The applicant stated that they are willing to revise the previous agreement with the City to allow pedestrian access to Hillcrest Park, and to also allow for public parking in their new parking lot.

**Finding:** The proposed rezoning will not have an adverse impact on any adjacent properties.

**D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.**

**Discussion:** The subject property is in the Groundwater Source Protection Overlay District. There are no additional standards relevant to this rezoning request.

**Finding:** The proposal meets this standard.

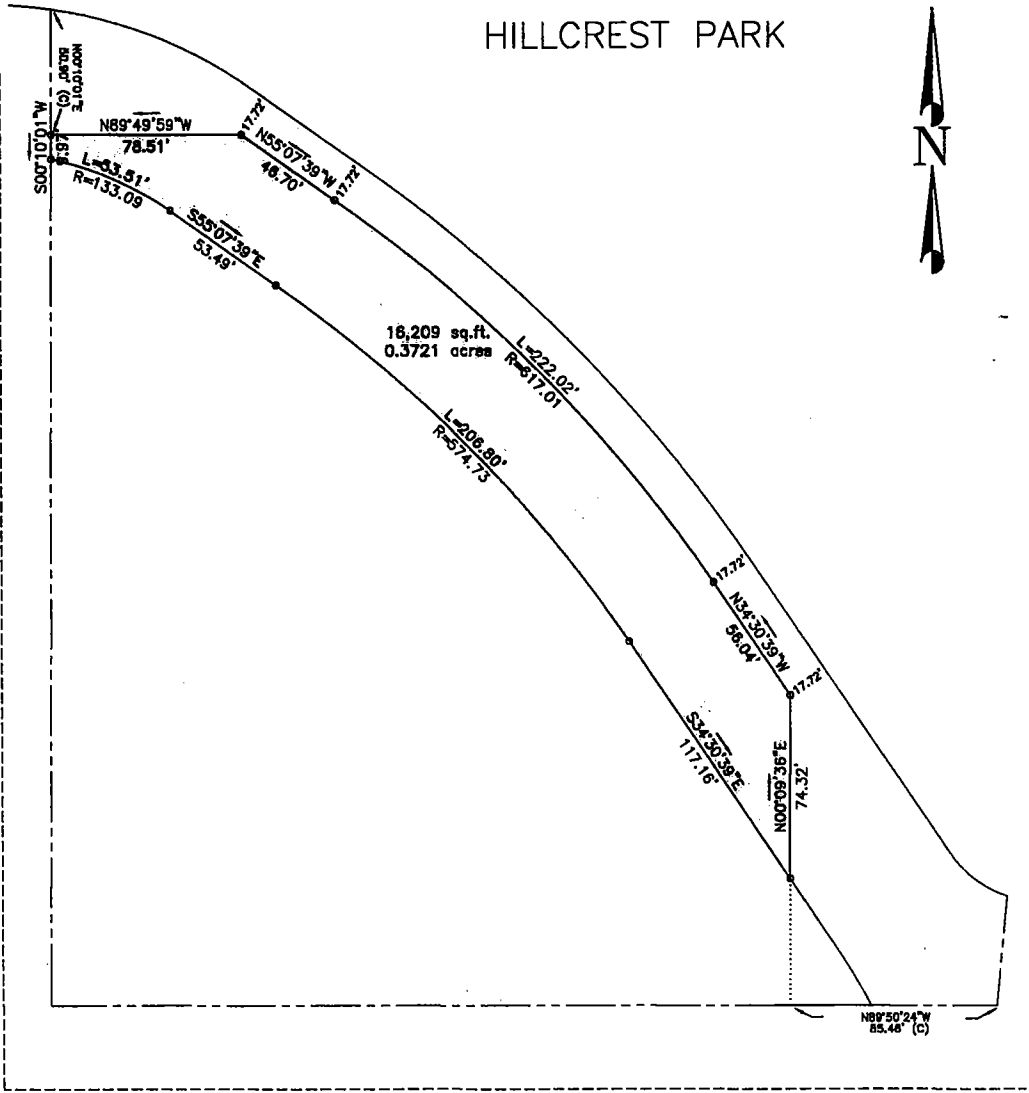
**E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.**

**Discussion:** Applicable City departments and divisions were given the chance to review and comment on the proposed rezoning and preliminary site plans for the proposed expansion of church facilities. While various departments requested plans in the future when the expansion begins, no immediate deficiencies were noted as part of the review process. There is no evidence that the rezone and subsequent expansion will dramatically increase the amount of traffic in the neighborhood or require additional public facilities that are not already present at the site.

**Finding:** The current public facilities and services intended to serve the subject property are adequate, and any necessary modifications and changes to facilities will be identified upon application for building permits. The applicant will also be required to submit their plans to the Public Utilities Department and the Fire Department for review at that time.

**Exhibit A: Proposed Property Line**

HILLCREST PARK

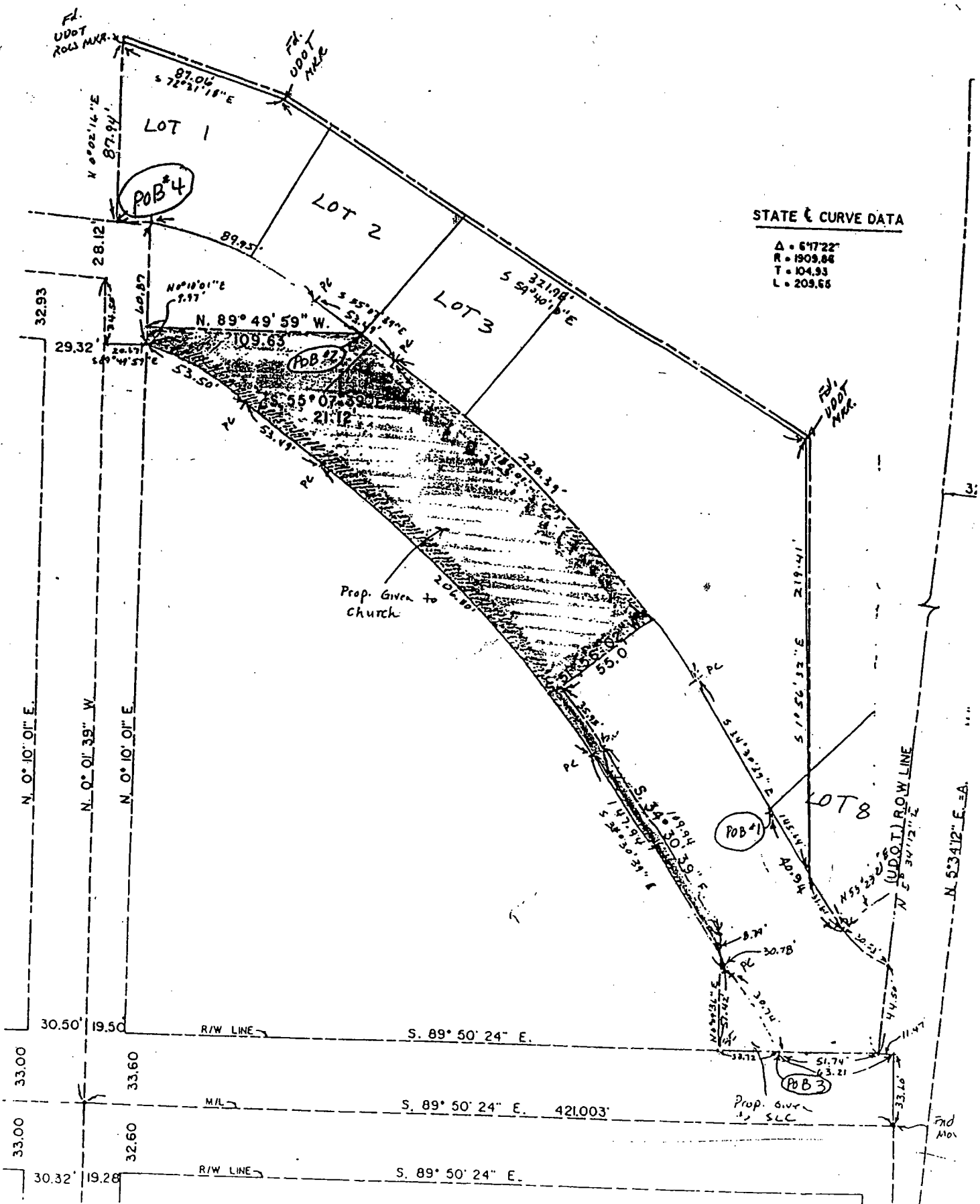




HILLCREST PARK  
(PORTION OF ABANDONED ROAD)

BEGINNING AT A POINT THAT IS EAST 16.92 FEET AND SOUTH 1.69 FEET FROM THE SOUTHWEST CORNER OF LOT 1, SOUTH COUNTRY CLUB HEIGHTS SUBDIVISION, PART OF THE SOUTHWEST QUARTER OF SECTION 22 AND PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN TO THE POINT OF BEGINNING AND A POINT ON A CURVE, RADIAL LINE BEARS S08°10'52"W AND A RADIUS OF 193.09 FEET; THENCE ALONG THE CURVE TO THE RIGHT 89.95 FEET TO A POINT OF TANGENCY; THENCE S55°07'39"E 53.49 FEET TO A POINT OF CURVE, RADIAL LINE BEARS S34°52'21"W AND A RADIUS OF 634.73 FEET; THENCE ALONG THE CURVE TO THE RIGHT 228.39 FEET TO A POINT OF TANGENCY; THENCE S34°30'39"E 145.64 FEET TO A POINT OF CURVE, RADIAL LINE BEARS N55°29'21"E AND A RADIUS OF 46.43 FEET; THENCE ALONG THE CURVE TO THE LEFT 30.53 FEET TO A POINT OF TANGENCY AND THE WEST RIGHT OF WAY LINE OF 2000 EAST STREET; THENCE S05°34'12"W ALONG SAID RIGHT OF WAY 44.50 FEET TO THE NORTH RIGHT OF WAY LINE OF STRATFORD AVENUE; THENCE N89°50'24"W ALONG SAID RIGHT OF WAY 85.46 FEET; THENCE N00°09'36"E 125.74 FEET; THENCE N34°30'39"W 56.04 FEET TO A POINT OF CURVE, RADIAL LINE BEARS S55°29'21"W AND A RADIUS OF 617.01 FEET; THENCE ALONG THE CURVE TO THE LEFT 222.02 FEET TO A POINT OF TANGENCY; THENCE N55°07'39"W 46.70 FEET; THENCE N89°49'59"W 78.51 FEET TO THE EAST RIGHT OF WAY LINE OF PRESTON STREET; THENCE N00°10'01"E ALONG SAID RIGHT OF WAY 50.90 FEET TO THE POINT OF BEGINNING, CONTAINS 0.393 ACRES MORE OR LESS.

**Exhibit C: Original Proposed Property Line (1987)**



STATE & CURVE DATA

$\Delta = 647.22'$   
 $R = 1909.86'$   
 $T = 104.93'$   
 $L = 209.66'$

STRATFORD

AVE

**Exhibit D: Original Quit Claim Deed (1989)**

Grantee  
1955 E Stratford Ave  
SLC, UT 84106

APPROVED

JAN 31 1989

QUIT CLAIM DEED

CITY RECORDER

7507223

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

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

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

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

Rolando A. DePaulis

MAYOR  
 APPROVED AS TO FORM  
 City of Los Angeles City Recorder's Office

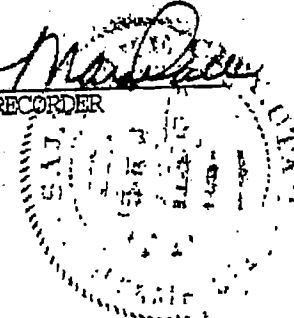
Date

By

*[Handwritten signature]*

Attest:

Kathy M. [Signature]  
 CITY RECORDER



APPROVED  
 FINANCE DEPARTMENT  
 FUNDS NOT NEEDED

[Signature]

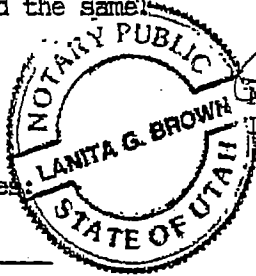
BK 8321 PG 3814

STATE OF UTAH )

: ss.

County of Salt Lake )

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



*Lanita G. Brown*  
\_\_\_\_\_  
NOTARY PUBLIC, residing in Salt  
Lake County, Utah

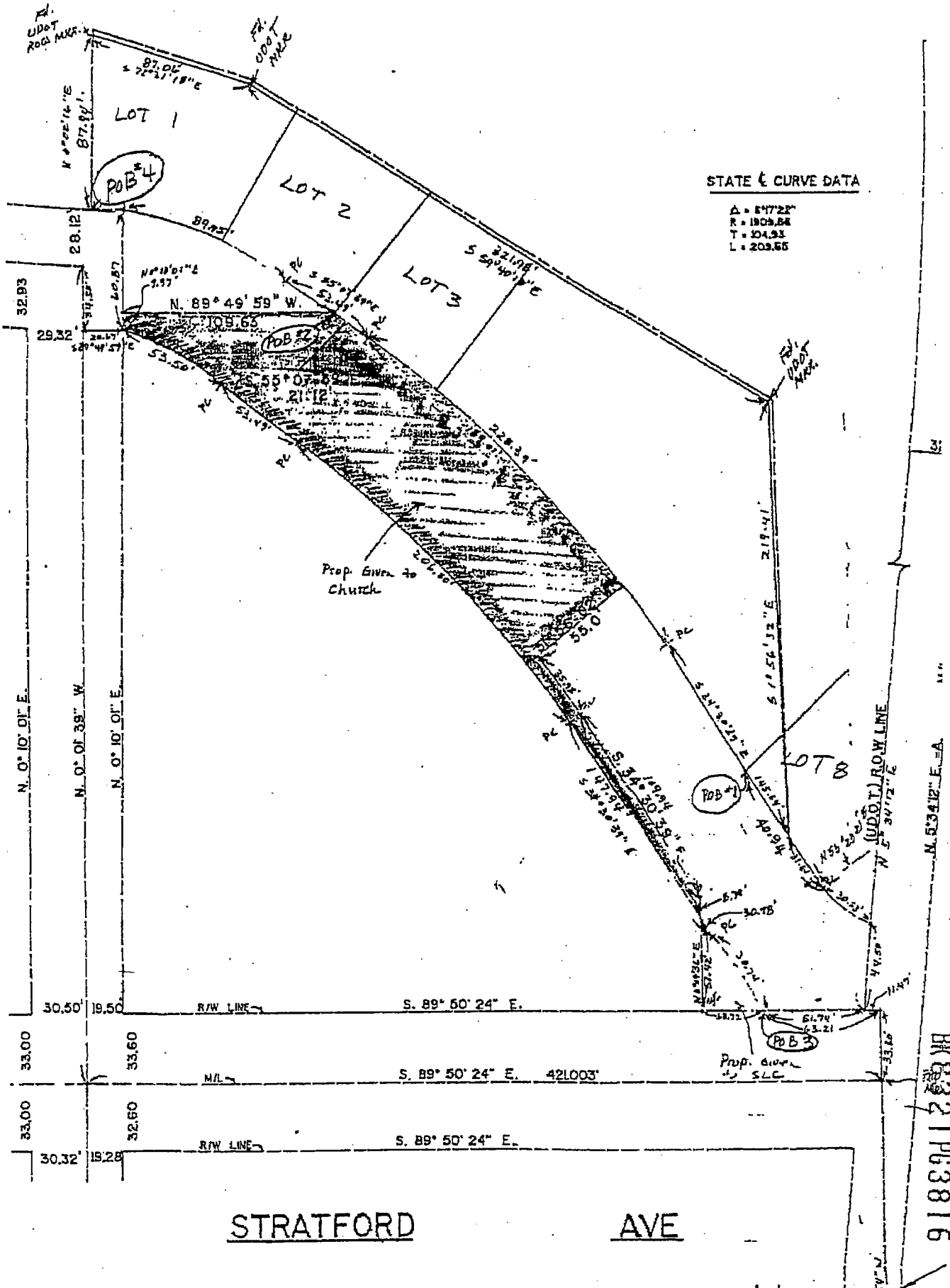
My Commission Expires:

APR 30 1991

BK8321PG3815

STATE & CURVE DATA

A = 84722'  
 R = 1804.84  
 T = 104.93  
 L = 203.66



STRATFORD AVE

BM 821 PG 3816



**SALT LAKE CITY  
PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building  
451 South State Street, Salt Lake City, Utah  
Wednesday, March 14, 2007**

Present for the Planning Commission meeting were Vice Chair Matthew Wirthlin, Tim Chambless, Babs De Lay, Robert Forbis, Susie McHugh, Prescott Muir, Kathy Scott, and Mary Woodhead.

Present from the Planning Division were George Shaw; Planning Director, Doug Wheelwright, Deputy Planning Director; Nick Britton, Principal Planner; and Cecily Zuck Planning Commission Secretary.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson McDonough was excused from the meeting and Vice Chair Wirthlin acted as Chairperson. Chairperson Wirthlin called the meeting to order at 5:47 p.m. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless, Susie McHugh, Kathy Scott, Matthew Wirthlin, and Mary Woodhead. Salt Lake City Staff present were Doug Wheelwright, and Nick Britton Principle Planner.

**PUBLIC HEARINGS**

*(This item was heard at 6:37p.m.)*

**A request by Redeemer Lutheran Church and School at 1955 Stratford Avenue to rezone one of their parcels located at approximately 1955 Stratford Avenue from Open Space (OS) to Institutional (I). The applicant has requested this rezone so they may expand their current facilities.**

Vice Chair Wirthlin recognized Nick Britton as Staff representative.

Mr. Britton noted that the applicant was requesting the rezone to expand their facilities and reorient their parking. He noted that part of the property was an abandoned portion of Hillcrest Avenue, which was closed in 1987 and purchased by the applicant in 1988. He noted that one of the main conditions of the petition was that public access would still exist via pedestrian and vehicular traffic to Hillcrest Park.

On February 8, 2007 the Sugar House Community Council asked the applicant to hold a public Open House for the neighbors surrounding the general area. He noted that the Sugar House Community Council was supportive of the rezone with the condition that public access to the park remained in the future.

Commissioner Muir noted that the parking situation seemed unimaginative and inquired if Staff had suggested that the applicant create more green space.

Mr. Britton noted that a landscape buffer of ten feet from the property line needed to exist according to the zoning.

Commissioner Scott noted that assuming the parking lot configuration might change someday, should the Commission be discussing the traffic ingress and egress into the area.

Mr. Britton noted that a new agreement would be worked out, which would address parking on the new lot, as well as pedestrian access from both corners of the lot.

Commissioner Chambless inquired if there were plans to extend the physical footprint of the structure onto the area that is currently the parking lot.

Mr. Britton noted that the building would not be able to locate closer to the property line, and eventually the church planned to put a recreational facility where the parking lot currently exists.

Commissioner McHugh noted that a better parking entry was being added so she did not see how parking problems would increase.

Commissioner Muir inquired why the Commission had not received any input from the City's Open Space advisory committee.

Mr. Doug Wheelwright noted that there was only a committee that was in charge of the bond funds.

Commissioner Muir inquired if they would address land use and rezoning of open space.

Mr. Wheelwright noted that Staff would inquire about that.

Chairperson Wirthlin invited the applicant to the table.

Lori Briesacher (Representative of Redeemer Lutheran Church and School) noted that there were 130-150 member households in their congregation. She noted that the church ran a day school with a current enrolment of approximately 160 children in grades Kindergarten through eighth. She noted that discussion was held on how to further meet the needs of their aging congregation and school and learned that a different zoning was required to make any improvements to the lot.

Mark Grabl (Architect) noted that a number of studies had been performed to see how to improve the lot, but the different zoning that exists on the property was creating an artificial boundary.

Commissioner Woodhead inquired about how the applicant planned to proceed in respect to public access to the park and parking for this area.

Ms. Briesacher noted that the church currently liked the open relationship with the public and would like to keep it this way. She noted that she had met with Planning Staff to rewrite the public access agreement.

Commissioner Muir inquired if the parking was based on need or was it a product of meeting the zoning ordinance.

Mr. Grabl noted that he thought it was based on the sanctuary profile, and was actually higher than the actual need and noted that the parking count could be reduced.

Chairperson Wirthlin opened the public portion of the meeting.

Philip Carlson (Sugar House Community Council Chair) noted that the Sugar House Community Council supported the Redeemer Lutheran Church and School in their request to rezone the parcel from Open Space to Institutional. The Council also requested that the public easement that existed at this property should not be removed. He noted that most of the trustees felt that the church had fulfilled all the instructions and requirements in applying for this change.

Mr. Carlson noted that it was possible for the Parleys Canyon trail to be aligned in this area and could become a great access point for the trail. He noted that the parking lot position would greatly improve the access for the children to get from the park to the school.

Commissioner Chambless inquired if there would be occasions when the parking might spill out onto the street because of high congestion, for example, weekend uses.

Mr. Carlson noted that the park itself would never require parking to access it.

Sarah Carlson (1917 East 2700 South) noted that she went around the community to inform neighbors of this project and summarized their thoughts about the project. She noted that of those that she had spoken to, seventeen were opposed, three were undecided, and there were many concerns about congestion issues.

She noted that in 1983 the Sugar House City Community created Petition 400-121 to turn the whole parcel into a park. In 1985 the City worked with Redeemer Lutheran Church & School on Petition 400-392, which was issued to approve the easements. She believed that the previous petitions were to preserve the park as open space and not to rezone it into a parking lot or industrial space.

Commissioner Scott inquired if the petitions had been heard by the Planning Commission.

Ms. Carlson noted that they had been approved by the Commission, and served to function as an agreement for a parking lot which had to serve the public as well as the church to access the park. She noted the agreement in 1994 came about because the community raised \$9,000 and the church donated \$1,000 to build the park and the City had agreed to maintain it, once it was in place.

Liz Copone (1859 Hillcrest Avenue) noted she used the park on a weekly basis and could see there was a need to remodel and expand the churches facilities. She inquired if there was a type of variance that could be granted without doing a complete rezone of the whole area, and then in the future when there was funding to do the entire parking lot a rezoning change could occur contingent upon more permanent plans.

Jeannette Mason (1852 Hillcrest Avenue) noted she was against the rezone and felt that the parking lot would take up nearly half of the Open Space and the other half was a very forested and on steep inclines, which significantly decreases the usable space of the park. She noted that the church was proposing 86 parking stalls in addition to the expansion and she was also concerned about additional traffic increases.

Zachery Mason (1852 East Hillcrest Avenue) noted he never received any information from the church to inform the community of the project. He also noted that the project did not feel harmonious with the rest of the neighborhood.

Rawlins Young (2135 South 1900 East) noted that he was with the Sugar House Community Council in 1983, when Petition 400-121 was created to vacate the parcel and develop the park. He noted that shortly after the church put in a similar request for the same parcel property and in 1987 it was heard by the City Council, which moved to close the street and divide the land. He noted the recommendation of the city portion of the street was greater on the ends to provide access into the park. He noted that he thought that some of the confusion on the zoning map was that it did not reflect the actual ownership of the land.

Carol Mundinger (3808 South 500 East) noted she was in support of the petition.

Chairperson Wirthlin closed the public portion of the hearing.

Ms. Briesacher noted that the Community Council had suggested getting input from the neighbors. She noted that an Open House was held and she had hand delivered about 100 flyers to invite neighbors to the school to hear about the rezoning. Residents within 450 feet of the church were also invited to the Planning Commission meeting. She noted that the feedback she received from the neighbors was positive.

Mr. Grabl noted that the intent of the church was to have an indoor place for the children to play in. He noted if the zoning did not move forward then adding the indoor center was not a possibility.

Commissioner Scott inquired if the church had a gymnasium in the school now.

Ms. Briesacher noted that there was a 900 square foot room in the basement that served as a lunch room and an indoor play room for the children during bad weather.

Commissioner Scott noted that in the Staff Report it stated that the city may gain land from the church on the eastern end of the block to improve access to Hillcrest Park for public access and a thoroughfare for maintenance equipment. She noted that on the map it showed the city already owned that land.

Ms. Briesacher noted that the park was currently accessed for maintenance off of Hillcrest and the city had approached the church for ownership of 2000 East and Stratford Street, to place signage for the park and also to serve as an additional access.

Commissioner Muir noted that there seemed to be enough property to accomplish both aspects of reconfiguring the park, and accommodating the needs and expansion of the school. He noted that one solution could be that the city could obtain some land swaps to obtain a better ultimate result, and buy a little time rather than force the petition through. He noted that he thought the recreation hall should be built on the corner of 2000 East and Stratford, where it would not affect residents and would leave room to have a squared off vest-pocket park at the east end of Hillcrest.

Ms. Briesacher noted that she did not feel that anybody would be opposed to entertaining ideas that would allow the church to have what they needed for their facility and making the park a better fit. She noted she would be willing to get the community together to consider this and other options.

Mr. Wheelwright noted that the map that was passed around by Ms. Carlson was not how the property was divided; the entire street right-of-way was sold to the church. He noted that the city believed that a mistake was made when they mapped the city in 1995, because prior to that the whole area was zoned R-2 and churches were allowed in residential districts, and in 1995 it was zoned I (Institutional) because of the size. He noted that there was a lot of misinformation and lack of understanding regarding this petition and suggested that the Commission table the Petition for a month to allow

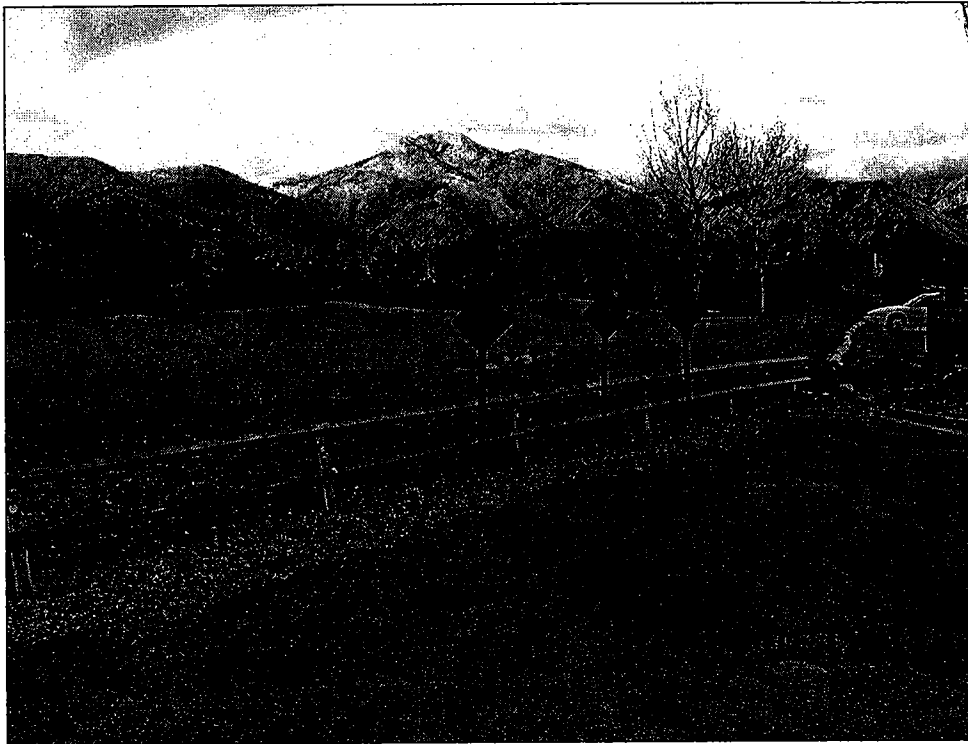
Staff to do additional research. He also acknowledged that there might be a better outcome if Commissioner Muir's suggestions were looked into further.

**Commissioner De Lay made a motion to table the petition for one month Commissioner Forbis noted that he would second the motion,** noting that there was too much confusion, not enough knowledge about the previous petitions, and there have been too many contradictions that have led to a ton of misinformation on the issue, and tabling the petition would be beneficial to let the parties have more time to work through the issues and allow staff to do some additional research.

**Commissioner Muir amended the motion to encourage the city to look at possible land swaps to create a more usable plan for this petition.**

**All in favor voted, "Aye" the motion carried unanimously.**

**Exhibit F: Photographs**



The northwestern corner of the subject parcel, used as a portion of Hillcrest Park



The southern edge of the subject parcel. Redeemer Lutheran Church and School can be seen to the far left.

Exhibit 5-c  
Planning Commission Hearing  
Minutes: October 24, 2007

**SALT LAKE CITY  
PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building  
451 South State Street, Salt Lake City, Utah  
Wednesday, October 24, 2007**

Present for the Planning Commission meeting were Chairperson Matthew Wirthlin, Vice Chair Mary Woodhead, and Commissioners Peggy McDonough, Susie McHugh, Prescott Muir, Kathy Scott, Tim Chambless, and Robert Forbis. Commissioners Babs De Lay and Frank Algarin were excused from the meeting.

Present from the Planning Division were George Shaw, Planning Director; Doug Wheelwright, Deputy Planning Director; Nick Britton, Principal Planner; Joel Paterson, Planning Manager; and Tami Hansen, Senior Secretary. Also present was Laura Kirwan, City Attorney,

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Wirthlin called the meeting to order at 5:48 p.m. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless, Susie McHugh, Kathy Scott, and Matthew Wirthlin. Planning Staff present were: Doug Wheelwright, Nick Britton, and Joel Paterson. Also present was Laura Kirwan, City Attorney,

**APPROVAL OF THE MINUTES from Wednesday, October 10, 2007.**

*(This item was heard at 5:48 p.m.)*

**Vice Chair Woodhead made a motion to approve the minutes with noted changes. Commissioner Chambless seconded the motion. All in favor voted, "Aye". The minutes were approved. Commissioners McDonough, Forbis, and Muir abstained from the vote.**

**REPORT OF THE DIRECTOR**

*(This item was heard at 5:49p.m.)*

Mr. George Shaw noted that a few subcommittees still needed to be scheduled to meet on the city-wide conditional use changes and Commissioners De Lay, Scott, McHugh and Chairperson Wirthlin had volunteered at the last meeting to be on this committee. They decided upon Thursday, November 1<sup>st</sup> 4:00 p.m.

**PUBLIC HEARING**

*(This item was heard at 5:52 p.m.)*

**Petition 400-06-40: Redeemer Lutheran Church Rezone**—a request by Redeemer Lutheran Church and School at 1955 East Stratford Avenue to rezone a portion of one of their parcels from the Open Space Zoning District (OS) to the Institutional Zoning District (I). The remaining portion of the subject parcel (a closed portion of Hillcrest Avenue) will remain Open Space and be deeded to Salt Lake City. This is a modification to the original request that was heard by the Planning Commission on March 14, 2007 and tabled so that planning staff could obtain more information.

Chairperson Wirthlin recognized Nick Britton as staff representative.

Mr. Britton noted that the petition number should read 400-06-49. He noted that this item was previously tabled on March 14, 2007 to allow staff to research and clear up some confusion in regards to the property ownership of the abandoned street by the church lot. Staff discovered that the quit claim deed that was filed in 1989 was incorrect due to a wrong legal description. Mr. Britton noted that the Redeemer Lutheran Church had obtained ownership of the street erroneously. He noted that this took place because

in the early 1980s both Redeemer Lutheran Church and the Sugar House Community Council filed to close the subject portion of Hillcrest Avenue, both petitions were combined and presented before the City Council where in 1987 the Council approved the closure. The property was intended to be split and divided, and the City should have retained half of the street.

In 1999 when the deed was recorded the .744 acres of the street was given to Redeemer Lutheran Church and this mistake was compiled by two other actions. In 1994 there was a use agreement between the city and the church which allowed the city to have access to a portion of the parking to be used by patronages of Hillcrest Park as well as access to the playground on the church property. In 1995 there were a large scale zoning changes involving Institutional and Open Space between the two properties, which would have better represented the two properties had the mistake in the early 1980s never been made.

Mr. Britton noted that the staff report presented to the Commission was a modification to the original application. Staff worked with the applicant to create a new boundary that met the intent of the original agreement, but also took into account the current development plans by the applicant, and would also allow both entrances into the church property and Hillcrest Park to be kept. Mr. Britton noted that if the deed would have been correctly filed in 1999, the zoned amount of Open Space (OS) and Institutional (I) in the location would be close to the current development plan, and therefore there is no decrease in green space. He noted that there were two other legal descriptions that staff received prior to the meeting that would not be filed, but would be retained as part of the record.

Commissioner McDonough stated that she was not quite sure how the open space was originally zoned, because normally the boundary was on a property line.

Mr. Britton noted that the boundary was on the property line, but the drawing defining this was wrong and what contributed to the original misunderstanding.

Mr. Wheelwright noted that the first mistake compounded and created the second mistake and the current petition is close to what was originally intended by both parties in the 1980s.

Chairperson Wirthlin invited the applicant to the table.

Ken Jones (attorney representing Redeemer Lutheran Church) stated that he would like to emphasize that there were a lot of past mistakes; the current staff report was adjusting the current situation back to the original intent, and that everything being done was consistent with the general plan and harmonious with the neighborhood. Mr. Jones stated that the neighborhood would benefit from the project in the following ways: Traffic ingress and egress to the church property was currently accessed from Preston Street, therefore these changes would allow for access from Stratford Avenue as well, alleviating traffic issues. Second, there was a good interaction between the church and the park and this relationship was a benefit to all those in the neighborhood who access the park after school hours. He noted that the only limitation for this plan was any formal agreement that would create access rights, which would have to be looked at very closely between the city and the church.

Lori Briesacher (Representative for Redeemer Lutheran Church & School) stated that this current petition was the best remedy regarding the current situation of the church and school.

Mark Grable (Architect) stated that he had been working on this project for approximately one year and half to two years, and would like to see the Commission forward a positive recommendation the City Council.

Chairperson Wirthlin opened the public portion of the hearing, and stated that he appreciated the involvement of the public in their community and the city to aid in making it a better place.

Grace Sperry (Sugar House Community Council Chair) stated she would like to see the Commission support this petition. She noted that when this was originally planned there was a preliminary park design

for Hillcrest Park that was never put into place, and she would like to see a recommendation added to the list of conditions that would allow for the park to be completed.

Rawlings Young (2135 South 1900 East) stated that he was happy to see a solution reached concerning the property lines. He noted he would like to see the city take into consideration the Sugar House Master Plan, and upgrade the Hillcrest Park.

Reverend David Fischer (Redeemer Lutheran Church) stated that he had been the Reverend for the church for the past thirty years. He stated that he would like to see this petition supported by the Commission in order to further improve and expand the church and school.

Virginia Santy (3195 Terrace view Circle) stated that she would like the Commission to support this petition to rezone the lots.

Danielle Lower (2249 South Oneida Street) stated she felt that Redeemer Church was a wonderful steward to the park, a quality choice for private education, and a vital component to the spiritual diversity of the community and she would like the Commission to support this petition.

Constance Smith (2635 Dearborn Street) stated she was in favor of the petition because Redeemer Church was a huge asset to the community and the school and park were very clean and well lit.

Chairperson Wirthlin closed the public hearing portion of the meeting and invited the applicant to the table. The applicant had no additional comments.

Commissioner McHugh inquired how the Commission would handle the request by Ms. Sperry for the park improvements.

Chairperson Wirthlin stated that this was out of the purview of the Commission; however, the Commission could suggest and state for the public record that it would be a positive thing to do.

Commissioner Chambless inquired if the maintenance of the park would be taken care of by city or private entities.

Mr. Shaw noted that staff's understanding was that the church was going to develop a parking lot in the near future, so there would be a definitive line between the church and park properties.

Mr. Wheelwright stated that the conditions would require that the landscaping and irrigation systems would be addressed and changed to reflect the new property line. He noted that the city would be maintaining Hillcrest Park and the church would maintain their property.

**Commission Forbis made a motion regarding petition 400-06-49 that the Planning Commission forward a positive recommendation to the City Council regarding the modified zoning request of a parcel generally located at 1955 East Stratford Avenue from Open Space (OS) to Institutional (I) with the following conditions:**

- 1. The applicant transfer to Salt Lake City the land originally intended to be retained by Salt Lake City as identified in the staff report.**
- 2. The current irrigation system must be modified at the applicant's expense so that the irrigation system for Hillcrest Park will still remain intact and useable after the proposed expansion.**
- 3. Revision of the current use agreement between Redeemer Lutheran Church and the City as to public access and public parking use, which reflects the adjusted property boundaries and the future site expansion of the church.**
- 4. The future church expansion project must meet all applicable City code and zoning requirements, or receive relief from appropriate boards in subsequent public processes.**

**Commissioner McDonough seconded the motion.**

Commissioner Scott inquired if the motion needed to be pending the submittal of correct legal descriptions.

Chairperson Wirthlin inquired if Commissioner Scott was amending the motion or making a suggestion.

Commissioner Scott stated that she was concerned that the recording process of this approval should be pending the correct legal description to avoid the 1980s misunderstanding.

Mr. Britton stated that the legal descriptions were prepared by the City surveyor, and would be reviewed by staff to check for accuracy.

**All in favor voted, "Aye". The motion passed unanimously.**

Exhibit 6-a  
Planning Commission Hearing  
Original Notice and Postmark: March 14, 2007

\*\*\*\*Field Trip scheduled at 4:00 p.m. and will include a tour of the Parley's Ridge Condominiums.

**AGENDA FOR THE  
SALT LAKE CITY PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building at 451 South State Street  
Wednesday, March 14, 2007, at 5:45 p.m.**

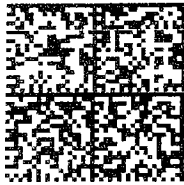
Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting is open to the public for observation.

- 1. APPROVAL OF MINUTES from Wednesday, February 28, 2007.**
- 2. REPORT OF THE CHAIR AND VICE CHAIR**
- 3. REPORT OF THE DIRECTOR**
- 4. PRESENTATION**
  - a. The Commission will receive a presentation from the Wasatch Front Regional Council (WFRC) and Envision Utah regarding Wasatch Choices 2040 Land-Use and Transportation Vision Draft Plan, including the "growth principles" recommended to be adopted by local governments and used in updating local land use master plans and ordinances.
- 5. PUBLIC HEARING**
  - a. **Petition ~~400-06-49~~**—a request by Redeemer Lutheran Church and School at 1955 Stratford Avenue to rezone one of their parcels located approximately at 1955 Stratford Avenue from Open Space (OS) to Institutional (I). The applicant has requested this rezone so they may expand their current facilities. (Staff —Nick Britton at 535-7932 or at [nick.britton@slcgov.com](mailto:nick.britton@slcgov.com))
- 6. UNFINISHED BUSINESS**
  - a. A discussion on the pending release of the Downtown Transportation and Downtown Rising Project, and their interface with the update of the Downtown Master Plan; also, a discussion of the schedule and process to update the Downtown Master Plan (Staff—Doug Dansie at 535- 6182 or [doug.dansie@slcgov.com](mailto:doug.dansie@slcgov.com)).

# PUBLIC HEARING NOTICE

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02/27/2007  
Mailed From 84111  
US POSTAGE

Hasler



Salt Lake City Planning Division  
451 South State Street, Room 406  
Salt Lake City UT 84111

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing
3. In order to be considerate of everyone attending the meeting, the Chair may limit the time each person may have to address the Commission, per item. A spokesperson who has already been asked by a group to summarize their concerns may be given additional time. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting.  
Written comments should be sent to:  
  
Salt Lake City Planning Commission  
451 South State Street, Room 406  
Salt Lake City UT 84111
4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. The Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.

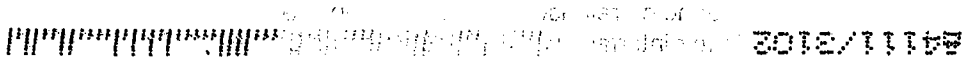


Exhibit 6-b  
Planning Commission Hearing  
Staff Report: March 14, 2007

**DATE:** March 8, 2007  
**TO:** Salt Lake City Planning Commission  
**FROM:** Nick Britton, Principal Planner  
**RE:** Staff Report for the March 14, 2007 Planning Commission Meeting

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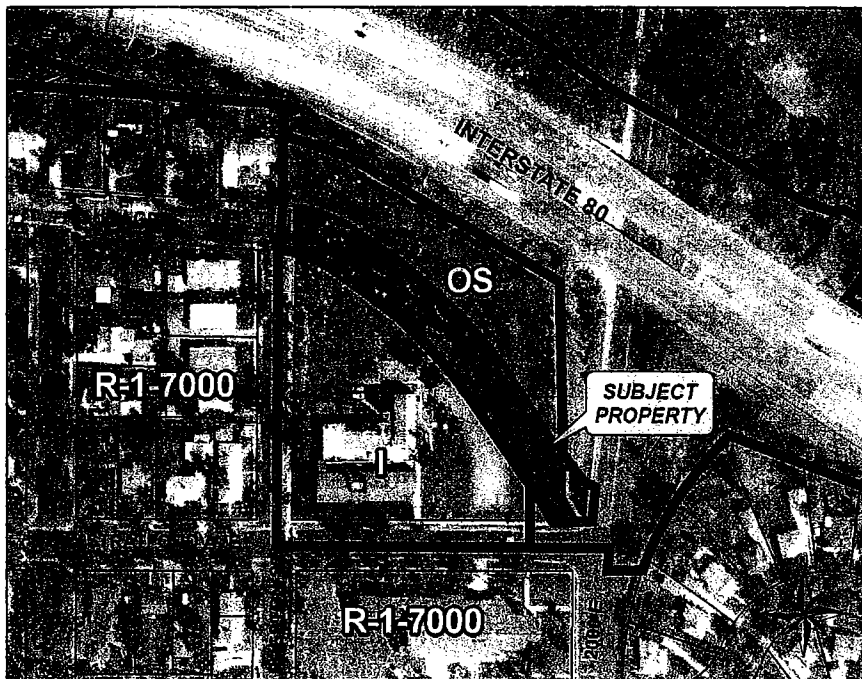
**CASE #:** 400-06-49

**APPLICANT:** Redeemer Lutheran Church and School  
1955 East Stratford Avenue

**STATUS OF APPLICANT:** The applicant is the owner the subject parcel

**REQUESTED ACTION:** The applicant is requesting that the subject parcel be rezoned from its current designation of Open Space (OS) to Institutional (I). The Planning Commission's role in this process is to forward a recommendation to the Salt Lake City Council.

**PROJECT LOCATION:** 2570 South 2000 East  
Sidwell #16-21-430-002-0000



## **APPLICABLE LAND USE REGULATIONS:**

The following sections of the Salt Lake City Zoning Ordinance are relevant to this petition:

### **21A.32.080: I – Institutional District**

*A. Purpose Statement: The purpose of the I (Institutional District) is to regulate the development of larger public and semipublic uses in a manner harmonious with surrounding uses. The uses regulated by the district are generally those having multiple buildings on a campus like site.*

### **21A.32.100: OS – Open Space District**

*A. Purpose Statement: The purpose of the OS (Open Space) District is to preserve and protect areas of public and private open space and exert a greater level of control over any potential redevelopment of existing open space areas.*

## **MASTER PLAN SPECIFICATIONS:**

There are two applicable master plans to this area. The first is the Sugar House Master Plan adopted in 2001. The subject parcel does not appear as a parcel on the future land use map (it still appears as an open street). The parcel to the north (the city-owned Hillcrest Park) has a future land use of “Parks and Open Space” and the parcel to the south (the church and school) has a future land use of “Institutional and Public Lands”. The plan also refers to Hillcrest Park in the Mini Parks section and suggests improvements to the park, including additional benches, drainage improvements, landscaping, and concrete walkways. The other applicable master plan is the Salt Lake City Open Space Plan adopted in 1992. This open space area (including Hillcrest Park) is identified as a park site to be retained to provide access to the Parley’s Creek Corridor (see Exhibit G).

## **COMMENTS:**

The comments received from pertinent City Departments/Divisions and the Community Council are attached as Exhibit D. The following is a summary of the comment and concerns received.

### *City Department/Division Comments*

#### **A. Airport (Allen McCandless)**

Mr. McCandless noted that the subject parcel is not in an airport influence zone and does not create any observed impacts to airport operations.

#### **B. Building Services Division (Larry Butcher)**

Mr. Butcher noted that parking setbacks must be 20 feet from front or corner side yard property lines and that for the future development, the applicant must document that the 40 percent open space requirement will be met. Furthermore,

**I. Transportation Division (Barry Walsh)**

Mr. Walsh noted that the proposal would have no impact to the existing transportation corridors of Preston Street, Stratford Avenue, or 2000 East. The proposed expansion is subject to improvement requirements noted in the DRT review regarding public way improvements and upgrades.

*Community Council Comments*

**A. Sugar House Community Council**

Representatives for Redeemer Lutheran Church and School presented their proposal to the Sugar House Community Council on February 7, 2007. The community council did not vote to forward a recommendation to the Planning Commission. A number of people expressed a concern with traffic cutting through the proposed parking lot from Preston Street to Stratford Avenue. There was also a concern about the applicant placing a fence on their property between the church and the park. There was some confusion regarding who owned the parcel in question and the extent to the agreement between the church and the City and how it impacted the size and extent of Hillcrest Park. It was explained to the community council that Redeemer Lutheran Church and School owned the parcel and that the agreement specified that Salt Lake City could use and maintain the subject parcel but it did not transfer ownership. Based on the confusion, Sugar House Community Council voted to invite Redeemer Lutheran Church and School back to the March meeting and asked them to notify the neighbors of their proposal (see Exhibit E).

**ANALYSIS AND FINDINGS:**

The Planning Commission will need to review the request to rezone a parcel from Open Space to Institutional using the Standards for General Amendments found in Section 21A.50.050 of the Salt Lake City Zoning Ordinance.

**21A.50.050: Standards For General Amendments**

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the city council should consider the following factors:

**A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.**

**Discussion:** One of the applicable master plans for the area is the Sugar House Master Plan adopted in 2001. The subject parcel is not identified on the future land use map, so the master plan does not provide direction in terms of the rezoning. However, the Sugar House Master Plan also identifies potential

with the City to allow pedestrian access to Hillcrest Park and to allow for public parking in their new parking lot. There is also the possibility that the City may gain some land from the church on the eastern end of the block to improve access to Hillcrest Park for the public and maintenance equipment.

**Finding:** The proposed rezoning will not have an adverse impact on any adjacent properties.

**D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.**

**Discussion:** The subject property is in the Groundwater Source Protection Overlay District. There are no additional standards relevant to this rezoning request.

**Finding:** The proposal meets this standard.

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

**Discussion:** Applicable City departments and divisions were given the chance to review and comment on the proposed rezoning and preliminary site plans for the proposed expansion of church facilities. While various departments requested plans in the future when the expansion begins, no immediate deficiencies were noted as part of the review process. There is no evidence that the rezone and subsequent expansion will dramatically increase the amount of traffic in the neighborhood or require additional public facilities that are not already present at the site.

**Finding:** The current public facilities and services intended to serve the subject property are adequate and any necessary modifications and changes to facilities will be identified upon application for building permits. The applicant will also be required to submit their plans to the Public Utilities Department and the Fire Department for review at that time.

**Exhibit A**  
Letter from Applicant



# REDEEMER LUTHERAN CHURCH & SCHOOL

November 29, 2006

Mr. Douglas L. Wheelwright  
Deputy Planning Director  
Salt Lake City Planning  
451 South State Street, Room 406  
Salt Lake City, UT 84111

Dear Mr. Wheelwright,

Please find enclosed a Zoning Amendment application and the required information to complete the petition for Redeemer Lutheran Church and School located at 1955 East Stratford Avenue. We have attached a separate sheet of paper outlining item numbers 1, 2, and 3 along with the labels of property owners within 450 feet of our parcels. We have also included the six copies of our site plan drawn to scale and a filing fee of \$900.00. If you have any questions please feel to contact Lori Briesacher at 598-4126. Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Lori Briesacher".

Lori Briesacher  
Owner Representative

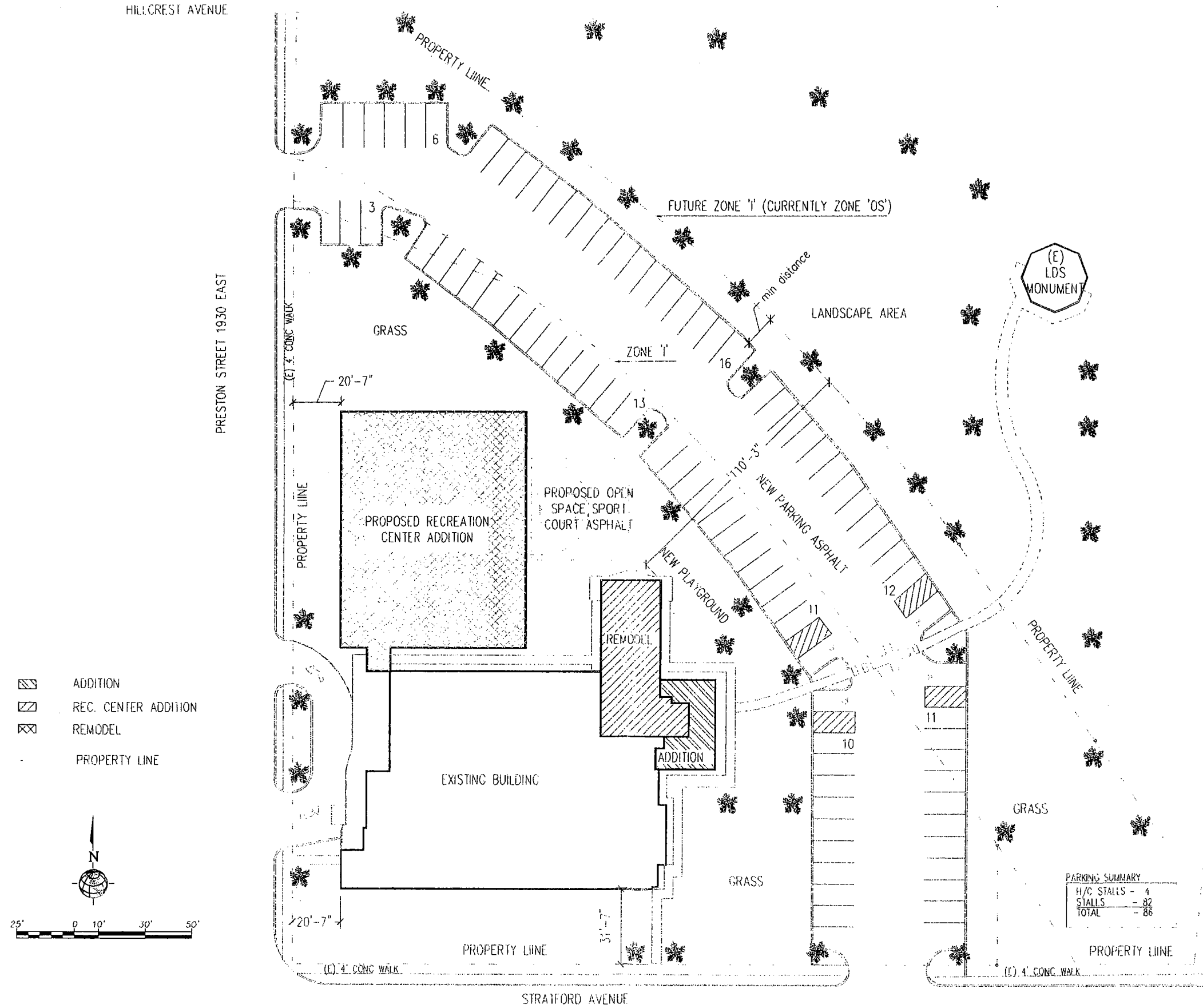
A handwritten signature in cursive script that reads "Mark Beekhuizen".

Mark Beekhuizen  
Executive Director

A handwritten signature in cursive script that reads "David Fischer".

David Fischer  
Pastor

**Exhibit B**  
Proposed Site Plan



**Exhibit C**  
Agreement for License in Real Property  
(September 26, 1994)

AGREEMENT FOR LICENSE IN REAL PROPERTY  
Granted by  
REDEEMER EVANGELICAL LUTHERAN CHURCH  
to  
SALT LAKE CITY CORPORATION

SEP 26 1994

AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 1994, between Redeemer Evangelical Lutheran Church, a non-profit Utah Corporation, hereinafter referred to as "Licensor," and Salt Lake City Corporation, a body corporate and politic in the State of Utah, hereinafter referred to as "Licensee."

In consideration of the mutual promises herein contained, the parties agree as follows:

Section 1. Licensor hereby grants to licensee a license to occupy and use, subject to all of the terms and conditions hereof, the following described real property:

A narrow strip of real property approximately sixty (60) feet wide and approximately two hundred seventy (270) feet long on one side and approximately three hundred thirty (330) feet long on the opposite side with an adjoining narrow strip of real property approximately five (5) feet wide and approximately one hundred fifty (150) feet long, both of which are located along the South West border of Hillcrest Park which is in the SE Quarter of Section 21, T1S, R1E S.L.B. & M., according to the Salt Lake City Corporation Public Services Department, Record of Survey, R.S.C. No. 1040, Sheet 1 of 1, dated April 20, 1994. Said parcels are depicted on the attached Exhibit A as the portions which are shaded.

Section 2. The above described premises may be occupied and used by licensee for the purpose of adding to a neighborhood park sometimes known as Hillcrest Neighborhood Park which is located directly to the east of the Redeemer Evangelical Lutheran Church property on the northwest corner of Stratford Avenue and 20th East in Salt Lake City, Utah. Licensee and other persons acting in cooperation with licensee are specifically authorized to excavate all or any portion of the above described property, to landscape it, to plant grass, trees, shrubbery, and to do such other things as are consistent with the use of a park, including, but not limited to, laying sprinkler pipe and constructing a concrete walkway or walkways thereon.

Section 3. Following the completion of the contemplated Hillcrest Neighborhood Park construction and improvement project, and for so long as this license shall remain in force, licensee shall be responsible to maintain the above described premises in the same manner as it maintains the other portions of the aforesaid

Park.

Section 4. Licensee shall be responsible to indemnify and hold harmless, licensor and its officers agents and employees for any problems occurring on the above described real property by reason of its being used as a portion of the Hillcrest Neighborhood Park. Licensee shall have the right to employ its own legal counsel or other legal counsel of its choosing in defending any all claims which may be asserted against licensor arising out of this agreement.

Section 5. Licensor shall not take any action to deny or limit access to or use of the above described real property which is intended to be available to the entire community, including persons affiliated with licensor.

Section 6. This license may be terminated by either party upon the delivery of at least 90 days advance written notice specifying that the license is to be terminated. Upon termination of the license in accordance with the terms of this section, all responsibilities and rights of both parties under this license shall cease. In the event of termination, licensor shall retain all improvements attached to the above-described real property which is the subject of this License Agreement and licensee shall retain title and possession to all personal property thereon not attached to said real property.

Section 7. Any written notice will be deemed delivered if sent by certified First Class U.S. Mail, return receipt requested, or the equivalent, to the following:

Licensor: Redeemer Lutheran Church  
1955 East Stratford Ave.  
Salt Lake City, Utah 84106

Licensee: Salt Lake City Corporation  
Parks Department  
1965 West 500 South  
Salt Lake City, Utah 84104

IN WITNESS WHEREOF, the parties have executed this license agreement on the day and year first above written.

REDEEMER EVANGELICAL LUTHERAN CHURCH

By: Rev. David A. Fischer

Its: PASTOR



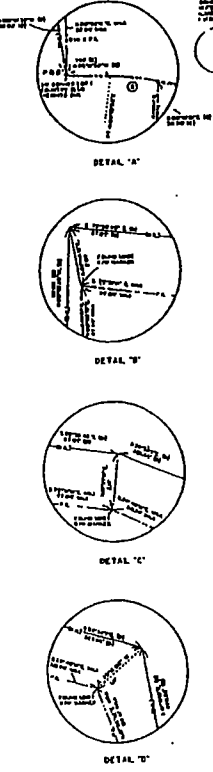
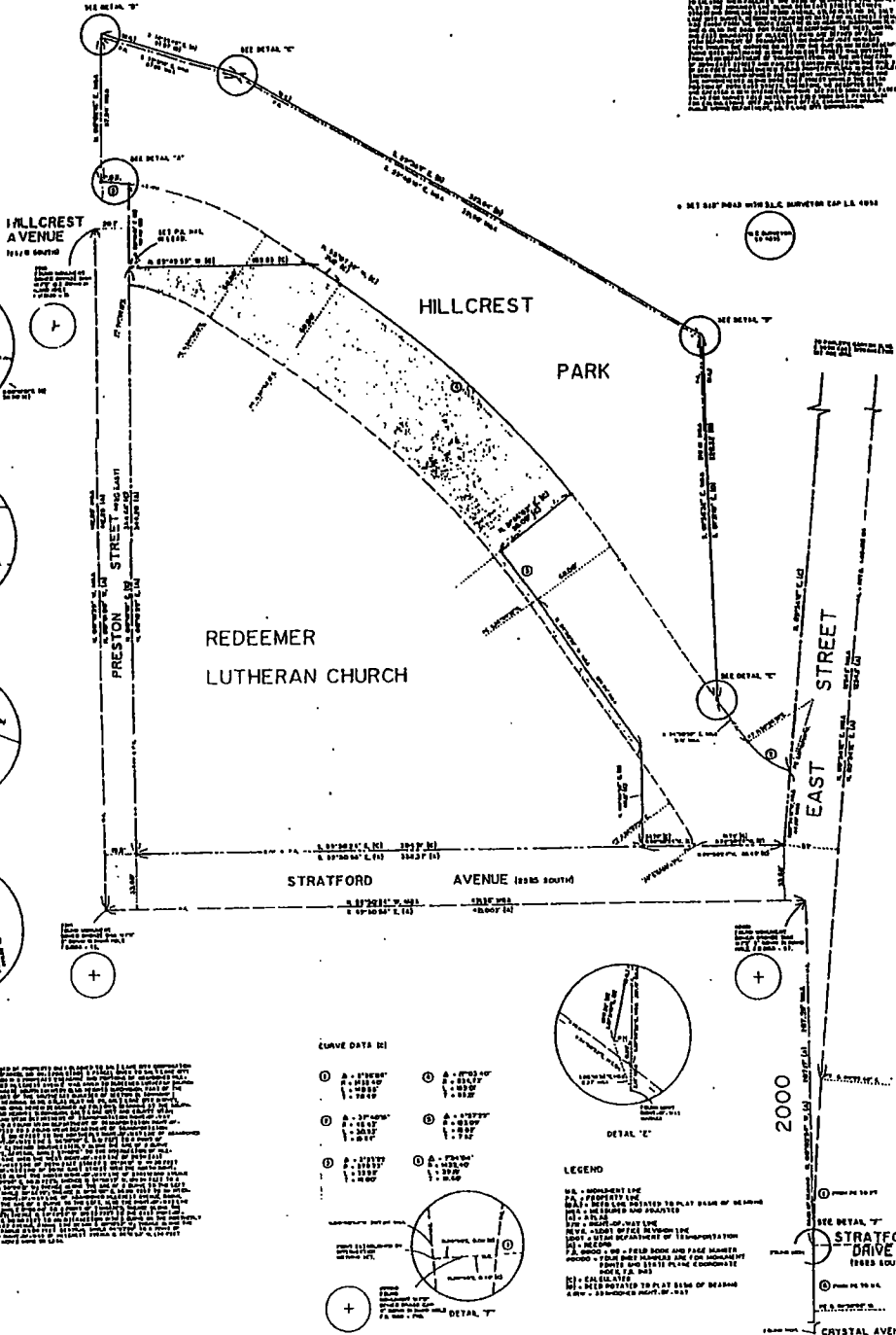
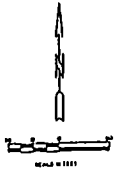
EXHIBIT "A"

HILLCREST PARK

SE QUARTER OF SECTION 21, T1S, R1E S.L.B. & M.

NARRATIVE

ALL THE LOTS SHOWN ON THIS SURVEY ARE SUBJECT TO THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE PLAT OF THE HILLCREST PARK SUBDIVISION, PLAT NO. 1040, SALT LAKE COUNTY, UTAH, AND TO THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE PLAT OF THE REDEEMER LUTHERAN CHURCH SUBDIVISION, PLAT NO. 1041, SALT LAKE COUNTY, UTAH. THE LOTS SHOWN ON THIS SURVEY ARE SUBJECT TO THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE PLAT OF THE HILLCREST PARK SUBDIVISION, PLAT NO. 1040, SALT LAKE COUNTY, UTAH, AND TO THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE PLAT OF THE REDEEMER LUTHERAN CHURCH SUBDIVISION, PLAT NO. 1041, SALT LAKE COUNTY, UTAH.



DESCRIPTION

AN INSTRUMENT BEING MADE AND FORWARDED TO THE CITY OF SALT LAKE, UTAH, BY THE SURVEYOR, DOUGLAS S. FOLGER, FOR THE CITY OF SALT LAKE, UTAH, TO BE KEPT IN THE OFFICE OF THE CITY ENGINEER, AS A PUBLIC RECORD, AND TO BE OPENED UPON THE DEMAND OF THE CITY ENGINEER, OR HIS SUCCESSORS, AT ANY TIME, AND TO BE KEPT IN THE OFFICE OF THE CITY ENGINEER, AS A PUBLIC RECORD, AND TO BE OPENED UPON THE DEMAND OF THE CITY ENGINEER, OR HIS SUCCESSORS, AT ANY TIME.

CURVE DATA IS:

- ① A = 178.00' R = 100.00' Δ = 100.00'
- ② A = 178.00' R = 100.00' Δ = 100.00'
- ③ A = 178.00' R = 100.00' Δ = 100.00'
- ④ A = 178.00' R = 100.00' Δ = 100.00'

LEGEND

- ① MONUMENT LINE
- ② PROPERTY LINE
- ③ EASEMENT LINE
- ④ RIGHT-OF-WAY LINE
- ⑤ CENTERLINE OF HIGHWAY
- ⑥ CENTERLINE OF RAILROAD
- ⑦ CENTERLINE OF CANAL
- ⑧ CENTERLINE OF DRAINAGE
- ⑨ CENTERLINE OF FENCE
- ⑩ CENTERLINE OF ROAD
- ⑪ CENTERLINE OF TRAIL
- ⑫ CENTERLINE OF RIVER
- ⑬ CENTERLINE OF STREAM
- ⑭ CENTERLINE OF CREEK
- ⑮ CENTERLINE OF LAKE
- ⑯ CENTERLINE OF OCEAN
- ⑰ CENTERLINE OF MOUNTAIN
- ⑱ CENTERLINE OF HILL
- ⑲ CENTERLINE OF VALLEY
- ⑳ CENTERLINE OF PLAIN
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<b>SURVEYORS CERTIFICATE</b> SURVEYED BY THE SALT LAKE CITY SURVEYORS UNDER THE DIRECTION OF DOUGLAS S. FOLGER WHOSE OFFICIAL TITLE IS SALT LAKE CITY SURVEYOR WHO IS AUTHORIZED TO PRACTICE LAND SURVEYING IN AND FOR THE CITY OF SALT LAKE. DOUGLAS S. FOLGER DATE 11/20/18	<b>APPROVAL</b> SALT LAKE CITY SURVEYOR No. 11974 DOUGLAS S. FOLGER DATE 11/20/18	<b>APPROVAL</b> SALT LAKE CITY ENGINEER LARRY MAX CLAYTON DATE 11/20/18	<b>REVISIONS</b>		SALT LAKE CITY CORPORATION PUBLIC SERVICES DEPARTMENT RECORD OF SURVEY R.S.C. NO. 1040 SHEET 1 OF 1 SALT LAKE CITY ENGINEER'S OFFICE 444 SOUTH STATE STREET SALT LAKE CITY, UTAH 84143	PLAT NUMBER SHEET NO. SHEET TOTAL
			BY V. OSTRADEK DATE 11/20/18	BY R.C. DATE 11/20/18		

C 94-562

### CONTRACT ROUTING FORM

REQUESTING DEPARTMENT/DIVISION Management Services, Purchasing & Property Management Division	DATE September 21, 1994
DEPARTMENT CONTACT Linda Cordova, Property Manager	PHONE 535-6308
NAME OF CONTRACTING PARTY Redeemer Evangelical Lutheran Church	REF #

**SUBJECT**

Agreement for License in Real Property Granted by Redeemer Evangelical Lutheran Church to Salt Lake City Corporation

Number of Copies	<u>ONE (1)</u>	YES	NO
Expected Completion:		Insurance Required	<u>X</u>
		Insurance Attached	<u>X</u>

**FINANCE**

**RECORDER**

Contract No. 01-C. 95033

Vendor No. \_\_\_\_\_

Account No. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**RECORDED**  
SEP 26 1994  
**CITY RECORDER**

**RECEIVED**  
SEP 26 1994  
**CITY RECORDER**

Funds Available \_\_\_\_\_

Funds Not Needed [Signature]

**ATTORNEY**

LARRY SPENDLOVE

APPROVED AS TO FORM

Date 9/23/94 By [Signature]

**COPY DISTRIBUTION**

Date 9/26/94 Return to: Linda Cordova, Property Management

1 Orig J.P. Spenser  
1 Copy Sherie  
1 " Roe.

ROGER BLACK  
DIRECTOR OF  
FINANCE

**SALT LAKE CITY CORPORATION**  
DEPARTMENT OF MANAGEMENT SERVICES  
PURCHASING AND PROPERTY MANAGEMENT DIVISION

DEEDEE CORRADINI  
MAYOR

September 21, 1994

**RECORDED**  
**SEP 26 1994**  
**CITY RECORDER**

Mayor Deedee Corradini  
451 South State Street, Rm. 306  
Salt Lake City, UT 84111

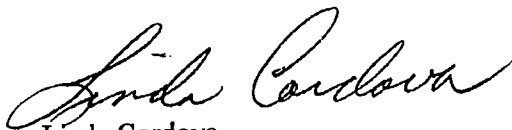
REF: Agreement for License in Real Property Granted by Redeemer Evangelical  
Lutheran Church to Salt Lake City Corporation

Dear Mayor Corradini,

Enclosed for your signature is the above referenced document. The agreement gives the City permission to occupy real property owned by the Lutheran Church for the purpose of landscaping with grass, trees, shrubbery, sidewalks and a sprinkling system. The property will be used in conjunction with the construction of the neighborhood project known as Hillcrest Park located at approximately 2000 East and Stratford Avenue.

As soon as the enclosed document have been properly signed in behalf of Salt Lake City, the City Recorder should be instructed to retain a copy of the Agreement and return the original to Property Management for distribution. Thank you for your consideration.

Sincerely,



Linda Cordova  
Property Manager

Encl:

**Exhibit D**  
Department/Division Comments

**Britton, Nick**

---

**From:** McCandless, Allen  
**Sent:** Friday, December 15, 2006 9:48 AM  
**To:** Britton, Nick  
**Cc:** Pack, Russ  
**Subject:** FW: Zoning Map Amendment (400-06-49)

Nick,

Thank you for the notice regarding petition 400-06-49, a zoning map amendment for the Redeemer Lutheran Church and school located at 1955 East Stratford Avenue. This address is not in an established Salt Lake City airport influence zone. The project does not create any observed impacts to airport operations. -Allen McCandless, Planning Manager

---

**From:** Pack, Russ  
**Sent:** Thursday, December 14, 2006 4:16 PM  
**To:** McCandless, Allen  
**Subject:** FW: Zoning Map Amendment (400-06-49)

---

**From:** Britton, Nick  
**Sent:** Thursday, December 14, 2006 1:21 PM  
**To:** Boskoff, Nancy; Burbank, Chris; Clark, Luann; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Pack, Russ; Querry, Chuck; Rutan, Ed; Zunguze, Louis  
**Cc:** Coffey, Cheri; Wheelwright, Doug; Paterson, Joel; LoPiccolo, Kevin  
**Subject:** Zoning Map Amendment (400-06-49)

The Planning Division is currently reviewing Petition #400-06-49, a request for a zoning map amendment from Redeemer Lutheran Church and School at 1955 E. Stratford Avenue. The subject parcel is an abandoned section of Hillcrest Avenue, currently zoned OS. The applicant wishes to rezone it to the I (Institutional) District so that the church and school can expand their existing facilities. Application materials have been sent to the appropriate city staff who have been asked to review the details of the proposal and respond in writing with any comments they have. If you would like to review the details of the proposed street closure, please let me know by December 20 and I will forward the information to you for your comments.

If you have any questions, please contact me at 535-7932.

Thank you.

Nick Britton  
Planning Division  
451 South State St. Room 406  
Salt Lake City, UT 84111  
(801) 535-7932

**Britton, Nick**

---

**From:** Butcher, Larry  
**Sent:** Friday, December 29, 2006 10:58 AM  
**To:** Britton, Nick  
**Cc:** Goff, Orion  
**Subject:** Petition 400-06-49 / Redeemer Lutheran church / 1955 Stratford Ave.  
**Categories:** Program/Policy

Nick:

I have the following comments related to the proposed zoning district boundary change to facilitate the expansion of the existing church:

- Parking setbacks must be 20' from front or corner side yard property lines
- Documentation of the 40% open space requirement will be required for development
- Parking calculations must be provided. Places of worship are required to have 1 parking stall for every 5 seats in the main auditorium or assembly hall. Also, unless the Zoning Administrator waives the requirement for a traffic study (pursuant to a recommendation from DRT) the study is required for the proposed expansion of the district and structure. I recommend that you consult with the Transportation Division on this matter and schedule a separate DRT meeting for a determination.
- The proposed additions to the building may constitute a 50% square footage increase which would require a landscape upgrade per Sec. 48.170.

This is a preliminary review based upon the site plan submitted with the application and does not intend to address all aspects of construction plan review.

Larry

**Britton, Nick**

---

**From:** Leydsman, Wayne  
**Sent:** Thursday, December 14, 2006 1:58 PM  
**To:** Britton, Nick  
**Subject:** Petition #400-06-49Redeemer Luthern School and Church, 1955 E. Stratford Avenue  
**Categories:** Program/Policy

The Salt Lake City Fire Department has no objections to the Zoning amendment for the proposed addition. As the project progresses, please provide an up to date site plan indicating the water main and fire hydrants, and the plans for the building addition, which will be reviewed by the building department and fire department plans examiners.

W. Leydsman  
Inspector/Plans Examiner  
SLCFD

**Britton, Nick**

---

**From:** Graham, Rick  
**Sent:** Tuesday, January 16, 2007 3:30 PM  
**To:** Pope, Val; Wheelwright, Doug  
**Cc:** Britton, Nick  
**Subject:** RE: Redeemer Lutheran Church Petition #400-06-49  
**Categories:** Confidential

Doug, my only comment relates to #3. If we have an agreement that states the Church will allow and not deny public access to or use of the property, then that same language and condition must be reaffirmed and included in any new deal.

---

**From:** Pope, Val  
**Sent:** Tuesday, January 16, 2007 3:21 PM  
**To:** Wheelwright, Doug  
**Cc:** Graham, Rick; Britton, Nick  
**Subject:** Redeemer Lutheran Church Petition #400-06-49

Doug,

As a follow-up to our discussion at the meeting we had last week regarding the Redeemer Lutheran Church Petition #400-06-49 and the rezoning request, the following is a summary as I understand the issues we were reviewing.

The proposed plan required the rezoning of private property that by consent encroached on the public right-of-way and that may have been inadvertently zoned open green space adjacent to Hillcrest Park that is zoned open green space also. In response the Parks Division does not have an objection to the right-of-way rezoning request of the private property but would ask the following conditions.

1 – Pedestrian access must be made available to the City Park from both the southeast (Stratford Ave.) and the west (Preston Street) of the Park property. We would also ask that some allowance for public parking be allowed for Park use by the public in the new parking lot being developed. This could be done through and easement or some other action.

2 – The current Park irrigation is also irrigating the private property being proposed for a parking lot. We would ask that as part of the new development the irrigation be modified at the applicant's expense to keep the Park irrigation intact and useable.

3 – We need to check the current agreement with the Redeemer Lutheran Church. I believe the current agreement has some shared use between the City and the Church that we would want to retain. (I have recovered a signed copy of the 1994 agreement between the Redeemer Lutheran Church and the City that states "Licensee shall not take any action to deny or limit access to or use of the above described real property which is intended to be available to the entire community, including persons affiliated with the licensor." If you would like me to fax you a copy of the agreement please let me know. We should review the current language that states a shared use and keep the same language unless Rick Graham feels the language should be modified.)

4 – We might want to look at acquiring the property on the corner of Stratford Avenue and 20th east from the Church to square off the Church parcel and to provide an access point large enough for the City to access its maintenance equipment and to assure public access to the Park.

2/20/2007

**Britton, Nick**

---

**From:** Brown, Jason  
**Sent:** Wednesday, December 20, 2006 4:01 PM  
**To:** Britton, Nick  
**Cc:** Garcia, Peggy  
**Subject:** Petition \$400-06-49 Request by Redeemer Lutheran Church and School to rezone a parcel at approximately 1955 East Stratford  
**Categories:** Program/Policy

Nick,  
Public Utilities has reviewed the above mentioned petition and have no issues with the rezone request. It should be noted that the Church will be required to submit plans to this office for the expansion in the future.

If you have any questions please do not hesitate to contact our office.

Jason Brown PE  
Development Review  
483-6727

**Britton, Nick**

---

**From:** Walsh, Barry  
**Sent:** Monday, December 18, 2006 2:48 PM  
**To:** Britton, Nick  
**Cc:** Young, Kevin; Smith, Craig; Butcher, Larry; Leydsman, Wayne; Stewart, Brad; Graham, Rick  
**Subject:** Pet 400-06-49 Zoning revision.  
**Categories:** Program/Policy

December 18, 2006

Nick Britton, Planning

Re: Petition 400-06-49 to combine two lots and rezone as Institutional (I) District at 1955 East Stratford Avenue.

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

The proposed unification of the lots and rezoning into one Institutional Zone will have no impact to the existing transportation corridors – Stratford Avenue and Preston Street Residential locals connection to 2000 East a Collector class roadway.

The proposed site development and expansion is subject to city standard improvement requirements as noted in past DRT review meeting for this site to include public way improvements and upgrades. The site plan submitted is conceptual and requires minor changes to address transportation review comments.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.  
Craig Smith, Engineering  
Larry Butcher, Permits  
Wayne Leydsman, Fire  
Brad Stewart, Public Utilities  
Rick Graham, Public Services  
File

**Exhibit E**  
Communication with Sugar House  
Community Council

**Zoning Map Amendment  
Community Council / Citizen Group Input**

TO: Phillip Carlson, Chair, Sugar House Community Council

FROM: Nick Britton, Planning Division Staff

DATE: December 14, 2006

RE: Zoning Amendment of a parcel at 1955 East Stratford Avenue

The Redeemer Lutheran Church and School is requesting the Salt Lake City Planning Commission approve a Zoning Map Amendment for a parcel at approximately at 1955 East Stratford Avenue. As part of this process, the applicant is required to solicit comments from the Sugar House Community Council. The purpose of the Community Council review is to inform the community of the project and solicit comments / concerns they have with the project. The Community Council may also take a vote to determine whether there is support for the project, but this is not required. (Please note that the vote in favor or against is not that important to the Planning Commission. What is critical is to raise relevant issues for their review. ) I have enclosed information submitted by the applicant relating to the project to facilitate your review. The applicant will also present information at the meeting.

If the Community Council chooses to have a project presented to them, the applicant will only be required to meet with the Community Council once before the Planning Staff will begin processing the application. The Community Council should submit its comments to me, as soon as possible, after the Community Council meeting to ensure there is time to incorporate the comments into the staff report to the Planning Commission. Comments submitted too late to be incorporated into the staff report, can be submitted directly to the Planning Commission, via the Planning Division, for their review prior to the Planning Commission Public Hearing.. I will also attend the meeting to answer any questions and listen to the comments made by the Community Council members.

Following are City adopted criteria that the Planning Commission will use to make their decision. The City's technical staff will review the project to ensure it complies with adopted policies and regulations. Input from the Community Council / citizen groups can be more general in nature and focus on issues of impacts to abutting properties and compatibility with the neighborhood. Staff is not looking for you to make comments on each of the below listed criteria, but general comments should pertain to the criteria listed below.

1. Consistency with the adopted Master Plan policies of the Sugar House Master Plan.
2. Adequacy of transportation including access to property, traffic congestion, parking, circulation (both vehicular and non-vehicular including pedestrian), etc.
3. Adequacy of existing or proposed utility services to accommodate the proposed use
4. Appropriateness of buffering to protect adjacent land uses from light, noise and visual impacts;
5. Consistency of architecture and building materials with the development and compatibility with the adjacent neighborhood;
6. Appropriateness of landscaping for the scale of the development;
7. Assurance of preservation of historical, architectural and environmental features of the property;
8. Compatibility of operating and delivery hours with adjacent land uses;
9. Compatibility with the neighborhood surrounding the proposed development and avoidance of a concentration of uses that results in a negative impact on the neighborhood or the City as a whole;

You may submit your written comments to the Planning Division by mail at Salt Lake City Planning Division, 451 South State Street, Room 406, SLC, UT 84111; by Fax at (801) 535-6174 or via e-mail to me at [nick.britton@slcgov.com](mailto:nick.britton@slcgov.com).

If you have any questions, please call me at 535-7932 or contact me via e-mail.

## Sugar House Community Council

Philip Carlson, 2006-07 Chair  
Helen M. Peters, Land Use and Zoning Chair  
2803 Beverly Street  
Salt Lake City, Utah 84106  
801-466-7170  
helenmpeters@gmail.com

February 18, 2007

Nick Britton [via E-mail at [nick.britton@slcgov.com](mailto:nick.britton@slcgov.com)]  
Planner  
Salt Lake City Corporation, Planning Division  
324 South State Street  
Room 406  
Salt Lake City, Utah 84111

Dear Nick:

At the February 7, 2007 Sugar House Community Council meeting, the Trustees heard a presentation from Lori Briesacher, a representative from Redeemer Lutheran Church & School, along with their architectural representative from Daniel Cook Architects representing Building God's Way. Ms. Briesacher indicated that Redeemer Lutheran Church & School owns two parcels of property; parcel VTDI 16-21-430-001-0000 that is zoned I-institutional and parcel VTDI 16-21-430-002-0000 that is zoned open space. Ms. Briesacher asked the Sugar House Community Council to provide a positive recommendation to the Salt Lake City Planning Commission to change the zoning on the open space parcel to I-institutional. This would allow them to quit claim the two parcels into one parcel with the designation of I-institutional zoning.

The Trustees expressed concern that Ms. Briesacher, on behalf of the Redeemer Lutheran Church & School, had not contacted the surrounding neighbors to let them know of their plans. Hence, the Sugar House Community Council did not vote on the matter. Several Trustees were positively inclined towards providing an affirmative recommendation, but asked Redeemer Lutheran to return to the Sugar House Community Council in March after contacting the neighbors.

The Sugar House Community Council has consistently expressed concern about the loss of open space – public or private – in Salt Lake City. We urge Salt Lake City to use available funding and other resources to identify all open spaces in Salt Lake City and move towards acquiring those that are appropriate for preservation, conservation or recreational use.

Please let me know if you have any questions or concerns regarding this matter.

Best,

Helen M. Peters

cc: Lori Briesacher via E-mail [mlbries@hotmail.com](mailto:mlbries@hotmail.com)  
Daniel Cook Architects

**Exhibit F**  
Photographs



Figure 1: The northwestern corner of the subject parcel, used as a portion of Hillcrest Park.



Figure 2: The southern edge of the subject parcel. Redeemer Lutheran Church and School can be seen to the far left.

**Exhibit G**  
Map of Parley's Creek Corridor  
(from Open Space Master Plan)

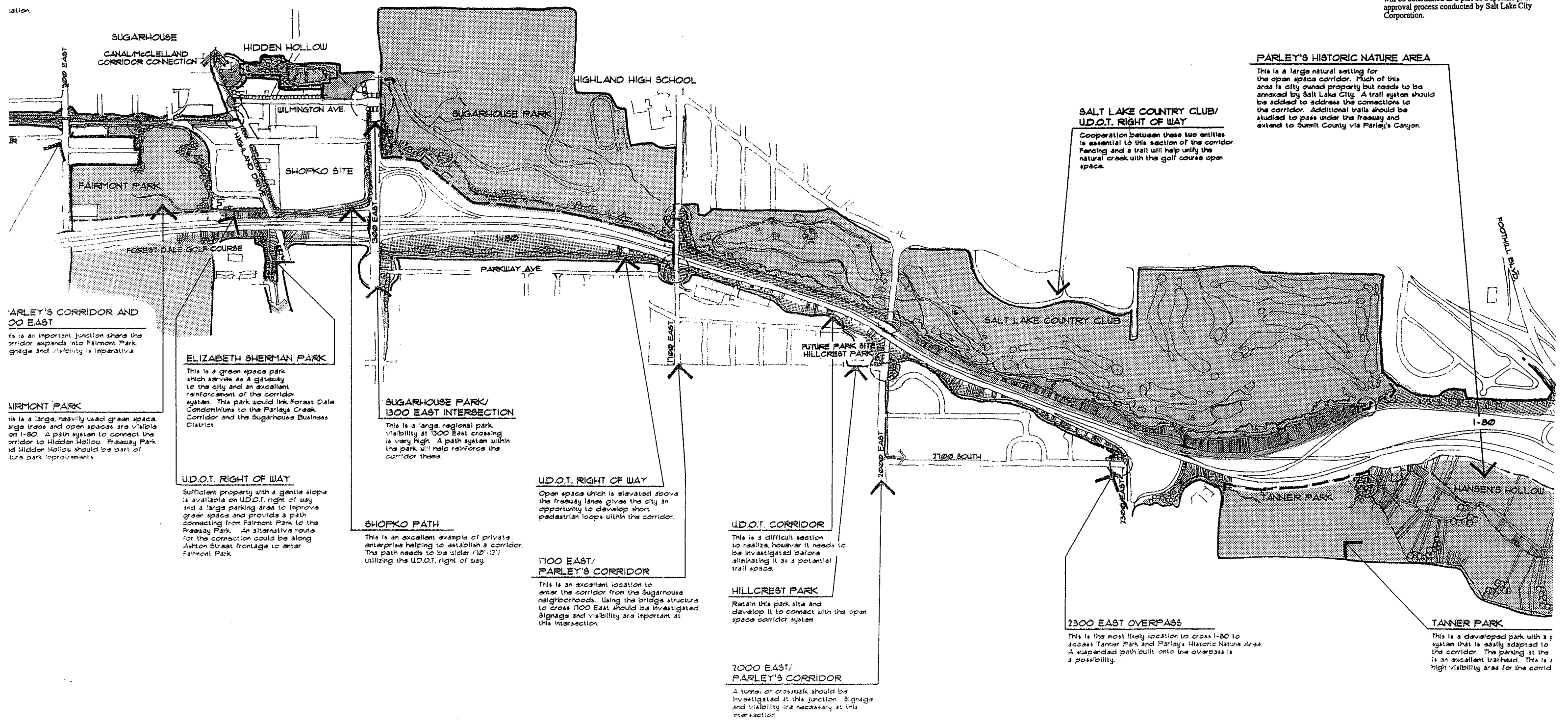
# RIDOR

## HIDDEN HOLLOW NATURE PARK

An integral part of maintaining Parley's Creek. It can connect to the Canal Corridor via the old Post Office site and to Parley's Corridor via Wilmington Avenue or a new tunnel under 1300 East.

**NOTE:**  
The open space connection corridor or trail route depicted on this map is intended to be conceptual and illustrative of the general corridor opportunity existing in this area of the City. Any actual trail or connecting corridor location, designation, facilities construction or right of way implementation effort will be determined as a part of a specific plan approval process conducted by Salt Lake City Corporation.

AND  
ation.



## PARLEY'S HISTORIC NATURE AREA

This is a large natural setting for the open space corridor. Much of this area is city owned property but needs to be annexed by Salt Lake City. A trail system should be added to address the connections to the corridor. Additional trails should be studied to pass under the freeway and extend to Summit County via Parley's Canyon.

## SALT LAKE COUNTRY CLUB/ U.D.O.T. RIGHT OF WAY

Cooperation between these two entities is essential to this section of the corridor. Fencing and a trail will help unify the natural creek with the golf course open space.

## PARLEY'S CORRIDOR AND 1300 EAST

This is an important junction where the corridor expands into Fairmont Park. Signage and visibility is imperative.

## FAIRMONT PARK

This is a large, heavily used green space. Large trees and open spaces are visible on I-80. A path system to connect the corridor to Hidden Hollow, Freeway Park and Hidden Hollow should be part of future park improvements.

## ELIZABETH SHERMAN PARK

This is a green space park which serves as a gateway to the city and an excellent reinforcement of the corridor system. This park would link Forest Dale Condominiums to the Parley's Creek Corridor and the Sugarhouse Business District.

## U.D.O.T. RIGHT OF WAY

Sufficient property with a gentle slope is available on U.D.O.T. right of way and a large parking area to improve green space and provide a path connecting from Fairmont Park to the Freeway Park. An alternative route for the connection could be along Ashton Street frontage to enter Fairmont Park.

## SUGARHOUSE PARK/ 1300 EAST INTERSECTION

This is a large regional park. Visibility at 1300 East crossing is very high. A path system within the park will help reinforce the corridor theme.

## SHOPKO PATH

This is an excellent example of private enterprise helping to establish a corridor. The path needs to be wider (10'-12') utilizing the U.D.O.T. right of way.

## U.D.O.T. RIGHT OF WAY

Open space which is elevated above the freeway lanes gives the city an opportunity to develop short pedestrian loops within the corridor.

## 1700 EAST/ PARLEY'S CORRIDOR

This is an excellent location to enter the corridor from the Sugarhouse neighborhoods. Using the bridge structure to cross 1700 East should be investigated. Signage and visibility are important at this intersection.

## U.D.O.T. CORRIDOR

This is a difficult section to realize, however it needs to be investigated before eliminating it as a potential trail space.

## HILLCREST PARK

Retain this park site and develop it to connect with the open space corridor system.

## 2000 EAST/ PARLEY'S CORRIDOR

A tunnel or crosswalk should be investigated at this junction. Signage and visibility are necessary at this intersection.

## SALT LAKE COUNTRY CLUB

This is a large natural setting for the open space corridor. Much of this area is city owned property but needs to be annexed by Salt Lake City. A trail system should be added to address the connections to the corridor. Additional trails should be studied to pass under the freeway and extend to Summit County via Parley's Canyon.

## 2300 EAST OVERPASS

This is the most likely location to cross I-80 to access Tanner Park and Parley's Historic Nature Area. A suspended path built onto the overpass is a possibility.

## TANNER PARK

This is a developed park with a trail system that is easily adapted to the corridor. The parking at the site is an excellent trailhead. This is a high visibility area for the corridor.

Exhibit 6-c  
Planning Commission Hearing  
Minutes: March 14, 2007

Commissioner Chambless noted that around the North East Quadrant of Salt Lake City (surrounding the University of Utah) there is a lot of congestion and gridlock and he inquired about what could be done in that area.

Mr. Matheson noted that light rail has been a terrific benefit for the city, and the Downtown Rising plan would address congestion in that area in the future. There is a real emphasis in tying the University to the downtown area, and even discussion regarding having part of the campus downtown where it would be more accessible.

Commissioner Chambless inquired about a light rail hub that would run along Foothill Boulevard and run along Interstate 80 to connect into more immediate light rail plans.

Mr. Ramjoue noted that transportation issues were reviewed on a continuous basis; especially the impacts of traffic to and from the University, there are some minor roadway improvements that would benefit the area. There is also currently a study underway on Foothill Boulevard to see what might be done to make improvements along there.

Commissioner Muir noted that there is a fundamental resistance to increasing compactness in the city. He inquired about what the best tool would be for the Commission to use to sustain this type of plan.

Mr. Ramjoue noted that there had been resistance, but all of the urbanized areas did not have to be compact; there are places for all kinds of development in the area. Some areas could be strategically picked that would incorporate higher densities into the development. This would be a matter of public education and input that would need to happen over time.

Mr. Matheson noted there is an increase in demand for walkable communities and the market is driving this. In most cases the cities are putting significant constraints on the market. Locally between 20-30% of the residents agree they would want to live in this walkable type of community.

Commissioner Scott noted that a lot of credence is placed in the documents that come before the Planning Commission and other boards, and an emphasis of follow through needs to be placed in educating the Transportation Department to constantly incorporate references to these types of documents.

She suggested that on the Community Council level, regular workshops and meetings could be organized to read and discuss these documents and make them a pertinent part of lively discussions throughout surrounding neighborhoods.

Chairperson Wirthlin inquired about the Commission's action regarding the report, as far as the process of adopting these principles. He noted that a lot of effort and time had gone into this preparation and the Planning Commission would like to see more as it progresses in the future.



#### **PUBLIC HEARINGS**

*(This item was heard at 6:37p.m.)*

**A request by Redeemer Lutheran Church and School at 1955 Stratford Avenue to rezone one of their parcels located at approximately 1955 Stratford Avenue from Open Space (OS) to Institutional (I). The applicant has requested this rezone so they may expand their current facilities.**

Vice Chair Wirthlin recognized Nick Britton as Staff representative.

Mr. Britton noted that the applicant was requesting the rezone to expand their facilities and reorient their parking. He noted that part of the property was an abandoned portion of Hillcrest Avenue, which was closed in 1987 and purchased by the applicant in 1988. He noted that one of the main conditions of the petition was that public access would still exist via pedestrian and vehicular traffic to Hillcrest Park.

On February 8, 2007 the Sugar House Community Council asked the applicant to hold a public Open House for the neighbors surrounding the general area. He noted that the Sugar House Community Council was supportive of the rezone with the condition that public access to the park remained in the future.

Commissioner Muir noted that the parking situation seemed unimaginative and inquired if Staff had suggested that the applicant create more green space.

Mr. Britton noted that a landscape buffer of ten feet from the property line needed to exist according to the zoning.

Commissioner Scott noted that assuming the parking lot configuration might change someday, should the Commission be discussing the traffic ingress and egress into the area.

Mr. Britton noted that a new agreement would be worked out, which would address parking on the new lot, as well as pedestrian access from both corners of the lot.

Commissioner Chambless inquired if there were plans to extend the physical footprint of the structure onto the area that is currently the parking lot.

Mr. Britton noted that the building would not be able to locate closer to the property line, and eventually the church planned to put a recreational facility where the parking lot currently exists.

Commissioner McHugh noted that a better parking entry was being added so she did not see how parking problems would increase.

Commissioner Muir inquired why the Commission had not received any input from the City's Open Space advisory committee.

Mr. Doug Wheelwright noted that there was only a committee that was in charge of the bond funds.

Commissioner Muir inquired if they would address land use and rezoning of open space.

Mr. Wheelwright noted that Staff would inquire about that.

Chairperson Wirthlin invited the applicant to the table.

Lori Briesacher (Representative of Redeemer Lutheran Church and School) noted that there were 130-150 member households in their congregation. She noted that the church ran a day school with a current enrolment of approximately 160 children in grades Kindergarten through eighth. She noted that discussion was held on how to further meet the needs of their aging congregation and school and learned that a different zoning was required to make any improvements to the lot.

Mark Grabl (Architect) noted that a number of studies had been performed to see how to improve the lot, but the different zoning that exists on the property was creating an artificial boundary.

Commissioner Woodhead inquired about how the applicant planned to proceed in respect to public access to the park and parking for this area.

Ms. Briesacher noted that the church currently liked the open relationship with the public and would like to keep it this way. She noted that she had met with Planning Staff to rewrite the public access agreement.

Commissioner Muir inquired if the parking was based on need or was it a product of meeting the zoning ordinance.

Mr. Grabl noted that he thought it was based on the sanctuary profile, and was actually higher than the actual need and noted that the parking count could be reduced.

Chairperson Wirthlin opened the public portion of the meeting.

Philip Carlson (Sugar House Community Council Chair) noted that the Sugar House Community Council supported the Redeemer Lutheran Church and School in their request to rezone the parcel from Open Space to Institutional. The Council also requested that the public easement that existed at this property should not be removed. He noted that most of the trustees felt that the church had fulfilled all the instructions and requirements in applying for this change.

Mr. Carlson noted that it was possible for the Parleys Canyon trail to be aligned in this area and could become a great access point for the trail. He noted that the parking lot position would greatly improve the access for the children to get from the park to the school.

Commissioner Chambless inquired if there would be occasions when the parking might spill out onto the street because of high congestion, for example, weekend uses.

Mr. Carlson noted that the park itself would never require parking to access it.

Sarah Carlson (1917 East 2700 South) noted that she went around the community to inform neighbors of this project and summarized their thoughts about the project. She noted that of those that she had spoken to, seventeen were opposed, three were undecided, and there were many concerns about congestion issues.

She noted that in 1983 the Sugar House City Community created Petition 400-121 to turn the whole parcel into a park. In 1985 the City worked with Redeemer Lutheran Church & School on Petition 400-392, which was issued to approve the easements. She believed that the previous petitions were to preserve the park as open space and not to rezone it into a parking lot or industrial space.

Commissioner Scott inquired if the petitions had been heard by the Planning Commission.

Ms. Carlson noted that they had been approved by the Commission, and served to function as an agreement for a parking lot which had to serve the public as well as the church to access the park. She noted the agreement in 1994 came about because the community raised \$9,000 and the church donated \$1,000 to build the park and the City had agreed to maintain it, once it was in place.

Liz Copone (1859 Hillcrest Avenue) noted she used the park on a weekly basis and could see there was a need to remodel and expand the churches facilities. She inquired if there was a type of variance that could be granted without doing a complete rezone of the whole area, and then in the future when there was funding to do the entire parking lot a rezoning change could occur contingent upon more permanent plans.

Jeannette Mason (1852 Hillcrest Avenue) noted she was against the rezone and felt that the parking lot would take up nearly half of the Open Space and the other half was a very forested and on steep inclines, which significantly decreases the usable space of the park. She noted that

the church was proposing 86 parking stalls in addition to the expansion and she was also concerned about additional traffic increases.

Zachery Mason (1852 East Hillcrest Avenue) noted he never received any information from the church to inform the community of the project. He also noted that the project did not feel harmonious with the rest of the neighborhood.

Rawlins Young (2135 South 1900 East) noted that he was with the Sugar House Community Council in 1983, when Petition 400-121 was created to vacate the parcel and develop the park. He noted that shortly after the church put in a similar request for the same parcel property and in 1987 it was heard by the City Council, which moved to close the street and divide the land. He noted the recommendation of the city portion of the street was greater on the ends to provide access into the park. He noted that he thought that some of the confusion on the zoning map was that it did not reflect the actual ownership of the land.

Carol Munding (3808 South 500 East) noted she was in support of the petition.

Chairperson Wirthlin closed the public portion of the hearing.

Ms. Briesacher noted that the Community Council had suggested getting input from the neighbors. She noted that an Open House was held and she had hand delivered about 100 flyers to invite neighbors to the school to hear about the rezoning. Residents within 450 feet of the church were also invited to the Planning Commission meeting. She noted that the feedback she received from the neighbors was positive.

Mr. Grabl noted that the intent of the church was to have an indoor place for the children to play in. He noted if the zoning did not move forward then adding the indoor center was not a possibility.

Commissioner Scott inquired if the church had a gymnasium in the school now.

Ms. Briesacher noted that there was a 900 square foot room in the basement that served as a lunch room and an indoor play room for the children during bad weather.

Commissioner Scott noted that in the Staff Report it stated that the city may gain land from the church on the eastern end of the block to improve access to Hillcrest Park for public access and a thoroughfare for maintenance equipment. She noted that on the map it showed the city already owned that land.

Ms. Briesacher noted that the park was currently accessed for maintenance off of Hillcrest and the city had approached the church for ownership of 2000 East and Stratford Street, to place signage for the park and also to serve as an additional access.

Commissioner Muir noted that there seemed to be enough property to accomplish both aspects of reconfiguring the park, and accommodating the needs and expansion of the school. He noted that one solution could be that the city could obtain some land swaps to obtain a better ultimate result, and buy a little time rather than force the petition through. He noted that he thought the recreation hall should be built on the corner of 2000 East and Stratford, where it would not affect residents and would leave room to have a squared off vest-pocket park at the east end of Hillcrest.

Ms. Briesacher noted that she did not feel that anybody would be opposed to entertaining ideas that would allow the church to have what they needed for their facility and making the park a better fit. She noted she would be willing to get the community together to consider this and other options.

Mr. Wheelwright noted that the map that was passed around by Ms. Carlson was not how the property was divided; the entire street right-of-way was sold to the church. He noted that the city believed that a mistake was made when they mapped the city in 1995, because prior to that the whole area was zoned R-2 and churches were allowed in residential districts, and in 1995 it was zoned I (Institutional) because of the size. He noted that there was a lot of misinformation and lack of understanding regarding this petition and suggested that the Commission table the Petition for a month to allow Staff to do additional research. He also acknowledged that there might be a better outcome if Commissioner Muir's suggestions were looked into further.

**Commissioner De Lay made a motion to table the petition for one month Commissioner Forbis noted that he would second the motion,** noting that there was too much confusion, not enough knowledge about the previous petitions, and there have been too many contradictions that have led to a ton of misinformation on the issue, and tabling the petition would be beneficial to let the parties have more time to work through the issues and allow staff to do some additional research.

**Commissioner Muir amended the motion to encourage the city to look at possible land swaps to create a more usable plan for this petition.**

**All in favor voted, "Aye" the motion carried unanimously.**

There was no unfinished business.

*(The meeting adjourned at 7:48 p.m.)*

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Tami Hansen, PC Senior Secretary

Exhibit 7  
Original Petition



# Zoning Amendment

OFFICE USE ONLY	
Petition No.	463-2904
Receipt No.	90128
Date Received	11/10/05
Received By	(Signature)
Project Planner	

PLANNING COMMISSION

Address of Subject Property: 1955 East Stratford Avenue

Name of Applicant: Redeemer Lutheran Church and School Phone: 801-487-6283

Address of Applicant: 1955 Stratford Ave

E-mail Address of Applicant: mlbries@hotmail.com Cell/Fax: 801) 467-4352 F) 463-2904

Applicant's Interest in Subject Property: Expansion to Church and School building / Add Rec. Center.

Name of Property Owner: Redeemer Lutheran Church Phone: 801) 467-4352

Address of Property Owner: 1955 East Stratford Avenue

Email Address of Property Owner: mlbries@hotmail.com Cell/Fax: 801) 467-4352

Existing Use of Property: Church and School Zoning: I-Institutional / OS-Open Space

County Tax ("Sidwell #"): 16-21-430-001 and 002

- Amend the text of the Zoning Ordinance by amending Section: (attach map or legal description).
- Amend the Zoning Map by reclassifying the above property from an { OS-Open Space } zone to a { I-Institutional } zone.

**Please include with the application:**

Lori: (H) 424-2563  
(C) 598-4126

1. A statement of the text amendment or map amendment describing the purpose for the amendment and the exact language, boundaries and zoning district.
2. A complete description of the proposed use of the property where appropriate.
3. Reasons why the present zoning may not be appropriate for the area.
4. The names and addresses of all property owners within four-hundred fifty (450) feet of the subject parcel. The name, address and Sidwell number of each property owner must be typed or clearly printed on gummed mailing labels. Please include yourself and the appropriate Community Council Chair. **The cost of first class postage for each address is due at time of application. Please do not provide postage stamps.**
5. Legal description of the property.
6. Six (6) copies of site plans drawn to scale.
7. Related materials or data supporting the application as may be determined by the Zoning Administrator.
8. If applicable, a signed, notarized statement of consent from property owner authorizing applicant to act as an agent.
9. Filing fee of \$800.00 plus \$100 for each acre over one acre is due at the time of application.

If you have any questions regarding the requirements of this petition, please contact a member of the Salt Lake City Planning staff (535-7757) prior to submitting the petition

Sidwell maps & names of property owners are available at:

Salt Lake County Recorder  
2001 South State Street, Room N1600  
Salt Lake City, UT 84190-1051  
Telephone: (801) 468-3391

File the complete application at:

Salt Lake City Planning  
451 South State Street, Room 406  
Salt Lake City, UT 84111  
Telephone: (801) 535-7757

Signature of Property Owner \_\_\_\_\_  
Or authorized agent



# REDEEMER LUTHERAN CHURCH & SCHOOL

November 29, 2006

Mr. Douglas L. Wheelwright  
Deputy Planning Director  
Salt Lake City Planning  
451 South State Street, Room 406  
Salt Lake City, UT 84111

Dear Mr. Wheelwright,

Please find enclosed a Zoning Amendment application and the required information to complete the petition for Redeemer Lutheran Church and School located at 1955 East Stratford Avenue. We have attached a separate sheet of paper outlining item numbers 1, 2, and 3 along with the labels of property owners within 450 feet of our parcels. We have also included the six copies of our site plan drawn to scale and a filing fee of \$900.00. If you have any questions please feel to contact Lori Briesacher at 598-4126. Thank you for your consideration in this matter.

Sincerely,

Lori Briesacher  
Owner Representative

Mark Beekhuizen  
Executive Director

David Fischer  
Pastor

### **Item 1**

Redeemer Lutheran Church and School owns two parcels at 1955 East Stratford Avenue. Parcel VTDI 16-21-430-001-0000 is zoned I-Institutional. Parcel VTDI 16-21-430-002-0000 is zoned OS- Open Space. Please see attached Platt and Survey for exact boundaries. Redeemer would like to amend the zoning of parcel VTDI 12-21-430-002-0000 from its current zoning of Open Space to Institutional. Redeemer would like to also quit claim our parcels into one whole parcel within planning zone I – Institutional.

### **Item 2**

Redeemer Lutheran Church and School would like to improve its facility as shown on the enclosed site plan. We would like to expand the sanctuary with an addition off the north end of the building. Another addition to the east side of the building would define a front entrance to the church and school and offer space for fellowship. Finally, the church and school would like to add a Recreation Center. A multipurpose recreation center would give the church and school an indoor space for health and recreation, church and school programs and for outreach in the community.

### **Item 3**

The current OS zoning of parcel VTDI 12-21-430-002-0000 restricts Redeemer Lutheran Church and School's opportunity to expand and improve the use of its property.

**Petition No.** 400-06-49

*By* Redeemer Lutheran Church & School

**Zoning Admendment**

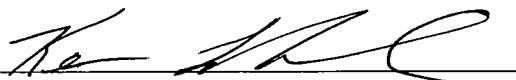
*Date Filed* 11/30/2006

*Address* 1955 E Stratford Avenue

**COMMUNITY DEVELOPMENT  
COUNCIL SUBMITTAL CHECKLIST**

**Petition No and Basic Information:** 400-06-49: Zoning Map Amendment by Redeemer Lutheran Church and School at 1955 East Stratford Aveune to rezone a segment of 2570 South 2000 East from "Open Space" to "Institutional"

**Date:** November 28, 2007

**Supervisor Approval:** 

**Division Director Approval:** 

**Contact Person:**

**Phone No.**

- Initiated by
- City Council Member
  - Property Owner
  - Board / Commission
  - Mayor
  - Other

Contact Person

Lori Briesacher, 598-4126

**Completed Check List attached:**

- Alley Vacation
- Planning / Zoning
- Federal Funding
- Condominium Conversion
- Plat Amendment
- Other

**Public Process:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Community Council (s) | <input type="checkbox"/> City Web Site            |
| <input type="checkbox"/> Public Hearings                  | <input type="checkbox"/> Flyers                   |
| <input checked="" type="checkbox"/> Planning Commission   | <input checked="" type="checkbox"/> Formal Notice |
| <input type="checkbox"/> Historic Landmark Commission     | <input type="checkbox"/> Newspaper Advertisement  |
| <input type="checkbox"/> HAAB review                      | <input type="checkbox"/> City Television Station  |
| <input type="checkbox"/> Board of Adjustment              | <input type="checkbox"/> On Location Sign         |
| <input type="checkbox"/> City Kiosk                       | <input type="checkbox"/> City Newsletter          |
| <input type="checkbox"/> Open House                       | <input type="checkbox"/> Administrative Hearing   |
| <input type="checkbox"/> Other                            |   |

**Compatible with ordinance:**

Section 21A.50.050 of the Salt Lake City Code

**Modifications to Ordinance:** N/A

## Approvals / Input from Other Departments / Divisions

<u>Division</u>	<u>Contact Person</u>
<input checked="" type="checkbox"/> Airport:	Allen McCandless
<input checked="" type="checkbox"/> Attorney:	Lynn Pace
<input type="checkbox"/> Business Licensing:	
<input checked="" type="checkbox"/> Engineering:	Lynn Curt
<input type="checkbox"/> Fire:	
<input type="checkbox"/> HAND:	
<input type="checkbox"/> Management Services:	
<input type="checkbox"/> Mayor:	
<input type="checkbox"/> Parks:	
<input checked="" type="checkbox"/> Permits / Zoning:	Larry Butcher
<input type="checkbox"/> Police:	
<input checked="" type="checkbox"/> Property Management:	John Spencer
<input checked="" type="checkbox"/> Public Services:	Rick Graham, Val Pope
<input checked="" type="checkbox"/> Public Utilities:	Jason Brown
<input checked="" type="checkbox"/> Transportation:	Barry Walsh
<input type="checkbox"/> RDA :	
<input type="checkbox"/> Zoning Enforcement	

**PETITION CHECKLIST**

Date	Planner Initials	Sup. Initials	Dep. Initials	Dir. Initials	Action Required
11-31	DM	14		GS	Petition Delivered to Planning
12-1	inb	14		GS	Petition Assigned to <u>Nick Britton</u>
01/24/07	inb	14		GS	Planning Staff or Planning Commission Action Date
11/6/07	inb	14		GS	Transmittal Cover Letter Followed Template (margins, headings, returns etc)
11/6/07	inb	14		GS	Table of Contents
11/6/07	inb	14		GS	Chronology
11/20/07	inb	14		GS	Ordinance Prepared by the Attorney's Office Include general purpose statement of petition (top of ordinance) Include Strike and Bold –(Legislative Copy) (where applicable) Include Clean Copy (Ensure stamped by Attorney) Include Sidwell Numbers (where applicable) Include Legal Description-review, date and initial (where applicable) Ensure most recent ordinance used Ensure Exhibits (tables etc) are attached
11/6/07	inb	14		GS	Council Hearing Notice Include Purpose of Request Include zones affected (where applicable) Include address of property (where applicable) Include TDD Language
11/6/07	inb	14		GS	Mailing List of Petition and Labels, (include appropriate Community Councils, applicant and project planner) (include photocopy of labels)
11/6/07	inb	14		GS	Planning Commission Notice Mailing Postmark Date Verification (on agenda) Newspaper Notice for Rezoning and Master Plan Amendments (proof of publication or actual publication)
10/15/07	inb	14		GS	Planning Commission Staff Report
11/6/07	inb	14		GS	Planning Commission Minutes and Agenda
11/6/07	inb	14		GS	Yellow Petition Cover and Paperwork Initiating Petition (Include application, Legislative Intent memo from Council, PC memo and minutes or Mayor's Letter initiating petition.)
					Date Set for City Council Action: _____  Petition filed with City Recorder's Office