

Date: May 6, 2010

Subject: Time extension request to satisfy conditions of Ordinance 24 of 2008

Petition 400-07-26 – Thomas T. Phung represented by Fred Cox to rezone property located at 728, 732, 752 and 766 North Redwood Road from Single Family Residential R-1/5,000 to Community Business CB

POTENTIAL MOTIONS:

1. ["I move that the Council"] Adopt a resolution extending the time period for satisfying the conditions set forth in Ordinance No. 24 of 2008 to rezoning property located at 728, 732, 752 and 766 North Redwood Road from Single Family Residential R-1/5,000 to Community Business CB.
2. ["I move that the Council"] Not adopt a resolution extending the time period for satisfying the conditions set forth in Ordinance No. 24 of 2008 to rezoning property located at 728, 732, 752 and 766 North Redwood Road from Single Family Residential R-1/5,000 to Community Business CB.

New Information:

- On May 4, the Council referred action on this item to May 11, 2010.
- A new resolution has been prepared that would extend the time period for satisfying the conditions in the ordinance to rezone the property to September 20, 2010.
 1. The new resolution notes:
 - a. The Applicant has met conditions "a" and "b" of Section 3 of Ordinance 24 of 2008, but has not met conditions "c" and "d".
 - b. The Applicant and the City have determined that the final two (2) conditions pertaining to demolition and housing mitigation fees can be satisfied with a brief, additional extension.
 2. Conditions set forth in Section 3 of Ordinance 24 of 2008:
 - a. Combine lots located at 728, 732, 752 and 766 North Redwood Road into one legal description, as certified by the City Planning Director.
 - b. Execution and recording of an avigation easement acceptable to the City Airport and Planning Division.
 - c. Demolition of the housing may not occur until a building permit has been issued by the City.
 - d. Prior to issuance of a building permit for demolition of the housing, the petitioner shall donate a housing mitigation fee payable to the Housing Trust Fund. *(The final amount determined by the City Council is \$24,956)*

RESOLUTION NO. _____ OF 2010

A resolution extending the time period for satisfying
the conditions set forth in Ordinance No. 24 of 2008.
(Property located at 728, 732, 752 and 766 North Redwood Road)

WHEREAS, the City Council enacted Ordinance No. 24 of 2008 on May 20, 2008; and

WHEREAS, that ordinance imposed certain conditions and required that those conditions
be met within one (1) year from the date that the ordinance was approved; and

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

WHEREAS, Resolution 29 of 2009 extended the deadline for meeting the conditions set
forth in Ordinance 24 of 2008 from May 20, 2009 to May 20, 2010; and

WHEREAS, the Applicant has indicated that additional time is necessary to secure
financing on this project and has requested that the City Council grant an additional extension of
the deadline for all conditions set forth in Ordinance 24 of 2008 to be satisfied; and

WHEREAS, the Applicant has met conditions "a" and "b" of Section 3 of Ordinance 24
of 2008, but has not met conditions "c" and "d" thereof; and

WHEREAS, the Applicant and the City have determined that the final two (2) conditions
pertaining to demolition and housing mitigation fees can be satisfied with a brief, additional
extension; and

WHEREAS, the City Council finds that there is good cause to extend the deadline in the
ordinance;

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

SECTION 1. The deadline set forth in Section 5 of Ordinance No. 24 of 2008 shall be and hereby is extended to September 20, 2010 for the applicant to satisfy the conditions set forth in Section 3 of that ordinance.

DATED this _____ day of _____, 2010.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2010.

SALT LAKE CITY COUNCIL

By: _____
CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 5/6/10
By [Signature]

FRANK B. GRAY
DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

MARY DE LA MARE-SCHAEFER
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR

CITY COUNCIL TRANSMITTAL


David Everitt, Chief of Staff

Date Received: 04/16/2010

Date Sent to City Council: 04/21/2010

SCANNED TO: *mayor*
SCANNED BY: *hays*
DATE: *4/16/2010 - 3:18 PM*
RALPH BECKER



TO: JT Martin, Chair
Salt Lake City Council

DATE: April 12, 2010

FROM: Frank Gray, Community & Economic
Development Department Director

RE: Petition 400-07-26: Resolution extending the time period for the second time to satisfy the conditions set forth by Ordinance No. 24 of 2008 relating to the rezone of parcels 728, 732, 752, and 766 North Redwood Road from R-1/5,000 to CB.

STAFF CONTACTS: Katia Pace, Associate Planner, at 535-6354 or
katia.pace@slcgov.com

RECOMMENDATION: That the City Council consider adopting the resolution.

DOCUMENT TYPE: Resolution

BUDGET IMPACT: The applicant will donate \$24,956 to the City's Housing Trust Fund.

DISCUSSION:

Issue Origin: This is a request by Fred Cox, representing Thomas T. Phung, to extend the timeframe of Ordinance 24 of 2008 a second time to satisfy the conditions listed on the ordinance. The proposed resolution extends the timeframe from May 20, 2010, to May 20, 2011.

On May 20, 2008 the City Council voted in favor of an ordinance to rezone the parcels at 728, 732, 752, and 766 North Redwood Road (the new address is 750 North Redwood Road) from Single Family Residential (R-1/5,000) to Community Business (CB). The proposal is to combine these four existing parcels into one parcel, demolish three residential dwellings and build a shopping center of approximately 35,000 square feet of retail and community oriented services. The project also received approval from the Planning Commission for a conditional use planned development that addressed frontage and setback issues on the site.

451 SOUTH STATE STREET, ROOM 404
P.O. BOX 145486, SALT LAKE CITY, UTAH 84114-5486
TELEPHONE: 801-535-6230 FAX: 801-535-6005

WWW.SLCGOV.COM/CED



The ordinance listed the following conditions:

1. Combine the lots located at 728, 732, 752 and 766 North Redwood Road into one legal description, as certified by the City Planning Director.
2. Execution and recording of an avigation easement acceptable to the City Airport and Planning Division.
3. Demolition of the housing may not occur until a building permit has been issued by the city.
4. Prior to issuance of a building permit for demolition of the housing, the petitioner shall donate a housing mitigation fee payable to the Housing Trust Fund.

The project drawings had received Structural, Public Utility, Planning, and UDOT approval prior to the changes in the financial market. Of the conditions listed above, the developer still needs to pay for the housing mitigation and finalize the building permit.

Analysis: On May 19, 2009 the City Council adopted a resolution extending the time period of Ordinance No. 24 of 2008. The reason for the first extension was due to the economic recession and changes in the banking industry. It has been two years since the original ordinance was approved and the original owner is still in possession of the property and in pursuit of financing for the project. A new loan is expected to be approved within the next three months.

The applicant is requesting a 5 month extension. However, the Planning staff recommends that the Council extend the time frame to 12 months to avoid another request for extension.

Attached please find a formal request to the City Council from Mr. Cox, the representative for this project, a copy of the first extension, a copy of Ordinance 24 of 2008, and a draft of a resolution prepared by the City Attorney's Office to extend the ordinance's timeframe.

Master Plan Considerations: None.

PUBLIC PROCESS:

None.

RELEVANT ORDINANCES:

Ordinance 24 of 2008, Section 5, says: "If the conditions identified above have not been met with 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."

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1. CHRONOLOGY

PROJECT CHRONOLOGY

October 10, 2007	Thomas T. Phung represented by Fred Cox, architect, submits a request to rezone the parcels at 728, 732, 752, and 766 North Redwood Road from Single Family Residential (R-1/5,000) to Community Shopping (CB).
October 20, 2007	Petition assigned to Katia Pace.
November 7, 2007	Rose Park Community Council Meeting
November 13, 2007	Planning Staff routed memo to appropriate City Departments.
November 14, 2007	Jordan Meadows Community Council Meeting
November 21, 2007	Westpointe Community Council Meeting
November 29, 2007	Fairpark Community Council Meeting
January 17, 2008	Housing Mitigation Report approved by Community Development Acting Director.
January 23, 2008	Planning Commission holds a public hearing and votes to forward a positive recommendation to the City Council.
May 20, 2008	City Council passes Ordinance No. 24 of 2008, rezoning properties located at 728, 732, 752, and 766 North Redwood Road, and amending the Zoning Map, with conditions and time limitation.
May 19, 2009	City Council passes Resolution No. 29 of 2009, extending the time period for satisfying the conditions set forth in Ordinance No. 24 of 2008.
April 2, 2010	Fred Cox, representing the applicant, Thomas T. Phung, requests a second time period extension for satisfying the conditions set forth in Ordinance No. 24 of 2008.

**2. RESOLUTION EXTENDING TIMEFRAME
FOR ORDINANCE 24 OF 2008**

RESOLUTION NO. _____ OF 2010

A resolution extending the time period for satisfying
the conditions set forth in Ordinance No. 24 of 2008.
(Property located at 728, 732, 752 and 766 North Redwood Road)

WHEREAS, the City Council enacted Ordinance No. 24 of 2008 on May 20, 2008; and

WHEREAS, that ordinance imposed certain conditions and required that those conditions
be met within one (1) year from the date that the ordinance was approved; and

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

WHEREAS, Resolution 29 of 2009 extended the deadline for meeting the conditions set
forth in Ordinance 24 of 2008 from May 20, 2009 to May 20, 2010; and

WHEREAS, the applicant has indicated that additional time is necessary to secure
financing on this project and has requested that the City Council grant an additional extension of
the deadline for all conditions set forth in Ordinance 24 of 2008 to be satisfied; and

WHEREAS, the City Council finds that there is good cause to extend the deadline in the
ordinance;

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

SECTION 1. The deadline set forth in Section 5 of Ordinance No. 24 of 2008 shall be
and hereby is extended to May 20, 2011 for the applicant to satisfy the conditions set forth in
Section 3 of that ordinance.

DATED this _____ day of _____, 2010.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2010.

SALT LAKE CITY COUNCIL

By: _____
CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

APPROVED AS TO FORM	
Salt Lake City Attorney's Office	
Date:	<u>April 12, 2010</u>
By:	<u>Paul C. Nielson</u>
Paul C. Nielson, Senior City Attorney	

3. RESOLUTION 29 OF 2009

RESOLUTION NO. 29 OF 2009

A resolution extending the time period for satisfying
the conditions set forth in Ordinance No. 24 of 2008.
(Property located at 728, 732, 752 and 766 North Redwood Road)

WHEREAS, the City Council enacted Ordinance No. 24 of 2008 on May 20, 2008; and

WHEREAS, that ordinance imposed certain conditions and required that those conditions
be met within one (1) year from the date that the ordinance was approved; and

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

WHEREAS, the City Council finds that there is good cause to extend the deadline in the
ordinance;

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

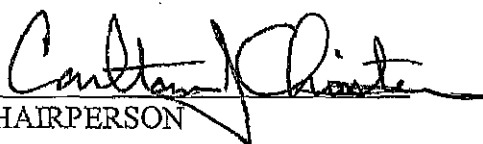
SECTION 1. The deadline set forth in Section 5 of Ordinance No. 24 of 2008 shall be
and hereby is extended from May 20, 2009, to May 20, 2010 for the applicant to satisfy the
conditions set forth in Section 3 of that ordinance.

DATED this 19 day of May, 2009.

Passed by the City Council of Salt Lake City, Utah, this 19 day of

May, 2009.

SALT LAKE CITY COUNCIL

By: 
CHAIRPERSON

ATTEST AND COUNTERSIGN:

Christine Meete
CITY RECORDER



APPROVED AS TO FORM Salt Lake City Attorney's Office	
Date:	<u>MAY 12, 2009</u>
By:	<u><i>Paul C. Nielsen</i></u> Paul C. Nielsen, Senior City Attorney

HB_ATTY-#8501-v1-Resolution_Extending_Ordinance_24_of_2008

4. REQUEST FROM FRED COX

Pace, Katia

From: Fred C. Cox [fcc@fredccox.com]
Sent: Friday, April 02, 2010 11:50 AM
To: Pace, Katia
Cc: Thomas Phung
Subject: Re: Ordinance extension, 750 N. Redwood Road..

Categories: Other

Re: Community Plaza, 750 N. Redwood Road, Salt Lake City, UT

Katia Pace,

I have verified with Thomas Phung to make sure he still has the property in question and is planning on completing the project.

He says he still does have the property and has recently submitted another lending application which he expects to know if it is likely to be approved within a couple of week.

Mr. Phung has pursued different lenders and also different types of loans.

Since the current City Ordinance expires in May 2010, I have been trying to speed the process along, but I have confirmed that the loan will likely not be completed prior to that date. We anticipate that funding could be in place within 3 months, but would ask for a 6 month extension, until November 2010 to avoid the potential of another extension request.

The drawings had received Structural, Public Utility, Planning, and UDOT approval prior to the focus shifting back to financing.

We look forward to the project moving again, and we respectfully request the City Council grant an extension again at this time.

Fred C. Cox, Architect
4466 Early Duke St.
West Valley City, UT 84120

801-968-3733

5. COPY OF ORDINANCE 24 OF 2008

SALT LAKE CITY ORDINANCE

No. 24 of 2008

(Rezoning Properties Located at 728, 732, 752, and 766 North Redwood Road,
and Amending the Zoning Map, with conditions and time limitation)

AN ORDINANCE REZONING PROPERTIES LOCATED AT 728, 732, 752,
AND 766 NORTH REDWOOD ROAD, AND AMENDING THE ZONING MAP,
WITH CONDITIONS AND TIME LIMITATION, PURSUANT TO PETITION NO.
400-07-26.

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 properties. The properties located at 728, 732,
752, and 766 North Redwood Road, which are more particularly identified on
Exhibit "A" attached hereto, shall be and hereby are rezoned from Single Family
Residential (R-1/5,000) to Community Business (CB).

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

SECTION 3. Conditions. This rezoning is conditioned upon the following:

- a. Combination of the lots located at 728, 732, 752, and 766 North Redwood
Road into one legal description, as certified by the City's Planning Director;
- b. Execution and recording of an avigation easement acceptable to the City
Airport and Planning Division;

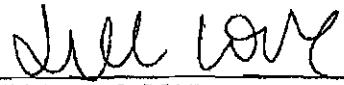
c. Demolition of the housing may not occur until a building permit has been issued by the City; and

d. Prior to issuance of a building permit for demolition of the housing referenced above, the petitioner herein shall donate a housing mitigation fee in the amount of \$.00 [to be determined by the City Council] payable to the Housing Trust Fund.

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

SECTION 5. Time. If the conditions identified above have not been met within 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 20 day of May, 2008.


CHAIRPERSON

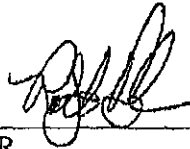
ATTEST AND COUNTERSIGN:


CHIEF DEPUTY CITY RECORDER



Transmitted to Mayor on May 24, 2008

Mayor's Action: XXX Approved. Vetoed.



MAYOR


CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. 24 of 2008.
Published:

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date March 5, 2008
By Melanie J. Gelf

HB_ATTY-#3358-v1-Rezoning_properties_located_at_728_732_752_and_766_North_Redwood_Road.DOC