

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, April 12, 2006**

Present for the Planning Commission were Laurie Noda (Chairperson), Tim Chambless, Babs De Lay, John Diamond, Robert Forbis Jr., Peggy McDonough (Vice Chairperson), Prescott Muir, Kathy Scott, and Jennifer Seelig. Craig Galli was excused from the meeting.

Present from the Planning Division were Alexander Ikefuna, Planning Director; Cheri Coffey, Deputy Planning Director; Doug Wheelwright, Deputy Planning Director; Joel Paterson, Planning Programs Supervisor; Kevin LoPiccolo, Zoning Administrator; Sarah Carroll, Principal Planner; Marilyn Lewis, Principal Planner; Ray McCandless, Principal Planner; and Cindy Rockwood, Planning Commission Secretary.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Noda called the meeting to order at 5:49 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. 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, Laurie Noda, Kathy Scott, and Jennifer Seelig. Planning Division Staff present were Doug Wheelwright, Sarah Carroll, and Marilyn Lewis.

APPROVAL OF MINUTES from Wednesday, March 22, 2006.

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

Commissioner Scott moved to approve the March 22, 2006 minutes. Commissioner Chambless seconded the motion. Commissioner Chambless, Commissioner De Lay, Commissioner Diamond, Commissioner Forbis, Commissioner McDonough, Commissioner Muir and Commissioner Scott voted "Aye". Commissioner Seelig abstained. The motion passed.

REPORT OF THE CHAIR AND VICE CHAIR

(This item was heard at 5:50 p.m.)

Chairperson Noda raised the attention of the Commissioners to a letter received from Brent Wilde, Community Development Deputy Director regarding the Harrison Apartment Rezone Petition No. 400-05-24.

Discussion commenced regarding the previous decision of the Commission, and the determination was that the minutes clearly stated the desired result of the Planning Commission; a Planned Unit Development proposal would have been supported by the Planning Commission had it been an option for the applicant, rather than a rezone request. As a result of this finding, the Planning Commission initiated a petition to review the requirements of Planned Unit Development proposals.

Commissioner De Lay noted that clarity was the strongest concern and suggested a recall and re-evaluation of the Petition.

At 5:54 p.m., Commissioner McDonough made a motion to reaffirm the decision of the Planning Commission in relation to Petition #400-05-24 to state that the unfavorable recommendation was based on the rezoning and master plan amendment standards. Commissioner Scott seconded the motion. Commissioner Diamond, Commissioner Forbis, Commissioner McDonough, Commissioner Scott, and Commissioner Seelig voted "Aye". Commissioner De Lay and Commissioner Chambless were opposed. Commissioner Muir abstained.

Commissioner McDonough stated that she would be unable to attend the April 26 Planning Commission meeting, as well as Chairperson Noda. Chairperson Noda stated that Commissioner Chambless had accepted the request to be Chair for the evening.

Commissioner McDonough also requested that the Downtown Master Plan update, to be heard on April 26, be postponed.

Mr. Ikefuna stated that Planning Staff has received direction from the City Council and is working towards the presentation for the Downtown Master Plan update. He also stated that, at the request of Commissioner McDonough, the item could be postponed to the May 24, 2006 meeting.

REPORT OF THE PLANNING DIRECTOR

(This item was heard at 5:58 p.m.)

Planning Commissioner 2005 Annual Report

Mr. Ikefuna referenced the 2005 Planning Commission Annual Report sent in the Commissioners' packet and specifically noted the increase of administratively approved petitions. He stated that the increase is likely to continue, given the recent passing of additional petition review through the administrative process. He noted that this was positive because it would provide the Commission greater opportunity to spend time on the long-range planning issues.

Subcommittee Discussion

Commissioner Diamond raised concern regarding additional subcommittee formation and the workload required by subdivision subcommittees. He requested information from the Division regarding how helpful and/or beneficial the subcommittees have been.

Mr. Ikefuna noted that projections for the subdivision workload have not been considered; although, the subcommittee meetings are a concern. He stated that the Commissioners may determine if a meeting be held once or twice a month, but it could be determinative on the number of items which require subcommittee review. Mr. Ikefuna stated that the subcommittees have been extremely helpful in design and project compatibility.

Ms. Coffey stated that the Division is seeking to formalize a schedule for subcommittee review, whether it is held once or twice a month. She stated that because of the review time required for the subdivision process, there will be no delay if the Commission determines to meet once a month for a subcommittee. By formalizing the date, scheduling would become easier for Commissioners and Staff.

Commissioner Diamond agreed to the monthly, pre-determined meetings. He suggested the meetings occur in the off-week of Planning Commission meetings. The other members of the subcommittee agreed and stated that lunch time is the best time for the meetings to occur.

Infill Ordinance Clarification

Mr. Ikefuna raised the attention of the Commissioners regarding the Compatible Infill Clarification Memorandum. He stated that a list is being compiled of the concerns and issues being raised by the process and requested a review of these items within the next two Planning Commission meetings. Also, as part of the clarification, the Planning Division is considering the establishment of stricter criteria for those who want to appeal during (or after) the administrative hearing process (e.g., living within a certain boundary of the subject property and/or initiating a fee).

Northwest Quadrant Master Plan

Mr. Ikefuna stated that a briefing has been given to a City Council member and some concern has been noted. Originally, the Planning Commission had designated two members of Staff to participate in the steering committee. Mr. Ikefuna stated that the Planning Commission will be asked to play a role in selecting members of the Citizens Advisory Committee. A Request for Qualification (RFQ) will be used to select a consultant to work with the City Staff as a partner in compiling and creating the Master Plan. The RFQ will be considered within the next 4-6 weeks.

Intermodal Hub Land Transfer

Mr. Ikefuna stated that the Planning Commission had previously passed two new transit station locations in the 500 West area of the City. He referenced the memorandum requesting the transfer of the Intermodal Hub to UTA because the City is not in the business of providing transit services. Mr. Ikefuna stated that the land transfer approval will be required to go through a public hearing process. The City Staff is also requesting the Planning Commission approve a request to initiate a petition to analyze the appropriateness of rezoning the general area covered by the Gateway Master Plan, including the Intermodal Hub area to allow mixed-use development and other appropriate zoning.

The Commissioners noted the request. **At 9:19 p.m., Commissioner McDonough made a motion to approve the proposal for the Intermodal Hub as presented in the Director's Report and to initiate a petition. Commissioner De Lay seconded the motion. All voted "Aye".**

PUBLIC NOTICE AGENDA

(This item was heard at 6:10 p.m.)

Salt Lake City Property Conveyance Matters — (Karryn Greenleaf at 483-6769 or karryn.greenleaf@slcgov.com or Doug Wheelwright at 535-6178 or doug.wheelwright@slcgov.com):

- a. Utah Department of Transportation (UDOT) and Salt Lake City Public Utilities Department — UDOT is requesting the purchase of real property owned by Salt Lake City, consisting of six parcels totaling approximately seven acres and used as a drainage canal, for use as part of the Davis County Legacy Highway project. The property in question is located just north of the existing I-215 West highway corridor and on both the east and west sides of Redwood Road. All of the property is located within Davis County. This property was part of a previous condemnation action which has now lapsed, and is now being purchased at fair market value, under terms acceptable to Public Utilities. Public Utilities staff intends to approve the sale, with the City receiving replacement easements for the Drainage Canal use. (Staff – Doug Wheelwright at 535-6178 or doug.wheelwright@slcgov.com and Karryn Greenleaf at 483-6769 or karryn.greenleaf@slcgov.com)
- b. Utah Transit Authority (UTA) and Salt Lake City Property Management — UTA and the City are negotiating an Interlocal Agreement that would provide for the transfer of the fee title property ownership of the City to UTA for the property used for the Intermodal Hub operation. The property transfer involves two parcels totaling approximately 16.57 acres located on the west side of 600 West Street, between 200 South and approximately 700 South Streets. Under the terms of the agreement, the City will receive compensation for the property equal to fair market value, which involves non-monetary considerations including the agreement by UTA to finance a large portion of the cost of extending light rail service from the Delta Center Station to the Intermodal Hub and the assumption by UTA of all the City's current obligations relating to the Intermodal Hub. The City-owned property is addressed as 300 South and 600 West, and zoned General Commercial (CG). The Interlocal Agreement including the property transfer requires approval by the City Council. The City Administration intends to recommend the proposed property transfer to the Planning Commission and City Council. (Staff – Doug Wheelwright at 535-6178 or doug.wheelwright@slcgov.com and Matthew Williams at 535-6447 or matthew.williams@slcgov.com)

Chairperson Noda noted that there were no comments or questions from the public or Commissioners. The matters were approved.

PUBLIC HEARINGS

Petition 410-06-03 — A Conditional Use Request for a Landfill Gas to Renewable Energy Facility by Landfill Energy Systems (in conjunction with the Salt Lake Valley Landfill). The request is for the development and operation of an electric generator facility located at approximately 5950 West California Avenue, directly adjacent to the existing Landfill Facility in the M-1 (Light Manufacturing) Zoning District. This project site is also located within the T Transitional Overlay District.

(This item was heard at 6:11 p.m.)

Chairperson Noda introduced Marilyn Lewis, Principal Planner, as Staff representative. Ms. Lewis gave a brief background of the proposed petition. She stated that the petition is a request for the development and operation of an electric generation facility and is located in an M-1 Zoning District, within the T Transitional Overlay District. She noted that public and private generator facilities are listed as a conditional use within the M-1 Zoning District, and must be located within 2,640 feet of 138 kiloVolt, or larger, electric transmission line. The new facility is approximately 800 feet from a 138 kiloVolt and 345 kiloVolt line. The remaining area is zoned Open Space and is within the Landfill Overlay. Ms. Lewis stated that the subject site was used for agriculture when the overlay was originally placed in 1995. She clarified that the overlay had been placed on the site to ensure that future development was compatible with the existing landfill.

Ms. Lewis stated that the landfill gas will be piped directly to the generators to provide electrical power and that the generators are self-contained and housed in modular, sound-attenuating enclosures. She also noted that the generators are equipped with smoke and heat detectors and have been approved by the Department of Air Quality.

Based on the findings of fact, Staff recommends the Planning Commission approve the Conditional Use request with the following conditions:

- 1) The property owner must combine all of the parcels associated with the Landfill by deed. Since frontage along California Avenue was previously dedicated, the Transportation Division is waiving future improvements.
- 2) An avigation easement will be required for the new development.

Rick Covell, Landfill Energy Systems, stated that the request is in conjunction with the Salt Lake Valley Solid Waste Management Facility and serves to help them find a better use for the methane being burned off in the flare presently. Ed McDonald, City Engineering, has been working with Landfill Energy Systems to develop and create this project. Mr. Covell stated that the methane will be placed into the generators to be used as a fuel source for electricity. He also noted that 25 of these facilities are located throughout the country and are EPA approved.

Commissioner Scott requested information regarding the employee interaction with the facility.

Mr. Covell stated that employees will be on an on-call basis. He also stated that there are some there now adjusting and tuning the landfill gas flow to maintain air quality compliance.

Commissioner Chambless asked the closeness of the facility to the unincorporated area of Salt Lake County.

Mr. Wheelwright noted that the subject property is one mile to the north, and two miles to the east of the current City boundary.

Chairperson Noda requested comments from Community Council Chairs and the public. No one was present to comment on the matter.

At 6:17 p.m., Chairperson Noda closed the Public Hearing and the Planning Commission entered Executive Session.

Based on the findings of fact found in the Staff Report, Commissioner Scott made a motion to approve the conditional use request with the following conditions:

- 1) **The property owner must combine all of the parcels associated with the Landfill by deed. Since frontage along California Avenue was previously dedicated, the Transportation Division is waiving future improvements.**
- 2) **An avigation easement will be required for the new development.**

Commissioner Chambless seconded the motion. All voted "Aye". The motion passed.

Petition # 400-06-07 — Salt Lake City Corporation is requesting a text amendment to the Salt Lake City Zoning Ordinance to allow ambulance services in the Commercial, Manufacturing and Special Purpose Districts.

(This item was heard at 6:18 p.m.)

Chairperson Noda recognized Kevin LoPiccolo, Zoning Administrator, as Staff representative. Mr. LoPiccolo stated that the proposal is to amend the Zoning Ordinance to allow ambulance services in the areas that presently restrict them. He stated that the text amendment requested would allow these services to be part of all of the commercial zoning district, with the exception of the neighborhood commercial district, as permitted uses provided that no more than three ambulances are staged outdoors. As a condition of the new text, Mr. LoPiccolo stated that greater than three ambulances would require conditional use approval by the Planning Commission. Staff is requesting that the Planning Commission forward a positive recommendation to the City Council in regards to these amendments.

Commissioner Diamond requested further background information relating to the request, including: whether or not this change was a result of hardship, the daily procedure of warehousing the vehicles, and requested the definition of an enclosed area for more than three ambulances.

Mr. LoPiccolo stated that certain uses are restrictive, but considering the necessity of ambulance service use within commercial zones, the determination should be use and not location. He stated that the request was not due to hardship.

Mr. LoPiccolo stated that the ordinance presently requires ambulances to be warehoused in a separate location at the end of a shift, or for servicing.

Discussion commenced regarding the enclosure of the ambulances between Mr. LoPiccolo and Commissioner Diamond. Mr. LoPiccolo stated that screening walls were not intended to be considered as an enclosure, rather a warehouse-type building with rollup doors. Mr. LoPiccolo clarified that the request was to allow the use in Commercial, Manufacturing and Special Purpose districts where it wasn't previously allowed. Mr. LoPiccolo stated that, typically, the ambulance services rents a commercial office where the driver rests and dispatching requests them to respond from their present location. Mr. LoPiccolo clarified that the request is not related to developing a vacant property to stage ambulance services; if that be the case, the services company would be required to abide by the zone in the area.

It was noted by the Commissioners that a new provider had recently become the provider for Salt Lake City. Mr. LoPiccolo confirmed the change in provider, but stated that the division had been researching this issue already because of extended research of acceptance of ambulance services within the M-1 district. Mr. Ikefuna requested the Commissioners limit their questions to the standard of approval.

Chairperson Noda requested comments from the Community Council Chairs and from the public. No one was present to speak on the matter.

At 6:34 p.m., Chairperson Noda closed the Public Hearing and the Planning Commission entered Executive Session.

Based upon the findings of fact and discussion, Commissioner Seelig made a motion that the Planning Commission send a favorable recommendation to the City Council to adopt the proposed text amendment as presented in Exhibit One of the Staff Report. The motion was seconded by Commissioner Diamond. All voted "Aye". The motion passed.

Petitions 400-05-46, 400-05-47, 490-06-15 and 490-06-16 — A request by Mike Miller, representing Flying J Inc., that Salt Lake City close and declare as surplus property, a portion of 800 West Street at approximately 2100 South Street (Petition No. 400-05-46), vacate an alley on the north side of the Klenke's Addition Subdivision (Petition No. 400-05-47), vacate a portion of the Klenke's Addition Subdivision and Riverside Subdivision (Petition No. 490-06-15), and grant preliminary subdivision approval of a two-lot minor subdivision (Petition No. 490-06-16) located at approximately 850 West 2100 South in a General Commercial (CG) Zoning District.

(This item was heard at 6:35 p.m.)

Chairperson Noda clarified that the discussion and motion will be all encompassing in relation to the four petitions. Chairperson Noda recognized Ray McCandless, Principal Planner, as Staff representative.

Mr. McCandless stated that the request submitted by Flying J includes numerous property ownership issues. He noted that the property owner had an A.L.T.A. survey done and discovered an 1890 subdivision plat, entitled the Klenke's Addition Subdivision. An alley was recorded along the north side of the 24 platted lots. In reference to an aerial photograph, Mr. McCandless stated that Flying J has cleared the site and proposes to develop a new Travel Plaza on the property. He stated that the alley is still in existence and has been used as part of the site. A portion of 800 West is also being requested to be vacated as part of the proposal. Mr. McCandless stated that, as part of Flying J's request, they would also like to subdivide the property into two lots. The second lot, to be located on 2100 South will be a future pad site (no future development is proposed at this time for the second lot).

Staff is requesting approval of the above petitions, (alley vacation, street closure and subdivision plat vacation) subject to:

- 1) All applicable City Codes and Salt Lake City departmental requirements are met including providing the necessary easements for any existing or future utility infrastructure.
- 2) The street closure be sold to the abutting property owners and that the ordinance be conditioned upon payment to the City of fair market value of the street property, consistent with Salt Lake City Code 2.58.

Staff is also recommending minor subdivision approval with the condition of recordation of final subdivision plat and that the other petitions are approved.

Mr. Mike Miller, Flying J, gave a short background of the history and success of Flying J and their development of travel plazas. Originally, the company wanted to complete the new construction in phases, but came across difficulty and time constraints and chose to vacate the site to begin new again. The travel plaza will be a medium-sized facility to include a section for cars and trucks. Mr. Miller also stated that clean, well-maintained and well-lit facilities are the pride of Flying J. He also provided some site elevations of other existing facilities and clarified that the lighting will be downlighting.

Chairperson Noda requested comments from Community Council Chairs and the public. There was no response to the request for comments.

Chairperson Noda then read a written comment from Dorothy Pleshe, "In support of #400-04-46, 47, 490-06-15 and 490-06-16 on behalf of Jerry Seiner Chevrolet, Inc."

Commissioner Diamond requested clarification regarding the Jerry Seiner purchase of the road. He also requested to know the landscape requirement around the property.

Mr. McCandless stated that the street will be sold to both Jerry Seiner and Flying J. Commissioner De Lay noted that the approval of the Commission relating to these requests do not include consideration of the landscape requirements.

At 6:48 p.m., Chairperson Noda closed the Public Hearing and the Commission began the Executive Session.

Based on the analysis and findings, Commissioner De Lay made a motion for the Planning Commission to forward a favorable recommendation to the City Council with regards to Petitions 400-05-46, 400-05-47, and 490-06-15 subject to the following conditions:

- 1) **That all applicable City Codes and Salt Lake City departmental requirements be met including providing the necessary easements for any existing or future utility infrastructure.**
- 2) **That the street closure be sold to the abutting property owners and that the ordinance be conditioned upon payment to the City of fair market value of the street property, consistent with Salt Lake City Code 2.58.**

Commissioner Forbis seconded the motion. All voted "Aye". The motion passed.

Commissioner De Lay also made a motion that the Planning Commission grant preliminary minor subdivision approval of the proposed two-lot minor subdivision, Petition No. 490-06-16 subject to recordation of a final subdivision plat. Commissioner Forbis seconded the motion. All voted "Aye". The motion passed.

(Petition 400-06-03 was heard prior to 400-06-08 due to the amount of public input anticipated.)

At 7:30 p.m., Mr. Wheelwright mentioned to the Commissioners that Craig Galli had contacted him prior to the meeting to be excused due to work conflicts.

Petition 400-06-08 — Salt Lake City Council initiated a request to amend existing provisions of the Salt Lake City Zoning Ordinance relating to single- and two-family land uses in City Council District Three that may contribute to incompatible residential infill development within the Special Pattern Residential 1 (SR-1) Zoning District. The proposed amendments include creating a subcategory of the SR-1 Zoning District for those properties currently zoned SR-1 in City Council District Three to address general lot and bulk issues including building height, yard requirements, and accessory building standards. This petition would also amend the zoning maps to implement the above referenced amendments to the SR-1 Zoning District for all properties within the Capitol Hill and Avenues Planning Communities currently zoned SR-1. The Capitol Hill and Avenues Planning Communities are generally located between I-15 and North Campus Drive from South Temple to the north City limits.

(This item was heard at 7:31 p.m.)

Chairperson Noda recognized Joel Paterson, Planning Programs Supervisor, as Staff representative. Mr. Paterson presented a short background relating to the Compatible Infill Ordinance Standards adopted in December 2005. He noted that Ordinance 90 was permanent, while Ordinance 91 was established to temporarily allow additional time for the Wasatch Hollow Community Council area and the Greater Avenues and Capitol Hill areas to continue work developing neighborhood based zoning standards that the community councils were working on. Mr. Paterson added that Wasatch Hollow has not submitted their proposal, but is anticipated for submission in the upcoming summer months. Mr. Paterson acknowledged the submission of the Avenues and Capitol Hill's joint proposal to create new standards for the SR-1 areas. Mr. Paterson clarified that an overlay zone was not being proposed, rather a text amendment to create a subsection of the SR-1 zone (SR-1A). A zoning map amendment is also being proposed to place the SR-1A zoning classification on the areas currently zoned SR-1 in the Avenues and Capitol Hill Community Council areas. Mr. Paterson added that a text and map amendment create ease of use for the individuals involved with future development in the SR-1 zoning of the respective areas.

Mr. Paterson stated that the proposal submitted by the Capitol Hill and Avenues Community Councils suggest the following changes to the existing proposal. Mr. Paterson also presented the findings of Staff in relation to Ordinance 90. He also clarified that the requirements, if not met by the applicant, may be altered after consideration by Staff and a public hearing is held.

Topic	Citywide (Ordinance 90)	Staff Proposal	Greater Avenues Proposal* (If different than Staff)
Building Height	28'	23' or the average height of the block face.	
Flat Roof Height/Maximum Exterior Wall Height	20'	16'	
Front Yard Setback		To determine the average setback on the block face if three or more parcels are located on the block face. (The greatest and smallest setbacks may only be eliminated if more than four parcels are located on the block face.)	To determine the average setback on the block face if three or more parcels are located on the block face. (The greatest and smallest setbacks would be eliminated from the calculation.)
Corner Side Yard		10'	10' (Eliminate the language to permit over-the-counter inline additions in the side yard.)
Interior Side Yard		4' on one side and 10' on the other. *	
Accessory Structures – Footprint Size	720 square feet	To determine the size of the structure by using the standard that the accessory structure can be up to 50% of the size of the home with a maximum of 600 square feet and a minimum of 480 square feet.**	480 square feet
Accessory Structures – Maximum Building Height (grade to the ridge)	17'	15'	14'
Accessory Structures – Flat Roof Height/Maximum Exterior Wall Height	12'	10' (A provision is being considered to adjust the height requirements for sloping lots.)	9'

*Mr. Paterson stated that the determination of the interior side yard can be calculated by taking 30% of the width of the lot. He stated that, with the new ordinance, a minimum 4' setback will be required on one side, and the calculation of the other would be the 30% minus the four feet. Mr. Paterson included that because of the narrowness of the lots in the Avenues and Capitol Hill areas, there could be instances where side yards will be 4' on one side and 8' on another. He stated that although the size of the required side yard may be altered, the City will require 10' between structures in all instances.

** Mr. Paterson included that although the 600 square feet maximum could be greater than the 50% threshold, many of the homes are within the historic districts. He noted that under the current historic district standards Staff can approve administratively, 600 square foot garages.

Mr. Paterson stated that Staff is recommending the modifications to the Avenues/Capitol Hill Proposal based on comments received from the Permits and Licensing Division. He stated that the input received was that it could be difficult, with a maximum height of 9', to provide a 7' tall garage door because of the requirements for the roof structure and the hardware required for the garage door. Correspondingly, Staff recommends the one foot additional height to the Accessory Structure – Flat Roof Height/Maximum Exterior Wall Height.

Mr. Paterson stated that representatives from the Avenues/Capitol Hill Community Council will present their findings with relation to the suggested changes from Staff. He also mentioned that the findings are also available in the Staff Report. The Avenues/Capitol Hill proposal includes secondary accessory building standards for the purpose of building an additional storage shed. Mr. Paterson stated that the standards being proposed include a pitched roof height of 10' and a flat roof/interior wall height of 8'. He stated that Staff concurs with the suggested standards, including that the secondary accessory structures may be attached to the primary accessory structure or be separate.

Mr. Paterson also noted that because the overall development standards relate to accessory structures in a different section of the zoning ordinance, Staff is proposing clarifications in the SR-1 section of the ordinance to include separate standards.

Staff is recommending that the Planning Commission forward a positive recommendation to the City Council with the modifications as noted by Staff.

Commissioner De Lay requested further information regarding the background of the shorter height requirement. She also requested the smallest width lot that could be built upon given the new side yard requirements.

Mr. Paterson stated that the original request was 23' when sent to the City Council, but was altered. Mr. Paterson stated that the minimum lot size would be 25' in width.

Commissioner Scott clarified that the height changes have been recommended by the Building Department.

Mr. Paterson stated that the maximum roof height for accessory structures is 17' measured to the peak according to Citywide standards. He added that the flat roof requirement for accessory structures is 12' Citywide and is also considered a standard for the maximum exterior wall height. Mr. Paterson stated that caution had been given to staff on adjusting to a height lower than 10' because it could be difficult to accommodate.

Commissioner Muir requested further information regarding the growth standards, while recognizing the desirable condition of investment in the neighborhoods. He requested further information on how the City measures for disinvestment occurrences.

Mr. Ikefuna clarified that the Division is measuring and maintaining records of the number of requests and the method of the approval. A report will be created within the next few months to illustrate the pattern that has occurred since the adoption of the ordinance. He stated that the two reasons the division is tracking the progress are: 1) to consider the amount of staff time affected; and 2) to determine the number of applications given over-the-counter permits. Mr. Ikefuna stated that on June 28, a report will be prepared and presented to the Commission on the findings of the last six months the Compatible Infill Ordinance has been in effect.

Mr. Paterson noted that in areas within the City historic districts, the Historic Landmark Commission has the ability to modify many of the compatible infill standards. By living in the Historic District, the compatible infill standards can be overridden.

Commissioner Chambless requested the definition of the standards of a variance when compared to the definition of the State Supreme Court.

Mr. Ikefuna stated that any additional standards created by the Supreme Court will not affect the City, as told by the legal representative for the City.

Mr. Paterson noted that references to Special Exception standards were removed from State Law; however, City's legal counsel has advised that the City does allow for special approvals that would encompass things like special exceptions, etc. The direction given to Staff by legal representatives was that the language and standards are defensible. Special exceptions do not require illustration of hardship although variances do.

Commissioner Diamond stated that there are existing structures that are taller than the maximum height, as they are historic buildings.

Mr. Paterson stated that in a historic district when alterations are visible, the applicant is required to go through the Historic Landmark Commission. The standards are based upon the Secretary of Interior Guidelines and can approve additional building height to match the existing height. If the applicant is not in the Historic District, they would be required to go through the Special Exception standards. The Council considered adding language to allow additions to extend to the height of the existing ridge line, but concluded not to do so.

Chairperson Noda recognized Shane Carlson and Peter Von Sivers

(Heard at 8:08 p.m.)

Mr. Carlson, Greater Avenues Community Council Chair, presented a brief background regarding the proposal created by the joint efforts of the Community Council. Mr. Carlson stated that some item will be discussed by the Capitol Hill Community Council, as it affects only their properties.

Mr. Carlson expressed appreciation for the exceptional contributions from the community. He provided a short background of the reasoning behind the research of the community council, including how the members of the community were trained to locate and determine if properties were conforming to present ordinance requirements. Mr. Carlson stated that the research produced the following findings: 45 percent of the homes in the Avenues area are single-story homes with a roof pitch of 4:12; 23 percent are one-and-one-half story homes with potential for building; the remainder was two-story homes. Mr. Carlson noted that the findings of the research provided helpful information to determine what requirements should be considered to help provide a sense of predictability for the SR-1 Zoning.

Mr. Carlson continued to discuss the proposals of the City and stated that the 23' height limit would provide a degree of predictability for homeowners that live on streets that have a varied height of homes. He noted that a priority for the accessory building requirements were that each homeowner should have the opportunity for a two-car garage.

Mr. Von Sivers was recognized by the Chair and stated that the Capitol Hill Community Council does carry concern regarding the issue of the size of the garages and the height. He noted that the one foot difference in height requirements for the accessory structures will be a great deal of difference when considering the slope of some lots. Mr. Von Sivers noted that he had discussed the 9' option with numerous contractors who stated that the 7' garage door requirement would not be a problem for construction.

Mr. Von Sivers shared concern regarding the Capitol Hill Overlay District extending from Girard to North Temple and the recent Master Plan discussion of the 35' maximum height requirement. Mr. Von Sivers read a portion of the revised Capitol Hill Master Plan as follows:

“Structures in the SR-1 and R-2 Zoning Districts that meet the compatible infill development pattern may exceed the base zoning height to the established block face building height or 35', whichever is more restrictive”.

He continued to state that if the Capitol Hill Master Plan was adopted, a 35' maximum height would be imposed if reconstruction ever occurs on a property.

Ms. Coffey confirmed that it was a correct statement, and noted that this item would return to the Commission at a later date.

Chairperson Noda requested comments from the public and placed a three-minute time limit on their comments.

Margaret Miller, 653 9th Avenue, stated her desire to protect the Avenues SR-1 District from further incompatible development and was in support of the proposal as submitted.

Tyrone Medley, 553 8th Avenue, stated his opposition to some of the zoning regulations, regarding the remodel of his one and one-half story home. Considering his remodel, Mr. Medley is struggling with the height average determined by the block face requirement, when no consideration is taken by the other surrounding houses; he suggested that the height restrictions and block face requirements better accommodate the characteristics of the Avenues.

Jim Jenkin, 212 5th Avenue, complimented the City and the community working together to develop a set of parameters of the community to base standards that would constitute requirements. He stated that he could not agree with the wall height and peak height for accessory structures.

Jill Mortensen, 426 J Street, had comments read into the record. They are as follows: “I live and look at the monster house daily. It's awful. Please stop future mishaps”.

Frederica Nebeker, 532 10th Avenue, stated her support for the Staff amendments, to further allow for flexibility. She stated that she has been trying to sell a home she owns in the Avenues area, but is unable to do so because of the restrictions and confusion.

Commissioner Scott requested further information regarding her opinion of the accessory building differences between Staff and Community Council suggestions.

Ms. Nebeker stated that she has some concern regarding the restrictions, but will have to conduct further research.

Minta Brandon, 113 West Clinton Avenue, stated her support in individuality and uniqueness of the Avenues area. She cited examples of homes in the area that sell quickly because of the character when larger homes do not because of their incompatibility in the area.

Kirk Huffaker, Utah Heritage Foundation, stated his support for the proposed ordinance changes. The neighborhood based standards are obvious and represent very hard work by dedicated people. He stated that the standards requested are warranted and justifiable.

Cody Kurtis, 482 9th Avenue, stated his support of the Staff recommended changes to the Avenues proposal.

Earl Miller, 653 9th Avenue, stated that he is in favor of the proposal and recognizes that flexibility does exist, given the tiered approach.

Ann Kelsey, 351 L Street, stated her favorable position regarding the proposal. By building incompatible structures, noise will increase between homes. She noted her appreciation for the hard work and the ironing out of the process required.

Ervin & Ellen Horrocks, 423 K Street, had requested their comments be read into the record. They are as follows: "We don't know how many people have said to us, 'That house next to you should never have happened' and that is what we are trying to prevent from happening in other areas. The current home owners deserve protection. We need these new zoning laws now. We feel the three-tiered approach is the way to go. It is fair to everyone. Please help us protect our neighborhoods".

Lon Richardson, 1280 4th Avenue, had comments read into the record, "Remember the idea of all of this, is to protect what we have, yet allow growth".

James Teton, 569 9th Avenue, noted the hardship he is experiencing regarding the new ordinance has presented to the selling of his home. Given the height restriction of the 23', the home is not capable of meeting the requirements if a second story is constructed. Mr. Teton noted that with the slope, the ceiling height can vary from the front to the back and is limited because of the 23' requirement.

Lewis Downey, 634 North West Capitol, did not wish to speak. The following comments were read into the record, "I am in support of the proposed amendment to the SR-1 District building guidelines".

Nick Reese, Avenues resident, stated a favorable, but concerned position regarding the implementation of the tiered process. He stated that if the three-tiered process can function appropriately, the compatibility process can and should be considered.

Kathryn Gardner, stated her support for the proposal. She stated that accessory building heights are not a heightened concern for her.

At 9:02 p.m., Chairperson Noda closed the Public Hearing and the Commission began the Executive Session.

Commissioner McDonough requested further clarification regarding the process and the three-tiers. She noted that the regulation of good design can be difficult to do through zoning ordinances. She stated concerns regarding the interpretation and review.

Mr. Paterson provided a review of the tiered process, by stating that if base standards are met, an over-the-counter permit is issued. Applications are available for those who are unable to obtain an over-the-counter permit. He stated that the applications are considered for Additional Building Height for a Primary Structure, Additional Building Height or Additional Footprint Size for an Accessory Structure, and Alternate Location for an Accessory Structure.

Mr. Paterson noted that only one project has been through the Administrative Hearing Process. The home met the height requirement for the front of the home, but due to the slope of the lot did not meet the requirement at the rear of the home. He stated that concern was raised by property owners near to the home, moving the authority of a decision to the Board of Adjustment. Mr. Paterson added that the process for appealing the project has no standard of criteria. He stated that the Division will be reviewing this item with the clarification noted at the beginning of the meeting.

Commissioner Muir noted concern regarding the district applicable to the Capitol Hill affected area.

Mr. Paterson stated that the proposed standards for the SR-1A being requested would encompass all of the areas in the Capitol Hill area.

Ms. Coffey stated that the neighborhood Commissioner Muir was concerned with was the Guadalupe Neighborhood, and a lot of reinvestment has been made in the neighborhood. It is also a National Historic District and appropriate to include in it the area and the surrounding Pugsley Street.

Ms. Coffey made a clarification regarding the issue Mr. Von Sivers had addressed regarding the Capitol Hill Protective Overlay Zone, was in relation to the meeting that occurred between the representatives of the Capitol Hill and Avenues area and Staff. The Planning Division is interested in implementing provisions relating to the Master Plan and the Capitol Protective Area Overlay Zone. She stated that the overlay zone was placed with the idea of protecting the views to the State Capital. Ms. Coffey clarified that the present zoning district for that area have no exceptions to height, and if the new base zoning is only 23' then regardless of the compatibility, the height will not be changed. She stated that the proposed amendment will state that chimney or church steeples are exempt from that height, so would a building that meets the compatibility ordinance or historic guidelines; it could go higher, but no higher than 35'.

Commissioner De Lay stated that a great deal of community and Staff effort had been exerted to formulate the proposal, and mentioned that the individuals who are opposed to the proposal are generally still trying to understand the process and work out the complexities.

Commissioner Forbis requested clarification regarding the purpose of going beyond the requested accessory building standards purposed by the Community Councils.

Mr. Paterson stated that the background of the decision was based on the comments received from the City Permits and Licensing Division. Also, Mr. Paterson noted that in the change from 600 square feet to 480 square feet was the determination to keep the standards similar to the overall City standards using the 50 percent standard of the home and remain consistent with the standards for the historic district for administrative approvals.

Commissioner Scott requested further information regarding a possible request for those who would like something larger than the 480 square foot.

Mr. Paterson noted that the applicant has the opportunity to apply for a Routine and Uncontested approval for something larger.

Commissioner Scott stated concern relating to the size of the accessory structure and the height requirement of the garage, because it's an accessory building that could obstruct the view. She noted that the applicant could, if extra storage was required, apply for the additional height. Commissioner Scott stated that she would be inclined to move forward with the lower recommendations.

Commissioner Muir requested clarification regarding the side yard alterations that could occur in relation to the suggested changes. He requested further information about the most restrictive condition.

Mr. Paterson responded to the question by stating that because of the narrow lot width, one of the two side yards can be reduced. The Avenues recommendation for a 10' separation is required only on one side

Based on the analysis and findings presented in the Staff Report and the public statements, Commissioner De Lay made a motion for the Planning Commission to transmit a favorable recommendation to the City Council to approve Petition No. 400-06-08 to amend the zoning ordinance as presented and amend the zoning map by applying SR-1A designation to all areas presently zoned SR-1 within the Avenues and Capitol Hill Planning Communities. Commissioner Chambless seconded the motion. Commissioner Chambless, Commissioner De Lay, Commissioner Diamond, Commissioner McDonough, Commissioner Muir, Commissioner Seelig, and Commissioner Forbis voted "Aye". Commissioner Scott was opposed. The motion passed.

Commissioner Scott requested an amendment to the motion to adjust the maximum building coverage for accessory buildings not to exceed 480 square feet. The proposed amendment was denied.

Petition No. 490-06-03 — A request by Aaron Olsen for a Subdivision Amendment, for property located at 1932 and 1934 South Broadmoor Street, in order to subdivide Lot Three of the Indian Terrace Subdivision (amended Lots 24 and 26) into two lots in order to facilitate the construction of a twin home in the Special Development Residential Pattern (SR-1) Zoning District.

(This item was heard at 6:50 p.m.)

Chairperson Noda recognized Sarah Carroll, Principal Planner, as Staff representative. Ms. Carroll noted that a duplex and twin-home are permitted in the SR-1 Zoning and stated that the subdivision is required because the applicant is proposing to amend the platted subdivision. She noted that an administrative hearing was scheduled, but due to the opposition, the request was forwarded to the Planning Commission. Ms. Carroll stated that the applicant is requesting the subdivision in order to create ownership lines for the proposed twin home. She clarified that the new Compatible Infill Ordinance was not applicable because of the timing in which the applicant had submitted their application.

Aaron Olsen, applicant, presented a short background to the project. He noted that his purchase was made with insight into the duplex nature of the property. Mr. Olsen noted that the responsibility of the Commission at this time was to review the proposed subdivision of the lot. He stated his reasoning behind the request was that he has no desire to be a landlord. He will be the builder and would rather live next to someone who would be responsible for their own property. Mr. Olsen acknowledged the community interest and looked forward to working with them to develop the property as an asset to the neighborhood. He requested that the condition of approval, number three be clarified because of the recent change in the site plan. He stated that the new site plan does not require a greater than 2' grade change.

Commissioner Chambless confirmed the purchase of the property in December and that it is a vacant lot.

Chairperson Noda requested Community Council Chair and public comments.

Kathryn Eckerbrecht, 1946 Wasatch Drive, stated concern regarding the compatibility of the development in the existing neighborhood. She made specific reference to the flat roof, 1950s style home. She stated that a majority of the views onto the Bonneville Shoreline are present because of the scale and design of the present homes. Ms. Eckerbrecht requested consideration of the integrity of the neighborhood. She also stated that she was unaware of the twin home as a permitted use.

Mr. Wheelwright noted that the difference between a twin home and a duplex is the ownership of the property. A twin home places a property line down the common wall of the home to divide the lots. A twin home is a form of owning half of a duplex, and therefore, is not a land use change.

Jerry Bergosh, 1961 Scenic Drive, stated that the proposal was not brought to the community council and wished to raise concern regarding the spirit of the neighborhood and compliance of the design and scale of the neighborhood. He noted the statement of a less than 2' grade change and questioned how it would occur. Mr. Bergosh noted a development dated from June 2000, which had complied with the zoning ordinance, but was not compatible with the neighborhood.

Commissioner De Lay stated some of the facts regarding the proposed development, making note that all of the zoning requirements will be met with the proposed design. She noted that the style of the home was a single-level, rambler style as many of the homes in the neighborhood are.

Trina Terry, 1858 Wasatch Drive, noted that height restrictions are a concern when homes are being discussed, but not with the trees. She noted that she has a forest in her backyard that impedes on her view.

Commissioner Chambless noted that if the trees are close to the telephone wires then Ms. Terry should contact the City. He also commented that the determination of tall trees impeding views is all in the eye of the beholder.

Aaron Olsen approached the Commission for rebuttal and noted that the design of the home is not offensive, nor does it carry a poor character. He noted that the review of the Commission was for subdivision purposes only, not for the development of the twin home. Mr. Olsen stated that the design has been kept far within the code requirements rather than pushing it to the limit. He also requested that condition number three of the staff report be altered.

Ms. Carroll noted that condition number three was listed because of the site design presented at the first project review. She requested that the words, "if required by ordinance" be added to the item.

Mr. Wheelwright clarified that there are no existing ordinances that address view obstruction or view preservation. He also noted that there are not ordinances that require flat roofs in specific areas of the City. Staff clarified that the matter before the Commission was the subdivision amendment to put a lot line through the existing lot.

At 7:16 p.m., Chairperson Noda closed the Public Hearing and the Commission began the Executive Session.

Commissioner Scott requested clarification to the height requirements and how close they were to the ordinance regulations. Mr. Wheelwright noted that the height requirements are not within the purview of the Commission at this time, but will be considered by the Building Permits office.

Commissioner Diamond noted that having a four-car garage across the street in a residential area is incompatible and Staff should encourage the consideration of neighborhood compatibility when meeting with citizens.

Regarding Petition No. 490-06-03, Commissioner De Lay made a motion that the Planning Commission grant preliminary approval for the requested amendments to the Indian Terrace Subdivision Lot 3 (amended Lots 24 and 26) and the creation of lots 3a and 3b, based on the following conditions:

- 1) **Compliance with departmental comments as outlined in the Staff Report.**
- 2) **Repair of the damaged sidewalk panels as required by Engineering, prior to the recording of the final plat.**
- 4) **Final subdivision approval and final plat recordation prior to the issuance of a certificate of occupancy.**

The motion was not seconded. Commissioner Muir suggested that the motion include condition number three, along with the verbiage suggested by Ms. Carroll. As an amendment to the motion, the following condition was added:

- 3) **Approval of a Routine and Uncontested application for the proposed grade changes, if required by ordinance.**

Commissioner Muir seconded the amended motion. Commissioner De Lay, Commissioner Diamond, Commissioner Forbis, Commissioner McDonough, Commissioner Muir, Commissioner McDonough, Commissioner Scott and Commissioner Seelig voted "Aye". Commissioner Chambless was opposed. The motion passed.

UNFINISHED BUSINESS

(This item was heard at 9:19 p.m.)

At 9:19 p.m., Commissioner McDonough made a motion to approve the proposal for the Intermodal Hub as presented in the Director's Report and to initiate a petition. Commissioner De Lay seconded the motion. All voted "Aye".

Mr. Ikefuna also noted that Mr. Blake Henderson has filed a formal complaint requesting his petition be reheard by the Planning Commission.

The Planning Commission voted to not rehear the petition and to remain with the prior decision.

The meeting was adjourned at 9:20 p.m.

Cindy Rockwood, Planning Commission Secretary