

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, April 26, 2006**

Present for the Planning Commission were Peggy McDonough (Vice Chairperson), Tim Chambless, Babs De Lay, Robert Forbis Jr., Kathy Scott, Jennifer Seelig, and Matthew Wirthlin. Commissioner Diamond arrived at 6:09 p.m.

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; Sarah Carroll, Principal Planner; Jackie Gasparik, Principal Planner; Clark Labrum, Associate Planner; Ray McCandless, Principal Planner; and Cindy Rockwood, Planning Commission Secretary.

A roll is being kept of all who attended the Planning Commission Meeting. Vice Chairperson McDonough called the meeting to order at 5:46 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, Robert Forbis Jr., Peggy McDonough, Kathy Scott, Jennifer Seelig, and Matthew Wirthlin. Planning Division Staff present were Doug Wheelwright, Cheri Coffey, Sarah Carroll, Jackie Gasparik, Ray McCandless, and Clark Labrum.

APPROVAL OF MINUTES from Wednesday, April 12, 2006.

(This item was heard at 5:46 p.m.)

Commissioner De Lay moved to approve the April 12, 2006 minutes. Commissioner Seelig seconded the motion. Commissioner Chambless, Commissioner De Lay, Commissioner Forbis, Commissioner Scott, and Commissioner Seelig voted "Aye". Commissioner Wirthlin abstained.

REPORT OF THE CHAIR AND VICE CHAIR

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

Welcome new Commissioner

Vice Chairperson McDonough recognized and welcomed the new Commissioner; Matthew Wirthlin.

Letter from City Council

Vice Chairperson McDonough referenced a letter from City Council member Dave Buhler regarding the City Council vote on the Mt. Olivet hearing. Vice Chairperson McDonough noted that the Planning Commission based its vote on findings of fact at that time and transmitted a recommendation for denial. It was noted that the parameters of the petition had changed prior to appearing for a vote at the City Council, wherein the Council voted to approve the request. Vice Chairperson McDonough stated that she had two concerns regarding the City Council's understanding of the Planning Commission's role; 1) The Commission has the purview to vote differently than the Staff's recommendation and 2) The Commission's decision is based on reason rather than the number of findings approved.

Discussion commenced regarding the motion, hearing, and complexity of the consideration by the Planning Commission. It was noted that politics are a factor in the basis of some decision making of the City Council, and that the City Council bases their decision according to different circumstances. The Commissioners requested a more clear form of communication be conveyed to the City Council, as to what terms the decisions of the Planning Commission are based on. Vice Chairperson McDonough requested that more information be stated in the minutes and the motion, including specific findings, regarding the basis of the Commission's decisions, especially when the decision of the Planning Commission is different from the Staff recommendation.

Mr. Ikefuna clarified that the Planning Commission is a recommending body for the City Council. He noted that a development agreement was created between Rowland Hall, the City, and Mt. Olivet, to further encourage the approval. He also stated that the Federal Government, in this instance, will still have to decide the reversionary clause issue.

Letter from Blake Henderson

The Commission discussed the letter from applicant, Blake Henderson, formerly requesting the Commissioner rehear his request for a rezoning of the property at approximately 900 East 100 South. Vice Chairperson McDonough requested a decision from the Planning Commission for a possible rehearing.

Commissioner De Lay noted the number of letters received in the recent past from applicants who have received an unfavorable recommendation from the Commission to the City Council. She requested clarification of the formal process.

Mr. Ikefuna confirmed that when a petition receives an unfavorable recommendation, an applicant can request a rehearing or the applicant can file an appeal. The Commission can either reopen the case, or reaffirm their position. Based on that decision, the Commission either rehears the case or the case is forwarded to the City Council. If the petitioner disagrees with the decision made by the City Council the petitioner may choose to progress to court action.

Commissioner Scott addressed the concerns of the letter, as she had been noted by name in the letter. She also cited the minutes from the March 22, 2006 meeting relating to her brief statement regarding the first letter from the applicant. She proposed to make a motion regarding the status of a rehearing for Petition 400-05-043.

Commissioner Scott made a motion regarding the Henderson Project Case, 400-05-043, heard at the March 8 Planning Commission meeting, that the Planning Commission reaffirm the recommendation made at that meeting; a recommendation to deny a rezone request from RMF-35 to RMF-45.

The previous motion was withdrawn, due to the request of the applicant for the Commission to "rehear" the petition.

Commissioner Scott made a motion to deny rehearing Petition No. 400-05-043. Commissioner Chambless seconded the motion. Commissioner Chambless, Commissioner De Lay, Commissioner Forbis, Commissioner Scott, Commissioner Seelig, and Commissioner Wirthlin voted "Aye". The motion to deny passed.

Handicapped Parking — Paul Rolly Article

Commissioner Seelig raised the attention of the Commissioners regarding a recent article by Paul Rolly of the Salt Lake Tribune stating that the Planning Commission had "passed a rule" relating to the handicapped parking accessibility to the Downtown area. She noted that Mr. Ikefuna had been informed and related the correct information to Mr. Rolly, wherein he corrected the mistake.

REPORT OF THE PLANNING DIRECTOR

(This item was heard at 6:05 p.m.)

Utah League of Cities & Towns: Summary of 2006 Legislation on Land Use

Mr. Ikefuna referenced the 2006 Summary of Legislation on Land Use and proposed the Commission schedule time to listen to the Deputy City Attorney, Lynn Pace, present the changes that may have implication on the Commission. It was noted that the presentation will be brief and contained, as best as possible, to fifteen minutes. The Commission agreed to have Lynn Pace review the 2006 Legislation at a future date. Mr. Ikefuna stated that a member of the Attorney's office will appear on an "as needed basis" upon the request of the Commission or Planning Staff to the Planning Commission meetings.

Resignation of Craig Galli

Mr. Ikefuna stated that Craig Galli had submitted his resignation from the Planning Commission, and will be acknowledged for his time and service at the May 10, 2006 meeting. He also noted the presence of Commissioner Matthew Wirthlin, in place of Craig Galli.

Horrocks Engineering

Mr. Ikefuna made reference to a contract given to Horrocks Engineering from the State, for the Interstate Highway 80 project between State Street and 1300 East. He stated that Staff will be meeting with the Transportation Division and members of the engineering firm. Mr. Ikefuna stated that within upcoming months, the project will be presented to the Planning Commission. Also, Mr. Ikefuna stated that the Downtown Transportation Plan will be presented to the Commission in the near future. He requested the Commissioners appoint a member who would like to participate in the Downtown Transportation Plan. Commissioner Wirthlin volunteered to participate in the subcommittee for the Transportation Plan.

Infill Ordinance Clarification

Mr. Ikefuna raised the attention of the Commissioners regarding the Compatible Infill Clarification Memorandum. He stated that the item relating to Compatible Infill would be a briefing rather than a hearing as listed on the agenda. Mr. Ikefuna introduced Mr. Joel Paterson as Staff Representative.

Mr. Paterson stated that some fine tuning issues have been recently identified. Mr. Paterson indicated that the following items have been raised for review:

- 1) Increase the scope of authority for the Historic Landmark Commission in order to eliminate the number of processes the applicant is required to pursue.
- 2) Clarify the role of the Administrative Hearing Officer.
- 3) Create standards for appeals relating to the Compatibility Infill Process, demonstrating adverse impacts by the appellant.
- 4) Clarify the application fees.

Mr. Paterson stated that these items would be reviewed and presented to the Commission at a later date.

University of Utah Student Presentation — Downtown Land Use Analysis

Mr. Ikefuna introduced Hal Johnson and his students to the Commission. Hal Johnson is an employee of UTA and an adjunct professor of the University of Utah. He introduced the project conducted by the students as one that was in coordination with the Downtown Transportation Study, to review the Land Use and carrying capacity of Land Use in Downtown. The students researched the amount of change and potential of redevelopment in the area within the next 30 years. The area was divided into two groups to study Downtown between I-15 and 500 East Street; North Group, North Temple – 400 South, South Group, 400 South – 900 South. The students reviewed economic information from the census, transportation, and land use conditions. Recommendations and the analysis were presented by the students.

The students participating in the study were: Molly Berman, Deidre Fuerst, Spencer Sloan, Francisco Astorga, Joel Burkhart, Sheldon Doney, Brian Hansen, Victoria Montoya, Greg Robinson, and Sara Staffanson. Mr. Johnson indicated that the presentation has been shortened for the meeting. Mr. Ikefuna agreed to send final copies of the report to the Commission.

Ms. Montoya represented the North Group Findings including, an increasing population of middle-aged, educated professionals, a household size of one person, and the location within the Central Business District. She indicated that the sources for information included the Census, Workforce Services, and the Wasatch Front Regional Council.

Mr. Sloan represented the South Group Findings including, an increasing multi-cultural, diverse population, a low-income level in the area, a high concentration of service jobs, schools reaching capacity, and a lack of parks and open space.

Mr. Robinson stated that a block-by-block analysis had been completed in conjunction with the other studies. He stated that the total acreage of the study area is 1201, with a potential to redevelop between 401 and 575 acres. The proposed redevelopment could result in the addition of 10,100-35,000 more

people living in the area, although the Wasatch Front Regional Council projects only an 8,000 population increase. Mr. Robinson also indicated that the proposed redevelopment could provide an increase of 17 million – 62 million square feet of development property.

Mr. Hansen summarized the project to present key recommendations to the Commission and the consulting firm who will be preparing the Downtown Transportation Plan. He noted that three areas of redevelopment focus would be within a) south and west of the Gateway Development; b) east and west of the existing 500 South and 700 South TRAX station; and c) along the 400 South corridor. He stated that additional recommendations include the development of alternate modes of transportation, on-street parking on 400 South, adjusting the school boundaries to accommodate future growth, and the potential of tax rebates for low-income homeowners. The final recommendations prepared by the students were: 1) to create functional Open Space, 2) consider the development of Downtown Parking Districts, and 3) streamline the development by permitting the land uses valued by the City.

Commissioner Seelig requested further information regarding the lack of Open Space from the South Group.

Mr. Sloan stated that the lack of Open Space was found with a block-by-block analysis, in conjunction with a GIS system. Ms. Fuerst stated three parks are in existence in the South Group area, including; Taufer Park, Richmond Park, and the Artesian Well Park. Mr. Johnson clarified that when development begins to occur in the south and west area of Downtown the recommendation is to consider opportunities to develop functional open space. Mr. Robinson stated that functional open space is defined as areas incorporated into the neighborhoods, to be used by the residents rather than being underutilized.

Commissioner Chambless requested information regarding a potential pedestrian-only walkway connecting Downtown to the Gateway area. It was noted that the students were focused on the Land Use in the Downtown area, rather than looking at the specific design elements and circulation patterns. Mr. Johnson stated that the results of the analysis would be forwarded to the consulting firm to help the Transportation Team consider the possibility of future development potential.

PUBLIC NOTICE AGENDA

Vice Chairperson McDonough noted that there were no items to be discussed.

PUBLIC HEARINGS

Petition 490-05-64 — The Northeast Avenues Subdivision, a request by Pinnacle Building Group for a minor subdivision to create a new five-lot, residential subdivision located at approximately 465 North “K” Street in an SR-1 (Special Development Residential) Zoning District in Council District Three.

(This item was heard at 6:40 p.m.)

Vice Chairperson McDonough introduced Jackie Gasparik, Principal Planner, as Staff representative. Ms. Gasparik presented a brief background of the proposal to the Commission. She stated that the site was formerly an LDS Warehouse, and was purchased by Pinnacle Building Group to develop a five-lot, residential subdivision. Pinnacle Building Group is proposing three lots facing 9th Avenue and the remaining two lots facing “K” Street. Ms. Gasparik stated that, initially the request was planned to be heard through the Administrative Hearing Process, but Staff found that lots four and five exceed the maximum lot size requirement of the new Compatible Infill Ordinance. She noted that the lots do not exceed the maximum width, but exceed the maximum size of 7,500 square feet (150%) due to the depth.

Ms. Gasparik made a clarification that the lot size could increase upon determining the average size of lots on the block face, but the block face in this case only has one additional lot, slightly less in depth than the subject property lots. Staff is recommending approval of the lots based on the three standards of the Compatible Infill Regulations. She included that all homes will be required to meet all conditions of existing ordinance regulations.

Commissioner Diamond requested further information regarding the curb cut, access to streets, and potential parking concerns. He noted that the lots on 9th Avenue are on a steep grade, where tandem parking could result in concern.

Ms. Gasparik stated that the Departmental Review from the Transportation Division had indicated that the current driveways would be required to be removed and new driveways constructed as homes are built. She stated that the applicant had presented a proposed site layout, but found it incompatible with the required standards, so Staff requested new site plans from the applicant. She concluded that new driveway locations will need to be approved upon completion of the final site plans.

Mr. Steve Murdock, Pinnacle Building Group, provided a brief background of the property. He stated that the intention is to mirror the surrounding area with the development of five homes on an appropriate lot size. Mr. Murdock addressed the concern of the driveway placement to state that the developers are aware of the concerns and will consider them upon designing the homes.

Commissioner Diamond requested further information regarding the purpose of appearing before the Planning Commission. He asked for further information regarding all of the avenues pursued by Staff and the applicant to eliminate the additional square footage that required the process to be reviewed by the Commission.

Ms. Gasparik stated that the single-family lot size is between 5,000 – 8,000 square feet, with additional square footage suggesting the development of a duplex or a twin home. Mr. Wheelwright clarified that the minimum lot size for the SR-1 Zone is 5,000 square feet for a single-family dwelling, and 8,000 square feet for a two-family dwelling; although, the Compatible Infill limits maximum lot size to one-and-one-half times the zone minimum, which is 7,500 square feet for a single-family dwelling. He stated that the option of developing the two larger lots as duplex lots was explored, but neither the community nor the developer desired to pursue that avenue. Mr. Wheelwright concluded that the next best option was to request the Planning Commission to approve the larger lots as single-family lots, under the Compatible Infill Regulations.

Ms. Gasparik stated that she had discussed the option of a common area with the applicant, but had concluded that “pocket parks” are not desirable for many of the City entities. She noted that she had discussed numerous options with the applicant, but found the option presented to the Commission was that most desired by the developer and the community.

Commissioner De Lay requested further information addressing the mirror image of the development in relation to the neighborhood.

Ms. Gasparik stated that the lots are not as wide as the proposed lots, because of the new 50 foot width requirement, but the design of the lots will be compatible with the neighborhood.

At 6:54 p.m., Vice Chairperson McDonough requested comments from the Community Council Chair and the public.

Mr. Earl Miller, area resident, stated his support for the proposed development, noting that it is a positive enhancement. He raised concern regarding the alley in the back of the property, stating that it is in bad condition (The property referred to was a private right-of-way located on adjacent property to the West). Mr. Miller also mentioned that he is a proponent of little lighting in the area.

At 6:56 p.m., Vice Chairperson McDonough closed the Public Hearing and the Planning Commission entered Executive Session.

Regarding Petition No. 490-05-64 Commissioner De Lay made a motion that the Planning Commission grant preliminary approval of the Northeast Avenues Minor Subdivision, based on the findings of fact in the Staff Report and the testimony, subject to the conditions listed below:

- 1. Approval is conditioned upon compliance with departmental comments as outlined in the Staff Report.**

2. Any future redevelopment will be subject to the requirements of the zoning ordinance.
3. All development must comply with the Compatible Residential Infill Development Ordinance.
4. All development must also comply with temporary zoning regulations for compatible residential infill development requirements especially building height and/or the new/future ordinance requirements (replacing the temporary requirements currently in place) as approved by the City Council.

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

A request by the Salt Lake City Redevelopment Agency/ Howa Capital for approval to develop a residential mixed-use project with approximately 88 dwellings and approximately 67,295 square feet of retail office. The property is approximately located on the east and west sides of 300 West Street between 500 and 600 North Streets.

- a. **Petition No. 400-05-40 — A request by Howa Capital to amend the Capitol Hill Community Zoning Map to rezone the property currently zoned SR-1, CS, RMF-45, RMF-35 and MU to Residential Mixed Use (R-MU). The project also requires amending the future land use map of the Capitol Hill Community Mater Plan to identify the properties as high-density, mixed-use rather than general commercial.**
- b. **Petition 410-06-09 — Conditional Use, Planned Development**
- c. **Petition 480-06-04 — Preliminary Condominium Approval**
- d. **Petition 490-06-19 — Preliminary Subdivision Approval**

(This item was heard at 7:03 p.m.)

Commissioner De Lay disclosed that she had met with the applicants regarding the comparable sales in the neighborhoods, and stated that she felt capable to discuss the request without bias. The Commissioners agreed that Commissioner De Lay could hear the case fairly.

Mr. Ikefuna also noted that Commissioner Muir would not be representing the Commission due to his relationship with the development.

Vice Chairperson McDonough recognized Sarah Carroll; Principal Planner and Ray McCandless; Principal Planner as Staff representatives. Vice Chairperson McDonough also noted that the petitions would be heard and voted upon as an all-inclusive matter.

Ms. Carroll provided a brief introduction to the rezone request, and stated that the rezone was to facilitate the development of the proposed mixed-use project. She also noted that the petitions have been reviewed at three Planning Commission Planned Development Subcommittee meetings; therefore, based on the findings listed in the Rezoning and Master Plan Amendment Staff Report, Staff recommends the Planning Commission transmit a favorable recommendation to the City Council.

Mr. McCandless presented an overview of the development. He stated that the property is located between 600 and 500 North Streets and on the east and west sides of 300 West. He noted that 300 West is a State-owned road. The surrounding uses are a mix of uses, including single-family residential, apartment complexes, and existing convenience stores. Mr. McCandless proceeded to explain the phases of development:

Phase 1

Building D; a five-story, mixed-use building: The first floor of the building will have 8,000 square feet of retail space with 41 dwelling units on levels two through five. The dwelling units are being considered as condominiums. Underground parking will be provided for the residents.

Building F; eleven townhomes: These buildings will be accessed through Arctic Court (private street), and be two-story townhomes.

Phase 2

Building A; a five-story, mixed-use building: The first floor of the building will have retail space, with 36 dwellings on levels two through five. Underground parking will be provided for the residents. Due to the grade of the slope on the property, the height of the building on the western edge is 58 feet while the eastern edge is 45 feet 6 inches.

Grocery/Retail Building: The grocery store will contain 15,000 square feet with an additional 2,750 square feet of retail space. Parking will be located on the north side of the building.

Phase 3

Building H; Retail Building: A single-story, retail building consisting of 4,245 square feet.

Building J; Retail Building: A single-story, retail building consisting of 3,360 square feet of retail space.

Building K; Retail Building: A two-story, mixed-use building, with retail space on the first floor and office space above.

Mr. McCandless noted that the Community Council had expressed concern relating to the height of the structure; although the Community Council was strongly supportive of the revitalization of the area.

Mr. McCandless stated that Staff is recommending conditions of approval as follows:

1) Conditional Use/ Planned Development approval subject to:

- a. Granting the following waivers to the Zoning Ordinance with the direction to Staff to modify other provisions of the zoning ordinance if necessary to implement the development plans as approved by the Planning Commission:

i) Proposed Lot 1 - Buildings H, J and K

- A. Reduction in the required landscaped setback for the interior side yard setback from 30 feet to approximately 6 feet on the east side of the lots between the buildings.
- B. Reduction of the required 10 foot landscaped buffer from 10 feet to approximately 4 feet along the west property line.
- C. Reduction of the required perimeter landscaping from 7 feet to approximately 1 foot along the south property line.

ii) Proposed Lot 2 - Building A and parking lot for the grocery store

- A. Modifying the rear yard buffer from 10 feet to the varying dimensions as shown on the east property line.
- B. Reducing the perimeter landscaping requirement around the parking lot to the varying dimensions shown on the proposed site plan.
- C. Reduction in the required 1st floor glass requirement from 40% to approximately 28% on the 600 North building elevation.

iii) Proposed Lot 3 - Grocery Store / Retail Space

- A. No modifications are required.

iv) Proposed Lot 4 – Building D

- A. Reducing the required setback for a parking structure in a corner side yard from 45 feet to approximately 20 feet.
- B. Reducing the 20% open space requirement to approximately 17%.

v) Proposed Lot 5 – Townhouses (7 units)

- A. Reducing the required rear yard setback from 30 feet to approximately 22 feet.
- B. Reducing the required 10 foot yard buffer on the east property line to 0 feet.
- C. Reducing the required 40% 1st floor glass requirement to approximately 23%.

vi) Proposed Lot 6 – Townhouses (4 units)

- A. Increasing the maximum front yard setback from 15 feet to approximately 19 feet.
 - B. Reducing the required rear yard setback from 30 feet to approximately 12 feet.
 - C. Reducing the required 10 foot yard buffer on the east property line to 0 feet.
 - D. Reducing the required 40% 1st floor glass requirement to approximately 5%.
 - E. Waiver of the lot frontage on a public street requirement (Section 21A.36.010C. Frontage of Lot On Public Street).
- b. Conditional use approval of the proposed off-site parking and office space.
 - c. Deferral of the architectural review of buildings on the east side of 300 West Street to Salt Lake City Historic Landmark Commission.
 - d. All outdoor lighting should be directed downward and designed to not adversely affect any adjoining property.
 - e. Limiting the delivery hours of all commercial businesses from 8:00 a.m. to 5:00 p.m., limiting the grocery store hours from 8:00 a.m. to 8:00 p.m. and allowing the restaurants and coffee shop will be open until midnight or as approved by the Planning Director.
 - f. The proposed development must meet all applicable City, County, State and Federal requirements.
 - g. Providing significant landscaping including trees along in the 15' 0" wide area on east side of Building A where it abuts the SR-1 zoned property as approved by the Planning Director.
 - h. Park strip landscaping as required by the Zoning Ordinance should be installed instead of 100% pavers as shown on the site plan.
 - i. Any encroachments into the public way will need to be approved by the Salt Lake City Property Management Division.
 - j. Conditional use approval of the second floor office space on the north building on Lot 1
 - k. Providing a screening fence along the property zoned SR-1 as approved by the Planning Director.
 - l. Approval of the tree selection and planting plans in the public way by the City Urban Forester.
 - m. Planning Director approval of the final landscaping plans and number of parking spaces.
 - n. Approval of the proposed rezoning and master plan amendment (Petition 400-05-40).
- 2) Preliminary Condominium approval of Building D on Lot two and the townhouses on lots five and six subject to:**
- a. Recordation of the necessary condominium plats and supporting documentation.
 - b. Meeting all applicable City Departmental and State Code requirements specific to condominium approval.
- 3) Preliminary Subdivision approval of the proposed six-lot minor subdivision as modified by the Planning Commission subject to:**
- a. Recordation of a final subdivision plat including necessary cross-access easements and utility easement dedications.
 - b. Meeting all City Departmental requirements including resolving any sewer, water and storm drainage issues with the Public Utilities Department.
 - c. Implementation of an Owners Association that addresses the maintenance of driveways, sidewalks, entry features, utilities etc.

Commissioner Scott requested further background information relating to condition 1) a) i) B) which states, reduction of the required 10 foot landscaped buffer from 10 feet to approximately 4 feet along the west property line.

Mr. McCandless noted that the four feet request is only along a portion of the west property line, and overall the 10 foot buffer is being met.

Commissioner Scott also requested further information regarding the underground parking. Mr. McCandless stated that there will be two access points with two areas of underground parking for resident access.

Commissioner Scott also requested the reasoning behind condition 1) a) ii) C) which states, a reduction in the required first floor glass requirement from 40 percent to approximately 28 percent on the 600 North building elevation.

Mr. McCandless noted that the requirement is requested to be waived because of the design of the building; as it is affected by the slope of the property.

Discussion commenced between the Commissioners regarding some of the design concepts of the proposed development, but it was determined that much of the design could change. It was noted that the design changed several times during subcommittee meeting as a result of the requests of the Commissioners and the community.

Commissioner Scott requested clarification regarding the access to the townhomes. She stated that it seems Arctic Court will be an option, but asked whether or not it would be an option for the retail space. She also noted concern regarding the amount of public usage on Arctic Court, considering it is a private street.

Mr. McCandless clarified that an exit/entry way on 300 West is the location the public is anticipated to use for retail access. He stated that a ramp will be accessible between the residential and commercial areas, but will not be the main access area. Ms. Carroll stated also that the access from Arctic Court is particularly for fire access. Mr. Wheelwright stated that there will be a certain level of upgrade for the west side of Arctic Court, and it is not considered the main access to the townhomes.

Discussion commenced regarding the parking options on 300 West. It was determined that 300 West is a State road, but Kevin Young, Transportation Division, stated that meters may be placed along the road for parking purposes.

Mr. Wheelwright requested further information from Staff regarding the hours of retail and grocery shops.

Commissioners and Staff discussed the limitations of the hours and concluded to eliminate the condition listed 1) e., and allow existing regulation determine the hours of the businesses.

Dru Damico, Director of Development for Howa Capital, provided a brief summary of the project, pictures of the subject property, and a previous rendering of the proposed development. He noted that the rendering is considerably different than the proposal presented to the Commission at this time. Mr. Damico stated that maintaining the historical context, providing a shop/live location, creating an anchor, and the creation of a civic identity were key points in the design of the market-driven development. He noted that members of the community were active participants in the development process.

Mr. Damico stated that the request for continuous hardscape along 300 West is to increase the ease of pedestrian access and outside dining usage.

Aaron Hansen, architect for the project, requested that the building heights for Building A & D be modified to 60 feet, or five stories high, which is different than the height shown in the submitted site plans.

Mr. Damico requested that the road between the townhomes, become a City street with Public Utilities running through it. He anticipates that the road will become a City street, but the details have not been finalized at this time.

Prescott Muir, architect for the project, stated that the plan does state that the road is presently a private road, but research will be conducted with the City to identify cost benefit to the City of transferring it to the City at a later date.

Ms. Coffey clarified that if the intent of the applicant is to deed the privately developed street to the City, at a later date, specific requirements would have to be met.

Mr. Muir stated, in response to a question from Commissioner Chambless, that security and lighting is a concern for the development because of the concerns of the community. He stated that the lighting will be shielded, but well lit. Mr. Damico added that the underground parking would be secure and well lit.

Commissioner Seelig expressed appreciation to the petitioner for their recognition of the surrounding area, by creating an appropriate and appealing design. Discussion commenced between the Commissioners regarding the exterior design and the surrounding area.

Mr. Muir noted that the subject property exists at a lower slope when compared to the surrounding area, and as a result, facilitates the development to reach the desired capacity for residential and retail development.

Vice Chairperson McDonough commented regarding Building A and the setback when compared to the neighborhood. She requested the applicant consider staggering the eastern side of the building to create a graceful transition from the neighborhood to the commercial development. She stated that the north end of the proposed project does not seem to transition well into the neighborhood. Vice Chairperson McDonough stated that her concern was in regards to the urban pattern of the neighborhood, and a sympathetic transition to the project.

Mr. Damico stated that the request would be considered, but would require a complete redesign of the building. He stated that the neighboring single-family dwelling is a two-story home, and it is almost equal in height to the apartment complex. He stated that because of the slope of the area, an increase of 15' in height elevation is provided.

Commissioner Diamond requested further elevation drawings regarding the west side of Buildings H, J, and K. Mr. McCandless provided copies of the elevations to the Commissioners. Commissioner Diamond stated that he disagreed with Commissioner Seelig regarding the west transition to Pugsley Street, and requested additional setback for some of the buildings.

Discussion commenced regarding the maximum height for proposed Lot 1, Buildings H, J, and K. Mr. Muir commented that the height requested is two-stories; approximately 30 feet. Commissioner De Lay noted that the setback of the buildings is 30 feet from the rear yard of the homes on Pugsley Street, with an additional buffer from the rear yard of the homes. Mr. Damico stated that the residents of Pugsley Street have contacted him asking if the development will further increase their property values.

Commissioner Scott requested clarification for the west side of the buildings with the 30 foot setback requirement for Lot 1, Buildings H, J, and K will consist of 6 feet of landscape and 24 feet of pavement. Commissioner Scott referenced the Staff Report and the waivers requested.

Ms. Carroll and Mr. McCandless clarified the information that referenced the 30 foot setback as one that is from the front property line for surface parking lots located in the interior side yard. It was stated that the rear setback is 30 feet, or 25 percent of the lot depth, and that the project complies with the requirement. (Staff provided the following information for clarification regarding the setback concerns: For parking lots between Buildings H, J, and K in proposed Lot 1: A reduction in the required landscape setback for surface parking lots located in the interior side yards from 30 feet to 6 feet from the front property line.)

Commissioner Chambless requested greenery on the rooftops of the taller buildings to help create a cooler, aesthetically pleasing view.

Mr. Damico stated that the development will be addressing the rooftop, as all of the buildings will be U.S. Green Building certified. He stated that the rooftops will be "white roofs".

At 8:07 p.m., Vice Chairperson McDonough opened the hearing to Community Council members.

Nephi Kemmethmueller, 328 West 600 North, a Trustee member of the Capitol Hill Community Council stated support for the proposed development. He stated that 98 percent of the neighborhood has been supportive. He also noted that the single-family dwelling neighboring the apartment complex is a two-story home, with a roof pitch of about 8:12 and a height of 30-33' feet to the ridge.

Peter Von Sivers, Capitol Hill Community Council Chair, stated that the Community Council is supportive of the proposed development for two reasons:

1. Recognition and adaptation to the fragility of the neighborhood by the developers; and
2. Provision of an anchor to the growing community.

He provided a brief background of the area and the proposed developments. Mr. Von Sivers also noted that the diversity of the neighborhood has been increasing, and appreciated the new residential opportunities. He also stated that the request of the neighborhood is to have a grocery store of a medium-small scale responding to the needs of young, diverse professionals.

Vice Chairperson McDonough requested comments from the public.

Erlinda Davis, 270 Quince Street, was a former resident of the immediate neighborhood and stated her support for the proposed development. She stated that revitalization of the neighborhood has been a long-term goal. She stated that trees might be a good buffer between the Pugsley Street homes and the rear of the buildings.

Polly Hart, Vice Chair Capitol Hill Community Council, expressed appreciation to Howa Development for investing in the neighborhood, and to Mr. Damico for the effort he has taken to develop the project along with the community. She stated that the community is eager for the project to proceed.

Mack McDonald, Project Manager for the Redevelopment Agency (RDA), presented a brief background of the project area. He stated that numerous developers had approached the agency with proposed developments, but the proposals have not been conducive to the neighborhood and the goals of the RDA. He complimented Howa for their recognition of the proposed commercial and residential development and for meeting the goals of the RDA.

Commissioner Diamond requested additional information regarding any development agreements.

Mr. McDonald stated that Howa would be the main developer, but fine lines have not been drawn regarding the possibility of other developers. He noted that it would be his request to have Howa be the exclusive developer.

Mr. Damico concluded his presentation and made three final comments.

1. The height variation between the homes on Pugsley Street and Buildings H, J, and K is approximately 10 feet.
2. The setback concern from Vice Chairperson McDonough will be considered; if economically feasible.
3. The elevations of the buildings proposed for the property on the west side of 300 West were presented to the Commissioners.

At 8:33 p.m., Vice Chairperson McDonough closed the Public Hearing and the Planning Commission entered Executive Session.

Commissioner De Lay stated her appreciation for the immense community effort exerted in relation to the subject property. She noted that the RDA has been striving to build something to benefit the community, and the project proposed seems to work for the community.

Commissioner Diamond requested further information from Staff regarding the planned development, and the fact that the project is located on both sides of a State highway.

Mr. Wheelwright stated that there were not any special considerations required because of this fact.

Commissioner Scott desired to clarify some of the conditions, namely the condition regarding the 100 percent landscape for the park strip requirement and the condition relating to the hours of the stores.

Discussion commenced between the Commissioners and Staff regarding the hour requirements. It was determined that the hours should be regulated by existing ordinances; therefore, striking condition 1) e. entirely.

At 8:39 p.m., Vice Chairperson McDonough recognized Council member Nancy Saxton in attendance.

Vice Chairperson McDonough stated that condition 1) h. relating to the 100 percent park strip landscaping be withdrawn. She stated that the project is an urban project, with retail facing the edge of the street. She stated that if a parking strip edge was required, less dining space will be provided.

Mr. Damico was asked to clarify the desire of the developer relating to the landscape proposal. He stated that the desire is to have a South Temple, 300 West sense of a neighborhood. He stated that requiring continuous grass eliminates the option for a hardscape surface for outside dining and pedestrian walking paths.

Commissioner Chambless stated support for the development and mentioned that with this development further growth is bound to occur.

Commissioner Diamond stated that he agreed with the 100 percent requirement for park strip landscaping because of the vehicular traffic and the cooling effect landscaping can provide.

Commissioner Wirthlin requested comments from Staff regarding their reasoning for the condition. Mr. McCandless stated that the requirement was added for consistency with the existing park strip ordinance.

A straw vote was taken for the option of striking condition 1) h., with only two votes to withdraw; the option failed.

Commissioner Scott requested that a condition be added to the four foot wide area on the west side of building K on proposed Lot 1 to require trees. She noted that the condition denotes landscaping, but is not detailed enough to include trees.

Mr. Damico stated that trees will be located between Pugsley and the buildings on proposed lot 1. Ms. Coffey stated that the zoning ordinance requires a certain number of trees as a buffer to the area.

Regarding Petition No. 400-05-40 concerning the zoning for the east and west side of 300 West Street between 500 and 600 North, based on the findings of fact identified in the Staff Report, the testimony and conversation during the Planning Commission meeting, Commissioner Seelig made a motion to transmit a favorable recommendation to the City Council to approve the proposed zoning map and master plan amendments to identify the subject property as Residential Mixed Use (R-MU) Zoning. Commissioner Wirthlin seconded the motion. All voted "Aye". The motion passed.

Regarding Petitions No. 410-06-09 (Planned Development), 480-06-04 (Preliminary Condominium Approval), and 490-06-19 (Preliminary Subdivision Approval), Commissioner Scott made a motion that the Planning Commission approve the petitions in view of the findings, staff analysis, and testimony presented at the meeting, and in accordance with the conditions listed below, withdrawing condition 1) e. Commissioner Scott also included in the motion that the maximum height for Buildings A & D be approved at 60 feet or five stories. Commissioner Chambless seconded the motion. All voted "Aye". The motion passed with the following conditions:

- 1) **Conditional Use/ Planned Development approval subject to:**
 - a. Granting the following waivers to the Zoning Ordinance with the direction to Staff to modify other provisions of the zoning ordinance if necessary to implement the development plans as approved by the Planning Commission:

- i) **Proposed Lot 1 - Buildings H, J and K**

- A. Reduction in the required landscaped setback for the interior side yard setback from 30 feet to approximately 6 feet on the east side of the lots between the buildings.
- B. Reduction of the required 10 foot landscaped buffer from 10 feet to approximately 4 feet along the west property line.
- C. Reduction of the required perimeter landscaping from 7 feet to approximately 1 foot along the south property line.

ii) Proposed Lot 2 - Building A and parking lot for the grocery store

- A. Modifying the rear yard buffer from 10 feet to the varying dimensions as shown on the east property line.
- B. Reducing the perimeter landscaping requirement around the parking lot to the varying dimensions shown on the proposed site plan.
- C. Reduction in the required 1st floor glass requirement from 40% to approximately 28% on the 600 North building elevation.

iii) Proposed Lot 3 - Grocery Store / Retail Space

- A. No modifications are required.

iv) Proposed Lot 4 – Building D

- A. Reducing the required setback for a parking structure in a corner side yard from 45 feet to approximately 20 feet.
- B. Reducing the 20% open space requirement to approximately 17%.

v) Proposed Lot 5 – Townhouses (7 units)

- A. Reducing the required rear yard setback from 30 feet to approximately 22 feet.
- B. Reducing the required 10 foot yard buffer on the east property line to 0 feet.
- C. Reducing the required 40% 1st floor glass requirement to approximately 23%.

vi) Proposed Lot 6 – Townhouses (4 units)

- A. Increasing the maximum front yard setback from 15 feet to approximately 19 feet.
- B. Reducing the required rear yard setback from 30 feet to approximately 12 feet.
- C. Reducing the required 10 foot yard buffer on the east property line to 0 feet.
- D. Reducing the required 40% 1st floor glass requirement to approximately 5%.
- E. Waiver of the lot frontage on a public street requirement (Section 21A.36.010C. Frontage of Lot On Public Street).

- b. Conditional use approval of the proposed off-site parking and office space.
- c. Deferral of the architectural review of buildings on the east side of 300 West Street to Salt Lake City Historic Landmark Commission.
- d. All outdoor lighting should be directed downward and designed to not adversely affect any adjoining property.
- e. ~~Limiting the delivery hours of all commercial businesses from 8:00 a.m. to 5:00 p.m., limiting the grocery store hours from 8:00 a.m. to 8:00 p.m. and allowing the restaurants and coffee shop will be open until midnight or as approved by the Planning Director.~~
- f. The proposed development must meet all applicable City, County, State and Federal requirements.
- g. Providing significant landscaping including trees along in the 15' 0" wide area on east side of Building A where it abuts the SR-1 zoned property as approved by the Planning Director.

- h. Park strip landscaping as required by the Zoning Ordinance should be installed instead of 100% pavers as shown on the site plan.
 - i. Any encroachments into the public way will need to be approved by the Salt Lake City Property Management Division.
 - j. Conditional use approval of the second floor office space on the north building on Lot 1
 - k. Providing a screening fence along the property zoned SR-1 as approved by the Planning Director.
 - l. Approval of the tree selection and planting plans in the public way by the City Urban Forester.
 - m. Planning Director approval of the final landscaping plans and number of parking spaces.
 - n. Approval of the proposed rezoning and master plan amendment (Petition 400-05-40).
- 2) Preliminary Condominium approval of Building D on Lot two and the townhouses on lots five and six subject to:**
- a. Recordation of the necessary condominium plats and supporting documentation.
 - b. Meeting all applicable City Departmental and State Code requirements specific to condominium approval.
- 3) Preliminary Subdivision approval of the proposed six-lot minor subdivision as modified by the Planning Commission subject to:**
- a. Recordation of a final subdivision plat including necessary cross-access easements and utility easement dedications.
 - b. Meeting all City Departmental requirements including resolving any sewer, water and storm drainage issues with the Public Utilities Department.
 - c. Implementation of an Owners Association that addresses the maintenance of driveways, sidewalks, entry features, utilities etc.

UNFINISHED BUSINESS

There were no items of unfinished business to be heard.

The meeting was adjourned at 8:53 p.m.

Cindy Rockwood, Planning Commission Secretary