

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, August 9, 2006**

Present for the Planning Commission meeting were Frank Algarin, Tim Chambless, Babs De Lay, Peggy McDonough (Acting Chairperson), Prescott Muir, Kathy Scott, Matthew Wirthlin and Mary Woodhead. Robert Forbis Jr. arrived at 6:58 p.m.

Present from the Planning Division were Alexander Ikefuna, Planning Director; Cheri Coffey, Deputy Planning Director; Doug Wheelwright, Deputy Planning Director; Kevin LoPiccolo, Planning Programs Supervisor; Sarah Carroll, Principal Planner; Everett Joyce, Senior Planner; Janice Lew, Principal Planner; Lex Traughber, Principal Planner; and Cindy Rockwood, Planning Commission Secretary.

A roll is being kept of all who attended the Planning Commission Meeting. Acting Chairperson McDonough called the meeting to order at 5:50 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 Frank Algarin, Tim Chambless, Prescott Muir, Kathy Scott, Matthew Wirthlin, and Mary Woodhead. Planning Division Staff present were Sarah Carroll, Janice Lew, Lex Traughber, and Doug Wheelwright.

APPROVAL OF MINUTES from Wednesday, July 12, 2006.

(This item was heard at 5:51 p.m.)

Commissioner Muir ensured that the motion regarding Petition 410-06-18 represented the intent of the Commission appropriately.

Commissioner Scott moved to approve the July 12, 2006 minutes. Commissioner Chambless seconded the motion. Commissioner Chambless, Commissioner De Lay, Commissioner Muir, Commissioner Scott, and Commissioner Wirthlin voted "Aye". The motion passed. Commissioner Algarin and Commissioner Woodhead abstained.

REPORT OF THE CHAIR AND VICE CHAIR

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

Acting Chairperson McDonough noted that the position of Chair is vacant at this time and requested that elections be held at the August 23 meeting.

Acting Chairperson McDonough also suggested that recognition be held for the outgoing Commissioners; John Diamond and Laurie Noda.

Mr. Ikefuna stated that arrangements are being made to invite them to the August 23 meeting.

REPORT OF THE DIRECTOR

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

Mr. Ikefuna stated that Laurie Noda and John Diamond were not reappointed as Commissioners, and welcomed Frank Algarin. He added that Susie McHugh has been appointed, but was unable to attend this meeting. He also noted that Mary Woodhead was present, replacing Jennifer Seelig. Mr. Ikefuna provided a brief introduction of Commissioner Woodhead and Commissioner Algarin.

Mr. Ikefuna noted the adjustment to the Northwest Quadrant Citizens Advisory Committee, due to the leave of Jennifer Seelig. The Commission nominated Mary Woodhead to participate.

Mr. Ikefuna concluded his report, but requested additional time at the end of the meeting. He added that the Northwest Quadrant Master Plan update would be provided at the end of the meeting.

PUBLIC NOTICE AGENDA

(This item was heard at 5:59 p.m.)

- a. 141 Pierpont LLC and Salt Lake City Property Management Division – Request for the Salt Lake City Property Management Division to approve a lease to authorize an encroachment into the public right-of-way for an aerial canopy for an office building located at approximately 141 Pierpont Avenue. The property is located in the D-1 (Central Business) Zoning District. The Property Management staff intends to approve the lease request.
- b. Emigration Court Tower and Salt Lake City Property Management Division – Request for the Salt Lake City Property Management Division to approve a lease to authorize an encroachment into the public right-of-way on the west side of a parking structure located at approximately 323-325 South 500 East for a subsurface sand interceptor. The property is located in the R-MU (Residential Mixed Use) Zoning District. The Property Management staff intends to approve the lease request.
- c. Utah Department of Transportation (UDOT) and Salt Lake City Public Utilities Department – UDOT is requesting to rebuild/widen portions of State Street that bisect properties from approximately 9000 South to 10600 South Streets. The crossings will be handled with the appropriate permit/agreements to allow for the road proposed utilities and canal to co-exist. A portion of the canal located at 10600 South will be declared surplus and sold to UDOT under an easement/permit agreement approved by both Salt Lake City and UDOT. Fair market value will be paid for these properties. The Public Utilities Department intends to approve the request.
- d. Sandy City and Salt Lake City Public Utilities Department – Sandy City is requesting permits for crossing the Jordan and Salt Lake City Canal to rebuild the existing bridge and install new and reinstall existing utilities at approximately 8710 South 37 West. The Public Utilities Department intends to approve the request.
- e. Press Realty Advisors II, LLC and Salt Lake City Public Utilities Department – Press Realty Advisors II, LLC/Dave Murdock is requesting to vacate an existing 30-foot utility easement and provide a new 20-foot easement for the private utilities of a new commercial subdivision; Westpoint Business Center PUD Phase II located at approximately 1480 North 2200 West. The Public Utilities Department intends to approve the request.

Acting Chairperson McDonough requested comments from the public or Commission regarding the public notice items. Hearing and seeing no request for comment, the items were approved.

PUBLIC HEARINGS

Petition 410-06-29 ISSUES ONLY HEARING – A request by Cooper Roberts Simonsen Architects, representing the property owner, Jeremy Jones, for planned development approval of nineteen single-family dwellings located at approximately 690 North West Capitol Street in the Capitol Hill Historic District. The property is located in an SR-1A (Special Development Pattern Residential District) Zoning District.

(This item was heard at 6:00 p.m.)

Acting Chairperson McDonough recognized Lex Traughber as staff representative. Mr. Traughber provided a brief background to the petition, including that the proposal is for nineteen single-family housing units consisting of ten different housing designs. He stated that the applicant is proposing to widen West Capitol Street from Clinton Avenue north to the northern end of the project, increasing the street width for sidewalk, curb and gutter, and building a six-foot retaining wall. He added that the review of the Planning Commission is for (1) The overall density of the development, (2) the overall maximum building coverage, (3) the reduced road width and road radius, (4) reduced yard setbacks, and (5) the preliminary subdivision. He added that the Historic Landmark Commission will consider the materials used for construction, the proposed mass, scale, height, and design of the residential units and subdivision layout. Mr. Traughber included that the addition of height in the Historic District remains in the purview of the Historic Landmark Commission.

Mr. Traugher gave a brief history of the process completed to this point, adding that comments from the Planning Commission are being considered in order to review the items within its purview.

Staff and the Commission confirmed that the height is under the purview of the Historic Landmark Commission due to the new Compatible Infill Ordinance; however, the Planning Commission may address height and provide input.

Commissioner Chambless requested information from Mr. Traugher regarding maximizing the density of the land mass.

Mr. Traugher stated that maximization of density is being accomplished with the proposed plan.

At 6:08 p.m., Acting Chairperson McDonough requested the applicant to come forward. Allen Roberts, Principal Architect of Cooper Roberts Simonsen; Casey McDonough, Project Architect; and Jeremy Jones, Developer, presented a brief PowerPoint presentation of the proposal. (*The PowerPoint presentation is included in the record.*) Mr. Roberts added that he has worked in the area for many years and is very familiar with the history and character of the area. He provided detailed information about the request, including the location of the homes, the design, lot coverage, open space, height, sunlight, setbacks, and the proposed retaining wall. Mr. Roberts added that research indicated only half of the subject property is within the Historic District.

Mr. Jones concluded the presentation by stating that the proposal has been through numerous changes in order to better suit the neighborhood. He added that substantial effort has been and continues to be addressed regarding the major concerns of the community.

Commissioner Scott asked for the proposed height of the retaining wall, and information about widening the street.

Mr. McDonough stated that the wall ranges from four and a half to just over six feet in some areas. Mr. Roberts stated that sidewalk, curb and gutter, will be added with the widening of the road, which does not exist at this time.

Commissioner Wirthlin requested staff's input regarding the property location and the potential that it might not all reside in the Historic District. He asked if the Historic Landmark Commission controls all of the property if only half of it is found within the district.

Ms. Coffey stated that the boundaries of the Historic District will be verified, as Staff has been working as though it was located on historic property.

Commissioner Muir raised concern regarding the Compatible Infill Ordinance and suggested that the information of the surrounding area is the development pattern; not just random homes in the area. He added that the adjoining fabric of the area should be considered if there is no existing development in place.

Ms. Coffey clarified the process of Compatible Infill, by adding that if the property is located within the Historic District, the Historic Landmark Commission reviews the proposal and makes a decision according to their policies and guidelines, as well as making findings related to the Compatible Infill Standards.

Commissioner Chambless asked about the lighting and a potential sound wall.

Mr. Jones stated that the street lighting will be aligned with the design on Darwin Street. He added that they were open to the request of the community and City for lighting design. Mr. Jones stated that a substantial amount of the west side of the property does have retainage on the property, and will research further with UDOT according to their requirements. Mr. Roberts added that the ridges of the homes are below Victory Road, with interlocking barricades along some of the Victory Road area.

At 6:27 p.m., Acting Chairperson McDonough invited comments from community council chairs and the public.

Peter Von Sivers, Capitol Hill Community Council Chair, expressed opposition to the proposal due to concerns relating to insufficient data regarding the heights of the properties in the area, and also because of the process followed by the developer. Mr. Von Sivers stated that the developer does not own the property, although he said that he owns it, and that he stated that he discussed the project with many neighbors, when actually he did not. Mr. Von Sivers added that additionally, correspondences directed to the Planning Office were not responded to quickly. Therefore, the community is strongly opposed.

The following individuals spoke in opposition of the project:

Elizabeth Crofts, PO Box 704
Susan Veatch, 694 North West Capitol
Mary Lamb, 694 North West Capitol
Minta Brandon, 113 West Clinton Avenue
Katherine Gardner, 606 De Soto Street
George Stutzenberger, 700 North Columbus Street (Vice Chair of the Capitol Hill Community Council)
Karen Brisendine, 669 North West Capitol
Mike Bennett, 681 North West Capitol
Sandy Anderson, 640 North West Capitol
Marty Steinberg, 576 North West Capitol
Margaret Chandler, 70 North West Capitol
Paul Evans, 707 North West Capitol
Mark Milligan, 580 North West Capitol
Shirley McLaughlan, 160 West Clinton Avenue
Skeeter Draper, 680 Wall Street

A summary of the concerns are listed below:

- Traffic
- Population density increase
- Location of an underground reservoir and the potential for overflow drainage near the area
- Incompatible design, due to the historic nature of the area
- Master Plan violation, as it is an area of low-density housing
- Street parking
- Retaining wall height
- Potential precedence setting considering the empty lot at the end of West Capitol Street
- Solid bedrock and the potential fault line in the area of the three homes on Darwin Street
- Lack of communication between the community council, the residents, and the developers
- Potential problems with an older sewer system
- Additional information about the linking of the surrounding properties to the proposed development
- Road infrastructure
- Streetscape

The Commission noted that the public was requesting less density, with a possible staggered retaining wall. Discussion was held regarding the Transportation, Utilities, and various other Divisions that will be required to submit input when a decision is determined.

At 7:03 p.m., Acting Chairperson McDonough recognized the applicant to address the issues raised by the public.

Mr. Jones addressed the community concern and communication, and added that he held a meeting on his own where only a few individuals came.

Mr. Roberts provided the following information with relation to the public opposition:

- 23 foot height rule – The Historic Landmark Commission has the purview to adjust the height request; however, the heights shown in the surrounding area have not been altered and are located on the street nearest to the property.
- Too congested, too steep or too sharp – A traffic analysis will be conducted in order to determine the area and the impact of the proposed use.
- Retaining Wall – Existing retaining walls are as tall as thirteen feet; however, the idea of staggering the wall is a positive option.
- Too dense – The density requested is less than that which is allowed in an SR-1 District, and is similar to those found in the surrounding area.
- Soils concern – There is conglomerate stone and will be engineered appropriately.
- Parking – A two-car garage will be included with each house with parking along the new street.
- Fault Line – A preliminary geological study has been conducted on the subject property with no findings. A fault line study dig will be held according to City guidelines and will research if potential fault line problems could occur.

He added that he had served on the Community Council in the area, but chose to resign because of the obstructionist attitude of the community members.

At 7:12 p.m., Acting Chairperson McDonough closed the public hearing and gave the Commission time for discussion.

The Commissioners noted that the changes occurring due to neighborhood input is not being adequately related to the neighbors, and that communication between the parties should be a priority for the developer and the neighborhood. The Commission also discussed with Staff the applicability of the Compatible Infill Regulations with relation to the proposal. Ms. Coffey stated that the Historic Landmark Commission has somewhat of a tighter standard for those in the historic district to abide by; therefore, allowing members of the district to only pursue one required tract of the Compatible Infill Ordinance. The Commission recommended that the design be more refined and discussed with the neighborhood. Also, the Commission recommended one-on-one, honest, and open discussion between the public and the developer. Additionally, the Commission discussed the placement of the homes in the area with relation to the streets, and that it be addressed at the time of decision. Discussion of the placement of the new road concluded that the area would be more accessible. Additionally, the Commission requested the density of the development be reviewed according to the standards of the Compatible Infill Regulations.

Commissioner Muir expressed concern regarding the process of the Compatible Infill Ordinance when the property is located in the Historic District. Mr. Ikefuna added that when City Council adopted the ordinance, they delegated the responsibility of height in the historic district to the Historic Landmark Commission, because of the existing regulations.

Commissioner Muir requested that additionally, the developer include in the final report a quantifiable calculation of the density of the area.

Mr. Ikefuna added that the applicant has been in the process for a long time, and that some of the issues have been resolved; however, if the Commission has specific conditions that they be given at this time to further ensure the efficiency for the applicant. He added that if the developer completes the requested actions, no additional demand will rest on the applicant.

Acting Chairperson McDonough summarized the requests of the Commission to include

- (1) Quantifiable data for the density of the area
- (2) Use of the compatible infill ordinance as a guide for issues such as lot coverage, lot size, and setbacks
- (3) To work better with the neighbors and the community council
- (4) To determine if a traffic study is warranted
- (5) Propose an alternate design for the retaining wall, and
- (6) To consider the placement of the houses on the street.

Mr. Traugher stated that the next hopeful step was to hold a joint subcommittee meeting with members of the Planning and Historic Landmark Commissions in order to create a more certainty and concrete answer for the developer. Ms. Coffey confirmed that the attendees for the subcommittee would be those of the Planned Development Subcommittee.

At 7:30 p.m., Acting Chairperson McDonough closed the Issues Only Hearing.

Petition 490-06-22 ISSUES ONLY HEARING – A request by the property owner, Ferguson Martin, LLC for approval of a two (2) lot subdivision located at approximately 688 “F” Street. The subject property is approximately 0.42 acres in size and is zoned SR-1A (Special Development Pattern Residential District). The applicant proposes Lot 1 to be 0.23 acres and Lot 2 to be 0.19 acres in size.
(This item was heard at 7:30 p.m.)

Acting Chairperson McDonough recognized Mr. Lex Traugher as staff representative. He provided a brief background of the zoning of the property and the proposal. He indicated that the petition had been referred to the Planning Commission after opposition was expressed at the Administrative Hearing.

At 7:33 p.m., Acting Chairperson McDonough recognized the applicants, Scott Martin and Hugh Ferguson. Mr. Martin gave a brief background of the project, including that the proposed northern lot would be 10,000 square feet, with the proposed southern lot at approximately 8,000 square feet. He stated that appropriate, single-family or twin homes are planned for the property; however, the request at this time is to subdivide the property. Mr. Martin stated, in response to Commissioner Chambless' question about trees, that significant vegetation exists on the property line and could be eliminated once the type of development is determined; however, salvaging the trees would be considered.

At 7:40 p.m., Acting Chairperson McDonough requested comments from the community council chairs and the public.

Hearing and seeing no request from community council chairs, the Commission heard the following individuals speak in opposition.

Jess Krannich, representing the Lewis Family at 561 East 14th Avenue
Julie Mackie, 685 G Street
William Mackie, 685 G Street
Mary Moody, 668 F Street
Desiree Savage
John Palmer, 665 12th Avenue
Robert Lewis, 516 14th Avenue
Becky Lewis, 516 14th Avenue
Jeffrey Scott, 489 12th Avenue

The following is a summary of the reasons for opposing the request:

- The determination of appropriate land use is unavailable because of the lack of elevation drawings.
- Increasing the density character of a low density neighborhood
- The potential of two twin homes in the area would surpass the density of the area
- Lack of communication
- Distrust in the neighborhood because of the Millo home
- Depreciation of the value of lifestyle
- Traffic on F Street

Additionally, a petition was submitted by Ms. Mackie including signatures representing sixty-eight residences in the area opposed to the construction of two twin homes on the proposed subdivided lot.

Ms. Coffey clarified that community council input was not required for a subdivision. Mr. Ikefuna noted that a comparison of the proposed subdivision to the Millo building is inappropriate, since Mr. Millo's plans were submitted and approved prior to the City Council adopting the Compatible Infill Ordinance.

Mr. Ken Millo, 336 West Broadway, spoke in support of the request; namely for the rights of the property owner and because the zoning allows twin homes. He referenced the higher density project on the west side of "F" street as an example of the density in the area.

At 8:08 p.m., Acting Chairperson McDonough closed the public hearing and requested the applicant to approach the Commission.

Commissioner De Lay requested additional information regarding the potential of a monster home in the area.

Staff confirmed that the height limit would be twenty-three feet, forty percent lot coverage of the lot, and an average front yard setback.

Mr. Martin stated that the input from the neighbors is welcomed and noted the integrity of the Avenues. He stated that the proposal is not deleterious to the nature of the neighborhood and provided a potential plan for the property with two single-family homes. He reiterated that the plan for twin homes is not in the present plan.

Commissioner De Lay raised the attention of the Commissioners to the lack of appropriate information in regards to the subdivision request. She noted that the neighborhood was under the belief that townhomes would be placed in the area, when the developer has demonstrated that single-family homes will be located on the subdivided lots. The Commissioners discussed the process and noted that it could be helpful if the potential development could be included in the staff report; however, it was recognized that this is not a requirement.

Commissioner Muir stated that the only mechanism the community is able to use for controlling the density in their neighborhood is a rezone request. He also stated that what the developer would like to place on the property is irrelevant due to the subdivision process.

Mr. Ikefuna clarified that a rezone request cannot be initiated by a member of the community or the community council.

Ms. Coffey added that if a rezone petition was submitted, the applicants in this case would be vested to proceed with the current project.

Commissioner De Lay suggested that additional community involvement be sought out by the developer.

At 8:20 p.m., Acting Chairperson McDonough closed the Issues Only Hearing.

Petition 410-06-17 – A request by Catholic Community Services of Utah for conditional use approval for a residential substance abuse treatment home located at approximately 745 East 300 South. The property is located in a RMF-45 (Moderate/High Density Multi-Family Residential) Zoning District. (This item was heard at 8:29 p.m.)

Acting Chairperson McDonough recognized Lex Traughber as staff representative. Mr. Traughber provided information about the facility, and included that the building would be used for group and individual therapy, case management, administrative offices, and to accommodate seventy treatment beds, as well as limited refugee resettlement services. Mr. Traughber stated that the analysis and findings have found support for the proposed use. Staff recommended that the Planning Commission approve the request for conditional use, subject to compliance with the comments listed in the staff report.

At 8:32 p.m., Acting Chairperson McDonough requested comments from the applicant, David Richardson, Architect; and Maggie St. Claire, Executive Director of Catholic Community Services of Utah. Ms. St.

Claire provided a brief background of the Catholic Community Services, and stated that the request is to relocate existing programs. The programs are residential, recovery programs for individuals with drug or alcohol addictions. She stated that the purpose is to help others move into the recovery phase of their life. She added that the location of the building will provide greater opportunity for the clients and their children. Mr. Richardson stated that the most recent use was for medical offices; however, the footprint will not change but the use will be altered. The lower level will be a facility for forty men with a kitchen to support the facility; on the upper level will be a facility for thirty women and children, and some clinical offices. At the rear of the property will be administrative offices. He noted that the existing parking is not necessary to meet the off-street parking requirement, but that the visitors will be provided additional parking in the front/west side of the property.

Commissioner De Lay requested additional information regarding the cohabitation of the residents.

Ms. St. Claire stated that the system in the building will work to keep the areas completely separate, including a prox-card system to only allow individuals to enter the building in necessary areas. Smoking locations will be separate as well. The men will enter on the lower level on the west, with the women entering on the east. She added that primarily, the residents are those who have been referred by the County, the Veterans Administration, and few from the prison. She added that the individuals have already been through a detoxification program. Ms. St. Claire added that staff will be on-site 24 hours a day, seven days a week. She stated that the people living in the facility are willing to work and if not, they are removed from the program. The goal is to help the people return to health and self-sufficiency.

Ms. St. Claire stated that the facility will allow for greater efficiency and personnel cross over, by combining three services into one building. She added that lighting will be placed on all appropriate areas and they will be creative in securing the property with the potential of fencing it.

Commissioner Muir asked if it would benefit Catholic Community Services to be closer than 800 feet to comparable institutions, as there is presently a petition considering the location of the specialty housing services. He also asked if Salt Lake City was more accommodating than other city's along the Wasatch Front.

Ms. St. Claire stated that the concern is an accommodation issue; however they do like the proximity of the downtown services, and other important offices. She stated that all of their services are either in Ogden or Salt Lake.

At 8:47 p.m., Acting Chairperson McDonough opened the hearing for the public, requesting comments from the community council chair.

Hearing and seeing no request from community council chairs, the Commission heard from the following individuals:

Douglas Meredith, 262 South Ivan Court, stated that there are some corrections he wanted to note from the staff report. He stated that in the west, there are not multi-family residential units, but rather single-family homes directly to the west of the property. He added that his single family home has been designated as a federal historic house. He stated that he is cautiously optimistic about the development on the property. He has concerns with Ivan Court because it is a private street and would hope that Catholic Community Services might be willing to work on the street during the re-paving and construction.

Cindy Cromer, 816 East 100 South, expressed support for the request because it is a predominately residential use; although she has been opposed to the numerous conditional uses in the surrounding area. She did raise concern with the architecture statement in the staff report and stated that it is not consistent with the neighborhood, but is an existing brick building.

Commissioner Scott asked if additional treatment homes were within 1000 feet of the subject property.

Ms. Cromer stated that a drug testing facility is located on 200 South in a medical office building and is not a residential facility, but no other specialty housing units are located in the area to her knowledge.

She stated that there is a lack of inventory of conditional uses, although it was called for by the Commission in 1997.

Hearing no further request to comment, Acting Chairperson McDonough closed the public hearing.

Regarding 410-06-17, Commissioner De Lay made a motion based on the comments, facts, and testimony, that the Planning Commission approve the requested conditional use subject to City department/division comments as noted in the staff report. Commissioner Chambless seconded the motion. All voted "Aye". The motion passed.

Commissioner Scott raised concern regarding the importance of the Specialty Housing petition, and stated the importance of making it a priority.

Ms. Coffey stated that additional information had been requested for the specialty housing petitions by the Commission and that Ms. Giraud, the project planner, is working on it as a priority.

Ms. Coffey added that two issues were raised in the East Central Community Council letter, (1) the mapping of conditional uses and (2) the development of the small area master plan for the East Central Neighborhood.

(1) She stated that the Planning Division has tried to complete the list of conditional uses, since 1997; however, it has been difficult because of the variety of types of conditional uses. She added that staff is working on mapping the conditional uses that have a spacing requirement. (2) Ms. Coffey stated that in 2001, the Planning Commission requested a small area master plan for the area, but was never funded. The matter dropped because the community decided in 2002 to request enforcement of the existing policies, rather than to create a new plan. She added that in 2005 the Planning Commission adopted by resolution, a matrix of master plans for staff to complete in a designated timeframe. The East Central Small Area Master Plan was not on the matrix and has not been allocated any funding at this time.

Commissioner De Lay stated that generally when a substance abuse treatment home comes into a community, that generally you have people that want to speak out against the request, but it is a positive testament to Catholic Community Services that there is not such opposition, and that they are doing a great job.

Petition 480-06-16 – A request by Cashman Development, LLC for preliminary condominium plat consideration for a twenty-four unit project located at approximately 925 South Donner Way. The property is located in an RMF-45 (Moderate/High Density Multi-Family Residential) Zoning District. (This item was heard at 9:00 p.m.)

Commissioner Chambless disclosed that several weeks ago he received a phone call from an older lady, who wanted to discuss her concerns with the project, and it took some time to explain the ex-parte communication rule; however, he didn't feel a conflict of interest was present, but that he wanted the commission to know.

The Commission did not see a conflict of interest.

Acting Chairperson McDonough recognized Janice Lew as staff representative. Ms. Lew presented a brief background of the project. She stated that typically the requests are reviewed administratively, but since staff was aware of potential concerns, the consideration has been forwarded to the Planning Commission for review. She also mentioned that a discussion with Councilmember Dave Buhler and the neighborhood did raise concern with the potential impact of the development of the property. Staff has received input opposed to the request, and neighborhood response indicates that property owners are concerned with loss of views, density, safety, and the dumpster location; however view preservation is not recognized in the master plan, and the density requested is supported by the existing zoning of the property. With regards to safety, the applicant has proposed to provide a secondary emergency vehicle access with a crash gate connection on the property. The dumpster location might be moved; if the Planning Commission reviews the present location of the southeast corner to be inappropriate. She

added that concerns were also noted regarding ventilation and noise of the parking structure, although noise and ventilation will be regulated by the Salt Lake Valley Health Department.

Staff recommends approval with the following conditions:

1. Approval is conditioned upon compliance with all departmental comments as outline in the staff report
2. The final condominium plat submittal shall conform to the requirements of Chapter 21A.56 of the Zoning Ordinance – Condominium Approval Procedure.
3. Any future development activity associated with the properties will require that all substandard or absent public improvements be installed in accordance with the departmental comments noted in the staff report. Additionally, any future redevelopment will be subject to the requirements of the zoning ordinance.
4. Utility easements shall be offered for dedication as necessary
5. A secondary emergency access right-of-way and easement shall be offered for dedication.
6. The final dumpster location shall be approved by the Planning Director or designated representative.
7. Upon preliminary approval, the Petitioner shall submit for Final Plat approval with the Salt Lake City Planning Division, which is necessary to prepare a recordable final plat with the Salt Lake County Recorder's Office.
8. No condominium shall have final approval or shall said units be sold, until the final plat Mylar has been recorded with the Salt Lake County Recorder.

At 9:06 p.m., Acting Chairperson McDonough recognized the applicant, Preston Miller, property owner, and Geon Belgique, architect. Mr. Miller noted that he developed the building to the east of the subject property, Presidential Club. He stated that he designed forty units for the subject property (which is allowable in the area), but chose to reduce the number of units to twenty-four to allow for individuals who would like more space to occupy the units. He added that a carbon monoxide fan will be placed in the garages, with the motor creating less noise than allowed at the property line. He stated that the dumpster location is requested as proposed, because it works better given the fact that the garbage trucks will not be required to do additional turning. Mr. Miller concluded by stating that his architects have followed the rules of the municipality by requesting less units, providing more green space, adjusting the noise control, enclosing the garbage, allowing traffic and emergency vehicle access, and staying within the required height.

Commissioner De Lay requested additional information regarding the size of the units and the views.

Mr. Miller stated that they are 1,500 to 2,200 square feet and will not be sold particularly for the views, but rather the location.

Commissioner Chambless expressed concern regarding the lighting and security.

Mr. Miller stated that one light will be placed at each of the entrances, including the foot traffic and garage entrances. He stated that lighting is important to him. He added that a key card system will be implemented in the building, with security being a priority. He also stated that ADA has been resolved.

Commissioner Scott asked about the location of the garbage in Presidential Club, noting that it was inside. She asked if there was the potential of moving the dumpster location to the Presidential Club's wall on the north side.

Mr. Miller stated that the dumpster for Presidential Club is located outside of the garage, but at the entrance of the garage underneath the building. He explained that there would be great difficulty in placing the dumpster at the same location for the present request, because of the grade of the slope. It was noted that the current placement of the dumpster would put it closest to the brown building to the south. Mr. Miller stated that he only has air rights to the property, and that the suggested location would be prohibited because of the fire turnaround required.

At 9:24 p.m., Acting Chairperson McDonough requested comments from the community council chair and the public.

Hearing and seeing no request from community council chairs, the Commission heard the following individuals speak in opposition.

Susan Loffler, 940 South Donner Way, expressed opposition to the request because of the potential for increase in density in the area. She also provided a copy of an article she wrote for the Salt Lake Tribune published on July 6, 2006. Ms. Loffler noted that the placement of construction materials is also a concern.

Dimitre Assenov, 939 Donner Way #M3, stated opposition to the request because of the deficiencies in the application. He spoke on behalf of the Oakwood Garden Condominium Association and provided a copy of a letter with exhibits opposing the request. He stated that height and dumpster location are of great concern.

Mary Zackrison, 895 Donner Circle #C, expressed opposition on behalf of the Emigration Oaks Association. She stated that Donner Circle is a private street, with the recent information that half of it belongs to the City. There are concerns regarding the potential ingress/egress onto Donner Circle. She stated that City Transportation and Engineering Division have stated that the right-of-way for the proposed development does exist on Donner Circle; however, the residents are contesting the rights.

Mr. Ikefuna stated that Donner Circle is a private street. Ms. Lew clarified by stating that the ingress/egress from Donner Circle is an entrance to the parking lot. She stated that an easement is also listed on the plat.

Ms. Zackrison stated that Emigration Oaks Association has been taking care of the street, and has recently invested over \$16,000 in repairs on the street. She requested that if the proposed use be approved that a lien be placed on the property for the past balance of upkeep cost; an estimation of 25 years. She stated that a legal document has been given to the Association, which is being reviewed at this time by a legal consultant. Ms. Zackrison made a suggestion for the city to install no parking signs on the city side of the street. It was noted that police cars will not ticket on the private street. She added that another concern of the residents is the placement of construction material.

Acting Chairperson McDonough read the following written comments from Ms. Zackrison into the record: "We ask that the Commission postpone a decision until our Attorney can review the pertinent documents."

Kathleen Gardner, 910 Donner Way #202, expressed opposition to the proposed development because of some misinformation she was given when she recently purchased the home. She referenced the proposed plan, stating that a four-story wall of glass and brick will block the view of the mountains for many of the residents. She stated that the parking along Donner Way is a concern because of the dead end traffic that occurs. Ms. Gardner further emphasized that communication between the developer and the neighborhood should be heightened.

Mr. Ikefuna asked Ms. Gardner about the information she had received when she purchased the property. He stated that when the property was purchased, the zone was RMF-45 and comments of others should not be held against the developer. Mr. Ikefuna further added that the developer has the right to develop the property as regulation permits.

Ms. Gardner confirmed that the information was stated by other residents of the condominium. She stated that she had understood the development would be a two-story townhouse development. Ms. Gardner recommended that the density be reduced. She stated that regulations don't always make things morally right and good for the neighborhood.

Bill Hummer, 939 Donner Way, clarified that on the east side of Donner Way there is no structure over three stories high. He stated that during the construction of Presidential Club the empty lot was used for

numerous construction materials. He questioned the capability of holding the construction materials without completely blocking off the access to the area.

At 9:43 p.m., Acting Chairperson requested the applicant make any additional comments.

Mr. Miller stated that he did meet with the President of Emigration Court Home Owners Association and delivered to her a copy of the Title Report. He stated that although they stated that they owned the street, that twelve feet of the street was donated for perpetual rights for pedestrian and vehicular traffic in exchange for care and keeping. He added that part of his reasoning in donating an additional twelve feet is that the City should consider taking some of the street, since they need a right-of-way over it also. He requested that the City review owning at least the main access of the area, and should be an issue to work out. Mr. Miller stated that he has given the members of the community at least one year to review the plans. He stated that construction is always a concern; however, this construction will not require a crane, or nearly the amount of material the Presidential Club required. It was noted that Mr. Miller does not live there, nor does he plan to live there.

Commissioner Chambless expressed concern about the problem in the area that continues to be compounded regarding density. He stated that the congestion in the area is more crowded than college dorms and by approving the request we're acknowledging the problems and compounding it. He added that at some time we will have to stop constructing units in order to resolve a problem.

At 9:49 p.m., Acting Chairperson McDonough closed the public hearing and the Commission discussed the proposal.

Mr. Wheelwright commented on the access issue and stated that once approval is given by the Planning Commission, the proposal will continue to final plat approval process, which includes a title report review. He stated that if the developer does not have the right to access the street, the final plat will not be approved. Any additional time given by the Planning Commission would not allow for additional insight, but rather prolong it. If the right to access is not there, the developer would be required to redesign the site.

Commissioner Wirthlin also stated that delaying a vote on the issue is not within the purview of the Planning Commission.

Commissioner Scott raised concern with the location of the dumpster, and the alteration of one of the conditions to require the dumpster to be located indoors. She stated that a letter from the community also indicated that in the RMF-45 zone, dumpsters are required to be inside

Regarding Petition 480-06-16, Commissioner De Lay made a motion based on the findings and testimony, that the Planning Commission grant preliminary approval for the condominium plat based on the findings and being subject to the following conditions:

- 1. Approval is conditioned upon compliance with all departmental comments as outlined in the Staff Report.**
- 2. The final condominium plat submittal shall conform to the requirements of Chapter 21A.56 of the Zoning Ordinance – Condominium Approval Procedure.**
- 3. Any future development activity associated with the properties will require that all substandard or absent public improvements be installed in accordance with the departmental comments noted in the Staff Report. Additionally, any future redevelopment will be subject to the requirements of the Zoning Ordinance.**
- 4. Utility easements shall be offered for dedication as necessary.**
- 5. A secondary emergency access right-of-way and easement shall be offered for dedication as necessary.**
- 6. The final dumpster location shall be interior and approved by the Planning Director or designated representative.**

7. **Upon preliminary approval, the Petitioner shall submit for Final Plat approval with the Salt Lake City Planning Division, which is necessary to prepare a recordable final plat with the Salt Lake County Recorder's Office.**
8. **No condominium shall have final approval, or shall said units be sold, until the final plat Mylar has been recorded with the Salt Lake County Recorder.**

Commissioner Scott seconded the motion. Commissioner Algarin, Commissioner De Lay, Commissioner Muir, Commissioner Scott, Commissioner Wirthlin, and Commissioner Woodhead voted "Aye". Commissioner Chambless and Commissioner Forbis were opposed. The motion passed with a six to two vote.

Petition No. 490-06-26 – A request by Gary Nordhoff to amend the Federal Heights Subdivision by subdividing the property located at approximately 1455 East Perry Avenue into two lots to facilitate the demolition of the existing building and the construction of two new single-family homes in a Single Family Residential (R-1/5000) Zoning District.
(This item was heard at 9:55 p.m.)

Commissioner De Lay stated that she had represented the applicant in the sale of a property approximately four years ago, and has heard from one person who objects to the project, and that the applicant had contacted her regarding what type of presentation he should give at the meeting. She stated that besides the interaction, she felt that she could hear the case impartially.

Commissioner Scott expressed concern about the telephone conversation regarding the presentation for the evening.

Acting Chairperson McDonough stated that the phone conversation did not seem to be a problem, and called a vote.

Commissioner Chambless stated that if Commissioner De Lay felt that she could be impartial in making a decision, that she should not recuse herself.

Commissioner Wirthlin asked if advice or discussion regarding the merits of the application occurred during the telephone conversation.

Commissioner De Lay stated that the only question was regarding the type of presentation he should use; PowerPoint or easel.

Acting Chairperson McDonough stated that the majority of the Commission, including Commissioner De Lay, believed that she can be impartial and is accepted.

Acting Chairperson McDonough recognized Sarah Carroll as staff representative. Ms. Carroll provided a brief background to the proposal. She stated that the requested lots do have an odd shape, but that there are several properties in the area that are similar shape and size. Ms. Carroll added that the petition was reviewed at an Administrative Hearing, where opposition was expressed and was deferred to the Planning Commission for a decision. She stated that she had received twenty-five written comments opposing the request. She added that the demolition of a home would be required in order to subdivide the lots, and furthermore to build the two homes there could be a loss of 95% of the existing vegetation. Ms. Carroll summarized the opposing comments to include potential for incompatibility, loss of vegetation, adding a driveway too close to the existing turnaround, potential for precedent setting in the neighborhood, and concern about damage to homes during construction.

Ms. Carroll stated that with the current lot size the applicant could build a "monster home", of approximately 5,000 square feet with a potential of two stories. She also confirmed that the existing home on the property was built in the 1950s and has significant vegetation. Ms. Carroll added that the applicant was not required to submit a site plan, and chose not to invest in architectural plans until the subdivision was approved.

Commissioner De Lay raised concern regarding the process that is followed for subdivisions, and the lack of requirement to submit development plans.

Commissioner Scott noted the amount of material that was placed on the table this evening in opposition to the request, and suggested tabling the petition to adequately understand the comments.

Acting Chairperson McDonough stated that the Public Hearing will proceed.

Commissioner Wirthlin requested additional information regarding the potential of setting a precedent in the area, considering the number of larger lots in the area.

Ms. Carroll stated that when comparing the aerial with the lots there are three to four lots that could potentially be subdivided in the area. She also noted that the only way to avoid future requests for subdividing the property would be to rezone the property so that larger lot sizes were required, which would in turn make many of the smaller lots non-conforming.

At 10:07 p.m., Mr. Gary Nordhoff approached the Commission. Mr. Nordhoff handed out information for the presentation to the Commission. The information included pictures and a brief background to the request and is included in the record. He stated that the homes will be built with the neighborhood, the lot, and the adjacent neighbors in mind. Mr. Nordhoff stated that one of the criteria of approving the subdivision is to determine whether or not it meets the best interest of the City, which the staff report says it does because of the addition of a dwelling unit; he added that currently on the property there is not full coverage of the sidewalk which he will improve. Also, in front of the property, there is an overhead wire in the neighborhood and he intends to have it buried. Mr. Nordhoff stated that in the current right-of-way, there are few trees that the City owns from the area, and according to the Urban Forester, they are only planting one tree within the next year because of budget constraints. He stated that if the subdivision is approved, the landscape ordinance requires at least one tree every 30 feet of the park strip, providing potentially five new trees.

He addressed the concern of the existing vegetation, and stated that much is diseased and not salvageable. Mr. Nordhoff stated that there is only a small section of trees on the northern part of the property that are in control of the City, but as far as the trees on the property, most of them will be replaced with new vegetation. He stated that the current trend in the City is against the monster home development, and with a large lot size a home with a basement could be 12,000 square feet; however, he doesn't need that much space. Mr. Nordhoff stated that it is his intention to build homes that are 3500-4000 square feet, which is more in keeping with the size of nearby homes; particularly on Perry Avenue. He concluded by adding that he is seeking to further maintain the unique character of the neighborhood.

Commissioner De Lay asked why the applicant was requesting to build two homes, instead of building a great big house.

Mr. Nordhoff stated that the home on the property at this time is dilapidated and is structurally unsalvageable. He added that he does not need a home that is 12,000 square feet and is drawn to the Italianate or Federal style. He added that he is hesitant to provide plans because of the experience he had in presenting plans to the Historic Landmark Commission; however the request is not whether or not he can build a home to fit in, but rather to determine if the lots meet the requirements to subdivide the property.

Commissioner Forbis requested how the vegetation was assessed.

Mr. Nordhoff stated that the Urban Forester came to the property and evaluated some of the trees that the City owns, and further recommended that some be removed. He added that the rest of the trees were not evaluated, but would need to be removed to facilitate demolition because of their proximity to the structure. He stated that some pine trees located on the west side of the property are in bad condition. Mr. Nordhoff stated that it is important to remember that trees grow, and if the development occurs he would have to plant at least five trees if new construction is brought into the property. He added the new landscaping will be included to complement the architecture of the home.

Commissioner De Lay requested how the design of the homes would allow for ingress/egress on the property, considering that many people are concerned with the addition of traffic in the area.

Mr. Nordhoff stated that the frontage of the property is 200 feet, and that 50 feet is a requirement in this district. He stated that distancing the driveways is highly possible, with the potential of tandem parking. He stated that once the design is completed, the Transportation Division would review the driveway locations to determine any concerns before a permit is issued.

At 10:18 p.m., Acting Chairperson McDonough requested comments from the community council chairs and the public.

Shane Carlson, spokesperson for the Avenues Housing Compatibility Committee, stated that there have been requests for this petition to be considered an Issues Only Hearing, particularly because of the volume of issues. He added that it seems that Mr. Nordhoff has considered a number of things, but has not taken an opportunity to communicate with the abutting neighbors. He expressed support for the opportunity to review and discuss the proposal with the adjacent property owners.

The following individuals spoke in opposition to the proposal:

Mary Lou Willabrand, 1485 Sigsbee Avenue
John Andres, 1354 2nd Avenue
Sherwood Casjens, 1360 2nd Avenue
Rick Rieke, 1485 Sigsbee Avenue
John L. McCoy, 1465 Sigsbee Avenue
Susan Fisher, 72 North Wolcott Street
John MacFarlane, 1441 East South Temple
Sandy McKomber, 1389 Military Way
Karen Knudsen, 40 Virginia Street

The following represents the concerns of the public:

- The potential for “billy boxes” (*A billy box is defined as two homes being placed on a subdivided lot.*)
- Depreciation of surrounding property
- Lack of communication
- Loss of vegetation (considering the potential material injury to the public)
- Encroachment of smaller lots into the area of larger lots in the neighborhood
- Possibility of a monster home is not reason enough to approve a requested subdivision
- Probable cause of damage from construction in the area
- Precedent setting
- Destruction of Linden trees older than 60 years located on the property line, also a 50-year old spruce.
- Potential master plan violation regarding planned density in the area
- Interference with public turn a round at future driveway locations
- The intent of the area is to be spacious and open and could be eliminated with this proposal.

At 10:40 p.m., Acting Chairperson McDonough allowed the applicant time to address the issues.

Mr. Nordhoff stated that a large concern with the neighbors is a lack of communication; however, after the Administrative Hearing he stayed for over an hour to answer the questions and concerns of the neighbors, and almost every person remained adamant against the request. He stated that everyone has their idea of what they want, and it is difficult to satisfy the demands of all.

At 10:43 p.m., Acting Chairperson McDonough closed the public hearing and gave the time to the Commission for discussion.

Commissioner Chambless made a motion to table Petition 490-06-26, in order to adequately review the material that was distributed prior to the meeting. Commissioner De Lay seconded the motion. Commissioner Algarin, Commissioner Chambless, Commissioner De Lay, Commissioner Forbis, Commissioner Scott, Commissioner Wirthlin, and Commissioner Woodhead voted "Aye". Commissioner Muir opposed. The motion passed seven to one.

Commissioner De Lay excused herself from the remainder of the meeting.

Commissioner Muir requested Staff to research the line of distinction between the medium density and the low density that was raised during the meeting, and whether or not the parcel exists in the lower density area.

Ms. Coffey stated that in 1995 when the zoning re-write was adopted, an ordinance to update the master plan future land use maps to be consistent with the zoning maps was also adopted. Therefore, all future land use maps adopted in master plans prior to the adoption of the 1995 re-write were replaced to reference the existing zoning map.

Commissioner Scott requested that a condition be added to bury the utility wire that is exposed in the area. She added that another condition be added to include curb-street trees.

Commissioner Forbis requested that the applicant provide more specific information on what trees would be removed and where others would be planted.

Commissioner Forbis requested an assessment of vegetation, including age, health, status, number, and the affect of the vegetation on the environment on the community and the neighborhood.

Commissioner Muir confirmed that there was no existence of weighing the importance of trees in the zoning ordinance and requested why staff was being requested to research it.

Commissioner Scott stated that the reason they could request the information, is because of the potential for material injury to the public by mature trees coming down and also, the consideration of the character of the neighborhood.

Mr. Ikefuna stated that there is no regulation for a property owner to remove trees from private property. He stated that the applicant cannot be held to cutting or not cutting down trees on his property.

Commissioner Chambless stated that there are ordinances in other cities that protect trees.

Mr. Ikefuna agreed that there are ordinances to protect trees in other cities, but Salt Lake City does not have one at this time and a tree evaluation cannot be a condition for evaluating this petition.

Acting Chairperson McDonough added that the review of the petition will be for the subdivision request, and not for the proposal of new design.

Petition 410-06-12 – A request by Premium Oil for conditional use planned development approval at approximately 1704 West North Temple for reconstruction of the retail center with an attached car wash at the existing gas station/convenience center. The property is located in a Commercial Shopping (CS) Zoning District. The proposal is to redevelop and expand the retail convenience center and reconfigure the pump island layout. The proposed uses are permitted uses; however, the CS Zoning District requires planned development approval for all new construction.

(This item was heard at 10:50 p.m.)

Acting Chairperson McDonough recognized Everett Joyce as staff representative. Mr. Joyce provided a brief introduction to the project. He added that with the request, the fuel tanks will remain in the same position, but the building will be moved from the center towards the northwest corner of the property. He stated that the subcommittee had supported the location of the building, including an alteration of the

setback requirements. He added that there was a request for windows on the west and the northeast, with the applicant providing windows on the northeast corner, at the angle of the building.

Mr. Joyce included that the request is in harmony with the general purposes and intent of the zoning district because the request is a substandard parcel already developed as a pad site, with additional pad sites along the frontage that prevent the property from becoming incorporated into a larger shopping center.

Staff recommends that the Planning Commission approve the planned development conditional use subject to the following conditions:

1. Modification of the side yard setback to five feet at the carwash location as shown on the submitted site plan.
2. Modification of the rear yard setback to thirteen feet at the northwest corner of the lot as shown on the submitted site plan.
3. Modification of the perimeter parking lot landscape requirement to five feet in width along the west property line.
4. Reduction of the driveway width on North Temple Street at the west by five feet on the west to provide a forty-foot wide drive approach.
5. Delegation of final landscape and site plan approval to the Planning Director or designee for final approval.
6. That the applicant/property owner understands and is willing to permit vehicle cross access to future development of the parcel immediately to the north.

At 10:59 p.m., Acting Chairperson McDonough recognized the applicants, Don Allen, Operations Director of Premium Oil and Briggs Wagstaff, RBD Construction. Mr. Allen had no comment, but was open to questions.

Mr. Wagstaff added that he attended the respective community council meetings in the area, where no problems were raised.

At 11:00 p.m., Acting Chairperson McDonough requested comments from any community council chairs and the public.

Hearing and seeing no request from community council chairs, the meeting was open to the public.

Cary Dunn, 2180 South 1300 East #410, (owner of 137 North Redwood Road), stated support for the petition, but requested stronger language on condition #6; perhaps add "requires that the applicant grant cross access easement". Mr. Dunn stated that the reasoning behind the request is to include an access point for the property to the north. He stated that he felt it important to link the properties together.

At 11:03 p.m., Acting Chairperson McDonough asked the applicant for comments. Mr. Allen stated that they have always supported the connection to the north property, but would request additional information from UDOT with regards to sharing the ingress/egress across the property line. He stated that they would make a cooperative approach, according to the Commission's request.

Mr. Wagstaff added that they would follow the present site plan, if approved.

Acting Chairperson McDonough requested information regarding the point that if the Commission add language that the cross-access easement be required, how the applicant would feel about it.

Mr. Allen stated that there would be no objection.

At 11:06 p.m., Acting Chairperson McDonough closed the public hearing and gave the time to the Commission.

Regarding Petition 410-06-12, Commissioner Scott made a motion based on the findings of fact regarding the standards for conditional uses and planned development standards, that the

Planning Commission approve the planned development conditional use subject to the following conditions:

- 1. Modification of the side yard setback to five feet at the carwash location as shown on the submitted site plan.**
- 2. Modification of the rear yard setback to thirteen feet at the northwest corner of the lot as shown on the submitted site plan.**
- 3. Modification of the perimeter parking lot landscape requirement to five feet in width along the west property line.**
- 4. Reduction of the driveway width on North Temple Street at the west by five feet on the west to provide a forty-foot wide drive approach.**
- 5. Delegation of final landscape and site plan approval to the Planning Director or designee for final approval.**
- 6. That the applicant/property owners grant cross-access easement to future development of the parcel immediately to the north.**

The motion was seconded by Commissioner Wirthlin. All voted "Aye". The motion passed unanimously.

Discussion commenced regarding the responsibility of the cross-access easement. Staff and the Commission determined that the responsibility was to be determined between the applicable parties. Mr. Dunn, (owner of the adjacent north parcel), suggested that it be the responsibility of the property to the north.

Acting Chairperson McDonough stated that it would not be within the purview of the Commission to discuss it.

Petition 410-06-27 – A request by Milt Drake for conditional use approval at approximately 75 South 2400 West for the construction expansion of an existing commercial parking lot for Park n' Jet. The property is located in a BP (Business Park) Zoning District.

(This item was heard at 11:08 p.m.)

Acting Chairperson McDonough recognized Kevin LoPiccolo as staff representative. Mr. LoPiccolo gave a brief background to the request, including that the parking lot will increase from 370 spaces, to 1010. He added that an open carport will be constructed for approximately 88 spaces at the northwest corner of the property. He stated that the applicant does meet the minimum landscape requirements; however the driveway will be enhanced with additional landscaping. Staff is requesting approval subject to the following conditions:

1. Compliance with departmental comments as outlined in the staff report.
2. Any grade change that exceeds two feet shall require a special exception.

Mr. LoPiccolo added that the subject property is owned by Mr. Bamberger, with the applicant completing a lease agreement with him for use of the proposed parking lot.

Mr. LoPiccolo also stated that a lighting plan was part of the proposal including ten poles at a height of thirty feet with all lighting covered and down-directed. He also stated that in 2000, the applicant had initiated a petition to recognize commercial parking lots in the Business Park Zoning District (BP), which was forwarded to the City Council with a favorable recommendation and was approved to make commercial parking lots a permitted use in the BP Zoning District. However, the change was never codified, and later amendments to the Zoning Ordinance made the use a conditional use in the zone.

At 11:14 p.m., Acting Chairperson McDonough recognized the applicants, Milt Drake, Park 'n Jet owner; Paul Durham, Attorney for Park 'n Jet and George Paulson; and Lance, representative of the property owner.

Mr. Drake stated that they would be happy to answer any questions or concerns. He confirmed that the drive time from the existing lot is approximately three to five minutes to the terminal.

Commissioner Muir requested additional information regarding the storm retention pond in the area, and whether or not it would be an adequate size.

Mr. Drake stated that part of the parking lot will be required to be utilized for storm retention.

Commissioner Muir asked if it would be advantageous if some relief was given on the landscaping to consolidate it somewhere else on the lot to create a bigger storm retention basin that didn't take up parking stalls.

Mr. Drake stated that if it is possible it would be advantageous.

At 11:17 p.m., Acting Chairperson McDonough requested comments from community councils and the public. Hearing or seeing no request for comment, Acting Chairperson McDonough closed the public hearing.

Commissioner Muir made a motion based upon comments, analysis and findings of fact in the staff report, that the Planning Commission approve the conditional use request subject to the following conditions:

- 1. Compliance with departmental comments as outlined in the staff report.**
- 2. Any grade change that exceeds two feet shall require a special exception**
- 3. Empower the Planning Director in reconfiguring the landscaping along the freeway to consolidate to the benefit of the owners' storm retention.**

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

OTHER BUSINESS

(11:18 p.m.)

Mr. Ikefuna indicated that a copy of the West Side Initiative had been prepared by Alison McFarlane and is available for the Commissioners.

Ms. Coffey stated that Emigration Court rezoning was approved by the Planning Commission in phases and the applicant is now requesting an extension of time on the granted ordinance through the City Council, to complete Phase Two prior to Phase Three for market reasons.

Commissioner Scott asked if any change on landscaping had been made.

Ms. Coffey stated that the applicants had requested to modify the approval to put surface parking on top of the underground parking structure, but did not receive approval. She added that open space has been planned for the top of the parking structure. She stated that she would double check on the request.

The meeting adjourned at 11:20 p.m.

Cindy Rockwood, Planning Commission Secretary