

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, June 28, 2006**

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

Present from the Planning Division were Alexander Ikefuna, Planning Director; Cheri Coffey, Deputy Planning Director; Doug Wheelwright, Deputy Planning Director; Kevin LoPiccolo, Zoning Administrator; Doug Dansie, Principal Planner; Elizabeth Giraud, Senior Planner; Marilyn Lewis, Principal Planner; Ray McCandless, Principal Planner; Wayne Mills, Senior Planner and Cindy Rockwood, Planning Commission Secretary.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Noda called the meeting to order at 5:46 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, Prescott Muir, Kathy Scott and Jennifer Seelig. Planning Division Staff present were Doug Wheelwright, Marilyn Lewis, Ray McCandless, Doug Dansie, and Wayne Mills.

DINNER

A quorum was present at dinner, but no significant discussion was held.

MEETING

Chairperson Noda raised the attention to the two postponed petitions; Petition 410-06-09 and Petition 410-06-05. She also noted that Petition 400-06-10 will be heard as an Issues Only Hearing requiring no action from the Commission.

Mr. Ikefuna clarified that Petition 410-06-05 had been removed from the Planning Commission agenda and will be forwarded to the Board of Adjustment. He stated that Petition 400-06-10 will be heard as Issues Only because of the comments received from the community council and input from the City Council Subcommittee on Infill Development.

APPROVAL OF MINUTES from Wednesday, June 7, 2006.

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

Commissioner Scott moved to approve the June 7, 2006 minutes with changes. Commissioner Chambless seconded the motion. Commissioner Chambless, Commissioner De Lay, Commissioner Forbis, Commissioner Muir, Commissioner Scott, and Commissioner Wirthlin voted "Aye". Commissioner Diamond and Commissioner Seelig abstained. The motion passed.

REPORT OF THE CHAIR AND VICE CHAIR

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

Chairperson Noda stated that a letter to Utah Power and Light regarding the Commission's request not to install new poles for telecommunication purposes prior to the Commission approving the telecommunication request had been prepared and will be signed on behalf of the Planning Commission.

Chairperson Noda also requested input from the Commission regarding the second meeting scheduled in July. She noted that the meeting had been cancelled in previous years. The Commission concluded that the meeting would be cancelled.

REPORT OF THE DIRECTOR

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

Petition Initiated (North Temple Rezone)

Mr. Ikefuna stated that a request to initiate a petition to rezone properties along North Temple west of 500 West from Commercial Corridor (CC) to Transit Corridor Zoning was included in the packet of information. He stated that North Temple is a gateway to the City with many development requests being affected by the zoning. The reason for the petition is to ensure appropriate, established zoning for compatible development.

Commissioner Seelig made a motion to initiate a petition to allow Staff to research and analyze the appropriateness of rezoning the North Temple Corridor properties to a Transit Corridor Zone. The motion was seconded by Commissioner De Lay. All voted "Aye". The motion passed.

Commissioner Muir requested additional follow up be considered regarding the 400 South Corridor rezoning. With the implementation of the Transit Oriented Development (TOD) along the 400 South Corridor, Commissioner Muir stated that it would be helpful to include the results of what has occurred since the TOD Zoning. He stated that although the Transit Corridor (TC) Zoning has not been in place very long, the results of that rezoning should be considered when the North Temple potential rezone is considered.

Commissioner Seelig agreed to the amendment. Commissioner De Lay seconded. All voted "Aye". The motion passed with amendments.

Research Park Work Group

Mr. Ikefuna gave a brief background of the Research Park Work Group, with a report prepared and given to the Commissioners. He also noted that a Planning Forum has been created to address Traffic and Transportation issues at the University level. The group includes representatives from the Planning Division, City Transportation, the University, Wasatch Front Regional Council, and applicable Community Councils. The group will meet every other month until June 2007. He stated that the goal of the Planning Commission has been accomplished with the implementation occurring at this time. It was noted that Commissioner Chambless was not a participant in the Planning and Transportation Forum at the University.

Mayor's Executive Order – Sustainability Audit

Mr. Ikefuna introduced the information given by the Mayor, by providing a background of a project requesting solar panels for an energy source. He stated that the City does not currently have any regulations regarding solar panels, but has formed policies to make it easier to find an alternate source of energy. The Mayor issued an executive order creating a Sustainability Committee including representatives from appropriate City divisions and the public. Mr. Ikefuna recommended that the Planning Commission suggest a representative to participate in the committee.

Commissioner De Lay volunteered to participate on the Committee on behalf of the Planning Commission.

Petition Initiated (Text Amendment clarifying the City's landscape requirements)

Mr. Ikefuna stated that the Planning Commission is being requested to initiate a petition to clarify the City's residential and commercial landscape requirements. He stated that there has been some difficulty requiring people to landscape their yards. The request would also include researching the potential for allowing bond requirements for multi-family dwellings and commercial development.

Commissioner Scott made a motion to initiate a petition for a text amendment to the Salt Lake City Ordinance clarifying the City's landscape ordinance and landscape bond requirements in all zoning districts.

Discussion of the motion

Commissioner Muir asked if the Urban Forester had a landscape corridor master plan relating to the trees and controlling species, namely the impact specific trees have in various areas. Commissioner Muir suggested that the Urban Forester become more empowered if a plan existed and requested it be included in the petition.

Mr. Ikefuna stated that a list of plants that are allowed are provided, but the information raised is important. He stated that he would prepare a letter to the Urban Forester and invite him to participate in an upcoming meeting.

An amendment was made to the motion by Commissioner Muir to include the Urban Forester as a participating source in the text amendment. The amendment was accepted by Commissioner Scott. The motion with amendments was seconded by Commissioner Muir. All voted "Aye". The motion passed with amendments

Acknowledgement of Commissioner Jennifer Seelig

The Commissioners formally recognized and extended appreciation to Commissioner Seelig for her service on the Planning Commission.

PUBLIC NOTICE AGENDA

(This item was heard at 6:06 p.m.)

- a. One World Café and Salt Lake City Property Management—Owners of the One World Café are requesting that Property Management approve a lease agreement to allow use of a portion of 300 East Street right of way for outside dining purposes. The property is located at 41 South 300 East Street, between the building and the sidewalk. The abutting property is zoned R-MU. Property management staff intends to approve the lease request.
- b. Liberty Midtown Partners and Salt Lake City Property Management—Liberty Midtown Partners are requesting that Property Management approve a lease agreement to allow overhead roof eave encroachments to extend over the street right of way of 300 East Street. The abutting property located at 225 South 300 East Street is zoned R-MU. The Property Management staff intends to approve the lease request.
- c. Sugar House Coffee and Salt Lake City Property Management—Owners of Sugar House Coffee are requesting that Property Management approve a lease agreement to allow use of a portion of the street right of way on 2100 South Street to be used for outside dining purposes. The abutting property located at 2106 South Highland Drive is zoned CSHBD-1. Property Management staff intends to approve the lease agreement request.
- d. Russell C. and Naoma D. Hansen and Salt Lake City Public Utilities Department—The Hansen's are requesting that Public Utilities approve the release of a right of way easement which is no longer needed which effects the Hansen property, located at 3596 East Monza Drive in un-incorporated Salt lake County. Public Utilities staff intends to approve the release of the easement request.
- e. RAL, Inc. and Salt Lake City Public Utilities Department—RAL, Inc. is requesting that Public Utilities approve a release of a right of way easement which is no longer needed which effects the RAL, Inc. owned property located at 6255 Canyon Cove Court in Holladay City. Public Utilities staff intends to approve the release of easement request.
- f. Scott D. Anderson and Salt Lake City Public Utilities Department—Mr. Anderson is requesting that Public Utilities approve a standard use permit to allow continued encroachment into a Public Utilities owned easement over property located at 3230 East Bengal Blvd., in Sandy City. Public Utilities staff intends to approve the standard use permit as requested.

Chairperson Noda requested comments from the public or Commission regarding the public notice items. No comments were made and the items were approved.

PUBLIC HEARINGS

Petition 410-06-13 – A request by Rick Graham, Director of Public Services, for Conditional Use Planned Development approval to develop the Sorenson Unity Center located at approximately 1383 South 900

West in a PL (Public Lands) Zoning District. This project must be reviewed by the Planning Commission because the development proposes more than one principal building on a single parcel.
(This item was heard at 6:07 p.m.)

Chairperson Noda recognized Marilyn Lewis as Staff Representative. Ms. Lewis provided a brief background of the project. Ms. Lewis included that the proposed development would include a recreation and education campus. She also stated that more than one principal building is being proposed for the parcel, requiring planned development approval; this will also encourage efficient use of land and resources. Ms. Lewis stated that the proposed Unity Center has been designed to meet LEED certification. The community council unanimously recommended approval of the conditional use request. Staff recommends that the Planning Commission approve the request for a planned development.

No questions were asked from the Commission.

Chairperson Noda recognized the applicants, Kay Christensen, representing Rick Graham, and Derek Payne, Project Architect.

Commissioner Scott requested additional information regarding the LEED certification the center was striving to obtain. She also requested information about the existing trailer classroom area.

Mr. Derek Payne stated that presently they are working towards obtaining general LEED certification. In response to the existing trailer classroom area, Ms. Christensen stated that efforts are in place to remove the trailer classrooms. She stated that bids are being accepted for the potential of removing them at the same time bids for the entire center are being accepted. She added that the money to remove the trailers could be incurred at the cost of a new market tax credit program. Ms. Christensen stated that new market tax credits are being pursued to include an additional 1.8 million dollars to add the existing trailer classrooms to the building, remove the trailers and cover utility cost.

Commissioner Scott also asked about the parking situation and whether or not space was a consideration.

Mr. Payne stated that there are sixty eight parking stalls available. Ms. Lewis confirmed that the required number of parking stalls is sixty. Ms. Christensen stated that at times, when the building is at its maximum capacity there will be overflow parking in the front of the Sorenson Center, with additional parking across the street to the east.

Commissioner Chambless requested additional information regarding the temporary parking stalls and the movement of the parking stalls. He asked if the subject plan factored in the removal of the temporary parking lot.

Ms. Christensen stated that the location of the temporary parking stalls will be removed, as the building will replace it. Mr. Payne stated that additional parking stalls could be required if the computer classrooms are constructed.

Ms. Lewis confirmed that the area on the east side of 800 West has been considered for future parking.

Ms. Christensen stated that the property to the east could potentially be used for additional parking.

Chairperson Noda requested comments from community council chairs and from the public.

Seeing or hearing no request from the public, Chairperson Noda closed the public hearing.

Based on the finding of fact and the testimony, Commissioner De Lay made a motion that the Planning Commission approve the planned development request with the condition that standard permit review process be required for compliance with Fire, Engineering, Public Utilities, and Transportation. The motion was seconded by Commissioner Scott. All voted "Aye". The motion passed.

Commissioner De Lay noted that input is received from various divisions of the City, and felt it could be helpful to have the Urban Forester be considered as a reviewer.

Ms. Coffey confirmed that the Urban Forester does review the plans of the landscape area when the plans are reviewed by the Permits Office. She confirmed that the Urban Forester does have guiding source of information, but not does have an official master plan.

Petition 400-06-10 – A petition initiated by Mayor Anderson requesting to amend provisions of the Salt Lake City Zoning Ordinance to clarify processes and procedures relating to the review of projects subject to the City-wide Compatible Residential Infill Development standards adopted by Ordinance 90 of 2005 and Ordinance 26 of 2006.

(ISSUES ONLY HEARING)

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

Chairperson Noda recognized Cheri Coffey as staff representative. Ms. Coffey provided background to the subject petition.

She stated that the goals relating to the subject petition include:

1. Maximize administrative approvals;
2. Broaden the number of standards that can be modified;
3. Increase the number of standards that can be handled administratively;
4. Fine tune some of the standards, based on public comment received;
5. Tighten the standards for appeals of administrative decisions, while also shortening the appeal period; and
6. Clarify the role of the administrative hearing officer.

Ms. Coffey stated that an Open House had been held regarding the petition, with the attendance of Design Professionals, Citizen Groups, and Property Owners. She stated that concerns of the public included: calculation of average setback and height; difficulty in obtaining 100 percent signatures (potential of weighing the more closely located property owners); strengthening the standards relating to appeals; appellants being required to demonstrate how the proposal does not meet the standards; streamline the administrative public hearing process; standardize submittal requirements; provide greater flexibility in the tiered review process; and the potential of changing the Development Pattern definition.

Ms. Coffey provided the following summary of proposed amendments:

Technical Changes: Opportunity to change the front and corner side yards, as no administrative authority presently exists. This flexibility would allow for accommodation of the anomalies in the area.

Maximum Building Coverage: The coverage is 40 percent requirement, with no administrative authority to change, besides a variance request. The recommended modification would allow the applicant to complete the special exception process instead.

Width of an Attached Garage: No remedy to alter the standard exists at this time. The proposal is to maintain that if the majority of the garages on the street are wider than the standard, that the Zoning Administrator would have the authority to approve the request. If it is not the majority, a routine and uncontested matter could be pursued for approval. If the location is in a historic district, the Historic Landmark Commission would have the authority to make the modification.

Accessory Structures: Allowance of Historic Landmark Commission (HLC) to modify the building height, maximum footprint, and the maximum rear yard setback location for accessory structures. If the property is outside a historic district those issues could be handled as a routine and uncontested matter.

Appeals of Administrative Decisions: Presently the appeal period is 30 days, with a potential advantage to moving the case directly to the Board of Adjustment if the applicant believes a potential to appeal is present. The subject petition proposes to reduce the appeal period to 10 days and to limit standing to those that are notified of the request. If no notification is required, abutting property owners would have

standing to appeal. Also, the recommendation is to require the appellant identify specific procedural errors or demonstrate they have a property related adverse impact by the decision.

General Standard: The request might not meet the specific standards, but could be compatible with the surrounding area and have support of the neighbors. By altering the standard where this is the case, the administrative hearing officer could approve the request with the special exception standards as the criteria.

Maximum Lot Size: Presently the standards do not allow lot creation of a lot that is 150 percent larger than the base zoning requirements. This standard has created difference to the buildable area. The City has no mechanism to control the mass and volume of the structure, although there could be conditions to increase the setback to accommodate one lot. Ms. Coffey cited an example of a site in the Avenues area that appeared before the Planning Commission earlier in 2006.

Commissioner Chambless also cited an example of a two-lot consolidation allowing an oversized home to be built on the combined lot. Ms. Coffey confirmed that the maximum lot size is applicable to only a single lot building area, or subdivision of lots, and not to where lots are being combined.

Cost of Obtaining Average Setback and Height: Currently the applicant is required to submit a stamped, signed document by a licensed architect, engineer, or surveyor indicating that the surrounding heights and footprint sizes are correct. Another option would be to allow the property owner to submit a signed document from the applicant stating that to the best of their understanding, the surrounding heights are correct. Staff is recommending that the applicant be required to submit a stamped, signed document by a licensed architect, engineer, or surveyor.

Ms. Coffey concluded by reminding the Commissioners that the public hearing is an Issues Only Hearing, requiring no action from the Commission.

Mr. Ikefuna stated that the requirement for an applicant to submit a certified document from an architect, engineer, or surveyor regarding the surrounding property setback and heights is the current practice. He stated that due to the comments received at the Open House, a second option is being presented. Commissioner Scott requested additional information regarding applicants meeting the requirements for Development Patterns.

Ms. Coffey stated that there are two sides to the concern of meeting Development Pattern: (1) One which considers the topography of different side of a street, like in the Avenues and (2) A broader area that may include higher structures in the same neighborhood, just not on the specific block face. She stated that allowing Planning Staff to review a broader area when the specific standard is not met is what was intended with the General Standard changes proposed.

Mr. Ikefuna stated that additionally, Staff is a bit apprehensive to decide on whether or not the subject property is compatible with the block face. He stated that approval of the project can become very difficult; however, with the approval of the proposed General Standard amendment, Staff will have the opportunity to make a decision in a timely manner by considering additional characteristics of the area.

Commissioner Muir requested information regarding the proposed appeal changes and the number of appeals that have appeared. He stated that the Utah Heritage Foundation letter raised a good point, to consider more time for the process to settle before changes are made.

Ms. Coffey confirmed that the majority of people are abiding by the present standards. Mr. LoPiccolo added that the Planning Division has been fortunate to not have many appeals. He noted that if the potential for appeal existed, Staff has encouraged the applicant to move straight to the Board of Adjustment in order to save time. Mr. LoPiccolo added that if the property owner submitted signatures of the surrounding property owners in support of the request, the standing of those who signed should be weighted more.

Commissioner Muir stated that the information from the East Downtown Neighborhood Master Plan is quoted to say, "Develop citywide design criteria to ensure compatibility" and should not be raised in the

Staff Report, as it is a small area master plan trying to implement broad city policies. He expressed concern regarding the request to shorten the appeal period to 10 days.

Mr. Ikefuna stated that a delicate balance must be met between respect for the applicant and the potential appellant. He noted that the 10 working days is the state requirement. He added that all members of the public are presently allowed to appeal the project; however, if a member of the public chooses to appeal the project only those who have been notified may appeal, as they could be affected.

Commissioner Muir requested clarification regarding the average block face and the notification requirement for obtaining an average setback.

Ms. Coffey stated that the requirement to determine an average setback would still be on the applicable block face. The entire area may be considered in the area with the 300 feet notification distance for appeals. She stated that the reference to notification distance relates to the General Standard, stating that if the applicant has support from the individuals in the required notification area, even if the project does not meet the specific compatibility criteria, it could be considered using the special exception criteria.

Commissioner Diamond added that the appeal process being reduced to a 10-day period is being altered for consideration of the original applicant and is not to try and limit the applicant's ability to appeal a decision.

Ms. Coffey confirmed that the proposal of Staff is to know sooner than later that an appeal might appear. If an appeal is presented, additional information might be required by the applicant. Mr. LoPiccolo added that essentially there is a 24-day period of potential appeal because of the 14-day notice requirement before the public hearing.

Ms. Coffey additionally addressed the Historic Landmark Commission process. She stated that when the HLC receives a project governed by the compatible infill regulations, Staff identifies the standards being met and then Staff further (if recommending approval of modifications) must justify the recommendation in the findings. Ms. Coffey stated that if the HLC is agreeing to the recommended modifications, their motion includes their approval for modification. She added that the HLC notifies and holds a public hearing for all property owners required to be notified; generally, the notification area is property owners within 85 feet of the subject property.

Chairperson Noda requested comments from community council chairs and the public.

Margaret Miller, 653 9th Avenue, was surprised to hear of the proposed amendments. She stated that enough time has not passed to fully understand the process. She added that the block faces vary quite differently from one side to another in the Avenues and that it affects the whole block.

Commissioner De Lay requested input from Ms. Miller regarding the amount of input from the public in regards to the proposed changes.

Ms. Miller stated that public information has not been as well distributed as the first proposal. She suggested that the input from the Greater Avenues Community Council be considered.

Jim Jenkin, 212 5th Avenue, stated that too much is occurring at this time to consider the changes that are being requested. He noted special concern for accessory structures and garages.

Commissioner De Lay asked if the Avenues Community Council – Compatibility Housing Committee met about the proposed changes.

Mr. Jenkin confirmed that the Committee has not officially met specifically regarding the proposed changes, although they did send it through email.

Shane Carlson, Housing Compatibility Committee Spokesperson for the Avenues Community Council, addressed the time the committee has had to participate in the process of the amendments. He stated that their first view of the amendments was on June 15 at the Public Open House. Mr. Carlson stated that

there are many things that need to be addressed, including the definition of standing. He reinforced his approval of the Utah Heritage Foundation recommendation to form a committee. Mr. Carlson made a request to provide a standard for the types of concerns that arise.

Mr. Ikefuna pointed out that standing is an element that has some implications, as the language that is proposed was reviewed by Lynn Pace. He stated that Mr. Pace had said that the State law that allows someone to appeal is vague; however, to defend the position the language has to be broad rather than specific. Mr. Ikefuna stated that the language pertaining to appeals was prepared in accordance and consultation with the City Attorney's office, which will be represented when formal action on the subject petition takes place.

Hearing or seeing no additional requests for comment, Chairperson Noda closed the public hearing. *Letters received from the Greater Avenues Community Council – Compatible Housing Committee and the Utah Heritage Foundation were included in the record.*

Commissioner De Lay stressed the importance of providing information to the community regarding the changes. She noted that their involvement was essential in the beginning and that a forum would be a positive step to discuss the amendments.

Chairperson Noda agreed that more community input is necessary and that the presence of the City Attorney's office is extremely important.

Commissioner Diamond commended the Staff for their continual input and review of the ordinance.

Commissioner Muir requested that applicants who have been through the process appear before the Commission in order for the Commissioners to better understand, from the applicants view, the process.

Mr. Ikefuna confirmed that data regarding the ordinance and its execution will return to the Commission within one year of the date of adoption. He noted that a list of applications that have been through the process will be included with the one year review. He stated that providing flexibility in the process is the concern at this time.

Commissioner Scott noted concerns regarding the potential consequence an applicant if information stated in the staff report is challenged and discussing the potential consequences could be helpful. She requested additional information regarding the SR-1 and R-1/5000 portion of the draft ordinance, and the phrase of "buildings legally existing on April 12, 1995", which is not listed in other areas of the ordinance. She also asked why minimum yard requirements are not listed in all the zones.

Mr. Ikefuna stated that some of the requirements are varied in regards to the Historic Landmark Commission, because of the potential of shuffling people back and forth to different decision bodies. He stated that the ramifications of the property owner signing a letter that the drawings submitted are accurate could be dangerous because of the potential liability.

Commissioner Scott stated that if there was reason to believe that the person was submitting incorrect information, their permit should not be issued.

Commissioner Diamond stated that as an architect, he would never stamp a plan suggesting that their measurements of surrounding properties were correct. He suggested a civil engineer survey the property.

Commissioner Muir stated that a surveyed drawing should be required for legal ramifications.

The petition was closed with no action.

Petition 400-04-22 – A petition initiated by Mayor Anderson to amend the Salt Lake City Zoning Ordinance relating to specialty housing facilities, including group homes, transitional victim homes, transitional treatment homes and residential substance abuse homes. Specifically, the petition is to amend the definitions of these specialty housing types, and clarify standards for spacing requirements, criteria approval, and potential revocation of conditional uses once approval is granted.

(This item was heard at 7:08 p.m.)

Commissioner Forbis stated that because of previous work with various parties to develop the 10-year plan to end chronic homelessness, including a recommendation for a text change of transitional to permanent supportive housing, a conflict of interest could exist.

The Commission agreed that a significant conflict of interest did not exist.

Chairperson Noda recognized Elizabeth Giraud as staff representative. Ms. Giraud provided some background to the project. The background included information about a previous petition which generated the need to review the regulations regarding specialty housing locations, definitions, and standards. She noted that while researching the definitions, Staff noted that location of the facilities was not tracked by the City. Staff is recommending the service providers obtain City registration with information being relayed to the City GIS system. Ms. Giraud stated that in amending the definitions, the City recommends requiring all specialty housing types, with the exception of small group homes, be allowed only upon conditional use approval by the Planning Commission. She stated that the amendments to the spacing requirements would include standards the Planning Commission would use for evaluating the reason for the modification and a mechanism to maintain accountability to the City from the service providers.

Ms. Giraud addressed master plan issues, overlay zoning, police department research, and the input from the Open House in the background of the petition. She stated that the facilities should not be considered as solitary services, as the audience served is broad.

Commissioner De Lay requested further information regarding the House of Refuge, as the petition was tabled because they were licensed by the State of Utah and not by the City. She suggested that a caveat exist between the City and the State regarding the licensing of the facilities. She mentioned that at the time of the House of Refuge request, there were questions about over-concentration in the area near the YWCA and asked Ms. Giraud if she agreed.

Ms. Giraud stated that the comments could be correct; however, she was not confident in presenting an answer due to the fact that the House of Refuge was not her case nor was she familiar with it. Ms. Giraud stated that the proposed text amendment does require State and City licensing.

Ms. Coffey clarified that with the proposed text amendments, specialty housing facilities could request an exception to the existing 800 foot spacing requirement, which was the reason for not passing the House of Refuge request.

Discussion commenced between the Commissioners and Staff regarding the importance of a compiled, updated list of specialty housing. Commissioner Forbis stated that compiled lists are available through the State offices through Lloyd Pendleton.

Commissioner Muir suggested that grouping the proposed text amendments together could result in a lack of resources at the time of a request for conditional use. He suggested that the first three proposed amendments be addressed at this time to better base consideration of potential conditional use requests. He continued to state that the method to assess the facilities, criteria, and location is not available at this time and by addressing the text amendment requests slowly, an efficient tool would be created to better assess the requirements of the City.

Mr. Ikefuna stated that the proposal includes a comprehensive list of the distribution of the facilities. He stated that the creation of a database is crucial to successfully assess the requirements, criteria, and location of the facilities.

Commissioner De Lay expressed concern regarding potential discrimination by requesting the service providers be spaced from other facilities.

Ms. Giraud stated that the Zoning Ordinance already includes spacing requirements, as do many other states throughout the country. She stated that the potential of discrimination is lessened by providing the means of flexibility to the spacing requirements in the proposed amendments.

Commissioner Muir requested information regarding the recommendations of service providers to congregate some of the facilities; although, it may be against the City Housing Policy and the East Central Neighborhood Master Plan.

Ms. Giraud stated that the service providers would be more prepared to answer the question of congregation. However, she added that the disbursement is most feasible for small group homes because there are more zoning districts where these facilities are allowed.

Commissioner Diamond stated that the analysis and findings are too preliminary to transmit a favorable recommendation. He raised attention to a letter from the Disability Law Center discussing the proposition of the dispersal of facility location. He raised concern regarding the amount of density that has pushed out homeless shelters by disbursing them to a mixed demographic. Commissioner Diamond also stated that although the petition does not directly address homeless shelters, the impact to the surrounding neighborhoods is applicable. He agreed with Commissioner Muir about establishing a foundation prior to allowing conditional use requests to proceed.

Commissioner Forbis stated that many of the questions being raised have been researched for the 10-year plan.

Ms. Giraud stated that distinguishing the difference between homelessness and specialty housing services was essential to establish a base for the research. She did not speak with members of the 10-year plan committee, as the plan was prepared for a different issue.

Commissioner Forbis stated that the 10-year plan is not solely about homelessness, but that it addresses the concept of disbursement and supportive housing.

Ms. Giraud stated that extensive research had been conducted with the service providers. She stated that LuAnn Clark had provided the names of many service providers to work with.

Commissioner De Lay requested additional information from the specific groups Staff worked with. She asked if the service providers had seen the new proposed definitions. Commissioner De Lay also requested that a list of service providers commenting on the proposed text be included in the staff report.

Mr. Ikefuna stated that the proposal has been through a rigorous review process due to the amount of input needed, especially considering the sensitivity of the issue.

Ms. Giraud agreed with Mr. Ikefuna and stated that additional comments were requested from the service providers after the original petition was altered.

Commissioners and Staff discussed the disbursement of the facilities and the importance of location. Mr. Ikefuna noted that the City will benefit additionally from the comprehensive list for census purposes.

Commissioner De Lay requested to table the petition in order to obtain counsel from the City Attorney, the community, and service providers. She stated that most of the information is not being provided.

Commissioner Forbis requested that a representative from the Department of Corrections come to the meeting to help establish an understanding of the affects that the homes can have on existing neighborhoods.

Ms. Giraud stated that a map and a list of existing service providers will be prepared. She stated that location and categorizing facilities is an important emphasis of the proposed text amendments.

Commissioner De Lay moved to table the petition.

Chairperson Noda stated that a motion to table was not an option at this time, as the public has been noticed for the present hearing.

A reference to Robert's Rules of Order found that when a motion is not seconded within a reasonable amount of time, it is automatically withdrawn. The motion was withdrawn and the public hearing proceeded. Commissioner De Lay requested that a copy of Robert's Rules of Order be brought to each meeting.

Chairperson Noda requested comments from community council chairs or the public.

Bill Clark, 2652 South 900 East, stated that the goal of the facilities and the petition is admirable. As a six-year resident of the Sugar House area, Mr. Clark verified that facilities exist that are not presently listed. He expressed concern regarding their proximity to each other and to an elementary school. Mr. Clark included that he is aware of the facilities' existence because of the neighborhood discussion. He requested that broader knowledge be provided to the public to increase the involvement of the community.

Commissioner Muir requested Mr. Clark's thoughts given the concept of disbursement and their proximity to neighborhoods.

Mr. Clark stated that the types of facilities would not be located in other areas because of cost. He added that if there was a map or a database that creatively distributed the facilities he might be more willing to accept the idea.

Jon Hunsaker, 585 East 2100 South, is a school teacher and a potential service provider of specialty housing in the area. He is anticipating an opportunity to open a facility in his area for adolescents who have not committed crimes, but have no where to go or anyone to teach them how to live. He requested the Commission and Staff consider the option that not all facilities would serve felons in their approach to provide service to the community.

Hearing no further request for comment, Chairperson Noda closed the public hearing.

Ms. Coffey stated that a map can be created from the list of existing facilities with an ongoing update of new facilities.

Chairperson Noda stated that changing the ordinance would allow the process of collecting data to proceed; allowing a more comprehensive view.

Commissioner Muir requested a comparable analysis of the density of facilities in Salt Lake to those along the Wasatch Front. He also requested additional information regarding the market rate of houses supporting the facilities and the impact on the neighborhood.

Ms. Coffey stated that the concerns expressed during the meeting have been those expressed throughout the entire research period of the petition. She included that service providers will seek a location that will allow intensive development, be affordable, and be near additional services their clientele might need, whether it be in Salt Lake City Downtown or Sandy. She noted that specialty housing is allowed in all Salt Lake neighborhoods that are zoned for higher intensity uses.

Commissioner De Lay made a motion to table the petition in order to obtain the following information:

- 1. Counsel from the City Attorney regarding the validity of the proposed changes;**
- 2. A list of the participating service providers and agencies, and the request of their attendance;**
- 3. A map of the location of the existing facilities;**
- 4. A list of the existing facilities; and**
- 5. Representation from the appropriate community council.**

Discussion of the motion

Mr. Ikefuna clarified the information requested; taking note that representation from the City Attorney's office will be at the meeting when the item will be discussed. He stated that when the Open House was held all of the community councils were invited. Commissioner Diamond requested that the attention of the community councils be raised that discussion was made at the Planning Commission and their input is important.

Commissioner Forbis requested that additional data be gathered regarding the market for housing in the area and the affect of the housing market in the neighborhoods where the disbursement occurs.

Mr. Ikefuna stated that in terms of location of the facilities, the most important thing is how it is designed and managed. He noted that he would not support the research of market housing rates as related to specialty housing location.

The Commissioners agreed that economic impact is not considered by the Commission.

Chairperson Noda stated that she appreciated the work of Staff and that the Zoning Ordinance change would establish a resource of data. She stated that moving forward with this amendment would be the first step and one in which she would support.

The motion to table was seconded by Commissioner Scott. All voted "Aye". The motion passed.

Commissioner De Lay excused herself from the remaining hearings due to health reasons.

Petition 410-06-15 — A request by Architectural Nexus, representing ARUP, for conditional use approval to allow additional building height from 45 feet to 53 feet and 6 ½ inches for a proposed mechanical building addition located in the Research Park (RP) Zoning District at approximately 500 South Chipeta Way.

(This item was heard at 8:30 p.m.)

Chairperson Noda recognized Ray McCandless as staff representative. Mr. McCandless provided a brief background to the project and stated that the mechanical building will be the only use of the new building. He confirmed that no new employees will be added with the approval of the proposed structure. He included that the reason for the request is to bring the mechanical equipment room up to the same height as the existing building. He stated that the recommendation is for approval subject to meeting all Salt Lake City departmental and other applicable code requirements.

Commissioner Diamond requested information regarding the remaining aspects of the building and whether or not there were additional mechanical elements to the building.

Commissioner Muir requested comments from Mr. McCandless regarding the email from Mr. Charles Evans stating he "prefer the original design...because of the City Planning Commission's moratorium on variance, the present design has been implemented to prevent an undo, delay, and hardship on the future use of the facilities by the tenant". Commissioner Muir stated that the letter leads one to believe that the height is being over-built in order to avoid potential moratoriums.

Mr. McCandless confirmed that there were two designs for the projects, one that met the 45-foot height restriction and off set from the surrounding building and the proposed project to bring it up flush with the current building.

Commissioner Diamond stated that the written statement of Mr. Evans undermines the efforts of the Research Park Work Group and the Commission.

Chairperson Noda recognized the applicants from Architectural Nexus, Jeff Gardner and Patrick McLaughlin. Mr. Gardner answered the question regarding the existing mechanical equipment to state that the equipment on building number two will be at the same height of the existing mechanical equipment on the neighboring building. He stated that it was necessary to have the equipment aligned vertically in order to have the equipment work together.

Commissioner Diamond requested confirmation regarding the proposed west building elevation and the potential of employees in the building.

Mr. McLaughlin stated that the entire base level will be filled with boilers.

Commissioner Seelig referenced the email from Charles Evans sent to Mr. McLaughlin and forwarded to Mr. Gardner with the following phrase, "Jeff, take a look at this. Do you think the city will buy it?" and requested what he meant by including the phrase, "do you think the city will buy it in the email"?

Mr. Gardner stated that Alan Michelson had requested a letter from Mr. Evans who sent it to him. He stated that the email was trying to explain the difference between the lower parapet building and the higher parapet building to match the existing. Mr. Gardner stated that he was seeking confirmation from Mr. McLaughlin that Mr. Evans' letter was clearly indicating that he approved the higher parapet building design. He additionally stated that he now understands the difference between a variance and a conditional use.

Commissioner Chambless noted that Mr. Evans did not attend any of the Research Park Work Group meetings held through November 2005 to March 2006. Mr. Wheelwright stated that Mr. Evans attended the first or second meeting of the work group.

Commissioner Chambless included that during his tenure as a public servant Mr. Evans has been working for the University of Utah and has been less than cooperative with the City. He noted that the developers are present for building approval, requiring full cooperation – Mr. Evans does not cooperate.

Commissioner Diamond recognized that the height being requested is to match an existing height, but what is disappointing is that the building is being built for mechanical equipment, wherein architecturally a design could have been considered to meet the requirements. He expressed disappointment that a more creative option to meet the height requirement was not pursued.

Mr. Gardner stated that one issue is with the mechanical equipment at the top of the building, and the requirement to align the two in order for them to work in conjunction with another.

Chairperson Noda requested comments from community council chairs and the public.

Hearing no comments from the public, Chairperson Noda closed the Public Hearing.

Commissioner Muir reiterated the thoughts of the Planning Commissioners and stated that the email from Mr. Evans is not very helpful or conducive to the spirit of good faith efforts to compromise solutions to conflicts within the community.

Based upon the noted findings of fact, Commissioner Muir made a motion that the Planning Commission approve the proposed conditional use height exception from 45 feet to 53' 6 1/2", subject to meeting all Salt Lake City department and other applicable code requirements. Commissioner Scott seconded the motion. Commissioner Muir, Commissioner Scott, Commissioner Seelig, and Commissioner Wirthlin voted "Aye". Commissioner Chambless, Commissioner Diamond, and Commissioner Forbis were opposed. The motion passed.

Commissioner Diamond requested Mr. Ikefuna to make a phone call to Mr. Evans about the disrespect he has shown to the Commission and the disappointment of the Commission members. Additional members of the Commission agreed to the requested action.

Petition 400-06-05 — A request by Maylaykone Kiphiibane to vacate the remaining east/west portion of an alley located at approximately 740 South Goshen Street and to declare the property surplus. The property is in an R-1/5000 Zoning District.

(This item was heard at 8:47 p.m.)

Chairperson Noda recognized Doug Dansie as staff representative. Mr. Dansie presented a brief background to the petition. He displayed the original Seventh South Subdivision which was platted in 1893 with the alley included in the subdivision. Mr. Dansie stated that no department had issues with the vacation of the alley although some raised concern regarding the existing flood plane. He included that because the parcel on the south of the subject alley was not originally included in the subdivision, full rights to the alley belong to the parcel to the north. Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to vacate and close the subject alley and to deed it to the applicant with the following conditions:

1. The proposed method of disposition of the alley property shall be consistent with the method of disposition expressed in Section 14.52.020 Method of Disposition and Chapter 2.58 City-Owned Real Property of the Salt Lake City Ordinance.
2. Prior to building permit issuance, the applicant shall formally combine the parcels owned by the applicant in the Seventh South Subdivision, including the alley property.

Commissioner Diamond requested clarification regarding the position of the land owner to the south of the subject alley.

Mr. Dansie stated that the land owner to the south is in opposition. Mr. Wheelwright clarified that another public hearing will be held at the City Council meeting to determine who receives the property, as the Planning Commission is responsible only to whether or not the alley is needed for public use.

Chairperson Noda recognized the applicant, Maylaykhone Kiphibane. Ms. Kiphibane stated her desire to vacate the property to eventually build a home with the adjacent lot. She stated that the alley should belong to the subdivision in order to be efficiently maintained.

Commissioner Forbis requested additional information from the applicant regarding the potential flood plane on the property.

Ms. Kiphibane stated her awareness of the flood plane.

Chairperson Noda requested comments from community council chairs and the public.

Kathy Gudmundson, property owner of the south lot, stated that she uses the alleyway at times to access the rear of her property. She stated that when she signed the petition requesting a vacation of the alleyway, she had the understanding that the alley would be split to straighten out the property line. Ms. Gudmundson also stated that she would be interested in purchased the property if possible.

Ms. Kiphibane stated that her first option, if they alleyway is divided, would be to buy the alley; as it is part of the subdivision.

Hearing no further comment, Chairperson Noda closed the public hearing.

Based on the analysis, findings identified in the Staff Report, and the Staff recommendation, Commissioner Scott made a motion to forward a favorable recommendation to vacate and close the subject alley and to deed it to the applicant with the following conditions:

1. **The proposed method of disposition of the alley property shall be consistent with the method of disposition expressed in Section 14.52.020 Method of Disposition and Chapter 2.58 City-Owned Real Property of the Salt Lake City Ordinance.**
2. **Prior to building permit issuance, the applicant shall formally combine the parcels owned by the applicant in the Seventh South Subdivision, including the alley property.**

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

Petition 410-06-01 and 490-06-29 — A request by Nathan Anderson representing West Capitol Hill, LLC for Planned Development and Preliminary Subdivision approval for the construction of an eight-unit residential development located at 701 North 300 West and 314 West 700 North in the MU (Mixed Use) Zoning District.

(This item was heard at 8:59 p.m.)

Chairperson Noda recognized Wayne Mills as staff representative. Mr. Mills provided a brief background to the proposal, including that the lots would be consolidated to build two buildings containing four side-by-side dwelling units. He noted that the difference from this request to a condominium project would be that the ownership lines will be created on the outside each dwelling unit. Mr. Mills stated that the item is being brought to the Planning Commission for planned development approval due to the request for modification to the (1) parking requirement to allow a tandem, single-width garage and (2) property line lot area requirements, as it will be considered a multi-family dwelling.

Chairperson Noda recognized the applicant, Nathan Anderson. Mr. Anderson invited questions from the Commission.

The Commission did not have any questions for the applicant or Mr. Mills.

Chairperson Noda requested comments from the community council chairs and the public.

Peter Von Sivers, Chair of Capitol Hill Community Council, stated that concern was raised at the community council meeting regarding the façade of the project. He stated that ultimately, the council voted in favor of the project, as it is part of the general renewal of the West Capitol area.

Hearing no further request for comment, Chairperson Noda closed the public hearing.

Commissioner Scott stated her appreciation for the tandem parking garage option. She requested clarification to the limited common areas and the responsibility of maintenance. She also requested clarification regarding the deed of the land.

Mr. Anderson stated that some condominium features will be applicable to the owners including the personal responsibility of maintaining the front yards and front step area in accordance to the CC&R's. He clarified that the CC&R's will address the parting wall and the front façade. Mr. Anderson stated that decoration of the front façade may vary, if the expressed written consent of the other owners is given; if not received, enforcement rights have been given to the owners to require all of the units to maintain the same face. Mr. Mills clarified that the eight units will have eight individual tax identification numbers, surrounded by limited common area.

Commissioner Chambless requested additional information regarding the lighting of the property.

Mr. Anderson stated that most of the lights is a wharf appearance of light extending from the building near the flex space, and also locating one above the main entrance of the stairway. He stated that the lights at the rear will be on photo cells; however, the lights on the front will be at the discretion of the owner.

Commissioner Scott requested clarification of the shared driveways.

Mr. Anderson stated that a shared driveway will exist on the west end (units 1 and 2), in order to adapt to the build-out from the east-west direction. Mr. Scott Prior, Architect, stated that a way to divide the driveways by placing green space in between the two is being explored.

Commissioner Muir requested information regarding the direct access from the interior space to the backyard instead of only through the garage, per the subcommittee suggestions.

Mr. Prior stated that decks will be provided off the second level with an option for the owner to put stairs down into the backyard. He confirmed that head room would not be a problem between the base floor and the base of the decks.

Based on the analysis, findings of fact in the Staff Report and recommendation of Staff, submitted plans, and testimony, Commissioner Scott made a motion that the Planning Commission approve Conditional Use 410-06-01, and Preliminary Subdivision 490-06-29 to allow an eight-unit residential planned development at 701 North 300 West and 314 West 700 North. The approval is subject to the following conditions:

1. **The west building meet the required 10-foot interior side yard;**
2. **Recordation of a final plat;**
3. **Meeting all City Department/Division Requirements; and**
4. **Planning Director approval of the final development plan.**

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

OTHER BUSINESS

Commissioner Muir requested comments from Peter Von Sivers, Capitol Hill Community Council Chair, regarding the proposed amendments to the Compatibility Infill Ordinance.

Commissioner Muir made a motion to reopen the Public Hearing for petition 410-06-10. Commissioner Chambless seconded the motion. All voted "Aye". The motion passed.

Peter Von Sivers, Capitol Hill Community Council Chair, stated that he did not have much opportunity to participate in the Open House or to review the proposed ordinance amendments. He stated that he did not have an opportunity to prepare in detail his comments; however, two issues are of concern: (1) The higher east and lower west elevations when considering the development pattern definition. He would not suggest that it would be a good idea to include the two elevations into one category. (2) The measurement of a longer block of the number of people required for notification. He stated that he is in favor of further study and input.

The meeting adjourned at 9:20 p.m.

Cindy Rockwood, Planning Commission Secretary