

**SALT LAKE CITY  
PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building  
451 South State Street, Salt Lake City, Utah  
Wednesday, September 27, 2006**

Present for the Planning Commission meeting were Tim Chambless, Babs De Lay, Robert Forbis, Peggy McDonough (Chairperson), Susie McHugh, Prescott Muir, Kathy Scott, and Matthew Wirthlin (Vice Chair). Frank Algarin and Mary Woodhead were 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; Nick Britton, Principal Planner; Elizabeth Giraud, Senior Planner; Janice Lew, Principal Planner; Ray McCandless, Principal Planner; Cindy Rockwood, Acting Planning Commission Secretary; and Cecily Zuck, Senior Secretary. Lynn Pace from the Attorney's Office and Louis Zunguze, Community Development Director, were also in attendance.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson McDonough called the meeting to order at 5:44 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, Peggy McDonough, Susie McHugh, Prescott Muir, and Kathy Scott. Planning Division Staff present were Nick Britton, Janice Lew, Ray McCandless and Doug Wheelwright.

**APPROVAL OF MINUTES from Wednesday, September 13, 2006.**

*(This item was heard at 5:44 p.m.)*

**Commissioner De Lay made a motion to approve the minutes from September 13, 2006, with the noted changes. Commissioner Scott seconded the motion. Commissioner Chambless, Commissioner De Lay, Commission Forbis, Commissioner McHugh, Commissioner Scott, and Commissioner Wirthlin voted "Aye". Commissioner Muir abstained from the motion.**

**REPORT OF THE CHAIR AND VICE CHAIR**

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

Chairperson McDonough stated that there was no official business; however, some Commissioners did attend the Utah League of Cities and Towns Convention and found the information presented very resourceful. The Commissioners noted topics addressed, such as: conditional uses, zoning enforcement, and the Residential Compatible Infill process completed by the Avenues Community.

**REPORT OF THE DIRECTOR**

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

Mr. Ikefuna reminded the Commissioners that there will be two meetings in November, with the second occurring on November 29.

Mr. Ikefuna requested the following petition requests be considered:

*(All petition initiation requests were voted on together)*

1. Request for a petition initiation regarding a distance requirement for chemical manufacturing and storage companies from residential zoning boundaries.

Mr. Ikefuna stated that this request was from the Mayor's Office, who requested if the City could use the Zoning Ordinance to regulate the proximity of chemical industries to residential areas. He added that in 1995, the proximity requirement was removed from the ordinance.

2. Request for a petition initiation regarding utility installations.  
Mr. Ikefuna stated that utility installations require conditional use review; however, staff is requesting that all utility installations be reviewed as a routine and uncontested matter to allow administrative approval. The approval shall only be given administratively if the affected property owners are notified and consent to the utility installation request.
3. Request to amend the original Planning Commission initiated petition relating to a text amendment for the height increase in the Light Manufacturing (M-1) Zoning District.  
Mr. Ikefuna stated that the initial request was a site-based petition for the M-1 District and Overlay, and after further evaluation, staff concluded that it would be best to expand the petition to include all of the M-1 Zoning District without the Overlay. Mr. Ikefuna stated that the driving force of the petition is due to the requests of industries trying to locate in the M-1 Zoning District, but are limited by the restrictions on height for air distillation columns.

**Commissioner De Lay made a motion to initiate two petitions and amend the existing petition request. All voted "Aye". The motion passed.**

### **PUBLIC NOTICE AGENDA**

*(There were no items to be reviewed.)*

### **PUBLIC HEARINGS**

**Petition 490-06-23 – A request by Pilot Travel Centers requesting preliminary subdivision amendment approval to consolidate several meets and bounds parcels and portions of the Charles S. Desky Third Addition Subdivision into a single 6.73 acre parcel of land located at approximately 25 North Redwood Road in a Corridor Commercial (CC) and Light Manufacturing (M-1) Zoning District.**

*(This item was heard at 5:53 p.m.)*

Chairperson McDonough recognized Mr. McCandless as staff representative. Mr. McCandless provided a brief background to the request. He stated that the request before the Planning Commission is to determine whether or not the preliminary subdivision should be approved; provided that the request meets the lot area width and frontage requirements for the applicable zoning districts. Mr. McCandless stated that the request is before the Planning Commission because there was a dispute between the property owners concerning the location of the south property line (Diamond Parking) and Pilot Travel Centers; therefore, an Administrative Hearing was not held because of the opposition. However, Mr. McCandless stated the City is of the understanding that the dispute has been resolved. Staff recommends approval with the following conditions:

1. Approval is conditional upon compliance with departmental comments as outlined in the staff report.
2. Approval from the Utah Department of Transportation (UDOT) be obtained for any future driveway connections or utilities on Redwood Road.
3. Final subdivision platting is required.

Commissioner De Lay requested clarification regarding the letter from Lynn Pace, City Attorney, noting that there is no road existing on South Temple.

Mr. McCandless stated that the reference in the letter is in regards to the South Temple alignment and whether or not the street exists at the location; as it was originally dedicated in the subdivision plats. After completing additional research, Staff found that there was no street, right-of-way, or utilities in the corridor west of Redwood Road; therefore, eliminating the ownership issue.

Chairperson McDonough recognized the applicants, Steve Christensen, Local Counsel for Pilot Travel Centers, and Bill Mulligan, Representative of Pilot Travel.

Mr. Christensen clarified that the issue was not necessarily a boundary dispute, but was a determination of South Temple and its existence as an open street. He stated that they agree with the conditions of approval and would respond to any questions.

At 5:57 p.m., Chairperson McDonough opened the public hearing.

Marty Banks, representative of Diamond Parking, confirmed that Diamond Parking is the neighbor immediately south of the proposed project. He added that issues have been resolved regarding the non-existent road (South Temple), allowing Pilot Travel Centers to shift the components of their project to the north. He added that a new site plan was promised to Diamond Parking over a month ago, but they have not received the plan to date. Mr. Banks added that Diamond Parking does not have a legal objection to the preliminary subdivision request, but wanted to make it clear that there is significant objection to the site plan included in the staff report. Although he is presently supporting the request, Mr. Banks requested the right to present potential opposition to the site plan once it is submitted prior to allowing approval to Pilot Travel Centers.

Mr. Ikefuna stated that the site plan is not a subject of the hearing.

Commissioner De Lay asked which community council the subject property lies within. She requested that community council information be included in the staff report.

At 6:01 p.m., Chairperson McDonough asked if there was a representative from the Poplar Grove (respective community council) to speak regarding the petition. No response was heard or seen.

Hearing or seeing no further request for comment, Chairperson McDonough closed the public hearing.

Chairperson McDonough invited the applicant to address the Planning Commission again. The applicant stated that they had no further comments.

Commissioner Chambless asked if the parties (Diamond Parking and Pilot Travel Center) had been working together on the concerns. Mr. McCandless confirmed that they had been working together throughout the process.

**Regarding Petition 490-06-23, Commissioner Muir made a motion based on the findings of fact and analysis in the staff report, and comments that the Planning Commission grant preliminary approval for the requested Amended and Extended Blocks One and Two of the Charles S. Desky Third Subdivision with the following conditions:**

- 1. Approval is conditional upon compliance with departmental comments as outlined in the staff report.**
- 2. Approval from the Utah Department of Transportation (UDOT) be obtained for any future driveway connections or utilities on Redwood Road.**
- 3. Final subdivision platting is required.**

**Commissioner Wirthlin seconded the motion. The motion passed unanimously.**

**Petition 410-06-26 – A request by Cricket Communications, represented by Steve Van Vleet, for Conditional Use approvals to replace one existing utility pole for an antenna and to locate a private utility structure on a residential lot at approximately 530 North 1300 West in the R-1/7,000 (Single Family Residential) Zoning District.**

*(This item was heard a 6:03 p.m.)*

Chairperson McDonough recognized Mr. Britton as staff representative. He provided a brief background to the request, including that the height of the new pole will be approximately the same as the existing pole, with the antenna adding approximately two feet in height. Mr. Britton added that the utility structure will be approximately 200 square feet in size and 12 feet in height; located in the northern half of the rear

yard in a 456 square foot leased area from the property owner. He included that the leased area will have restricted access through a gate.

He stated that he received many comments in opposition to the request; however, one of the primary concerns was because the approval might cause a decrease in the value of the surrounding properties. Mr. Britton stated that he researched the concern, but concluded that there was no conclusive relationship. Staff recommends that the conditional use be approved with the following conditions:

1. The applicant must demonstrate compliance with the maximum rear yard setback provision for accessory structures in Section 21A.40.050A(4)(d).
2. No maintenance vehicles associated with this use can park in the public alley way behind the subject property.
3. Maintenance of equipment in utility structure must be performed during business hours unless there is an emergency.
4. Additional trees are to be planted around the proposed shed to buffer neighboring properties from the noises generated by the air conditioning unit.
5. A letter from Rocky Mountain Power, addressed to the Planning Director, be submitted stating that no other location in the immediate vicinity, including the nearby commercial properties, is appropriate for the utility structure.

The Commissioners posed questions regarding the following items:

1. Location of the proposed air conditioning unit; design and placement of the utility shed;
2. The size and type of tree required for buffering;
3. Clarification regarding the number of accessory structures allowed in a rear yard; compliant with the Residential Compatible Infill Ordinance;
4. If the utility pole had already been replaced; and
5. Who would be the responsible party for landscape maintenance of the proposed area.

Planning Staff responded to the questions as follows:

1. The air conditioning unit is planned to be located on the north side of the proposed utility shed; approximately three feet from the property line. Mr. Britton added that the only design plans he has seen, are the elevations included in the staff report.
2. A landscaping plan can be required as part of the approval, with the final landscaping plan to be approved by the Planning Director.
3. The requirement of accessory structures relates to a percentage of coverage in the rear yard, and that as long as the accessory structure does not exceed fifty percent of the rear yard, a second structure may be built.
4. Staff confirmed that the utility pole had not been replaced.
5. Staff confirmed that the responsible party for landscaping maintenance would be Cricket Communications.

At 6:11 p.m., Chairperson McDonough invited the applicants to address the Commission. Steve Van Vleet and Michael Tycer representing Cricket Communications addressed the Commission. Mr. Van Vleet presented the Commission with a printed PowerPoint presentation regarding the selection of the requested utility pole (*included in the minutes*). Mr. Tycer expressed appreciation to Mr. Britton for a very thorough staff report. He stated that the area of Rose Park is served by multiple tower sites around the perimeter, causing a significant coverage hole in the area. He stated that there are approximately 5700 Cricket users in the Rose Park area; however, the driving source of establishing better service in the area is due to emergency (911) coverage. Mr. Tycer added that a petition to gather signatures of support has been placed in a Cricket store in the Rose Park area requesting an additional antenna.

Mr. Van Vleet agreed to the conditions listed in the staff report, and stated that the site plan illustrates that the proposed utility structure is the only accessory structure in the rear yard and would not impede in the parking facility. He added that the shed will be fenced off, with property maintenance completed on a monthly basis. Mr. Van Vleet stated that he does not believe that the property in the surrounding area will

depreciate; rather it would appreciate because of the coverage allowed by the new antenna. He included that PacifiCorp (Rocky Mountain Power in Utah) is considering installing a metal utility pole and placing the wiring inside to be more unobtrusive in the neighborhood. He also stated that a letter from PacifiCorp (Chris Spencer) had been presented to the Commission stating the reasoning for the proposed location.

The Commissioners requested additional information from the applicant regarding the following:

1. The design and diameter of the new pole;
2. The potential noise from the antenna on the utility pole and the air conditioner;
3. The history of Cricket Communications and the history of service in the Rose Park area;
4. The choice of a metal pole versus a wooden pole; and
5. Whether or not sharing space on utility poles is occurring or planned to occur.

Mr. Van Vleet and Mr. Tycer responded to the Commissioners questions with the following information:

1. The design of the pole is still being considered; however, the diameter will be comparable to the existing pole.
2. The air conditioner will be the only noise from the site, and is placed 154 feet from the residence; however, if the placement of the air conditioner would be better placed on the east side of the utility shed, Cricket is willing to move it. Mr. Van Vleet stated that he could not provide the decibels exhibited from the air conditioner, but that it is comparable to an air conditioning unit on the outside of a home.
3. It was noted that Cricket has been located in Salt Lake City for over five years, with the company researching a site in Rose Park for at least the last three years.
4. The choice of a metal pole versus a wood pole is a consideration of strength, durability, and the potential of placing the cable inside the pole. It was noted that the color of the utility pole would match the City requirements.
5. Mr. Tycer stated that Cricket would be pleased to share a utility pole with other carriers; however, placement on the pole is critical to the receipt of a good signal. He added that if the proposed utility pole is switched and co-locatable, Cricket would allow other carriers to use their utility pole.

At 6:27 p.m., Chairperson McDonough requested comments from the respective community council and the public.

There was no representation from the applicable community council. The following individuals provided comments in opposition to the request:

Karen Stone, 524 North 1300 West; Brett Isbell, 534 North Colorado; Annie Stevens, 532 Colorado Street; Merrill K. Stone, 524 North 1300 West; Colleen Baird, 545 North 1300 West; and Dan Steenblik, 525 North 1300 West.

The reasons for opposing the request include: a potential eyesore to the community, health concerns with the affect of twenty-four hour electromagnetic radiation, noise level, proximity to the homes in the area, depreciation of surrounding home values, and the potential of disgruntled customers physically damaging the site located in a residential area. (A petition was submitted by Mr. Steenblik signed by over fifty neighbors opposing the request.)

Commissioner De Lay requested information from Ms. Baird regarding the proof she stated existed for the depreciation of homes if an antenna is installed.

Ms. Baird stated that she did not have any studies based in Salt Lake City that illustrated depreciation. In response to a question regarding location from Commissioner Chambless, Ms. Baird stated that there are numerous industrial areas nearby that could allow the placement of the antenna; including areas near the airport, close to the Rocky Mountain Power Corporation, or any other location away from residential areas.

Commissioner De Lay and Mr. Steenblick discussed and clarified that his statement regarding the elimination of his parking is not relevant to the antenna placement.

Ryan Zoumadakis, 11416 South 130 East, spoke in support of the petition. He stated that he is the store owner of the Cricket Retail Store on 700 North and Redwood Road. He added that, given the research from Cricket Communications and PacifiCorp, the best location for the proposed utility pole is the location being requested.

Chairperson McDonough invited the applicants to address some of the concerns expressed by the neighbors. Mr. Tycer stated that the desire for Cricket Communications is to be good neighbors. Mr. Tycer stated that the amplifier would be operating at 16 watt level, with the typical household light bulb operating at 60-70 watts, providing very low electromagnetic radiation.

Mr. Tycer added that the Federal Telecommunications Act states that the towers cannot be denied due to health issues, because there is not any conclusive evidence to that research. He added that the noise will be dampened by landscaping, and potentially a more substantial fence if the Commission requires it. Mr. Tycer stated that the location is being requested because presently their units are located on the perimeter of the problem area, and by locating in the center of the area it will allow more coverage. Mr. Van Vleet responded to a question by Commissioner De Lay regarding a public comment about employees or customers damaging the towers by stating that Cricket has never had an example of damage by the public; however, their locations are generally unmarked.

Mr. Tycer added that in the general vicinity of the area requested, Cricket is unaware of any existing wireless towers. He added that many carriers in the perimeter have successful coverage because of their height on the tower.

Commissioner Forbis requested more information regarding why Cricket Communications has not requested to join with the other providers in the area and utilize their signal.

Mr. Tycer stated that it is a matter of technology; Cricket Communications sought permission to raise their existing towers to obtain a greater signal strength, but has not had any success because of the vertical distance required to eliminate interference between signals.

Commissioner Chambless noted that there are many advances in technology and requested to know if this was the only way the request to obtain a better signal could be accomplished. He noted that the Rose Park area is an expanding area, and asked if Cricket Communications seeks to expand.

Mr. Tycer stated that numerous options have been researched in the area of Rose Park, with the present request the only option. He answered the question regarding growth to state that if the present tower is allowed, it could provide enough room for growth.

Mr. Wheelwright stated that it is reasonable to assume that the City will continue to have to densify the technology infrastructure of all wireless carriers. He added that cell phone companies are quite good at co-locating on true mono-poles, so the mono-pole installations are ideal in order to allow co-location; however, whomever installs the pole is generally placed at the highest point, providing the best signal. Mr. Wheelwright added that many requests (particularly to the west) have been denied in their effort to increase height, in order to encourage co-location.

Commissioner Wirthlin requested clarification for the current height of the subject pole.

Mr. Van Vleet stated that the height of the existing pole is sixty feet, with the antenna increasing the height by approximately five feet.

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

Commissioner Scott expressed concern with the location of the air conditioning unit, as it is placed in a backyard. She stated that it is not an ideal situation. She suggested that the ground structure be considered, including that a condition be added for the location of the air conditioning unit.

Commissioner De Lay added that final landscape plans would be approved by the Planning Director, and that the Commission could include that the final location of the air conditioning unit be determined by the Planning Director.

Commissioner De Lay responded to the comments provided by the public, noting the reasons for opposing the request and concluded that the reasons were not substantial.

Commissioner Scott added that when the utility pole is located in a residential area, the location and compatibility of the utility shed is determined by the cellular company. She suggested that a condition be included to request the applicant to present a creative design to the Planning Director for final approval.

**Regarding Petition 410-06-26, Commissioner Scott made a motion based on the findings of fact, analysis, testimony and discussion, that the Planning Commission approve the requested conditional uses to replace the existing utility pole and to locate a private utility structure on a property in the R-1/7000 Zoning District subject to compliance with City requirements noted in the staff report and the following conditions:**

1. **The applicant must demonstrate compliance with the maximum rear yard setback provision for accessory structures in Section 21A.40.050A(4)(d).**
2. **No maintenance vehicles associated with this use can park in the public alley way behind the subject property.**
3. **Maintenance of equipment in utility structure must be performed during business hours unless there is an emergency.**
4. **Additional trees are to be planted around the proposed shed to buffer neighboring properties from the noises generated by the air conditioning unit.**
5. **A letter from Rocky Mountain Power, addressed to the Planning Director be submitted, stating that no other location in the immediate vicinity, including the nearby commercial properties, is appropriate for the utility structure.**

**Additional Conditions: (Commissioner Scott)**

6. **The Location of the air conditioning unit shall be on the east side of the utility building in order to minimize noise to adjacent residential structures.**
7. **The Planning Staff shall review the utility shed design to ensure the compatibility to the neighborhood.**

**Addendum to Condition #4: (Commissioner De Lay)**

4. **Additional trees are to be planted around the proposed shed to buffer neighboring properties from the noises generated by the air conditioning unit, with final landscape plans to be approved by the Planning Director.**

**Commissioner De Lay seconded the motion. All voted "Aye". The motion passed unanimously.**

**Petition 410-06-07 – A request by Michael W. Devine for conditional use approval to establish an office use in the Armstrong House located at approximately 1177 East South Temple Street in a Special Development Pattern Residential (SR-1A) Zoning District. The property is designated as a Landmark Site on the Salt Lake City Register of Cultural Resources.**

*(This item was heard at 7:04 p.m.)*

Chairperson McDonough recognized Ms. Lew as staff representative and requested the presence of Lynn Pace, City Attorney, because of the conditional use request.

The Commission and Staff held a discussion regarding the previous meeting and the understanding of the new Conditional Use law. Chairperson McDonough requested that the Commissioners base their understanding on the following information:

In reviewing proposed development, the Planning Commission must make findings with respect to conditional use standards. Utah State Code 10-9a-507 states that:

- a. *A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.*
- b. *If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.*

Ms. Lew introduced the request to receive conditional use approval for the property at 1177 East South Temple Street. She added that the property is listed on the Salt Lake City Register of Cultural Resources and located in the South Temple Historic District. She provided additional background of the home, including that extensive renovation work has been completed on the property. Ms. Lew stated that the applicant had begun to run a business out of his home without a business license; however, upon learning that he needed one proceeded to begin the conditional use process, since the office use involves a number of employees. She added that the residential appearance and historic integrity will be maintained if approval is granted; although, changes to the property include off-street parking stalls on the north of the building.

Staff recommends approval of the request based on the analysis and findings of fact found in the staff report, subject to the following conditions:

1. The conditional use approval is not valid until a building permit is issued and a business license is obtained.
2. Approval is conditioned upon compliance with all departmental comments as outlined in the staff report.
3. The maximum floor area committed to office space cannot exceed the square footage limits based upon the four (4) parking spaces provided.
4. Final landscape plans shall be approved by the Planning Director or designated representative.
5. A Certificate of Appropriateness shall be required prior to the issuance of a building permit for any new signage.

The Commission and Staff held extensive discussion regarding the allowance of an office use in a residential home and the threshold between an office and a home occupation for an office. Discussion also occurred regarding the amount of space within the residential home being requested to be used as office space.

Ms. Lew provided information that specific requirements for percentage of home versus office use has not been determined; however, the request is a conditional use and allows for conditions to be set in order to mitigate the use.

At 7:20 p.m., Chairperson McDonough recognized the applicant: Ruland Dutson, representative of Mike Devine. He stated that Mr. Devine was unable to attend the meeting. Mr. Dutson commended Ms. Lew for the diligence and cooperative manner of completing the process and the report. He added that various interests have been considered during the process, including additional curb cuts and the removal of mature vegetation; however, the existing solution is the result of several revisions that addressed some of the concerns of the City and the neighborhoods. Mr. Dutson stated that Mr. Devine will utilize the home as a primary residence; however, the design of a courtyard with pavers will encourage a historical look to the home, while allowing for parking during the week. He added that unless individuals are specifically seeking for the backyard of the home, they would pass by without noticing any changes, as the area is enclosed by a fence and four grand trees.



Mr. Dutson also provided information regarding the amount of space Mr. Devine is requesting; adding that the attic space is not presently being used, but rather than return to the Commission when the space is needed, the thought was to receive approval at this time. He also added that there will be no exterior alterations on the building.

The Commissioners requested additional information from the applicant regarding traffic, roof/exterior modification, and the site plan indication of a tenant.

Mr. Dutson stated that traffic and parking is a concern in the area; however, by allowing individuals related to the office use to park in the north yard, there would be a relief from the parking on the street. He suggested that traffic is probably more related to the presence of Wasatch School. He added that there could be a stairway built to allow for direct entry into the basement, but did not feel that it directly affected the exterior of the home. Mr. Dutson addressed the site plan and confirmed that a tenant is not planned for the home; rather it will remain a primary residence for the Devine family. He stated that the business is the Economic Development Office Arm for the Northwestern Band of the Shoshone Indian Tribe, and includes someone who leads the translation division, another who is over development and Mr. Devine himself, and an assistant.

Ms. Lew responded to the parking concern, and added that the drawing does reflect the comments of the Design Review Team.

At 7:38 p.m., Chairperson McDonough opened the public hearing and requested comments from community council chairs and the public.

Kevin Steiner, 69 S Street, expressed opposition to the conditional use request because permitting an office use at the subject location undermines the residential character of the neighborhood. He stated that it is not an improvement to replace a backyard garden patio with a parking lot, and signage would not be welcomed. Mr. Steiner added that there have been considerable investments by him and other home owners in the area to revitalize their properties and by permitting an office use to enter the neighborhood, there would not be strong endorsement for others in the area.

Mr. Ikefuna clarified that there are few uses that are permitted in Landmark sites as non-residential uses in the SR-1A District, with some being an office space, bed and breakfast establishments, and reception centers. He stated that the office use for the particular location is a conditional use.

Ms. Coffey stated that signage would be permitted, but would be required to meet the Historic Preservation regulations.

Commissioner McHugh noted that the office changes would require ADA modifications and accessibility; including that the entire home most likely require fire sprinkling. She expressed concern regarding the potential lack of historical integrity if required to meet the requirements.

Ms. Lew stated that there is anticipation to meeting the requirements at the time of the building permit application. She added that the items were included in the staff report to provide the applicant with an appropriate amount of information of things that might need changing with the approval of the conditional use. Ms. Lew stated that the Landmark Commission is concerned with exterior improvements to buildings.

Wolf Samlowski, 1205 East South Temple, stated that the business had been operating for at least two years and has had numerous employees and clients that come and go on the property. He stated that the parking is taken up on the street by the visitors of the office, with parking impairing vision in the area. He added that with the expansion of Wasatch School, a huge traffic burden has been placed on S Street, with driveways being blocked illegally. He stated that the City is slow to enforce the parking issue. Mr. Samlowski stated that the area is a beautiful residential area, and every effort should be made to preserve it. It was noted that he owns two properties in the area, with one being rented out to one family with intentions to use it for his handicapped daughter when she gets older.

The Commissioners noted that there was a lack of community council presence at the meeting.

Hearing or seeing no additional request to comment, Chairperson McDonough closed the public hearing.

Mr. Dutson was provided some time to address some of the concerns that were raised by the public. He stated that it is difficult to establish the character of an Avenues neighborhood, because of the recent incompatible changes to homes in the area. He stated that signage is not anticipated, and the decision to install fire sprinklers is a business decision. Mr. Dutson concluded by adding that traffic in the area is a problem because of the proximity to the school.

Commissioner Wirthlin requested additional comment regarding the parking displayed on the site plan. He added that the parking concerns of the neighbors could be mitigated substantially by providing parking on site for employees.

Mr. Dutson stated that the area proposed for parking is not currently being used; rather it is a combination of a fountain with some walkways in the area. He stated that the number of employees would be accommodated by three stalls, with one extra stall in the rear area.

Commissioner Scott asked if a garden with a fountain is a residential characteristic of a structure or a site, and to remove them is removing some of the character of the home; especially because it is on the Salt Lake City Register of Cultural Resources.

Ms. Lew stated that a determination has been made that there is no evidence that the existing landscaping is significant to this particular site. Ms. Lew stated that the City has not determined that this particular configuration was original to that site, and thus historically significant.

Ms. Coffey also added that the Historic Landmark Commission does allow modifications to parking for properties similar to the subject property to accommodate uses.

Ms. Lew added that staff will not be presenting the case to the Historic Landmark Commission because Staff determined that the request is something that could be reviewed administratively.

The Commission discussed their concerns and options with the conditional use request and their desire to maintain the home primarily as a residence in the area.

Lynn Pace, City Attorney's Office, reiterated the concern of the Commission to state that there was fear that the entire building could be converted to an office use, subject to parking allowance. He stated that an arbitrary percentage of home use versus office use would not be recommended; rather, if a percentage is chosen, the Commission must determine why it is justified. He confirmed that the decision must be limited by the land and not necessarily by the proposed site plan.

Chairperson McDonough suggested the Commission entertain the idea of only allowing the use of the basement as office use. She indicated that by limiting the office space to the basement, there would only be three required parking spaces.

Chairperson McDonough and Commissioner De Lay suggested the following changes to condition number three:

3. The maximum floor area committed to office space **to be limited to the basement**, and cannot exceed the square footage limits based upon the **three (3)** parking spaces provided for that office use.

Chairperson McDonough stated that the suggestion was a reasonable compromise and would allow the structure to maintain the primary use of residential.

Commissioner Muir expressed his disappointment that the Avenues Community Council was not in attendance at the meeting. He also expressed concern regarding the present zoning of the property and considered it to be a community concern.

Commissioner Scott expressed disagreement with the Findings made with relation to Conditional Use Standards B and K, and with the Non-Residential Use Standards Three and Four.

- Conditional Use Standard B: The proposed development is in harmony with the general purposes and intent of this Title and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans.
- Conditional Use Standard K: The proposed conditional use is compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the City as a whole.
- Non-Residential Use Standard Three: The use is compatible with the surrounding residential neighborhood); however, the discussion this evening is conclusive that it is not compatible.
- Non-Residential Use Standard Four: The use does not result in the removal of residential characteristics of the structure or site including mature landscaping.

Commissioner Wirthlin requested that the discussion be directed to determine the reasonably anticipated detrimental affects of the conditional use request. He stated that reviewing the standards and expressing disagreement does not justify the denial of a conditional use request; rather, the detrimental affects need to be explored and discussed in order to determine if the impact can be reasonably mitigated by additional conditions.

Commissioner De Lay expressed support for the conditional use request, noting that at times larger homes require individuals to live and work at the property in order to maintain them.

**Regarding Petition 410-06-07, Commissioner De Lay made a motion based upon the comments, analysis of the Staff, testimony, and findings of fact, that the Planning Commission approve the request to establish an office use in the Armstrong House, subject to the following conditions:**

1. **The conditional use approval is not valid until a building permit is issued and a business license is obtained.**
2. **Approval is conditioned upon compliance with all departmental comments as outlined in the staff report.**
3. **The maximum floor area committed to current use of office space to be in the basement, and not exceed the square footage limits based upon three (3) parking spaces provided for office use.**
4. **Final landscape plans shall be approved by the Planning Director or designated representative.**
5. **A Certificate of Appropriateness shall be required prior to the issuance of a building permit for any new signage.**

**Commissioner Wirthlin seconded the motion. Commissioner Chambless, Commissioner De Lay, Commissioner McHugh, and Commissioner Wirthlin voted "Aye". Commissioner Forbis, Commissioner Scott, and Commissioner Muir were opposed. The motion passed four to three.**

**Petition No. 410-06-16** – A request by City Front Partners II LLC for a Planned Development for the construction of a 295 unit multi-family housing development located at approximately 660 West South Temple Street in the Gateway Mixed-Use (GMU) Zoning District. Included is a request to modify zoning requirements including but not limited to:

- a. Allowing multiple buildings with a shared common area on a single lot;
- b. Allowing surface parking facilities within block corner areas;
- c. Modifications to the exterior building material requirements; and
- d. Modifications to the landscape requirements.

*(This item was heard at 8:17 p.m.)*

Chairperson McDonough recognized Ms. Lew as staff representative. Ms. Lew provided a brief background to the project. She included some corrections from the staff report, clarifying the proposed size of the units, location of new parking, and that there will be no private club on the property.

Ms. Lew explained the reasoning behind the modifications to regulations of the zoning ordinance, and stated that based on the analysis and findings found in the Staff Report, that approval be granted, subject to the following conditions and Zoning regulation modifications:

1. Modifying the Gateway Districts restriction on parking lots located in block corner areas as proposed.
2. Modifying the Architectural Character and Materials standards as proposed.
3. Modifying the Minimum First Floor Glass requirements to allow the façade design as presented.
4. Allowing multiple buildings with a shared common area on a single lot.
5. Allowing modifications to the landscape requirements including:
  - Maximum Yard Requirements and
  - Freeway Scenic Landscape Buffers.

The planned development is subject to:

1. Compliance with departmental comments as outlined in the staff report.
2. Final site plan approval including parking calculations and dumpster locations by the Planning Director or designee.
3. Final landscape plan approval including interior parking lot landscaping by the Planning Director or designee.
4. Final architectural design approval by the Planning Director or designee.
5. Subdivision approval shall be obtained in conformance with Salt Lake City and State of Utah laws, ordinances, and policies.
6. Condominium approval must be obtained in conformance with Salt Lake City and State of Utah laws, ordinances, and policies.

Commissioner De Lay asked which community council should address the petition.

Ms. Coffey stated that the subject property is located at a crossroads of many community councils, including Fairpark and Downtown. It was noted that the item was not heard at the Downtown Community Council meeting because the Chair determined it was unnecessary to arrange for a presentation.

The Commissioners requested information from the applicant, including the lighting and the height.

Chairperson McDonough recognized the applicant and the architect to address the questions related to the design of the project. Russ Minnick, Bridge Investment Group; Brett Christensen, Bridge Investment Group; and Brenda Sheer, Architect.

In response to the question of Commissioner Chambless, Mr. Minnick stated that Bridge Investment Group is a part-owner of the City Front One and has increased the lighting of that phase, with at least one-third additional light planned for City Front Two. He added that lighting will be included on the parking structure and throughout the structure. It was noted that a 24-Hour Security Guard will be on-site; however, it will be shared between City Front One and Two. Mr. Minnick stated that when staff is on-site, they will represent the security, but when there is not leasing staff or office staff on-site, other representation will be present.

Ms. Sheer provided a background to the design of the project, including the fact that the City approached the property owners at a later time to request that the Grants Tower re-alignment project be included. She cited the many reasons why the particular instance would be appropriate for the surrounding area and the expectations of the Gateway Mixed Use District. Ms. Sheer also noted that there are "bridges" that are narrow units on the second floor, the same width of the corridor. She noted the articulation of the buildings with the location of the bridges and the façade. Ms. Sheer added that pedestrian amenities are provided both externally and internally to the site.

The Commissioners requested additional information from the applicants regarding the roof, pool, and clubhouse.

Ms. Sheer stated that the navy blue roof is insulated and located only on the small pavilion-like areas of the complex. The remainder of the building will be asphalt roofing. Mr. Minnick commented on the weight room to state that it will be located with a couple of the office areas, and placed near the pool area.

At 8:30 p.m., Chairperson McDonough opened the public hearing and requested comments from the community council representatives and the public.

Commissioner De Lay noted that two letters were provided by two of the community councils from the area.

Hearing and seeing no request to comment on the petition, Chairperson McDonough closed the public hearing.

The Commissioners and Staff held discussion regarding the appropriateness of the glazing on the first floor, and the requirement that exists in the GMU Zoning District. Commissioner Muir requested that additional research be conducted to consider removing building material requirements and requirements for glazing on the first floor in the GMU Zoning Districts; as more residential will be coming to grade.

**Regarding Petition 410-06-16, Commissioner De Lay made a motion based on the analysis, findings in the staff report, and comments, that the Planning Commission approve the proposed planned development including the following modifications to the Zoning regulation:**

1. **Modifying the Gateway Districts restriction on parking lots located in block corner areas as proposed.**
2. **Modifying the Architectural Character and Materials standards as proposed.**
3. **Modifying the Minimum First Floor Glass requirements to allow the façade design as presented.**
4. **Allowing multiple buildings with a shared common area on a single lot.**
5. **Allowing modifications to the landscape requirements including:**
  - **Maximum Yard Requirements and**
  - **Freeway Scenic Landscape Buffers.**

**The planned development is subject to:**

1. **Compliance with departmental comments as outlined in the staff report.**
2. **Final site plan approval including parking calculations and dumpster locations by the Planning Director or designee.**
3. **Final landscape plan approval including interior parking lot landscaping by the Planning Director or designee.**
4. **Final architectural design approval by the Planning Director or designee.**
5. **Subdivision approval shall be obtained in conformance with Salt Lake City and State of Utah laws, ordinances, and policies.**
6. **Condominium approval must be obtained in conformance with Salt Lake City and State of Utah laws, ordinances, and policies.**

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

**Petition 400-04-22 – A continuation of 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 8:48 p.m.)*

Commissioner Forbis recused himself from the issue, based on previous involvement with public service providers who will be affected by the ordinance and an ex-parte discussion following the first meeting held on the issue. (*Commissioner Forbis excused himself and left the room.*)

Commissioner Muir indicated that he had conducted additional research, given the information Ms. Giraud had supplied in the staff report. He stated that the information he researched was with regards to the Operating Group Home Facilities within each city and the population base of each city. He stated that this was completed in order to demonstrate who was shouldering the burden.

Chairperson McDonough recognized Elizabeth Giraud as staff representative. Ms. Giraud provided a brief overview to the petition, including that the Planning Commission discussed the petition on June 28, 2006, where questions were raised, and the item was tabled in order to allow time for research. She stated that the request is a proposed ordinance to revise the definition and the text pertaining to specialty housing, including the following proposed revisions:

1. New definitions more closely aligned with the broad state categories, to allow more flexibility for interpretation and better reflect the myriad of needs for the population that uses specialty housing.
2. A requirement for City Registration because of the spacing requirement.
3. All specialty housing be allowed on a conditional use basis; except small group homes, which are permitted in all residential zones.
4. Allowance of modification to the 800 foot spacing requirement

Ms. Giraud reviewed and answered the questions of the Planning Commission in detail (*included in the report*).

The Planning Commission commended Ms. Giraud on her excellent and thorough work regarding the requests of the Commission.

Commissioner Muir requested clarification to some of the original requests for relief to the spacing issue.

Ms. Giraud clarified that the proposed new text is to allow small group homes an opportunity to eliminate the spacing requirement when the location is within the General Commercial (CG), Downtown 1 (D-1) and Downtown 3 (D-3), and Gateway Mixed Use (GMU) Zoning Districts. She added that facilities for small and large residential treatment homes are not subject to the 800 foot spacing requirement, if they are located in the CG, D-1, D-3, or GMU Zoning Districts.

Ms. Giraud clarified that specialty housing is not allowed in any of the manufacturing zoning districts. She also noted the following errors in the proposed text amendment 21A.36.070C:

1. Small Group Homes area allowed as a permitted use in the CN, CB, CS, and Sugar House Commercial Zoning Districts.
2. Small Group Facilities located in the D-1 and D-3 Zoning Districts will not be subject to the 800 foot spacing requirement.
3. Small Group Homes established in the RB, RO, D-1, and D-4 Zoning Districts will be allowed to locate on the ground floor.

Ms. Coffey added that the specialty housing located in the Downtown, GMU, and CG Zoning Districts will not be required to abide by the spacing requirement; however, all specialty housing facilities are a conditional use *except* small group homes. She also added that in the late 1990s specialty housing was permitted in commercial zones. The City Council changed the ordinance to read that all specialty housing would be allowed as a conditional use.

Commissioner Muir stated that most of the specialty home providers are not located in the Downtown, CG, or GMU Districts; as they are high-density, commercial zones. He asked if the idea behind the request to remove the spacing requirement is to encourage facilities to locate there.

Ms. Giraud stated that it wasn't necessarily to encourage them, rather it was that the areas zoned Downtown, CG, and GMU have complex land use patterns and can accommodate a various number of land uses with high density allotments; therefore, providing that the area might offset a perceived negative effect if another specialty housing facility was located nearer than 800 feet.

Commissioner Muir addressed the information he had presented to the Commission, stating that Salt Lake City is not shouldering an over-abundant number of facilities; however, West Valley is supporting very few.

Ms. Giraud referenced the maps created by the Planning's GIS specialist, representing the entire county and also Salt Lake City Specialty Housing.

Commissioner Scott expressed appreciation for the maps, because they present a visual presentation of the specialty housing. She added that the graphics could be used in future staff reports for applicants.

Mr. Ikefuna raised the attention of the Commission to the approval of the proposed text, by adding that the City would benefit from the tracking system in two ways; (1) Location purposes and (2) Census needs.

Commissioner Muir asked Mr Ikefuna if he was indicating that there was a net cumulative adverse impact caused by the specialty housing that would now be represented in the census.

Mr. Ikefuna stated that the census does not interpret specialty housing to be a net cumulative adverse impact; rather, the census has changed the way they count populations, allowing, for instance, students at the University of Utah campus to be counted.

Ms. Giraud provided a brief background for the Commission regarding the history of the request; namely, the experience with House of Refuge and the YWCA.

At 9:23 p.m., Chairperson McDonough opened the public hearing. She requested comments from the community council chairs and the public.

Ms. Coffey noted that there was specific invitation to the community council chairs to attend the meeting; however, none were in attendance.

Chairperson McDonough recognized a group of people who wanted to speak together. She stated that they were representing various providers around the valley. They are the following:

Valerie Fritz, CEO of Utah Alcoholism Foundation (House of Hope and residential facilities); Shawn McMillen, Executive Director of First Step House; Mark Manazer, Vice President of Volunteers of America; Michael Ray, Executive Director of the Haven; and Rita Mangum, Chief Program Officer of the YWCA.

The group expressed appreciation to staff and the City for allowing them the opportunity to be active participants in a change that needs to occur. They collectively expressed support for the proposed amendments; however, Ms. Mangum of the YWCA requested that additional reports not be required from the City, rather that reports to other agencies may be considered for City purposes.

Gerri Miller, Utah Department of Corrections, stated that she was recently involved in the process and would be pleased to answer any questions.

Commissioner De Lay requested additional information regarding the House of Refuge and the reason behind the request for changes.

L. Judd Dustman, Supervisor in the Office of Licensing, stated that their department is responsible for licensing all human service treatment programs statewide and was a key player in the House of Refuge situation.

Ms. Giraud stated that because the House of Refuge was requesting CDBG money, it was discovered that they needed conditional use approval, after they had been operating with their state license.

Mr. Dustman stated that any programs of four or more require license by the State (whether or not they are non-profit) which requires receiving local government approval because they need a business license and a zoning permit. Due to the fact that they are a non-profit, a business license is not required.

Ms. Giraud responded to a comment from Commissioner De Lay regarding the provisions established for reports required by the specialty housing facilities. She indicated that the request of the reports was from Council Member Nancy Saxton (District Four), who wants to ensure neighborhood involvement and to address neighborhood concerns related to specialty housing to require a reporting system for tracking the facilities.

In response to the idea to require non-profits to obtain a business license, Ms. Giraud stated that licensing non-profits was not well-received by the Business Licensing Division of the City because it requires a number of building inspections. She researched many different ordinances, discussed options with providers, and concluded with the proposed ordinance.

Commissioner Chambless asked if there were any privacy concerns with relation to people being treated.

Ms. Miller stated that with regards to clientele there are privacy matters; however, not with regards to a bed count or population of a facility.

Mr. Dustman responded to a question from Commissioner Muir by adding that the distribution of facilities is defined by the local officials, as the restrictions of the state are primarily square footage restrictions.

Ms. Miller responded to another question from Commissioner Muir regarding the placement of facilities and indicated that the needs are generally for a variety of services, with proximity and location being considerable factors.

Ms. Miller also indicated that many of the facilities are located as present because of their historical location and because of their variance of functions.

Hearing or seeing no additional comment, Chairperson McDonough closed the public hearing.

Commissioner Scott requested additional information relating to the conditional use process and the spacing.

Ms. Giraud explained the conditional use process, including that the facilities who assist victims of domestic violence do not require the 800 foot spacing requirement.

Commissioner Scott and Ms. Giraud discussed scenarios of the 800 foot spacing requirement and the potential positive or adverse affects.

**Regarding Petition 400-04-22, Commissioner Scott made a motion based on the findings of staff, and comments, that the Planning Commission transmit a favorable recommendation to the City Council for the proposed amendments with the exception of the 800 foot spacing changes.**

#### Discussion of the Motion

Commissioner Scott clarified that she desires for the 800 foot requirement to remain in place, with the exception of the districts which do not require the spacing requirement; D-1, D-3, GMU, and CG.

Ms. Coffey stated that the 800 foot spacing requirement is presently required in all zones, and that the proposed text is requested to eliminate the 800 requirement in the D-1, D-3, GMU, and CG zones.



Commissioner Scott requested additional information from Ms. Giraud regarding the proposal to waive the 800 foot spacing requirement in the other zones.

Ms. Giraud clarified that the proposal to waive the requirement is in the Downtown Zones (where it is allowed as a conditional use (D-1 and D-3)), GMU, and CG, and also that the small residential treatment homes and large residential treatment homes serving persons who have been physically abused or emotionally victimized are not subject to the 800 foot spacing requirement.

**Commissioner Scott withdrew her motion.**

Commissioner De Lay asked for the advice from Ms. Giraud with regards to Commissioner Scott's motion and the proposed text.

Ms. Giraud clarified that Commissioner Scott wanted to keep the 800 foot requirement in the zoning text except for the CG, D-2, D-3, and the GMU zones, with no flexibility to waive the spacing requirement through the conditional use process. She added that she would recommend leaving the request as is without additional changes.

Commissioner Scott clarified that one of the reasons she wanted to retain the 800 foot spacing requirement, is because of the concerns the Commission has been facing with regards to Conditional Uses. She stated that the Commissioners are not clear how we can legally turn down a conditional use and by adding another conditional use option; the Commissioners may be altering neighborhoods.

The Commissioners and Staff discussed Commissioner Scott's concerns and determined that the item should not be tabled.

**Regarding Petition 400-04-22, Commissioner Wirthlin made a motion based on the analysis, findings of fact presented in the June 28 staff report and the September 9 Memorandum from Elizabeth Giraud and the comments, that the Planning Commission transmit a positive recommendation to the City Council to amend the identified provisions in the Zoning Ordinance relating to Specialty Housing Facilities as proposed in the Staff Report. The motion was seconded by Commissioner De Lay. Commissioner Chambless, Commissioner De Lay, Commissioner McHugh, and Commissioner Wirthlin voted "Aye". Commissioner Scott, and Commissioner Muir were opposed. The motion passed four to two.**

Commissioner Forbis returned to the meeting at this time.

**Petition 410-06-34- A request by George T. Mattena for conditional use approval to allow for the reconstruction of a single-family dwelling that exceeds twenty five percent (25%) of the original dwelling footprint at approximately 950 West 100 South The property is located in a General Commercial (CG) Zoning District.**

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

Chairperson McDonough recognized Kevin LoPiccolo as staff representative. Mr. LoPiccolo gave a brief overview of the project. He pointed out that Mr. Mattena owns three lots which have been consolidated. Mr. LoPiccolo stated that in the General Commercial district a single family dwelling is not a permitted use, but under non-conforming and non-complying uses the former single family home was considered a legal conforming dwelling. Mr. LoPiccolo stated that the applicant would like to construct a new dwelling, but that under the non-conforming ordinance, anything that exceeds twenty-five percent of the original building footprint can only be approved as a conditional use.

Chairperson McDonough opened the floor to the applicant, George Mattena.

Mr. Mattena stated his concern over the twenty-five percent footprint rule and that it didn't offer any leeway in increasing the size of the house. He stated that as he is living in a commercial zone with twenty-five foot lots, very few businesses are willing to locate there. As surrounding property owners

decided to sell, he accumulated their lots. Then, one at a time, he demolished the properties in the hopes of building a larger single family dwelling one day.

There were no comments from the Public; therefore the Public Hearing was closed at 10:17 p.m.

**Regarding Petition 410-06-34 Commissioner Forbis made a motion based upon the comments, analysis, findings of fact noted in the staff report that the Planning Commission approve the conditional use request subject to the following conditions:**

- 1. Any grade change that exceeds two feet shall require a special exception.**
- 2. Approval of the conditional use will be subject to meeting all applicable City departmental requirements. Final plans will be reviewed during the building permit process for compliance with all applicable City codes and ordinances.**

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

**Petition 400-06-22-** a petition by the Salt Lake City Planning Commission to assist in clarifying the City's residential and commercial landscape requirements. The proposed text amendment will specify the minimum amount of required landscaping for the front and corner side yards and address bonding requirements when the mandatory landscaping is not completed for multi-family dwellings and commercial development.

*(This item was heard at 10:18 p.m.)*

Chairperson McDonough recognized Kevin LoPiccolo as staff representative. Mr. LoPiccolo stated that currently the landscaping ordinance is somewhat nebulous, simply because it doesn't identify what landscaping is. He added that the current ordinance does not allow for alternative types of landscaping (*Mr. LoPiccolo later gave examples of alternative landscaping, such as mulch, xeriscape, rocks and boulders*). Mr. LoPiccolo indicated that this ordinance will replicate the current park strip ordinance which states that one-third of the lot (front and corner-side yard) be vegetated.

Vice Chairperson Wirthlin inquired if the one-third area rule was after subtracting the square footage from driveways and walkways to the front of the house and if it is the residual area that this rule would apply to.

Mr. LoPiccolo stated that this was true and the ordinance will apply to all development in the city. He added that as part of the ordinance there will also be a bond requirement for multi-family housing with a specific planting date.

Commissioner Scott voiced a concern that the allowance of inorganic materials in the front and corner side yard might encourage front yard parking.

Mr. LoPiccolo indicated that it may be a problem, as it has been with the park strip ordinance, but that it then becomes a matter of zoning enforcement.

Stephanie Duer, Public Utilities Water Conservation Coordinator, directed the Commission's attention to section 21A.48.080.D of the draft ordinance. Ms. Duer pointed out the strikethroughs which have been applied to this section will instead be referred to in the ordinance: as per 21A.48.090. Ms. Duer indicated that in this way all of the language within the draft ordinance will match. She also recommended that under 21A.48.090 the last paragraph portion outlined in red should read: ...at least 1/3 vegetation, which may include turf grasses, annuals or perennial flowering plants. Mulches such as organic mulch, gravel, rocks and boulders shall be used to control weeds and erosion in unplanted areas. Ms. Duer stated that this proposed change was due to concerns over soil erosion.

Chairperson McDonough opened the hearing to comments from the public.

Mark Danenhaues, 1055 East 2100 South # 207, was present as a representative for the Utah Rivers Council to speak in favor of the draft ordinance. Mr. Danenhaues stated that he firstly was pleased that this ordinance will give individuals the option to landscape their yards as they see fit. Secondly, Mr.

Danenhaues indicated that the proposed ordinance will help citizens do their part in the water conservation effort within the City. Mr. Danenhaues also mentioned that this proposed ordinance is in step with the changes made by many other cities in the West where water conservation is an extremely contentious issue.

Dewey Reagan, 1775 North Warm Springs Road, with Reagan Outdoor Advertising indicated that these changes would allow his business to put in drought tolerant plants that may be more aesthetically pleasing than the turf now required under the City's ordinance and would in turn save water.

Chairperson McDonough closed the Public hearing portion at 10:32 p.m.

**Regarding Petition 400-06-22 Commissioner Chambless made a motion based upon the findings of fact noted in the staff report to forward a positive recommendation to the City Council incorporating the following changes:**

1. **21A.48.080.D.d to read: ... Areas shall be maintained Per Chapter 21A.48.090.**
2. **2.21A.48.090 to read: ...at least 1/3 vegetation, which may include turf grasses, annuals or perennial flowering plants. Mulches such as organic mulch, gravel, rocks and boulders shall be used to control weeds and erosion in unplanted areas.**

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

Petition 400-06-32 – A petition by the Salt Lake City Administration requesting to amend the City's ordinances as necessary to facilitate expedited approval processes for temporary construction-related activities in a portion of the Downtown area, which is bounded by North Temple Street; 600 South; Interstate 15 and 200 East  
(This item was heard at 10:34 p.m.)

Chairperson McDonough recognized Mr. Zunguze and Mr. Dansie as representatives of the petition request. Mr. Dansie stated that the ordinance language is forthcoming and will be similar to the temporary ordinances implemented during the 2002 Winter Olympics. He explained that during the Olympics a special ordinance was adopted to accommodate temporary uses not consistent with the current ordinance and utilizing a management group to cover Olympics-related events and temporary issues. Mr. Dansie noted that many development projects are anticipated for the Downtown Area within the next few years; for example, the mall reconstruction, the Hamilton Office Tower and Light Rail construction. He added that the construction could require special accommodations, including temporary trailers, signage, and some off-site parking. *(He later noted that off-site parking was not raised in the staff report, but might appear as a need during construction.)* Mr. Dansie clarified that the request is for a temporary ordinance with a sunset clause of eighteen months. He acknowledged that it is difficult to adopt an ordinance when there is no language; however, he asked that the Planning Commission consider endorsing the concept of the proposed ordinance.

Commissioner Scott requested clarification from Mr. Dansie regarding the staff report reference to only approving according to the following types of issues:

1. Zoning Issues: Signage (both business advertising and public necessity signs), landscaping requirements and the size and location of temporary building. Chapter 21A.46 Signs, 21A.48 Landscaping, and 21A.42 Temporary building.
2. Temporary Land Uses that Are Not Permitted in the Zoning District: Examples of potential temporary uses include construction trailers, construction staging areas, construction materials storage, parking lots, and construction equipment storage. Chapter 21A.42 Temporary and uses.

Mr. Dansie stated that Commissioner Scott's understanding was correct. He added that many of the other issues identified in the report have the power to be waived by the Transportation Engineer and do not apply to the zoning code; for example, driveway approaches and bagging parking meters.

Commissioner De Lay inquired if the language contained within the proposed ordinance was of the same nature as those adopted for the 2002 Winter Olympics.

Mr. Zunguze stated that the language will not be of the same nature. He stated that Salt Lake City is at the precipice of many major developments in the Downtown Area; an enormous opportunity for investment. Mr. Zunguze added that the proposed ordinance will ensure that there will be no undue delays in requests for demolitions, or other necessary construction. Mr. Zunguze stated that the second motivation for the proposed ordinance was to expedite the process of construction itself; therefore, ensuring the return to a pristine Downtown Area as soon as possible. Mr. Zunguze included that the Planning Commission would still review the projects within their purview. He added that the process the proposed ordinance would strongly affect is related to site staging.

Mr. Dansie added that although the proposed language is not the same as the ordinance adopted for the Olympics, some of the issues will be. He provided some examples including, potential temporary signage, temporary buildings, and possible temporary retail buildings.

Mr. Ikefuna acknowledged that the temporary authority provided by the proposed ordinance does not include long-range planning such as the Downtown Transportation Master Plan or the Downtown Master Plan updates. He added that the delegation of such authority is legal and that is why staff is requesting consideration of the temporary ordinance, to expedite the approval process for construction related activities.

Chairperson McDonough opened the Public Hearing at 10:42 p.m. She read into the record a letter dated September 27, 2006 from the Salt Lake Chamber in support of the petition.

Seeing or hearing no additional request to make comments, Chairperson McDonough closed the public hearing.

Commissioner Chambless inquired if eighteen months would be adequate time for the projects affected by this ordinance to be completed.

Mr. Dansie replied that it might not be, but that a request for an extension would be pursued if necessary. Mr. Zunguze added that the proposed timeline would provide incentive to the applicants to complete their projects quickly.

**Regarding Petition 400-06-32, Commissioner Scott made a motion that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance pertaining to the following items:**

- 1. Zoning Issues: Signage (both business advertising and public necessity signs), landscaping requirements and the size and location of temporary building. Chapter 21A.46 Signs, 21A.48 Landscaping, and 21A.42 Temporary building.**
- 2. Temporary Land Uses that Are Not Permitted in the Zoning District: Examples of potential temporary uses include construction trailers, construction staging areas, construction materials storage, parking lots, and construction equipment storage. Chapter 21A.42 Temporary and uses.**

**Based upon the findings and analysis in the staff report, Commissioner Scott also included in the motion that the support of off-site parking be added to the petition for the purposes of facilitating construction activities and with the understanding that the ordinance will sunset eighteen months after its adoption; with an option for renewal.**

#### Discussion of the Motion

Mr. Zunguze noted that the sunset clause be granted for twenty-four months (two years) instead of eighteen months.

**Commissioner Scott suggested an amendment to the motion extending the sunset clause from eighteen months to twenty-four months (two years). Commissioner Wirthlin seconded the motion and the amendment. All voted "Aye". The motion passed.**

The meeting was adjourned at 10:46 p.m.

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Cindy Rockwood, Acting Planning Commission Secretary

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Cecily Zuck, Senior Secretary