

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, April 11, 2007**

Present for the Planning Commission meeting were Chairperson Peggy McDonough; Commissioners Frank Algarin, Tim Chambless, Babs De Lay, Robert Forbis, Susie McHugh, Prescott Muir, Kathy Scott and Mary Woodhead.

Present from the Planning Division were George Shaw, Planning Director, Cheri Coffey, Deputy Planning Director, Doug Wheelwright, Deputy Planning Director, Nick Britton, Principal Planner, Doug Dansie, Senior Planner, Kevin LoPiccolo, Zoning Administrator, Nick Norris, Principal Planner, Nole Walkingshaw, Senior Planner and Cecily Zuck, Senior Secretary.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson McDonough called the meeting to order at 5:48 p.m. 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, Prescott Muir, Kathy Scott, Susie McHugh, and Mary Woodhead. Salt Lake City Staff present were: George Shaw, Doug Wheelwright, Nick Norris and Kevin LoPiccolo.

DINNER

Lynn Pace, City Attorney, spoke before the Commission during dinner and specifically addressed the meaning of "mitigating anticipated adverse impacts". Mr. Pace stated that under Utah State Law, a conditional use allowed in a particular zone shall be approved unless the reasonably anticipated adverse impacts cannot be substantially mitigated by any conditions imposed by the Commission relating to the standards set forth.

Mr. Pace noted that in order to deny a conditional use, the Commission must be very specific regarding how the perceived adverse impacts cannot be mitigated and that those reasons must relate to the state standards. Mr. Pace also noted that the Commission must ask the applicant if he would be willing to agree to the conditions which the Commission felt might possibly mitigate these impacts. Mr. Pace added that if the applicant were not willing to agree to the said conditions; that would be reason to deny the conditional use, based upon those perceived adverse impacts not being mitigated.

Mr. Pace noted that if the Commission believed the adverse impacts could not be substantially mitigated it was important that the Commission not say that a rooming house should not be allowed in the zone as this would mean that the Zoning Ordinance needs to change. Mr. Pace then stated that if the Commission felt that a boarding house was incompatible in this particular instance, they must be very specific as to why that was so.

Chairperson McDonough asked if they could address the applicant on what they could do to mitigate the adverse impacts.

Mr. Pace stated that absolutely was fine and to be specific in addressing those concerns.

Kevin LoPiccolo and Nole Walkingshaw from Planning Staff were also present during dinner to discuss the differences in the Zoning Ordinance between a rooming house and multiple dwelling units.

APPROVAL OF MINUTES from Wednesday, March 28, 2007.

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

Commissioner De Lay made a motion to approve the minutes. Commissioner Forbis seconded the motion. Commissioners McHugh and Muir abstained. All others voted "Aye", the motion passed.

REPORT OF THE CHAIR AND THE VICE-CHAIR

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

Chairperson McDonough noted that Commissioner Robert Forbis was scheduled to teach a class every Wednesday at 6:00 p.m. during the University of Utah Summer Session, which would be in direct conflict with Planning Commission meetings. Chairperson McDonough stated that Commissioner Forbis was therefore requesting a leave of absence.

Commissioner Scott inquired how a requested leave of absence would effect the quorum.

Chairperson McDonough noted that it would not change the requirement; however, there were ten members currently on the Commission and obtaining a quorum for the upcoming meetings should not be an issue.

Commissioner McHugh noted that there was also currently a vacancy on the Commission and another member could be appointed if necessary.

Chairperson McDonough stated that both she and Vice-Chair Wirthlin would be absent from the July 11, 2007 meeting and a temporary chair would need to be chosen to preside over that meeting.

REPORT OF THE DIRECTOR

(This item was heard at 5:52 p.m.)

George Shaw stated that the Planning Commission was given two documents pertaining to the rules of the Planning Commission. Mr. Shaw noted that the first document was from the Zoning Ordinance, Chapter 2.20, outlining the purposes and duties of the Planning Commission and the second document, *Policies and Procedures of the Planning Commission* adopted in January of 2005. Mr. Shaw noted that regulations regarding a leave of absence were not present in either document and this may need to be revised. Mr. Shaw noted that as long as the Planning Commission agreed with the request for an absence and made a motion, it should not be a problem. Mr. Shaw also noted that there have been changes in the Land Use Development and Management Act (LUDMA) Laws as well as the requirements for noticing. Mr. Shaw asked the Commission to review these documents before the next meeting. Mr. Shaw noted that in the meantime, Planning Staff would meet with the Chair and Vice Chair to discuss any other issues which may need to be addressed in these documents.

Commissioner De Lay stated that the documents should be updated, particularly in regards to the law. Commissioner De Lay noted that she believed it was simply an oversight and not intentional that language regarding a leave of absence was left out of *Policies and Procedures of the Planning Commission*.

Commissioner Woodhead inquired if the motion needed to include the dates of Commissioner Forbis' leave of absence.

Commissioner Forbis stated that classes would begin May 16, 2007, and were scheduled to end August 1, 2007.

Commissioner De Lay made a motion to approve a leave of absence for Robert Forbis from May 16, 2007 to August 1, 2007. Commissioner Chambless seconded the motion. All voted "Aye", the motion passed.

Commissioner De Lay inquired if the Commission was actively seeking new members.

Mr. Shaw noted that a couple of applications for new Commissioners were received. Mr. Shaw stated that he did not feel one applicant was appropriate; however, the second applicant was a possibility. Mr. Shaw stated that the Planning Division was also still searching for other qualified applicants.

Commissioner De Lay asked if there were any particular preferred areas or neighborhoods for desired candidates.

Mr. Shaw stated that there was a geographical imbalance and while there was no requirement that all areas be equally represented, more candidates from the west side of the City would be appreciated.

PRESENTATIONS

(This item was heard at 5:56 p.m.)

Natalie Gochnour of the Salt Lake Area Chamber of Commerce presented an overview of the recently completed Downtown Rising planning process. The Downtown Rising project is a joint process between the Chamber of Commerce, Salt Lake City and numerous other sponsors. The process provides public input towards the revision of the Downtown Master Plan.

Bob Farrington, Executive Director of the Downtown Alliance, was present on behalf of Natalie Gochnour. Mr. Farrington stated that the purpose in this endeavor was two fold. The first objective was to solidify Downtown's role as the regional capital of the Intermountain West and secondly, it was to develop a consensus on a conceptual vision for the future of Downtown. Mr. Farrington noted that the Downtown Rising effort was bracketed by two major planning initiatives: the Downtown Transportation Master Plan and the upcoming Downtown Master Plan Update.

Mr. Farrington discussed the Intermodal Hub as an opportunity for not only a transit hub but also as a generator for mixed-use activities on the west side of the City.

Mr. Farrington noted that the Downtown Rising effort, in interfacing with the Transportation Master Plan, examined the use of downtown streets, noting what types of uses were occurring as well as envisioning future land uses.

Mr. Farrington noted that there were several streets designated as 'promenade' routes with a more pedestrian flavor, listing the examples of 100 South, 300 South and Main Street.

Mr. Farrington stated that the Downtown Alliance also tried to identify transit corridors, and whether by bus or rail, the goal was to understand where transit connections will occur in the future.

Mr. Farrington noted that thirdly, there was the concept of boulevards, stating that car access to the Downtown area was still important, regardless of how successful alternative transportation becomes.

Mr. Farrington reviewed the idea of a 'Necklace of Green'; an extended version of currently existing downtown green space connecting several downtown area parks, including Liberty Park on the south side with areas to the west side of the City, and connecting these areas to City Creek in the North. Mr. Farrington noted that this concept included the redevelopment of areas to incorporate pocket parks and green paths throughout the City.

Commissioner De Lay inquired if there was an epicenter for the Downtown development of neighborhoods.

Mr. Farrington noted that no epicenter was identified in the study. Mr. Farrington stated that this study dealt primarily with the commercial core of Salt Lake City. It was not meant to be exclusionary but tried to identify character districts and area traits.

Mr. Farrington identified these character districts within the downtown area, including:

Skyline District: This includes higher buildings along the Main Street and State Street corridors. This district is within a concentrated core of the Downtown area, with higher density, taller buildings and mixed-use developments.

Temple Square District: Calm, green and contemplative by nature. People can use this area as a pedestrian corridor and pass through the area with pleasure.

Salt Palace District: New notion that around the big-box downtown area, because of the massing of the Salt Palace and other convention centers, this would be an ideal area for hosting and caring for visitors.

Broadway District: This would be a lively epicenter for arts and culture running through the southern tier of the Downtown area from the Gateway development to the Skyline District.

Gateway District: Re-use of industrial spaces, technology companies, and a hub of activity allowing for inventive uses of a variety of spaces.

Mr. Farrington then reviewed the plan's signature projects, including:

Global Exchange Place: there were three different conceptions of what it might look like. This could include Utah World Trade Center, Language Institute, Peace Studies Center and an International Institute, all capitalizing on some of the assets already present in this area.

University Boulevard (400 South): tying the University of Utah area to Downtown. There are several opportunities here for connections with the University, as well as a variety of complimentary uses within the area between the University and Downtown.

Performing Arts Center: If and when there is a performing arts center, it needs to be Downtown. Arts groups have many wonderful ideas on how to incorporate the Arts into the Downtown area.

Public Market: a year-round public market that would compliment the seasonal Farmer's Market in Pioneer Park. This effort could serve as a small business incubator of sorts and a community gathering place.

Metropolitan Sports and Fitness Center: Large regional center for sports, recreation and fitness.

Commissioner Chambless noted his concern over pedestrian access and mobility and inquired how the Dynamic Urban Living/Park Avenue area can be connected with other districts in the Downtown area such as the Gateway and proposed Skyline Districts. Commissioner Chambless asked if it was reasonable to conclude that a type of four season pedestrian mall would be viable to connect developments Downtown.

Mr. Farrington stated that he felt this was a viable option depending upon future transportation options and development infill which could give people the incentive to walk among these districts. Mr. Farrington noted that the anchors and attractive destinations are currently there and it would be a matter of building upon these opportunities.

Mr. Farrington noted that a conference was recently held with American Institute of Architects (AIA) representatives which highlighted the challenges of reaping a variety of benefits from our wide streets. Mr. Farrington concluded that the Downtown Rising Plan could be achieved by many combinations of easy steps.

Chairperson McDonough thanked Mr. Farrington for his presentation and opened the floor to further questions from the Commissioners.

Commissioner Muir asked if Mr. Farrington knew how the scope of the Downtown Rising Plan coincided with the current boundry of the Downtown Master Plan.

Staff representative Doug Dansie noted that the plans are very similar in scope. Mr. Dansie stated that in the coming months, Planning Staff will be looking more towards updating the Downtown Master Plan. Mr. Dansie noted that the Downtown area is growing to the south and the west where it is cannibalizing older commercial and industrial areas, as opposed to moving into residential neighborhoods. Mr. Dansie stated that there are many connections among these new developments with the opportunity for nicer streets or greenways.

Chairperson McDonough asked how the Commission could follow this conceptual plan and use it practically.

Mr. Dansie noted that the conceptual document could be integrated into the Downtown Master Plan. Mr. Dansie pointed out that every one of eleven major projects from the 1962 *Second Century Plan* was accomplished in one way or another.

Chairperson McDonough asked the Commission if they supported the Downtown Rising Plan.

Commissioner Scott voiced her approval of the project, calling it an extraordinary program. Commissioner Scott inquired of Mr. Farrington how they would go forward from this stage in the process.

Mr. Farrington noted that the document was distributed to many agencies and individuals throughout the State. Mr. Farrington stated that since beginning, there have been about three million hits on the Downtown Rising Website and he felt that people were very engaged in the development of Salt Lake City Downtown.

Commissioner De Lay made a motion for the Planning Commission to support the Downtown Rising Plan with emphasis on the Downtown Alliance working with City agencies and ensuring that it coincides with the Downtown Master Plan and Land Use for the future. Commissioner Muir seconded the motion. All voted "Aye", the motion passed.

Tim Harpst and Alice Steiner presented the findings of the Downtown in Motion plan (Downtown Transportation Master Plan). The plan is a joint project of Salt Lake City, UTA, Salt Lake Area Chamber of Commerce, the Downtown Alliance and UDOT. This process provides public input towards the revision of the Downtown Master Plan.

(This item was heard at 6:34 p.m.)

A copy of the document which Mr. Harpst gave an overview of to the Commission, *Downtown in Motion*, is available for review in the Planning Office.

Chairperson McDonough recognized Tim Harpst, Transportation Division Director, and Alice Steiner, from UTA, as representatives. Mr. Harpst gave an overview of *Key Policies and Recommendations* contained within the Downtown Transportation Master Plan. Mr. Harpst noted that the Master Plan document is currently going through the adoption process.

Mr. Harpst reviewed the Downtown Transit Circulation and Trax Circulation plans: Existing and proposed lines were discussed, including the expansion of Downtown lines to create loops, and transportation corridors. Two new lines for Trax are envisioned in the near future. One of these lines would connect 400 South to the Intermodal Hub and another connect 400 West and 700 South, both of which would create several loops around the Downtown area, creating the opportunity to inter-line trains from one area of the valley to another area of the valley. This idea would create increased circulation in and around the Downtown area. Mr. Harpst presented the short-term goals to be completed by 2010, the medium-term to be completed by 2020 and the long-term to be incorporated by 2030.

Mr. Harpst gave a brief overview of the automobile transit plan: Wide streets have allowed for greater development of Salt Lake City Downtown in comparison to other downtown areas of similar size. Pedestrians and cyclists reap the benefits of these wide arterial roads as well. Bicyclists should be allowed on any street Downtown with several different concepts proposed including: existing bike lanes, transit and bicycle shared lanes as well as sidewalk bicycle routes near the curb. The hierarchy of streets downtown was discussed with streets primarily considered transit streets, auto streets, or pedestrian corridors. Short, medium and long-term goals were again reviewed.

Mr. Harpst reviewed plans for bus routes and street cars: Continue with State Street and 200 South as the main corridors for regional bus service. Develop a new bus passenger center at 200 South and State Street. Organize the system to support "branded corridors" for Downtown corridors, including shuttle service with buses every three minutes or so in the free fare zone. The concept of two regional transportation centers was reviewed as well, one on the West side and one on the east side of Downtown.

Mr. Harpst reviewed Parking goals of the Transportation Master Plan: The establishment of a parking management group is a necessity. The Transportation Department wants to have a full time group looking at how parking could work in a more effective manner. Presently, the car is the number one way to access the Downtown area; this must be acknowledged and addressed. Those individuals who park Downtown should be able to drive in, park and use alternative modes of transportation to navigate the Downtown area. Zoning policies and practices for surface lots and short-term parking must be reviewed; how to allow those that come in to visit, shop, do business. Short-term parking has not been addressed thoroughly enough, a coordinated plan for short-term visitor parking and an information center should be available to those visiting the Downtown area.

Mr. Harpst noted that the proposed Master Plan highlighted some general guidelines and cross sections of streets, envisioning how to protect sidewalk and curb realms where bicycling and parking coexist. Mr. Harpst also stated that the Transportation Department will be working with UTA, Zoning and other agencies to bring these and other proposals in the Downtown Transportation Master Plan to fruition.

Chairperson McDonough opened the floor for questions from the Commissioners.

Commissioner Muir noted his concern that the Transportation Master Plan should incorporate language to reinforce the commitment to the proposed streetscape design; allowing for shared use by pedestrians, automobiles and bicyclists alike.

Chairperson McDonough stated that the City had been supportive of mid-block corridors for a very long time and inquired how the City could help to encourage the development of such projects in the future.

Ms. Steiner noted that there are currently many areas where legal access is allowed, so even putting up signage would let people know that there were legal access-ways present for people to follow. Ms. Steiner stated that in the long-term, the creation of mid-block corridors would depend

upon the negotiation of individual deals to obtain access points to various projects and then maintaining those access points.

Mr. Harpst stated that another concept that had been proposed included the use of the current way-finding signage system pointing towards major attractions throughout the City. Mr. Harpst noted that the current concept was to take this signage down to the pedestrian level, providing information at each intersection indicating what attractions exist on each block.

Chairperson McDonough noted her support of expediting the creation of mid-block corridors.

Mr. Harpst stated that in their technical addendums, subcommittees had identified certain mid-block areas that would make good candidates for walking, bicycling, or new mid-block streets. Mr. Harpst noted his support of possibly creating a plan around this information to be shared between departments and incorporated into Downtown development in the future.

Commissioner Chambless indicated that he was concerned about how these developments would impact pedestrian safety Downtown.

Mr. Harpst replied that lighting of mid-block corridors, as they are not alleys, would likely be addressed through the City's Lighting Master Plan and Policy.

Commissioner Chambless inquired how these changes would affect population density Downtown.

Mr. Harpst noted that the proposed changes and added amenities for bicyclists and pedestrians would encourage an increase in density Downtown, especially among young families. Mr. Harpst stated that this plan was strongly supported by the feedback and comments provided by the community.

Commissioner Chambless noted his concern that the Downtown should have a larger living population in order to sustain such mid-block developments and promote safety.

Mr. Harpst noted that it was true; studies have shown that in order to have a twenty-four hour population, there has to be a substantial living population in a downtown area.

Mr. Dansie noted that the devil is in the details in regards to urban design and the creation of a livable community. Mr. Dansie stated that this is why urban design permeates the process and why the Transportation choices are biased in the direction they are going. Mr. Dansie noted that historically, in the evening, people would walk up to the point where decent lighting ended, and therefore, to ensure walkability, an emphasis has been made recently to define lighting within urban design.

Commissioner Muir noted that the alignment of the Light Rail on 400 South and the incorporation of High Occupancy Vehicle (HOV) lanes was a proposed development that may encounter difficulty in such a highly congested corridor.

Ms. Steiner indicated that many concessions will have to be made in order to incorporate light rail on 400 South and that it is the one street in town that presents a conflict between auto and rail, but it is also an important corridor for both modes of transport. Ms. Steiner stated that it is therefore viable to figure out how to make both modes work together.

Mr. Dansie noted that the Downtown Transportation Master Plan is part of a plan that will eventually be adopted and will go before the Commission again as part of a Public Hearing item to be incorporated into a future agenda.

Tim Harpst noted that in addition to public hearings that have been held in the past, citizens can comment on their Website, slctrans.com and that within two weeks the *Downtown in Motion* document presented this evening will be posted on that site.

Chairperson McDonough thanked Mr. Harpst and Ms. Steiner for their presentation.

Chairperson McDonough reminded the general public of procedures for the public portion of the meeting.

Chairperson McDonough called for a five minute break at 7:18 p.m.

PUBLIC HEARING

(This item was heard at 7:28 p.m.)

Petition No. 410-06-28 -A request by Robert Bunnel for Conditional Use approval for a Rooming House located at approximately 149 South 900 East, in an RMF-30 (Low Density Multi-Family Residential) Zoning District. The applicant proposes to convert an existing single family residence into a Rooming House for seven tenants. The Planning Commission took action to deny this case on September 13, 2006. The Salt Lake City Land Use Appeals Board remanded the case back to the Planning Commission to reconsider and identify that either the anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated with the imposition of reasonable conditions or to approve the request with or without conditions of approval.

Chairperson McDonough recognized Kevin LoPiccolo and Nole Walkingshaw as Staff Representatives.

Mr. LoPiccolo stated that this case was appealed by the applicant to the Land Use Appeals Board (LUAB), and that LUAB ruled the case be remanded back to the Planning Commission. Mr. LoPiccolo reviewed the request for a conditional use in an RMF-30 Zone. Mr. LoPiccolo noted that traditionally, a conditional use is such that they are permissible subject to conditions of approval. Mr. LoPiccolo noted that the requested conditional use was for a rooming house.

Mr. LoPiccolo stated that he invited Mr. Walkingshaw forward to clarify any confusion regarding the difference between the non-conforming and non-complying zoning designations. Mr. LoPiccolo stated that these definitions were often easy to confuse because, typically, a non-conforming designation deals with the use of the property and a non-complying designation deals more with the periphery or structural dimensions of a particular piece of property.

Commissioner McHugh inquired if the request was for seven boarders and not necessarily just student boarders.

Mr. LoPiccolo noted that there may have been a specification in the original requests; however, boarders did not have to be students.

Commissioner Forbis inquired what the difference or distinction was between a rooming house and a Single Room Occupancy (SRO).

Mr. Walkingshaw noted that SROs were designated not as a use but as a description or definition of a unit type. Mr. Walkingshaw added that an SRO was actually not defined in the Zoning Ordinance but defined under Building Codes. Mr. Walkingshaw stated that a rooming house was a description of a use and not a unit type as an SRO was.

Commissioner Woodhead noted that therefore, an SRO is a building code term and rooming house is a zoning term.

Doug Wheelwright noted that, also, in SROs there was a bathroom in every unit. Mr. Wheelwright stated that in a rooming house, there would be one kitchen and shared bathroom facilities.

Mr. LoPiccolo stated that this property, even if the rooming house use was granted, would still be considered a single residence; not seven individually contained residences.

Chairperson McDonough invited the applicant, Robert Bunnell, forward to comment.

Mr. Bunnell noted that a significant amount of revenue and effort had been put into renovating the property. Mr. Bunnell stated that he was eager to follow all of the conditions proposed by Planning Staff including landscaping, parking and the implementation of fire suppression systems.

Mr. Bunnell stated that the Planning Commission pointed to standards B, F and K for its denial of the petition on September 13, 2006, and in reviewing those standards Mr. Bunnell found certain points in each standard which he felt would be sustained and strengthened by this development. Mr. Bunnell referred to Standard B, which states that the proposed development is in harmony with the general purposes and intent of this Title and is compatible with and implements the Planning Goals of the City. Mr. Bunnell noted his development was compatible with the Planning Goals of the City and there were no changes planned which would alter the architectural integrity of the neighborhood. Mr. Bunnell noted that it would provide adequate off-street parking as well as affordable housing near transportation hubs to limit vehicle use in the area.

Mr. Bunnell referred to Standard K, which notes that the proposed conditional use be compatible with the surrounding neighborhood and will not have a material net cumulative adverse impact on the neighborhood. Mr. Bunnell noted that within the area, there are far more rental units than there are single family dwellings. Mr. Bunnell stated that the increase of four more occupants of this home would not adversely impact the quality of the neighborhood, and that renting the property to a family could yield more than seven residents.

Mr. Bunnell stated that he was willing to invest another significant amount of revenue to bring the property up to code for the rooming house permit.

Commissioner Forbis noted his concern over the proposed cedar fence and inquired of Mr. Bunnell if he would consider installing a solid masonry wall to further mitigate or alleviate the noise and light problems.

Mr. Bunnell stated that he would be willing to accept that suggestion.

Commissioner Forbis inquired if Mr. Bunnell would be willing to attempt to designate the area in the front of the home as a no-parking area, as many other areas around the University of Utah are, from 7 a.m. to 5 p.m. daily.

Mr. Bunnell stated that he would also agree to this.

The Commissioners discussed to which side of the property this fence would be placed and the necessity of a noise buffer.

Commissioner Chambless stated his concern about possible pets at this property.

Mr. Bunnell stated that he had no plans to allow any tenant pets.

Commissioner Woodhead stated the concern that the parking was a necessity and that the masonry wall implied a parking fortress, especially detrimental to the neighborhood with no landscaping.

Mr. Bunnell stated that any space not needed for parking, had previously been intended for green space and he would still be happy to convert unused space to green space.

Commissioner Scott inquired how it was that the applicant came to the total of seven rooms in the rooming house.

Mr. Bunnell stated that he wanted a facility with spacious bathroom and laundry facilities. The architect used the remaining available space to determine the number of bedrooms.

Commissioner De Lay noted that the Fire Department required a sprinkler system be installed in the unit and asked Mr. Bunnell if that system had been installed.

Mr. Bunnell noted that it had not yet been installed as it was a requirement of the use and if the use was approved then he would install it.

Chairperson McDonough opened the hearing to the Community Councils and the general public at 7:57 p.m., and requested that the commentary be restricted to new comments on the petition.

Esther Hunter (1049 Norris Place) stated that the proposal does not meet standards B & K and is not in harmony with the Central Community Master Plan adopted in 2005. Ms. Hunter noted that allowing this conditional use would severely impact the net cumulative effect of a neighborhood already burdened with a high concentration of conditional and non-conforming uses which had compromised the character of the neighborhood. Ms. Hunter reviewed some of the statements within the Central Community Master Plan in opposition to the development including; goal statement number eight- *to preserve the residential neighborhoods*; page 15- *referencing the Bryant neighborhood particularly- pressure to develop or re-develop into higher density has become one of the most significant issues confronting this area*; page 17- *analyze the number of conditional uses to prevent a net cumulative adverse impact on the community in the City*; page 18- *reduce excessive density potential, conserve the neighborhoods, encourage higher density housing in East Downtown and Downtown Gateway*; page 35- *Conditional Uses, (Statement RLU 1.1), preserve low density residential areas and keep them from being replaced by higher density residential and commercial uses*. Ms. Hunter noted that she would argue that the Commission should look at the text of the Master Plan and not only the conceptual future Land-Use Zoning Map.

Commissioner Woodhead asked what Ms. Hunter believed the adverse impacts might be of a rooming house versus a family with the same number of residents.

Ms. Hunter noted that conditional uses travel with the land and in her eyes, this would be a business rather than a residential use. Ms. Hunter stated that a bed and breakfast that was across the street was sold and turned into a lawyer's office. Ms. Hunter also stated that she believed that the balance of uses had already tipped in favor of non-conforming uses and that in order to have diversity within the neighborhood; it was a necessity to maintain some single family residences.

Melinda Main (847 East 200 South) representing East Central Community Chair Joel Briscoe. Ms. Main read for the record a letter written by Chairperson Briscoe which stated that, *the East Central Community Council was in opposition to the approval of the conditional use, that this use would be detrimental to the character of the neighborhood and that many procedural problems associated with the consideration of this particular issue raise serious due process concerns*. Ms. Main noted she felt that allowing the conditional use to be attached to this property would result in there being no way of mitigating future non-residential business uses and would result in the loss of residential character in the neighborhood.

Commissioner Woodhead noted that she would like clarification from Staff regarding the notion that if a conditional use is granted, the property can become any type of commercial conditional use.

Mr. LoPiccolo stated that this notion is incorrect and noted that this request is for a rooming house only. Mr. LoPiccolo noted that the property was subject to what the Zoning Ordinance allowed within the RMF-30 Zone. Mr. LoPiccolo stated that commercial uses are generally not allowed in the RMF-30 Zone and rooming houses are allowed.

Cheri Coffey noted that typically, conditional commercial uses such as a bed and breakfast and office are tied to a Historic Landmark Site. Ms. Coffey noted that those conditional uses in an RMF-30 Zone apply specifically to a Landmark Site.

Mr. LoPiccolo noted that Mr. Bunnell's property is not a Historic Landmark Site, therefore, neither of those uses would apply in the future.

Commissioner Scott asked which conditional or permitted uses would be allowed in an RMF-30 zone.

Mr. LoPiccolo noted that one of the permitted uses allowed was a group home.

Commissioner Scott inquired if this property then could become a group home without going through the conditional use process again.

Mr. LoPiccolo stated that it would once again be a determination based upon the proposal's intensity, for example, if the group home required twenty parking spaces, it would come back to the Planning Commission. Mr. LoPiccolo noted that if the proposal included a use of the same intensity, then it would be allowed without coming before the Planning Commission again.

Commissioner Scott noted that not many properties in the area had reverted back to single family dwellings after a conditional use had been granted.

Cheri Coffey stated that the number of conditional uses in the area was not the issue. Ms. Coffey noted that under the Zoning Ordinance this proposal was an allowed use within the RMF-30 Zone, as long as certain conditions were met.

Mr. LoPiccolo noted that many conditional uses, all of a residential nature, were allowed in the Zone as a conditional use.

Chairperson McDonough asked Melinda Main what Chairperson Briscoe meant in his letter when stating that *serious due process concerns would be raised*.

Ms. Main noted that while she could not specifically address Mr. Briscoe's concerns, when properties with conditional uses are sold and the use is changed, there is no public input and this may or may not be a violation of due process.

Cindy Cromer (816 East 100 South) submitted for the record standard 21A.10.030G.2 from the Zoning Ordinance- General Procedures for Findings and Decisions; Findings:

2. **Findings:** Except for the City Council, whose decision shall be made by motion or ordinance as appropriate, all decisions, shall be in writing and shall include at least the following elements:
 - a. A summary of the information presented before the decision-making body or officer;

- b. A summary of all documentary evidence submitted into the record to the decision-making body or officer and which the decision-making body or officer considered in making the decision;
- c. A statement of the general purpose of this Title, the specific purpose of the district where the use is or would be located, and the standards relevant to the application;
- d. A statement of specific findings of fact or other factors considered, whichever is appropriate, and a statement of the basis upon which such facts were determined, with specific reference to the relevant standards set forth in this Title; and
- e. A statement of approval, approval with conditions or disapproval.

Ms. Cromer noted that she would request the Planning Commission maintain their position from the September 13, 2006 Public Hearing and deny the conditional use request. Ms. Cromer stated that if the Commission would not maintain their position, the conditions presented in the staff report could be adopted, which are adequate for approval, and if the Commission were going to make a denial, they would need to do everything listed in 21A.10.030.G.2.

Ms. Cromer stated that she owned three buildings in the RMF-30 Zone, two of which were single family dwellings and the third of which was surrounded by single family dwellings, and that low density is the stated purpose of the RMF-30 Zone, and that she did not feel the proposed use was low density in nature.

Ms. Cromer noted that on February 5, 2007, she and a group of colleagues attempted to submit a staff report of their own, including a survey which addressed Standard K. Ms. Cromer stated that she felt this did not go to LUAB and was not referenced in the minutes, nor was it in the packet for the January hearing which was postponed and was not in the packet received last week. Ms. Cromer noted that this report was electronically sent to the Planning Commission along with other documents omitted from the packet.

Chairperson McDonough acknowledged that the Commission did receive those documents and opened the floor for questions from the Commissioners.

Ms. Cromer noted she also felt that the Federal Fair Housing Act was being violated; and there is a compelling public interest in keeping Salt Lake City housing consistent with Federal Law. Ms. Cromer stated that two protected classes were being discriminated against: Family Status and Sex.

Lori Gutierrez (143 South 900 East) noted her opposition to the proposed rooming house. Ms. Gutierrez drew the Commission's attention to Page 6 of the Staff Report under *Non-Complying Lot Determination*:

Legal complying lots in residential districts shall be approved for any permitted use or conditional use allowed in the zoning district, subject to complying with all lot area and minimum lot area and minimum yard requirements of the district in which the lot is located.

Ms. Gutierrez noted that the minimum side yard, interior lot requirements for single family detached dwellings for the RMF-30 Zone were four feet on one side and ten feet on the other, and she noted that the lot line of Mr. Bunnell's property was about two and a half feet from the residence. Ms. Gutierrez noted that the existing cedar fence did not substantially meet Standard F. Ms. Gutierrez stated that Mr. Bunnell owned all properties from 200 South to her residence as well, and noted that she felt burdened by his apparent real estate aspirations.

Commissioner McHugh stated that someone should explain to Ms. Gutierrez the difference in the determination of a legal non-conforming lot and a non-complying lot.

Mr. Walkingshaw noted that the issue shifts from that of a legal non-complying lot to a non-complying structure. Mr. Walkingshaw noted that there were many structures with legal non-complying setbacks within Salt Lake City limits, and if a lot was too small to allow any other approvable use, the City would at least allow the construction of a single family dwelling. Mr. Walkingshaw noted that the portion of the Staff Report Ms. Gutierrez quoted from applies only to new structures, and if it is an existing structure it is no longer a matter of the standards for non-complying lots but rather it is now a matter of the non-complying structure verbiage of the ordinance. Mr. Walkingshaw noted that Mr. Bunnell can use the structure as it stands for a conditional use and he could build a new structure but it would have to meet the current yard requirements.

Commissioner Forbis noted that the application for a limited parking area in front of the home may help mitigate some impacts and wondered what Ms. Gutierrez thought of this proposal.

Ms. Gutierrez stated that this would be a help in alleviating parking congestion on the street. Ms. Gutierrez noted that she also opposed, however, the idea of paving the entire back yard for parking, and that she also feared the conditional use would follow the title after the sale of the property.

Commissioner Scott inquired of Ms. Gutierrez how many single family homes there were in the neighborhood.

Ms. Gutierrez stated that currently on her side of the street there were three single family homes and on the opposite side of the street there were only two single family homes, everything else had been divided into rental units or turned into offices.

Commissioner Muir noted that since the legislature has changed the law as to how the Commission can regulate conditional uses, a conditional use is basically a permitted use and the role of the Planning Commission is to weigh the mitigating circumstances or the impact of the use and to come up with ideas as to how to mitigate that impact.

Ms. Gutierrez noted that it was also the role of the Commission to weigh the public need versus the impact.

Commissioner Muir noted that ideas on how the perceived adverse impacts can or cannot be mitigated within the community was what the Commission needed.

Ms. Gutierrez stated that she did not feel the change in the character of the neighborhood could be mitigated, or the effect it would have on her property value.

Commissioner Muir stated that Ms. Gutierrez's best redress might be to address her Community Council to petition the City to change the RMF-30 zoning and eliminate some of these conditional uses.

Ms. Gutierrez noted that this very thing was requested in a meeting with George Shaw and that she would like to see a moratorium on conditional uses in the area.

Margo Strickland (922 East 200 South) voiced her opposition to the conditional use request. She stated that each time a conditional use had been granted, it had compromised the character of the neighborhood. Ms. Strickland also noted that she was a former member of the East Central Community Council, and stated that the Community Councils no longer had the power to suggest the initiation of a petition by City Council.

Rich Wilcox (160 South Lincoln Street) stated that granting this change of use will create an enormous negative cumulative impact on neighboring properties. Mr. Wilcox noted that the parking situation was a major concern.

Jennifer Colby (160 South Lincoln Street) noted that the impact of this conditional use was not simply to the property to the north but also would affect the properties behind the proposed rooming house.

Commissioner Scott noted that she did not recognize a shortage of housing in her own neighborhood, noting that she lived in the same general area, and asked Ms. Colby if there was any shortage of housing within her neighborhood.

Ms. Colby noted that there were plenty of units for rent in the area.

Konnichiwa Saunders (149 South 900 East) stated that this property was providing not only a place for her to live, but also an affordable place to live while receiving an education. Ms. Saunders noted that there were a lot of units for rent in the area at that moment in time; however, these units were often unaffordable.

Commissioner Woodhead stated it was her understanding that Mr. Bunnell could not discriminate against members of the opposite sex and if Ms. Saunders would be comfortable living with male renters.

Ms. Saunders stated that she would not feel comfortable with the currently proposed floor plan, but if required, it would be something that could be fixed

Commissioner Chambless noted that many areas around the University of Utah have on-street parking restrictions and if Ms. Saunders would approve of such restrictions.

Ms. Saunders noted that she would approve.

Commissioner Scott noted her concern about overnight guests.

Ms. Saunders noted that there were overnight guests at times, but that they usually parked in the back of the property and did not stay long.

Jasee Ryan (149 South 900 East), resident of the subject property, stated that she wanted to speak in support of the conditional use and felt that the residence was a very positive one, providing her a residence in which she felt safe.

Commissioner Scott inquired how many halfway homes and assisted living facilities were in the neighborhood and how long Ms. Ryan intended to live at the residence.

Ms. Ryan replied that she was not aware of how many halfway homes and assisted living facilities were in the neighborhood and that she would live at the residence as long as she was allowed to live there.

Polly Hart (355 North Quince Street), Chair of the Capitol Hill Community Council, noted her opposition to this proposal and stated that she did not see anything which could possibly mitigate the detrimental adverse impacts of the proposal.

Chairperson McDonough invited Mr. Bunnell back to comment.

Mr. Bunnell stated that he did not feel that this would be a detrimental increase in density. Mr. Bunnell stated that he would be willing to tie the conditional use to the title. Mr. Bunnell stated that

since renting to students he had a one hundred percent occupancy rate while other units in the area remained vacant.

Commissioner Woodhead noted her concern about Federal Fair Housing requirements and inquired if the applicant would be willing to rent to individuals of the opposite sex.

Mr. Bunnell stated that at this point in time it did not seem to be a good idea.

Cheri Coffey noted that this was not an issue for the Planning Commission and the Commission needed to focus on the Land Use rather than Federal standards and who the tenants would be.

Commissioner Woodhead inquired of Staff if the rooming house designation meant there would be only one occupant per room.

Mr. Walkingshaw stated that the rooming house designation did not necessarily imply that there would be only one occupant per room. Mr. Walkingshaw stated that room dimensions dictated how many occupants could inhabit a particular area. Mr. Walkingshaw noted that existing housing code required one hundred and twenty square feet for the first two people and seventy square feet for each additional person after that.

Chairperson McDonough closed the public portion of the hearing and brought the discussion back to the Commission for comment at 9:01 p.m.

Chairperson McDonough stated that the most identifiable impacts were those surrounding parking. She noted that there was a case to be made with Standards F & K, in that it added further impact to the surrounding neighborhood and that more parking and less green space would lead to a raised ambient temperature as well as increase the noise level in the surrounding area.

Chairperson McDonough further noted that the report submitted by constituents on February 5, 2007, stated that the approval of the conditional use would compromise the residential character of the neighborhood. Chairperson McDonough stated that the cumulative adverse impact may then lie in granting another conditional use in an area with so many conditional uses already; and it then may not be an issue of density or number of tenants, but that the applicant cannot mitigate the adverse impacts that would be caused by granting yet another conditional use in the neighborhood.

Commissioner De Lay noted that she wished to later discuss the possibility of initiating a petition to explore a moratorium of these uses within the Bryant neighborhood.

Commissioner Muir stated that if the Commission were to deny the petition based upon Standard K, there should be quantifiable data that states that there is in fact a negative effect. Commissioner Muir noted that in the Staff Report, there are no departmental comments that would lend credence to proof of detrimental effects which cannot be mitigated.

Chairperson McDonough noted that denial could possibly be based upon the fact that this would be a case of increasing the number of non-complying uses in the area.

Mr. Walkingshaw noted that it would not be non-complying, nor non-conforming, it would be a legal use.

Commissioner Woodhead stated that there might be an argument that the proliferation of conditional uses, which tend to be commercial uses or quasi-commercial uses, bring additional cars to the area and cause additional parking issues. Commissioner Woodhead stated that this seemed to imply that there was some proof on the record which implied a net cumulative negative impact on the neighboring properties.

Doug Wheelwright stated that a condition of approval imposed by the Commission could be that the conditional use ends with the sale of the property and any other conditional use to follow would be required to go through the conditional use process.

Commissioner Scott noted her concern that it is difficult for the City to know when an individual property is sold. She stated that Standard B was still an issue in that it implied a very intensive use of the property and that it may not be in line with the intent of the Title, or compatible with the implementation of planning goals.

Cheri Coffey requested clarification from Staff regarding the use of the property, in the case of a single family use, if the property would be considered non-compliant.

Mr. LoPiccolo noted that it currently was a single-family use which was non-compliant.

Mr. Walkingshaw stated that it was non-compliant as to side-yard setbacks.

Chairperson McDonough stated that it might be extremely difficult to find evidential proof that there was not a way to mitigate standards B & K. Chairperson McDonough stated that the Commission had not discussed Standard F; appropriate buffering: light, noise and visual impacts, in detail and while the Commission was requesting mitigation of these impacts, the mitigation may not be solving the impacts but exacerbating them instead. Chairperson McDonough noted that the Commission would need to state in detail how and why it felt the detrimental adverse impacts could not be mitigated if a motion were made to deny the request.

Commissioner Forbis noted that there was a great deal of testimony from constituents mentioning negative impacts from echoing, light and hours of traffic. Commissioner Forbis inquired if this would be enough detail to deny the request based upon the effects implied in Standard F not being mitigated.

Cheri Coffey noted that these impacts may be mitigated by limiting the number of tenants.

Mr. LoPiccolo stated that applicants are never limited on a permitted use such as a single family dwelling which could have a family with several vehicles.

Commissioner Forbis noted that the Commission needed to either approve or deny the conditional use; however, based on Utah State Law and the ruling of the Land Use Appeals Board, the Commission must find sufficient reasoning behind a denial of the conditional use.

Mr. LoPiccolo noted that the Land Use Appeals Board ruling stated that the Planning Commission needed to specify for what reason the implied detrimental adverse impacts could not be mitigated and to provide the applicant with the opportunity to mitigate the concerns.

Commissioner McHugh noted that even if the Commission denied the use based upon the impacts under Standard F not being mitigated, LUAB may still disagree.

Mr. LoPiccolo stated that there is no change in elevation proposed and no lighting issues in the back of the property. Mr. LoPiccolo noted that any perceived impact from car lights would need to be measured. Mr. LoPiccolo stated that using the argument that something is "too loud" or "too bright" can be very difficult to prove.

Commissioner McHugh noted that even if a noise study were done, it is doubtful that the decibel level would be loud enough or long enough to constitute a legal noise pollution issue.

Commissioner De Lay stated that it had been discussed in the past that the City did not have the proper layers to enforce issues such as noise pollution or air quality. Commissioner De Lay noted

that unless the Commission came up with extremely specific adverse impacts with quantifiable proof that the applicant could not mitigate, the Commission would need to approve the request.

Commissioner Scott noted that the report submitted by several constituents could act as a guide to deny the request, as it refers to Standards B, F and K and why they cannot be mitigated. Commissioner Scott stated that staff could take this and craft a motion which LUAB would accept.

Commissioner De Lay stated that it was the job of the Commission to base their decision to approve or deny the request on what was before them currently, and not base it upon what LUAB would or would not accept.

Regarding Petition 410-06-28, a conditional use request by Robert Bunnell for a rooming house at 149 South 900 East in an RMF-30 zoning district, Commissioner Woodhead made a motion to approve the request based upon the findings of facts and analysis in the staff report dated September 13, 2006 and staff memorandum dated April 11, 2007 and subject to the following condition:

1. Standard permit plan review is required for compliances with Building Code, Fire, Engineering, Public Utilities and Transportation.
2. The conditional use approval is for use of rooming house only. Any subsequent permit that may be required from the city or non-city agency shall be complied with.
3. That the landscaping be improved and maintained in a manner that complies with Salt Lake City Ordinance, Chapter 21A.48, Landscaping.
4. The Rooming House is limited to a maximum of seven people.
5. The rear yard area used for vehicle parking shall be comprised of hardsurfacing, shall include no more than five parking spaces and the applicant will also provide green space in the rear yard.

Conditions added by Commissioner Woodhead, as per the discussion of the motion:

6. If a change in use other than a conversion back to a single family dwelling occurs, the owner must make an application for a new conditional use to be heard by the Planning Commission
7. The existing cedar fence on the north side of the property will be replaced with a masonry wall to be six feet (6') in height.

Discussion of the Motion

Commissioner Forbis suggested an addendum; that the applicant apply with the Transportation Division for a designation of the area in front of his property to become a no parking zone Monday through Friday from 7 a.m. to 5 p.m.

Commissioner Woodhead stated that she would not accept the addendum.

Commissioner Muir suggested an addendum; that if the applicant or new owner applies for a new conditional use, a new conditional use application would be required.

Commissioner Woodhead stated that she would accept the addendum.

Chairperson McDonough suggested an addendum clarifying the height of the proposed masonry wall.

Doug Wheelwright noted that the wall could not be taller than six feet (6').

Commissioner Woodhead stated that she accepted the addendum.

Commissioner Scott noted that the structure would have to comply with ADA guidelines.

Mr. LoPiccolo stated that it would and that the project's compliance with ADA guidelines would fall under compliance with city codes.

Commissioner De Lay seconded the motion. Commissioners De Lay, Forbis, Muir and Woodhead voted in favor of the motion. Commissioners Algarin, Chambless, McHugh and Scott voted against the motion. There was a tie (4-4) therefore Chairperson McDonough cast her vote in favor of the motion. The motion carried 5-4.

Commissioner De Lay proposed that the Commission initiate a petition to study the area as well as a possible moratorium on conditional uses within the area.

Cheri Coffey stated that any proposed moratorium would first need to be discussed with the City Attorney. Ms. Coffey also stated that Planning Staff did meet with representatives from the East Central Community Council several weeks ago, and it was agreed that the representatives would come back with a proposal including areas that they believed required a down-zone. Ms. Coffey stated that this proposal had not yet been received by staff.

Commissioner Forbis made a motion to initiate a petition for Planning Staff to examine a possible zoning change in the Bryant neighborhood. Commissioner De Lay seconded the motion. All voted "Aye", the motion passed.

Chairperson McDonough called for a three minute break at 9:30 p.m.

Overview of development plans for Trolley Square located at approximately 602 East 500 South, in the Central City Historic District. The property owner, Trolley Square Associates, LLC, represented by Mark Blancarte, provided an overview of the proposed development at Trolley Square.

(This item was heard at 9:40 p.m.)

Chairperson McDonough recognized Nick Norris as Staff Representative. Mr. Norris noted that the representative for Trolley Square Associates would first present a brief overview of the project to the Commission. Mr. Norris stated that the development would be reviewed in phases, and would require a Planned Development Subcommittee Meeting Review.

Tom Bard, representing Marc Blancarte, Gary Larson, architect, and Dan Fuller, architect, were present to provide an overview of the proposed development. Mr. Larson first presented photographs of Trolley Square in the past and present. Mr. Larson then presented an overhead view of the existing structures at Trolley Square, noting proposed changes including: demolishing the current parking structure, new loading dock locations and landscaping plans.

Mr. Larson stated that the new venue being built on the side would be a Whole Foods supermarket, located at the northeast corner of the development.

Mr. Larson reviewed changes that would occur at the east entrance of the main mall building including: improvements to the paving, restoration of a fountain at the east entrance which corresponds to changes in the interior of the main building simplifying the circulation.

Mr. Larson reviewed a proposed corridor or 'center court' between the main building and the proposed Whole Foods. Mr. Larson noted that this would be where the existing Wells Fargo bank is. Mr. Larson stated that this was to provide a refined pedestrian area.

Mr. Larson reviewed a proposed street between the existing Pottery Barn and Restoration Hardware as well. Mr. Larson stated that the intention for this street was to create a curb less type of European feel.

Mr. Larson noted that plans for the proposed development intended to preserve the character of the original building. Mr. Larson reviewed plans to incorporate architectural elements of the existing Wells Fargo Bank into the proposed Whole Foods Development.

Mr. Larson stated that the existing parking structure on the west side of Trolley Square will be removed and a new enclosed parking garage will be constructed in its stead with two levels, substantially underground. Mr. Larson stated that automobiles will not be visible from the street and there will be a staircase and wrought-iron gateway at the center of the elevation, creating a processional from the west side of the development.

Mr. Larson noted that the trolley will be relocated to another area of the development which will act as an open air court with the inclusion of outdoor fireplaces.

Mr. Larson stated that in the corridor between Pottery Barn and the main mall, they hoped to create an outdoor bistro-type area with catenary lights between the two buildings.

Mr. Larson noted that the staircase to be replaced was currently the exit stairs for the cinema.

Commissioner Forbis noted his interest in where the parking for Whole Foods would be.

Mr. Larson stated that there would be two levels of parking above the store, gaining parking spaces for the overall development.

Petition No. 410-07-05- A request by Trolley Square Associates, LLC, to construct an exterior staircase on the South Façade of the main building at Trolley Square (southern building) located at approximately 602 East 500 South, in a Commercial Shopping CS zone, and also in the Central City Historic District.

(This item was heard at 10:07 p.m.)

Mr. Norris noted that the proposed staircase would encroach three and a half feet into a required side yard and therefore would require review by the Planning Commission.

Mr. Larson stated that the staircase is a masonry enclosed staircase three and a half feet wide rising twelve feet in height from the sidewalk and with the building the total encroachment would be twenty-six and a half feet.

Commissioner Muir noted his concern that the stairway was neither stacked nor internal to the development.

Mr. Larson noted that placing the stair internally did not work well with pedestrian circulation patterns within the development.

Commissioner Muir stated that it would be pleasant to see a more pedestrian-friendly exterior environment.

Mr. Larson noted that two current loading docks located on 600 East would be relocated and would be converted to store-front windows.

Chairperson McDonough stated that she would like to know the exact dimensions of the proposed staircase.

Mr. Larson stated that the staircase is a masonry enclosed staircase three and a half feet wide rising twelve feet in height from the sidewalk and with the main building the total encroachment would be twenty-six and a half feet into the required corner side yard setback.

Commissioner Woodhead inquired if the proposed staircase would encroach onto the sidewalk.

Mr. Larson noted that it would not. Mr. Larson stated that after the curb and the sidewalk there was 6'6" of green space between the building and the sidewalk, and the stairway encroachment would be in that area.

Cheri Coffey noted that one of the conditions of approval was final design approval of the staircase by the Planning Director and compliance with the design regulations of the Historic Landmarks Commission.

Chairperson McDonough opened and closed the public hearing to Community Council representatives and members of the public at 10:14, noting that there was no one present to speak to the petition.

Regarding Petition 410-07-05, a request by Trolley Square Associates, LLC, for a Planned Development located at 602 East 500 South, Phase I: allow exterior staircase to encroach approximately twenty six and one-half feet into the corner side yard setback, Commissioner De Lay made a motion to approve the request based on the findings of fact and analysis by staff and subject to the conditions in the staff report:

1. That the required corner side yard setback be reduced from thirty (30) feet to three and one-half (3 ½) feet. The staircase will encroach twenty six and one-half (26 ½) feet into the required setback.
2. That the proposed staircase meets all applicable city ordinances and regulations;
3. That the approval of the design of the stairs be delegated to the Planning Director and be consistent with the approval of the Historic Landmarks Commission and applies to the regulations of the Historic Landmarks Commission;
4. That the area where the existing staircases that are to be removed be reclaimed as landscaping.

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

Cheri Coffey inquired if the Planned Subcommittee for this Planned Development was fine as is with Chairperson McDonough and Commissioners De Lay and Muir.

The Commission agreed it was.

Petition 400-06-36- A request by the Salt Lake City Planning Commission to amend the Salt Lake City Zoning Ordinance text regarding height limits in the M-1(Light Manufacturing) Zoning District. The proposed text amendment would permit chimneys, smokestacks, and distillation columns up to one hundred and twenty feet (120') in height in the M-1 Zoning District. The proposed text amendment would also add distillation columns to the list of structures that can exceed the height limit in the M-2 (Heavy Manufacturing) Zoning District.

(This item was heard at 10:16 p.m.)

Chairperson McDonough recognized Nick Britton as Staff Representative. Mr. Britton gave an overview of the project, noting that the 65 foot (65') building height limit would remain, however, smokestacks, chimneys and distillation columns would be allowed up to a height of 120 feet (120'). Mr. Britton noted that the only condition would be that the Airport has the authority to review these developments in the M-1 and M-2 Districts which are also within the Airport Overlay District. Mr. Britton noted that the Airport would like to table the motion in order to allow more time to conduct research on this issue.

Chairperson McDonough opened and closed the public hearing portion of this item at 10:20p.m, noting that no one from the Community Councils or the general public was present to comment to this petition.

Regarding Petition 400-06-36, a request by the Salt Lake City Planning Commission to amend the Salt Lake City Zoning Ordinance text regarding height limits in the M-1(Light Manufacturing) Zoning District which would permit chimneys, smokestacks, and distillation columns up to one hundred and twenty feet (120') in height in the M-1 Zoning District, Commissioner De Lay made a motion to table the Petition until May 9, 2007. Commissioner Muir seconded the motion. All voted "Aye", the motion passed unanimously.

UNFINISHED BUSINESS

There was no unfinished business.

(The meeting adjourned at 10:21 p.m.)

Cecily Zuck, Senior Secretary