

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, June 27, 2007**

Present for the Planning Commission meeting were Chairperson Peggy McDonough and Vice Chairperson Matthew Wirthlin; Commissioners Babs De Lay, Tim Chambless, Susie McHugh, Prescott Muir, Kathy Scott, and Mary Woodhead. Commissioner Frank Algarin was not able to attend and Commissioner Robert Forbis was excused for an extended leave of absence.

Present from the Planning Division were George Shaw, Planning Director; Director; Cheri Coffey, Deputy Planning Director; Nick Norris, Principal Planner, Casey Stewart, Principal Planner, Lex Traughber, Principal Planner, Ana Valdemoros, Associate Planner; and Cecily Zuck, Senior Secretary. Also present were: City Staff members Laura Kirwan, Senior City Attorney and Kevin Young, Transportation Planning Engineer.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson McDonough called the meeting to order at 5:47 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, Kathy Scott, Susie McHugh, Prescott Muir, Matthew Wirthlin and Mary Woodhead. Planning Staff present were: Cheri Coffey, Nick Norris, Casey Stewart, Lex Traughber, and Ana Valdemoros.

DINNER

There was a discussion of Planning Division issues during the dinner.

Nick Norris, Principal Planner, reviewed a handout given to the Commissioners containing a draft of the new staff report format and requested feedback.

Commissioner De Lay noted that she would like to see all of the departmental comments near the front of the staff report in an easily accessible format.

Mr. Norris stated that page three of the new staff report format would include a briefing of all comments from the public and City departments.

George Shaw, Planning Director, gave an overview of the training schedule for the next few meetings, noting the following topics: a presentation to walk the Commission through the Planning Division's website, a Historic Presentation, and a review of the City's Conditional Use Matrix and what changes to the Matrix were being studied by Planning Staff in order to address the recent changes made to Utah state statutes regarding the Conditional Use process.

Mr. Shaw reviewed a case which recently was remanded to the Board of Adjustments (BOA) from 2nd District Court, regarding a proposed gas station for a Smith's supermarket. Mr. Shaw noted that the BOA had made a second motion in this public hearing to have the Planning Division reexamine the zoning designation in the area and that this possible rezoning could soon become part of a Master Plan Amendment petition before the Planning Commission.

APPROVAL OF THE MINUTES from Wednesday, June 13, 2007.

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

Commissioner McHugh made a motion to approve the minutes with noted changes. Commissioner Woodhead seconded the motion. Commissioner Muir abstained from the approval of the minutes. All others voted 'Aye'. The minutes were approved.

REPORT OF THE CHAIR AND VICE-CHAIR

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

Chairperson McDonough noted that she would not be present for the August 8, 2007.

Chairperson McDonough noted that there was no meeting scheduled for July 25, 2007, and stated that she was willing to take an informal vote regarding the possibility of a second meeting on that date.

It was noted that all Commissioners, except Commissioner Woodhead, would be available to attend a second meeting in July if deemed necessary, and therefore a quorum would be present.

Chairperson McDonough noted that she and Vice Chair Wirthlin would be meeting with the Chair and Vice Chair of the City Council on Thursday, June 28, 2007.

REPORT OF THE DIRECTOR

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

George Shaw stated that the Planning office was anticipating a subdivision submittal for the Madison Park Planned Unit Development (PUD) in the next two to three weeks and he requested that the Planning Commission Subcommittee attend a meeting for review once the submittal was received.

PUBLIC HEARINGS

Petition 410-06-29 & Petition 490-07-09— a request by Cooper Roberts Simonsen Architects, represented by Jeremy Jones, for Conditional Use/Planned Development and Preliminary Subdivision consideration for seventeen single-family dwellings, located at approximately 690 North West Capitol Street in the Capitol Hill Historic District. The subject property is located in a Special Development Pattern Residential District (SR-1A) Zoning District.

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

Chairperson McDonough recognized Lex Traughber as staff representative.

Mr. Traughber reviewed the request for the Commission. Mr. Traughber noted that the property was comprised of two vacant parcels, totaling approximately 2.81 acres and located between Victory Road and West Capitol Street. Mr. Traughber stated that the proposed development would contain seventeen single family dwellings consisting of nine different housing designs. Mr. Traughber noted that the homes would be positioned on either side of a proposed extension to Darwin Street. He also noted that the applicant proposed to slightly widen and improve the east side of West Capitol Street from Clinton Avenue heading north to the northern end of the property and the increased street width would accommodate the curb and gutter as well as a stepped retaining wall. Mr. Traughber noted that a stairway was also proposed to run between the extension on Darwin Street and West Capitol.

Mr. Traughber noted that the submittal was to be reviewed by the Planning Commission and the Historic Landmarks Commission, and that in terms of the Planning Commission consideration the applicant had filed applications for Planned Development Conditional Use approval and a Preliminary Subdivision. Mr. Traughber noted that the Planning Commission purview would pertain to the reduced road width, reduced yard setbacks and the preliminary subdivision.

Mr. Traughber reviewed the public process which the petitions had gone through to this point, including:

January 1, 2006: a joint subcommittee meeting held between members of the Planning Commission and the Historic Landmark Commission.

April 5, 2006: the Historic Landmark Commission held an issues-only public hearing to consider the project as it was proposed and designed at the time.

May 17, 2006: the Historic Landmark Commission held a public hearing and voted to deny the applicants request, noting that the proposed development was incompatible in terms of mass, scale, height and cited specific Historic Preservation Guidelines, as follows:

1. To construct a new building, it must reinforce a sense of human scale.
2. To construct a new building, it must appear similar in scale to the established scale of the existing block.
3. To meet similar heights found within the Historic District.

August 9, 2006: The Planning Commission held an issues-only hearing at which the Commission provided feedback to the applicant regarding their proposal and asked for specific items to be addressed. First, to quantify density data for the area; secondly, to utilize the compatible infill ordinance as a guide for issues such as: lot coverage, lot size and setbacks; thirdly, to obtain input and attempt to resolve issues raised by the neighbors and the Community Council; fourth, to determine if a traffic study was warranted; fifth, to propose an alternative design for the retaining wall, and lastly, to reconsider the proposed placement of the houses on the street.

January 31, 2007: Another joint subcommittee meeting was held between members of the Planning Commission and the Historic Landmark Commission. The subcommittee members instructed the applicant to move forward in the public hearing process after viewing the proposed changes.

Mr. Traughber noted that in addition to these hearings and meetings the petition had been presented to the Capitol Hill Community Council on two occasions, May 17, 2006 and January 17, 2007. Mr. Traughber noted that a letter from the Community Council regarding this petition had been included in the staff report, and noted that there were fourteen people in favor of the request, twenty opposed and ten who abstained. Mr. Traughber stated that the Capitol Hill Community Council's concerns were with the possible increases in traffic and density as well as the grade and seismic stability of the property.

Mr. Traughber noted that there were several issues which had been raised by the public concerning this petition including the building height, retaining walls on West Capitol Street, density, traffic impacts and parking, impact on City infrastructure- specifically the sewer system, the design compatibility, construction impacts, environmental impacts-particularly on wildlife, and slope stability. He stated that in coordination with the issues raised by the Planning Commission on August 9, 2006, the applicant had addressed these topics with a comprehensive study included as attachments in the Staff report. Mr. Traughber noted that the applicant would review this data for the Commission in a Power Point presentation.

Mr. Traughber noted that the Transportation Division did not identify a need for traffic impact analysis; however the applicant conducted a study of their own accord. Mr. Traughber noted that the study was based upon a residential subdivision of nineteen units, and concluded that there would be no significant parking or traffic impacts to the local transportation network associated with the subdivision. He stated that the Transportation Division made the determination that the capacity of the existing streets and intersections in the area were adequate to accommodate the additional traffic resulting from the proposed development.

Mr. Traughber stated that there was a representative from the Transportation Division present, Kevin Young, Transportation Planning Engineer, to address any questions the Commission might have regarding this issue.

Mr. Traughber noted that in terms of water and sewer infrastructure, Public Utilities and the City Engineer reviewed the proposal and provided comments. Mr. Traughber stated it was noted that water and sewer access was available to serve the proposed properties. He noted that Salt Lake City Public Utilities had no objection to the proposal provided that all design and construction conformed to the standards in the ordinances, and did not raise any issues which they felt were difficult or impossible to overcome.

Mr. Traughber stated that in terms of environmental impact and slope stability, the subject property was within the primary recharge area of the Groundwater Source Protection Overlay Zone, and any future development would have to meet the standards of the Overlay, which would be addressed at the time of any issuance of a building permit.

Mr. Traughber noted that the property also laid upon the Eastern edge of the study zone of the area known as the Warm Springs Fault, and according to the Salt Lake City Surface Fault Rupture and Liquefaction Potential Special Study Area Map, as part of the final plat process the applicant would be required to conduct a site specific geotechnical and natural hazard mitigation report. Mr. Traughber noted that the purpose of that report would be to verify that the footings and foundations were not built over a fault line and that the proposed construction was appropriate for any seismic event that would occur.

Mr. Traughber noted that Planning Staff had studied the information which the applicant provided and concurred with the applicant that the project was compatible in terms of the issues which they were asked to address. Mr. Traughber noted that this was a request for a Planned Development in a single family residential zone; and the applicant was asking for relaxation of certain development standards including the road width, lot size and reduced yards and setbacks for the individual lots. Mr. Traughber noted that Planning Staff had recommended approval subject to the nine conditions listed on pages twenty-four and twenty-five of the staff report.

Vice Chairperson Wirthlin stated his wish for clarification from Kevin Young to understand why the City decided not to require a traffic study and what criteria were used.

Mr. Young noted that the City did not require one because normally, according to industry standards, seventeen units was not enough to necessitate a traffic study. Mr. Young noted that the applicant had performed a traffic study which came to the conclusion that there would not be enough significant impact. Mr. Young noted that it was true any development would put cars in the area, however, the transportation system could handle the proposed increase.

Vice Chair Wirthlin asked if Mr. Young or any other Transportation Division employee had looked at that study.

Mr. Young stated that he had not reviewed the study recently, however, for seventeen units the Transportation Division would normally not require that a study be conducted.

Commissioner De Lay noted that a piece of evidence within the staff report from neighbor Polly Hart contended that the traffic study was done on a day that there was no traffic, and therefore the traffic study was poor. She stated that she was interested to know when a traffic study was required.

Mr. Young stated that there was no set numerical requirement; however, it's a combination of factors such as where it's being built and how many units there were, as well as the conditions surrounding a particular location.

Commissioner Scott expressed concern regarding the grade on Darwin Street. She noted that she understood that throughout the development, the grade would waver between eleven and fourteen percent. Commissioner Scott noted interest in the grade of other surrounding streets.

Mr. Young noted that there were some slopes in excess of ten percent but was not aware of specific figures.

Commissioner Chambless stated that the land had never been developed before.

Mr. Traugher noted that there was a City water line running below the property but the land itself was vacant.

Chairperson McDonough invited the applicant forward to speak at 6:14 p.m.

Jeremy Jones, the developer, Alan Roberts and Casey McDonough, architects with Cooper Roberts Simonsen were present to give a presentation to the Commission.

A copy of the Power Point Presentation given to the Commission was included in the staff report and can be obtained by viewing the file containing these minutes in the Salt Lake City Planning Office.

Mr. Jones addressed the traffic study conducted for the project and noted detailed information which he submitted for the record.

Chairperson Peggy McDonough noted that she had a question regarding the setback study data, and if the existing lots on all of the comparison block faces were measured to the curb or to the property line.

Mr. Jones noted that the lots were measured to the property lines.

Casey McDonough noted that several of the existing lots had property lines which were very close to the inside edge of the sidewalk and looking at the parcel maps that line was generally within six inches or so, therefore, the study used measurements which were taken from the edge of the sidewalk face to the building. Mr. McDonough noted that he tried to be conservative in making these measurements, particularly considering the public's concerns.

There were no further questions for the applicant from the Commissioners.

Chairperson McDonough opened up the floor to Community Council and the public at 6:40 p.m.

Polly Hart, Capitol Hill Community Council Chair, was present to speak in opposition to the request. Ms. Hart reminded the Commission that the vote taken by the Capitol Hill Community Council regarding this petition was fourteen in favor, twenty opposed and ten in abstention. Ms. Hart noted that she did not feel the traffic study had been done as effectively as possible. Ms. Hart thanked Mr. Jones for his responsiveness regarding the Planned Development Process. Ms. Hart noted her wish that in regards to what the Planning Commission and HLC required, all minimum requirements be met rather than accepting a relaxation of the zoning standards.

Commissioner Woodhead noted that the project as proposed did not meet all the requirements.

Ms. Hart noted that she felt the project should not be allowed the requested relaxation of the requirements and should instead meet the minimum requirement on all lots.

Commissioner Woodhead noted that part of the relaxation was built into the Planned Unit Development process.

Commissioner McHugh noted that the traffic study, even though conducted on three separate days, was conducted during peak traffic hours, from seven to nine in the morning and four to six in the evening.

Commissioner De Lay inquired if Ms. Hart felt that the project overall did not meet the requirements or if there were just a few elements of the project which did not meet the requirements.

Ms. Hart stated that she felt there were only a few of the proposed homes which did not meet the minimum requirements. She also noted that once a lot becomes non-compliant, any subsequent homeowner who comes to the City with a request automatically has an implied hardship.

Mike Bennett, 681 North West Capitol, was present to speak in opposition to the project. Mr. Bennett noted that if the setback requirements were to be relaxed, the retaining walls created would destroy his view entirely. Mr. Bennett also noted that West Capitol Street south of the project was one way headed south and seventeen added homes would greatly impact the traffic situation on that one way street.

Commissioner Chambless inquired what West Capitol Street was like after a snowstorm.

Mr. Bennett noted that it was quite rough on the street after a snow storm and often wasn't plowed for days.

Commissioner McHugh noted that the field trip indicated that the traffic was only impacted if the cars were to park on West Capitol.

Mr. Bennett noted that this was often true.

Sandy Anderson, 640 North West Capitol Street, property owner to the South was present to speak. Ms. Anderson noted that she was concerned about the proposed retaining wall and its design noting that she would like to see a pleasing-looking wall. Ms. Anderson stated that she was pleased to see that the proposed staircase had been moved further north on the property than originally proposed, and noted that she felt the proposal would be better with only fifteen homes.

Commissioner Chambless requested clarification regarding this number.

Ms. Anderson noted that she felt it would lessen the density of the area. Ms. Anderson also noted that there was a drainage area at the end of Clinton Avenue with which she was concerned, stating that there were no plans indicated for it in the applicant's proposal.

Minta Brandon, 113 West Clinton Avenue, noted that she and surrounding neighbors would rather see six or seven homes than fifteen or seventeen homes. Ms. Brandon noted that traffic was an issue as well as drainage and potential land slides.

Steven St. John, 130 West Clinton Avenue, spoke in opposition to the request. Mr. St. John noted that the applicant would make Clinton Avenue a through Street to West Capitol for compliance with the PUD requirements. Mr. St. John noted that the nature of the area was being compromised and he did not approve of opening up Clinton Avenue to more through traffic.

Commissioner Chambless noted that Mr. St. John might not want any homes on the parcel.

Mr. St. John noted that his issue was with the extension of Darwin Street, and he felt it should not occur.

Commissioner De Lay noted that the issue seemed to be with traffic, and that eight people had commented on the issue. Commissioner De Lay stated that it was a problem and wondered if Mr. St. John had any suggestions for how to deal with the issue.

Mr. St. John stated that he did not.

Mary Lamb, 694 North West Capitol Street, property owner to the north of the development, was present to speak in opposition to the request. Ms. Lamb stated that she was concerned with traffic, as well as density and that she would like to see five homes on the property. Ms. Lamb noted that her life had already been impacted and had a concern with the standards being relaxed, the rules being broken.

Susan Veatch, 694 North West Capitol Street, spoke in opposition to the request. Ms. Veatch noted that her issue was also with traffic. Ms. Veatch stated that she was concerned with the flaws in the neighborhood being used to justify more flaws.

Chairperson McDonough asked Ms. Veatch to clarify what these flaws were.

Ms. Veatch noted that the flaws she saw with the project included the building of large homes on tiny lots and the number of homes on such small lots, using the surrounding small, eclectic homes to justify seventeen homes.

Karen Brisendine, 669 North West Capitol Street, spoke in opposition to the request. Ms. Brisendine noted that since she had moved into the neighborhood only eight new homes had been built in her neighborhood. Ms. Brisendine noted that the only thing that had raised the value of her home was the renovation of the surrounding old homes, and felt that the subject property was not developable as the only suitable access to the parcel would be from Victory Road which was impossible to her.

Commissioner Chambless inquired about the flood of 1983 and how this impacted the subject parcel.

Ms. Brisendine noted that the impact was huge and the main part had been missed by the neighborhood due to the valuable drainage ditches in place.

Commissioner Chambless noted that Ms. Brisendine did not feel the parcel was developable and asked for a hypothetical number of homes she might deem acceptable.

Ms. Brisendine indicated that she would feel five homes to be appropriate.

Wayne Harrier, 672 North Columbus Street, was present to speak in favor of the request. Mr. Harrier noted that he felt the project would be a great addition to the neighborhood. Mr. Harrier noted that the initial impact would be significant; however, the change would be an improvement to the neighborhood over time.

Shirley McLaughlin, 160 West Clinton Avenue, was present to speak in opposition to the petition. Ms. McLaughlin noted her concern regarding the construction impact of the development and noted that the streets were already impossible to navigate. Ms. McLaughlin stated her desire to see some of the property remain open space.

Commissioner Scott noted her concern regarding the grading of the property.

Ms. McLaughlin noted that she was not certain of the exact grading, but that the streets were extremely steep and had caused a great deal of difficulty in the winter.

Chairperson McDonough noted that there were some comments to submit for the record from Lewis Downey, 634 North West Capitol Street, in opposition to the petition. Mr. Downey noted his

disapproval of a homogenous subdivision as well as his belief the developer had not included data analyzing the projects impact on the streetscape north of Clinton Avenue.

Donna Deyhle, 637 North Victory Road, spoke in opposition to the request. Ms. Deyhle noted that the application had been turned down by the Historic Landmarks Commission, and that the application was within an established Historic neighborhood and while Ms. Deyhle was not opposed to the parcel's development, she was opposed to this particular request for a subdivision with it's high density.

Chairperson McDonough invited the applicant forward to respond at 7:31 p.m.

Mr. Jones noted that the traffic study done had not been required by the City. Mr. Jones noted that the parking issue would be mitigated somewhat by the parking acquired, adding that each home would have a two car garage and two off-street parking spaces facing Darwin Street. Mr. Jones stated that it was true that the issue of density was a driving motivator in development. Mr. Jones noted that the density had been reduced over time from twenty-two twin homes to seventeen single family dwellings. Mr. Jones noted that the property was extremely narrow and that they couldn't place any homes on either side of the Darwin Street extension and meet all of the required setbacks as well, due to the narrow nature of the lot.

Commissioner Scott noted her concern regarding the extremely low setback lengths and the proposed two car garages with two car driveways.

Mr. McDonough noted that the measurements were taken from the corner of the property lines, and that the lots themselves were skewed to make the driveways possible, and that they would fit two cars.

Commissioner De Lay noted someone had commented that Clinton would go through to Darwin Street, and that this did not appear to be true, that it was in fact a drainage ditch.

Mr. Roberts noted that it was platted to eventually continue on to Victory or Darwin, however, the City had long since vacated the extension and the possibility of developing the steep slope.

Chairperson McDonough inquired how many lots were under the 5, 000 sq ft lot size requirement.

Mr. Jones noted that there were eleven homes under the 5,000 sq ft lot size minimum.

Commissioner De Lay stated that everyone had mentioned their concern regarding the traffic. She stated that this neighborhood was on a very steep hill and felt that the concerns of the public were valid. She noted her concern regarding what could be done to mitigate the perceived traffic issues.

Mr. Jones noted that they were willing to install a fire gate or speed bumps as well as widening Darwin at its mouth leading into the development. Mr. Jones noted that the road would be widened slightly along West Capitol on the south side of the development which might help mitigate some of the issues in that area.

Commissioner De Lay noted that one of the requirements was also to place "No Parking" signs on one side of West Capitol on the side of the development.

Commissioner Scott stated that it was her understanding the retaining wall would be four feet (4') in height but inquired how deep the step in the retaining wall would be.

Casey McDonough stated that the step in the retaining wall would be five feet (5').

Commissioner Muir noted that a Planned Development allowed the Commission to judge the balance between benefits to the Community and those offsets which were exceptions to the

absolute enforcement of the Zoning Ordinance, and wished to know from the applicant what he felt those amenities or offsets were.

Mr. Jones noted that there was a pocket park originally proposed in the development, but there was concern by the neighbors that it might become a parking area and there was mixed feedback regarding what the Community would like to see. Mr. Jones noted that the proposed stairway was meant to create pedestrian access within the neighborhood, because it is a community in which people enjoy walking.

Mr. Roberts noted that the request was not for the highest density possible, but for single family homes.

Chairperson McDonough closed the public hearing at 7:52 p.m.

Vice Chairperson Wirthlin noted that clearly traffic was an issue to all residents present at the public hearing. He asked Kevin Young to comment on how the traffic impact might be mitigated.

Mr. Young noted that every development would bring traffic concerns and that cut-through traffic traveling north from Davis County on I-15 was a big concern in the community as a whole. Mr. Young stated that planned improvements for I-15 would likely improve this situation quite a bit, but was years away. Mr. Young stated that there were no particularly easy solutions for the area.

Commissioner De Lay noted that this was not regular development and that West Capitol was one of the most non-navigable and notorious streets in the City.

Mr. Young noted that a study had previously been done of the area and indicated that the streets could handle the amount of predicted traffic increase.

Commissioner McHugh stated that a compromise might be necessary to alleviate the situation, and that people may need to give up on-street parking altogether, however, that would not be a realistic solution.

Chairperson McDonough stated that there were preexisting conditions in this case which were difficult to deal with, but the additional impact is not a breaking point, although it may be slightly worse.

Commissioner De Lay noted that she would still like to know how even the slight increase in traffic might be mitigated.

Mr. Young noted that the applicant could not install speed bumps, and that 'worse' was a subjective term, meaning it could imply one car or one hundred. He stated that there was nothing from a Transportation Division viewpoint that indicated the impact would be so great that the development could not happen.

Commissioner Chambless noted that things could get worse, and that the fact that the property had not been developed up until now indicated to him that there were some inherent flaws with the property to begin with.

Chairperson McDonough noted that the Commission had a proposal before them that was theoretically developable, and while problematic, the request had not been deemed impossible, and the traffic problems would not be solved by not allowing the development of this parcel, but was rather an issue of the major arterials in the area. She noted that the City needed to solve the problems regarding Victory Road, but the Commission would not find a way to solve the larger issue within these parcels of property either way.

Commissioner Woodhead noted that the average of estimated vehicular trips indicated in the developer's study seemed particularly low.

Mr. Young noted that the average was determined according to a book entitled *Trip Generation* which was comprised of studies done throughout the country, and the actual number of trips might be higher or lower, however, there would be no hard and fast evidence regarding future trips. Mr. Young stated that this instead, was a best guess.

George Shaw noted that it was clear that a problem with traffic existed in the area, and there were concerns based on density, however, the Commission should make a decision based upon the concerns and the perceived benefit to the community. Mr. Shaw noted that if the Commission felt that the potential benefits did not outweigh the perceived negative impacts to the Community, it had the right to reduce the overall density of the project.

Commissioner Muir noted that the staff report indicated the applicant was entitled to 19 units through the PUD process, however, as a straight subdivision, he wondered how many lots could be created.

Mr. Traugher noted that a theoretical traditional subdivision was not analyzed in the planning process.

Commissioner Muir noted that in any case, there would be more than five lots, and that the applicant probably had enough property to legally subdivide twelve or thirteen lots. He noted that the Planning Commission's role was then to decide what the Community gained by the additional four or five homes proposed in this petition. Commissioner Muir stated that all improvements to West Capitol which the applicant had suggested had been rejected, and noted that they would have to impose ways to mitigate the perceived negative impacts if rejecting certain aspects of the petition.

Commissioner Scott noted that she felt the development was not in tune with the Capitol Hill Master Plan standards and that the neighbors seemed to be justifiably concerned considering over half of the proposed units would not meet the minimum lot size requirements.

Commissioner McHugh noted that all garages would face Darwin and therefore, West Capitol traffic would be at least partially preserved.

Commissioner Woodhead noted her concern that the applicant did not seem to offer enough benefits to the community at large, however, did not know how it could be addressed.

Commissioner McHugh noted that it was not quite a cookie cutter subdivision as some residents feared, and that at least was a benefit to the community, whether revisions were imposed or not.

Commissioner Muir noted that at the very least, this would be a net increase in housing, and that the City needed to accommodate growth. Commissioner Muir stated that there had been a great amount of discussion regarding transit-oriented development in the past, however, transit could not be sustained without density, it was a reciprocal relationship. He noted that a net gain of housing in Salt Lake City, as opposed to Ogden or West Jordan, was a great benefit, and rooftops helped to sustain the vibrant community already in place.

Commissioner Muir stated that there was a lack of visitor parking, and the problem with this particular configuration was that these were single family residences with two car garages and no easy access to transit, and no street side parking. He noted that in several Glendale developments, no one had anywhere to park. Commissioner Muir noted that the issue should be addressed.

Regarding Petitions 410-06-29 and 490-07-09, Commissioner De Lay made a motion to approve the Conditional Use Planned Development, based upon the testimony heard this evening, the findings of fact and the conditions as listed on pages twenty-four and twenty-five of the staff report:

1. The applicant shall satisfy and adhere to all the requirements as noted by the various City Departments and Divisions in the staff report.
2. Prior to the issuance of a building permit, final approval of the landscape plan shall be delegated to the Planning Director.
3. Consistent with the submitted preliminary plat attached to the report, the minimum street width shall be twenty-four feet (24'), sidewalk on one side, and thirty foot (30') right-of-way.
4. The overall perimeter side and rear yard setbacks are modified as shown on the attached preliminary plat.
5. A final plat is required.
6. A plat note shall be added to the final plat stating that access to each residence will be provided off of Darwin Street. No access shall be granted off of West Capitol Street.
7. A provision for a home owners association shall be implemented prior to recording a final plat to ensure the maintenance of all common areas in the development.
8. A final geotechnical report shall be approved by the Planning Director prior to final plat approval.
9. Final design of the residential structures is delegated to the Planning Director to be consistent with Historic Landmark Commission approval.

Commissioner McHugh seconded the motion. Commissioners Wirthlin, De Lay, McHugh, Muir and Woodhead voted "Aye". Commissioners Scott and Chambless voted against the motion. The motion carried 5-2.

Chairperson McDonough called for a five minute recess at this time.

Petition 410-07-07—a request by Beehive Telephone, Inc. to install a telecommunications tower in the designated telecommunication site, described in Zoning Ordinance section 21A.32.100, located at approximately 1727 North 200 West in an Open Space (OS) Zoning District.

(This item was heard at 8:35 p.m.)

Chairperson McDonough recognized Nick Norris as staff representative.

Mr. Norris reviewed the request for the Commission. Mr. Norris stated that this was a telecommunications tower to be located in the Open Space parcel on the side of Ensign Peak and primary access to the tower would be by a dirt road. Mr. Norris noted that there were already several communications towers located in this corridor and Mr. Norris noted that the idea was to concentrate the towers in as small an area as possible.

Chairperson McDonough opened the floor to Community Council and the public at 8:38 p.m.

Polly Hart, Capitol Hill Community Council Chair, noted that the Community Council supported the request unanimously, noting that it was the smallest tower on the parcel.

There was no one else present to speak to the petition.

Regarding Petition 410-07-07, Commissioner Scott made a motion to approve the request based upon the findings of fact, staff recommendation, testimony heard this evening and subject to conditions one through seven as listed on page seven in the staff report:

1. A professional engineer's stamp shall be provided on the construction drawings.
2. All cabling leading to antennas shall be placed within a conduit.
3. The utility pole, antennas, mounting and conduit shall be painted a flat color to match existing wood utility poles.
4. The Petitioner shall meet all applicable City, County, State or Federal requirements.
5. The conditional use approval shall be valid for a one year period unless a building permit is issued and construction is actually begun, or the use commenced within that period, or a longer time is requested and granted by the Administrative Hearing Officer.
6. That the petitioner replaces any damaged vegetation during the construction of the tower.
7. That the petitioner enters into a lease agreement with Salt Lake City Property Management prior to issuing a building permit for the facility.

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

Petition 410-07-09— a request by Anthony Christensen, represented by Kay Berger, to allow a conditional use for a place of worship at approximately 352 & 360 East, 300 South in a Residential/Mixed Use (RMU) Zoning District. The Church of The Living God proposes to occupy and utilize the existing buildings and parking on the site.

(This item was heard at 8:41 p.m.)

Chairperson McDonough recognized Casey Stewart as staff representative.

Mr. Stewart reviewed the request for the Commission. Mr. Stewart noted that the request was to reuse a church building as a church. Mr. Stewart noted that under the Zoning Ordinance, a church was a Conditional Use and therefore required review by the Commission. Mr. Stewart stated that the main concerns listed in the staff report were parking and traffic impact. Mr. Stewart noted that the congregation size was 123 members at this time and parking existed on site to support up to 150 members. Mr. Stewart noted that staff was recommending approval of the request subject to the three conditions listed on page six of the staff report.

Commissioner Scott inquired if there were alternative uses allowed with the Church conditional use such as a daycare or a meeting hall.

Cheri Coffey noted that several uses were considered allowable as auxiliary to a Church.

Commissioner De Lay noted her concern that the owners might start a day care or a drug rehabilitation center.

Ms. Coffey stated that depending upon the intensity of the use, the requests would be reviewed on an individual basis, noting that a drug rehabilitation center would be required to meet specific design criteria and would come before the commission for approval should such a request be submitted.

Commissioner Muir noted that there were liquor licensing proximity issues within one hundred and fifty feet (150') of a church, and inquired what this would mean for the existing structures with a liquor license in the area.

Ms. Coffey noted that the existing structure would not be considered a non-conforming use, however, any new structure requesting a license in the future might encounter difficulty. Ms. Coffey stated that the church would also have the right to waive those spacing requirements if it wished to.

Mr. Shaw noted that if the church were to run a business out of their location, the City would regulate that use, and there were lots of other uses which were allowed as intermittent and ancillary.

Chairperson McDonough invited the applicant forward to comment at 8:49 p.m.

Kay Berger, representative for the applicant, noted that the only changes required by the City related to the Americans with Disabilities Act, including Handicapped accessible parking stalls and ramps. Ms. Berger noted that the request was a perfect fit for the property and that she had entertained three offers from developers who had wished to demolish the structure.

Ms. Berger noted her confusion regarding condition number two within the staff report, noting that it seemed to state that the church would have to reapply every year in order to maintain their Conditional Use status as a church.

Commissioner De Lay noted that this was not true. She stated that the condition meant the applicant would have to move forward within a year to maintain the conditional use approval.

Commissioner Scott inquired what the auxiliary building on the property would be used for.

Ms. Berger indicated it might be used for Sunday school classes or a parsonage.

Chairperson McDonough opened the floor to Community Council and the public at 8:56 p.m.

There was no one present to speak to the petition.

Regarding Petition 410-07-09, a request by Anthony Christensen, represented by Kay Berger, to allow a conditional use for a place of worship at approximately 352 & 360 East, 300 South, Commissioner Chambless made a motion to approve the request based upon the findings of fact, testimony and subject to the conditions as listed in the staff report:

1. The Petitioner shall meet all applicable City, County, State or Federal requirements.
2. The conditional use approval shall be valid for a one year period unless a building permit is issued and construction is actually begun, or the use commenced within that period, or a longer time is requested and granted by the Administrative Hearing Officer.
3. The approved conditional use is directly tied to the successful sale of the property to a recognized church within the time frame established in condition #2 preceding; otherwise this conditional use approval shall be void.

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

Petition 400-07-03— a request by Jennifer and Zachary Parrish to vacate the entire alley that runs North/South between approximately Lincoln Street and 1000 East and Elm Avenue and Sugarmont Drive. The subject alley is located in the R-1-5000 (Single Family Residential) Zoning District.

(This item was heard at 8:58 p.m.)

Chairperson McDonough recognized Ana Valdemoros as staff representative.

Ms. Valdemoros noted that the request was to vacate an alleyway and that the alleyway had never been officially vacated but had also never been developed by the City. Ms. Valdemoros stated that several property owners had already developed portions of the alleyway, building storage structures on the land.

Commissioner De Lay asked if all abutting property owners had signed a form supporting the request.

Ms. Valdemoros noted that this was true.

Chairperson McDonough invited the applicant forward to speak.

Zachary Parrish, the applicant, was present to speak but noted that he had no further comments to add to the staff report.

Chairperson McDonough opened the public hearing to Community Council and the public at 9:01 p.m.

There was no one present to speak to the petition; therefore, Chairperson McDonough closed the public hearing.

Regarding Petition 400-07-03, Commissioner Scott made a motion to forward a positive recommendation to the City Council based upon the analysis and findings of fact, testimony of the applicant, and subject to condition number one as listed in the staff report:

1. The proposed method of disposition of the alley property shall be consistent with Section 14.52.020 Method of Disposition and Chapter 2.58 City-Owned Real Property of the Salt Lake City Ordinance.

Commissioner McHugh seconded the motion. All voted “Aye”. The motion passed unanimously.

UNFINISHED BUSINESS

There was no further business.

The meeting adjourned at 9:02 p.m.

Cecily Zuck, Senior Secretary