

PLANNING COMMISSION STAFF REPORT

Riparian Corridor Overlay District Zoning Text Amendment 400-07-18 City-wide November 14, 2007



Planning and Zoning Division
Department of Community
Development

Applicant:

Salt Lake City Corporation

Staff:

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Tax ID: N/A

Current Zone: Varies

Master Plan Designation: All

Council District: All

Acresage: N/A

Current Use: Varies

Applicable Land Use

Regulations:

Section 21A.34.050 LC Lowland
Conservancy Overlay District
Section 21A.34.060
Groundwater Source Protection
Overlay District
Section 21A.18 Variances

Attachments:

- A. City Comments, et al
- B. Open House Notice and
Comments from the
Public
- C. Memo Packet and
Minutes from
September 26, 2007
Planning Commission
Briefing
- D. Draft Riparian Corridor
Overlay ordinance
- E. Draft Lowland
Conservancy Overlay
ordinance revisions
- F. Council's ordinance
- G. Maps

REQUEST

On July 17, 2007, the Salt Lake City Council issued a moratorium and an ordinance enacting temporary land use regulations for non-ephemeral above ground stream corridors.

PUBLIC NOTICE

An Open House was held on September 25, 2007. The notices were mailed out on Sept 17, 2007. 72 people signed in, but closer to 80 actually attended. Their comments are summarized under Public Comments on page 2 of this staff report. Notices for the Planning Commission hearing were mailed out on October 30, 2007.

STAFF RECOMMENDATION:

The Planning Commission must transmit a recommendation to the City Council. Based on the findings of fact identified in this report, staff recommends that the Planning Commission make the following recommendations to the City Council: That the proposed Zoning Text Amendment is consistent with the Standards listed in the Zoning Ordinance (A - E). The Planning Commission recommend approval based on the following:

- A. The proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.
- B. The proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.
- C. The proposed amendment will not adversely affect adjacent properties.
- D. The proposed amendment is consistent with the provisions of any applicable overlay zoning districts, which may impose additional standards.

COMMENTS

A. Public Comments

An open house was held on September 25, 2007 because the text amendment affects multiple properties and throughout the City. In order to make sure there was sufficient notification to property owners, staff mapped a 150 radius from the centerline of each stream. The Utah Department of Environmental Quality, US Fish and Wildlife, Army Corps of Engineers and the Utah Rivers Council were also invited to attend the Open House. Seventy-two (72) signed in, however closer to eighty (80) showed up to participate at the open house. Staff was able to have discussions and get immediate feedback on concerns from property owners and participants. Staff provided copies of the temporary ordinance enacted by the City Council, the draft Riparian Corridor Overlay ordinance and draft changes proposed to the existing Lowlands Conservancy Overlay ordinance. Staff requested that participants submit written comments within the two weeks following the Open House. The main comments and responses are below. Additional written comments were received subsequent to the public open house. The majority of the written comments are in favor of some form of protection for the streams. All of the comments received are included in Attachment B of this staff report.

Q. Want a process within the City to obtain relief from the ordinance to expand structures or outdoor living because of terrain.

A. There may be some cases, in which strict adherence to the proposed Riparian Corridor Overlay District could create an undue hardship, due to peculiar circumstances of the site. If that is the case, a property owner should be allowed to go before the Board of Adjustment for a Variance. Issues that involve hardships are heard by the Board of Adjustment.

Under Section 21A.18 Variances in the Salt Lake City Zoning Ordinance - These procedures are intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this title (Title 21A. Zoning Ordinance) that create unreasonable hardships. Hardships are due to circumstances peculiar to the property. The Board of Adjustment will not consider issues that are self-imposed or economic. This issue has been addressed in the proposed draft ordinance.

Proposed requests must be routed by staff to the Director of Public Utilities for a recommendation as to whether the request is feasible and whether or not it will create negative impacts to the riparian corridor, the streams, or to other properties adjacent to the stream. In the case of the Jordan River additional review from the Utah Department of Natural Resources is also required, as they owned the streambed and are the regulatory agency that issues permits.

Q. Want to be able to maintain existing landscape features, vegetable gardens and ornamental trees.

A. Within Area "A" of the Riparian Corridor, natural/native vegetation is the best and least harmful way to stabilize the stream banks. Some types of gardening require grading (tilling of the soil) and the use of fertilizers and pest control chemicals are inappropriate so close to the stream.

Q. Want to be able to remove downed woody debris from storms without as needed permits.

A. During storm events, dead and woody debris can fall and block the stream flow or cause other damage. This material can be removed manually without detriment to the adjacent stream. This can also apply to the removal of man made debris. Selective pruning during non-storm events should be coordinated with the Urban Forester. This issue has been addressed in the proposed draft ordinance.

Q. Want the City and County Departments to follow the new ordinance as well.

A. It is important that public and private entities conform to the Riparian Corridor Overlay. In the future the City will have to investigate methods for detaining and routing storm water. However, development would not have been allowed adjacent to the stream. It would have been set back further allowing room for storm water detention. The City's urban areas have also developed without being required to handle the storm run-off on site. So the luxury of backing up to a stream has a city-wide cost environmentally. These concerns have been relayed to staff members of Salt Lake County Flood Control and Salt Lake City's Department of Public Utilities.

Q. Don't want open space behind our homes.

Q. Want open space connections within the neighborhood.

A. This ordinance is not advocating the acquisition of open space, nor does it relate to trail connections. This ordinance is related to the general health and viability of the streams in Salt Lake City and how all adjacent property owners need to share in that responsibility.

Q. Do I have to move my home, what if there it burns down?

A. The Riparian Corridor Overlay ordinance grandfathers all existing, legally permitted structures on site. The existing footprint of any structure can be retained for new construction. Provided that armoring of the stream bank is not required and there is no instability due to movement of the steep slopes, unstable soils or geological activity. In other words, a structure can be replaced in the exact same location as long as there are no changes to the ground so severe that it will no longer support the previous footprint.

Staff recommends that public/private entities with utility easements coordinate with Public Utilities and the Urban Forster before removing or pruning existing viable plant material along stream banks.

B. Planning Commission Briefing

On September 26, 2007 staff briefed the Planning Commission on the status of the project, as well as comments from the public open house. Prior to the briefing staff forwarded a memorandum to the Planning Commissioners requesting that they review the draft ordinances and come prepared to discuss them and provide any additional direction. Planning staff asked if the Planning Commission agreed with placing the Jordan River under the new Riparian Corridor Overlay District with the other streams in the City, and removing it from the jurisdiction of the existing Lowlands Conservancy Overlay District. As there are many conditional uses in the Lowlands Conservancy Overlay ordinance that are inappropriate for a more urban neighborhood area that is part of a community. Even though the Jordan River handles storm water, it should not be treated the same as the surplus canals.

Certain types of activities in the Riparian Corridor may be undesirable. Staff sought direction as to whether some activities in the Riparian Corridor Overlay, such as armoring stream banks, should be conditional uses. If conditional uses are listed within the Riparian Corridor Overlay ordinance, the Planning Commission would be required to consider methods of mitigation due to State law. Staff was also concerned since sections along each of these stream runs through urban residential areas that the City could reduce future negative impacts from incompatible additions and accessory structures in those neighborhoods that would also be placed too close to the banks of streams.

Planning Commissioners requested that staff create maps so that they could get an idea of the areas involved along the streams. They are included in Attachment G. The Planning Commissioners agreed with what was proposed in the memorandum from staff. However, they were not prepared to discuss the issues in detail at that time. The Planning Commission did not entertain any motions or vote on the issues presented. The minutes from the meeting are included in Attachment C.

Staff Analysis and Findings

PROJECT HISTORY

On July 17, 2007 the Salt Lake City Council issued a six month moratorium and an ordinance enacting “Temporary Land Use Regulations for Non-Ephemeral Above Ground Streambeds”. The purpose of this legislation, as stated, is to minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitat, as well as preserve aesthetic values of natural watercourses and wetland areas. (See Attachment F)

What is a riparian area/corridor and what does it do? A riparian corridor is the transitional area between flowing water and terrestrial ecosystems. Streams and their riparian areas make up the riparian corridor. Water quality and the overall health of the riparian areas are interrelated. Riparian corridors are important natural biofilters protecting aquatic environments from excessive sedimentation, polluted surface runoff and erosion. They support the highest level of biodiversity in this region. They supply shelter and food for many aquatic and terrestrial animals and provide shade which is important to regulating the temperature of streams. Riparian corridors are instrumental in water quality improvement for both surface runoff and water flowing into streams through subsurface or groundwater flow. Healthy riparian areas help to prevent the negative effects of urban development on streams. Some of the important functions of a riparian corridor include:

- Dissipation of stream energy, which reduces soil erosion and potential for flood damage;
- Traps sedimentation, which reduces suspended materials in the water and helps to replenish stream banks;
- Filters pollutants from developed areas and enhances water quality by means of natural biological filtration;
- Provides and improves wildlife habitat;
- Provides shading, which reduces changes in water temperature;
- Reduces erosion due to increased runoff in urban and suburban areas;
- Reduces flood potential.

Why is a riparian protection needed? The Riparian Corridor Overlay District is needed to improve the health, safety and welfare of inhabitants and uses along the City’s streams. Some of the benefits of protecting the riparian area are: the retention of native vegetation, reduction or elimination of the need for grading or armoring on stream banks and steep slopes. The City Creek, Emigration and Red Butte stream corridors are all located with the Primary and/or Secondary Recharge Area of the City’s Groundwater Source Protection Overlay Districts. As such, Riparian Corridor Overlay will provide additional protection for the City’s groundwater by restricting the encroachment of structures and hard surfaces into the riparian areas and by increasing the area along the stream banks for native vegetation.

What is being proposed? The Riparian Corridor Overlay District is proposed as a 100 foot wide buffer measured from the Annual High Water Level on either side of a stream. A standard and desired width by most experts would be 300 feet or more on both sides. However, the majority of the streams in Salt Lake City with the greatest potential for impact and greatest need for protection are located in extremely built up urban environments. Because of the close proximity of buildings to streams, there is a great deal at stake when it comes to flooding potential and slope stability as it affects these structures.

Staff has worked closely with Public Utilities and determined that a 100 foot wide corridor provides an area for sufficient oversight, as well as the continuation of a variety of urban uses. Because streams and other water

courses are dynamic, both vertically and horizontally, the Riparian Corridor Overlay District must be determined based on the profile of the stream as opposed to a plan view map.

The profile for a typical cross-section along a riparian area will mark the “No Disturbance Line”, which is measured 25 feet from the Annual High Water Level or AHWL. Between the AHWL and the No Disturbance Line, no disturbance to the existing soils or vegetation is allowed except for fencing and removal of debris. Slope stabilization through the planting of native vegetation, as well as the removal of invasive species would require approval by the Urban Forester and Public Utilities. This is to ensure that the methodologies and plant materials to be used are sound and will not cause new or additional impacts to the stream corridor.

The “Structure Limit Line” proposed is measured 50 feet from the AHWL. Between the No Disturbance Line and the Structure Limit Line, no structures except for those maintaining the existing footprint (as stated in 21A.34.130.C.1.b of the proposed RCO draft ordinance) may be built. This established the outer most limit where new buildings or expansions to existing structures could be constructed. No permit will be issued without the approval of the Director of Public Utilities or his designee. This is to ensure that the location and methodologies for construction are sound, and conducive to the type of soil and angles of the slope.

The Riparian Corridor is measured at 100 feet from the AHWL. Between the Structure Limit Line and the 100 foot Riparian Corridor boundary is where parking lots, leach fields and storm retention and detention basins and other such uses may be constructed. No permit will be issued without the approval of the Director of Public Utilities or his designee. This is to ensure that the location and methodologies are sound, and the type of soils or groundwater levels are conducive for the use. The Riparian Corridor Overlay District does not stop new development or prevent the expansion of existing uses. What it does is set up clear demarcation for what activities are appropriate the closer you are to the stream.

MASTER PLAN DISCUSSION

The City’s adopted master plans discuss to varying degrees the need for environmental protection with regards to: slopes and soil stabilization, habitat, flooding and liquefaction. Some of these plans also address issues regarding clean up and preservation of natural areas. Below is a partial list of issues identified in each of the adopted community master plans:

Avenues, 1987 – Foothill protection, slope stabilization and re-vegetation.

Central City, 2005 – Flood risk due to stream overflow, seismic fault zones and liquefaction potential

Capitol Hill, 2001 – Encourage environmental protection and clean up. Identify the community’s unique natural amenities, resources and settings designate natural areas to be preserved and improved as appropriate. Slope preservation.

East Bench, 1987 – Slope stabilization is a major concern. It is important to preserve the unique scenic beauty, environmental habitat, recreational use and accessibility of the Wasatch foothills.

Northwest/Jordan, 1992 – wetlands, Jordan River delta, Great Salt Lake, flood potential, high liquefaction potential

Sugar House, 2005 – maintain storm water and flood control within the Parleys Creek area,

West Salt Lake, 1995 –this area has a high water table with minimal sloping for positive drainage, the Mid-City Master Drainage Plan and the Westside Master Drainage Plan need to be reviewed and further implemented, high liquefaction potential

21A.50.050 Standards For General Amendments

A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City

Analysis: The various community master plans of Salt Lake City identify need for protection and stabilization of stream banks and areas containing steep slopes. They also identify the need for protection and preservation of the natural environment.

Findings: The Riparian Corridor Overlay will provide protection and stabilization along the urban streams, as well as an opportunity to protect, preserve and encourage enhancement of the natural areas along the streams. Therefore, the protection and preservation of environmentally sensitive areas within the City are to the benefit of all of the citizens of Salt Lake City regardless of their proximity to a specific stream corridor.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

Analysis: The existing character of the neighborhoods and areas varies along each of the streams. There are residential and non-residential uses. This zoning text amendment does not create a change in uses, but proposes to lessen the impacts of those uses on the streams.

Finding: The text amendment does not propose to change the underlying zoning of any of the sites adjacent to the any of the streams within the City. Therefore, the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

C. The extent to which the proposed amendment will adversely affect adjacent properties.

Analysis: The zoning is varied along each of the streams/creeks within the City. The goal of the proposed new Riparian Corridor Overlay ordinance is to reduce impacts to streams/creeks from the adjacent properties.

Findings: By creating this new Riparian Corridor Overlay, the City is taking action to protect the streams and wetlands for the health safety and welfare of the general public from the potential activities that can and have occurred on adjacent properties. The Riparian Corridor Overlay will help to reduce property damage to downstream owners caused by actions that can change the flow and velocity of water within streams. Therefore, the proposed amendment will not adversely affect adjacent properties.

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts, which may impose additional standards.

Analysis: Of the five City streams, City Creek, Emigration and Red Butte are all located with the Primary and/or Secondary Recharge Area of the 21A.34.060 Groundwater Source Protection Overlay Districts. The Riparian Corridor Overlay will provide additional protection for the City's groundwater by restricting the encroachment of parking lots which will reduce the potential for petroleum products running off of hard surfaces and into the stream. Increasing the area along the stream banks for native vegetation will provide a filtering system for storm run-off, as well as reduce opportunities for fertilizers and other chemicals to enter the streams within the primary and secondary groundwater recharge areas.

In order to eliminate conflict between the proposed Riparian Corridor Overlay and the Lowland Conservancy Overlay, staff recommends that the Jordan River be removed from the jurisdiction of the 21A.34.050 Lowland Conservancy Overlay District and include it in the proposed Riparian Corridor Overlay District. The Lowland Conservancy Overlay District has different setbacks from those proposed

in the Riparian Corridor Overlay and contains permitted and conditional uses which are inappropriate for the streams located in a more urban environment. The Lowland Conservancy Overlay District would provide oversight, as it does now, for the surplus canals, wetlands and creeks located west of Interstate 215. The Riparian Corridor Overlay would provide oversight for the rivers, streams, creeks and wetlands located in the more urban core of the City, east of I -215.

Findings: The Riparian Corridor Overlay District will reinforce the intent of the Groundwater Source Protection Overlay Districts. Including the Jordan River with the other urban streams east of I-215 there will not be consistency within neighborhoods on the types of allowed activities and required setbacks. Therefore, the proposed amendments are not in conflict with the provisions of other overlay zoning districts, which may impose additional standards.

E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

Analysis: Staff requested input from pertinent City Departments and Divisions, as well as County agencies. Comments were received from the departments of Airports, Transportation, Public Utilities, Engineering, Zoning Enforcement, Public Services, Urban Forester, Parks and Permits.

The Salt Lake City International Airports Department wanted the distinction made between the streams and wetland west of Interstate 215 and those to the east. Encouraging wildlife habitat west of I -215 can directly affect the function and safety of the existing Salt Lake City International Airport. Also, the Airport requires flexibility with the placement of fencing and structures for issues of aviation safety and Homeland Security. The Comments from the airport were noted and addressed in the draft Riparian Corridor Overlay ordinance.

The Salt Lake City Urban Forester stated that to date they have only provided review services as requested. On a regular basis they work with property owners, City Departments and non-profit organizations with planning, tree inspection, pruning, removal, planting and emergency response related to breakage caused by storms. They are interested in natural regeneration of trees by means of cuttings, seeds and coppice sprouts.

Utah Department of Natural Resources (DNR) supports the City's efforts to improve the Jordan River corridor. They further stated that they claim ownership of the Jordan River stream bed and that all projects impacting the bed of the river requires a permit and approval by DNR.

Salt Lake County Public Works, Water Resource Planning & Restoration Manager stated that the proposed ordinance is needed for a variety of environmental reasons and is consistent with the Salt Lake County Watershed Water Quality Stewardship Plan currently being developed. They are interested in working with the City to target areas needing stabilization.

All other City Departments determined that they did not have specific issues at this time or the new ordinance did not affect how they conduct the business of the City. All of the comments received are included in Attachment A of this staff report.

Findings: Comments have been provided by pertinent City Departments and Divisions, as well as other County and State agencies. The Urban Forester is already performing the oversight duties outlined in the draft ordinances. However, the Riparian Corridor Overlay ordinance will provide them with oversight to review plans, plant materials, and methodologies that are inappropriate within the riparian areas.

The Airport's concerns on the encouragement of wildlife habitat and inclusion of all streams, wetlands and surplus canals have been addressed by in the Riparian Corridor Overlay draft. The Riparian Corridor

Overlay will serve those water bodies east of I-215 and the Lowland Conservancy Overlay will continue to serve the surplus canals and other water bodies west of I-215. This way the City can provide greater protection along the Jordan River without impacting the functions of the Airport. None of the other departments or agencies provided any objection to the petition.

Salt Lake County is currently working on their Water Quality Stewardship Plan. Once that document is finalized it will provide new information and recommendations that could be incorporated into this ordinance. Therefore, the proposed ordinances do not impact the adequacy of public facilities and services.

ATTACHMENT A

ATTACHMENT B

ATTACHMENT C

ATTACHMENT D

ATTACHMENT E

ATTACHMENT F

ATTACHMENT G

DRAFT

21A.34.130 RCO RIPARIAN CORRIDOR OVERLAY

A. Purpose Statement. The purpose of the Riparian Corridor Overlay is to minimize erosion and stabilize stream banks, improve water quality, preserve fish and wildlife habitat, moderate stream temperatures, reduce potential for flood damage, as well as preserve the natural aesthetic value of streams and wetland areas of the City. This overlay provides protection for all stream corridors and wetlands east of the Interstate 215 Highway and includes City Creek, Red Butte Creek, Emigration Creek, the Jordan River and Parleys Creek and their tributaries. Canals and irrigation ditches are not included. The requirements of this District shall supplement other applicable codes and regulations, including State and Federal regulations and the Salt Lake City Floodplain Ordinance.

B. Delineations:

Boundaries and Delineations shall be performed by a licensed professional Civil or Hydraulic Engineer, Landscape Architect, Hydrologist, Fluvial Geomorphologist or equivalent environmental science professionals. All delineations are subject to the approval of the Public Utilities Director.

The Riparian Corridor shall be delineated at the annual high water level on the bank taking into consideration the characteristics of the surrounding area. Where the annual high water level cannot be found, the top of the channel bank may be substituted under the approval of the SLC Public Utilities Director or his designee. The Army Corps of Engineers must approve wetland delineations prior to submittal to the Public Utilities Director. If a wetland occurs within and extends beyond the 100 feet or the Riparian Corridor, the outermost edge of the wetland will determine the outer edge of the Riparian Corridor.

C. Minimum Setbacks for New Construction, Additions and Accessory Structures.

The following minimum setbacks shall be required within the Riparian Corridor:

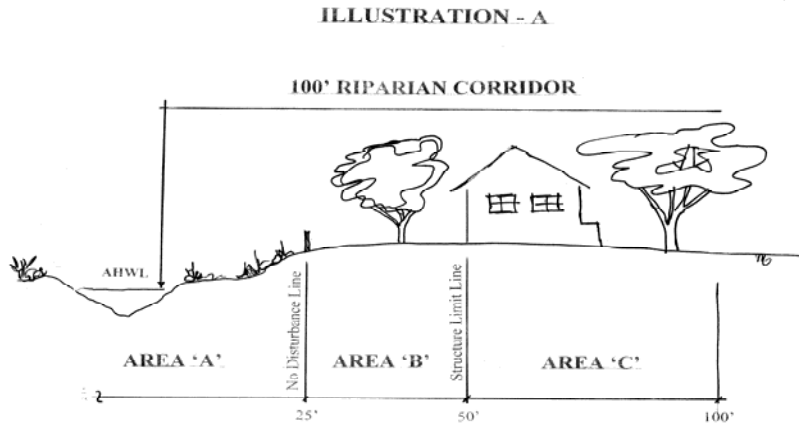
1. **Riparian Corridor** is a one hundred (100) foot transition buffer measured from the Annual High Water Level of the adjacent water course and/or wetland. No leach fields, storm water retention ponds, detention basins or commercial parking lots shall be located within the Riparian Corridor. Permitted activities and the responsible agency are listed in 21A.34.131 Table Of Permitted Activities Within the Riparian Corridor and 21A.34.132 Illustration - A. No person/organization shall engage in any activity that will disturb, remove, fill, dredge, clear, destroy, armor, terrace or alter this area through manipulation of soil vegetation, or other material except by authorization from 1) Salt Lake City Public Utilities Director, 2) U.S. Army Corps of Engineers where and when applicable.

a. **No Disturbance Line** is measured twenty-five feet (25) from the AHWL. This is the outermost limit that prohibits disturbance of any kind. No fencing shall be closer than twenty-five (25) feet horizontally to the annual high water level. Planting beyond this point must be native non-invasive vegetation and must be approved by the Public Utilities Director and the Urban Forester.

b. **Structure Limit Line** is measured fifty feet (50) from the AHWL. This delineates the limit where any type of construction (landscape walls, additions, accessory structures or new development) can occur. (See sections 21A.34.131 and Illustration -A)

2. The foot print of any existing structure can be retained for new construction, as long as armoring of the stream bank is not required, there is no instability due to movement of a steep slope, unstable soils or geological activity along a fault has not occurred and caused changes to the ground that are so severe it will not support the previous structural foot print.

3. If the Riparian Corridor Overlay District creates an undue hardship on a property due to unforeseen application of this title, the property owner may go before the Board of Adjustment for a Variance. All variance requests must be reviewed by the Director of Public Utilities for recommendation to the Board of Adjustment. (See Section 21A.18.010 Variances)



21A.34.131 Table of Permitted Activities Within The Riparian Corridor Overlay District			
Use	Area A	Area B	Area C
All leach fields, storm water retention ponds, detention basins and parking lots			
New principal buildings, additions and accessory structures			X
Walls			X
Wooden or metal chain link fencing		X	X
Decks with footings Maximum 18" above grade		X	X

Patios (slab/pavers on grade)			X
Site grading			X
Minimal grading, surface vegetation, vegetable gardens		X	X
Manual removal of storm debris by property owner	X ²	X	X
Pruning or removal of trees along utility easements	X ¹	X	X
Compost from yard debris		X ²	X ²
Removal of invasive plants or re-vegetation projects	X ¹		

Area A – is located by measuring from the AHWL 25 feet to establish the No Disturbance Line. In this area no structures or fencing are allowed and the planting or removal of vegetation must be approved by the Urban Forester and Public Utilities. (Section 21A.34.130.H Riparian Plan);

Area B – is located between the 50 foot Structure Limit Line and the 25 foot No Disturbance Line, minimal grading, fencing and surface vegetation is allowed;

Area C – the outermost area of the Riparian Corridor at 100 feet from the 50 foot Structure Limit Line. In this area structures, major site grading and ornamental plants are allowed.

D. Steep Slopes and Soil Stability Standards. The Public Utilities Director can require a geotechnical report and impose greater setbacks for structures or buildings from the Structure Limit Line to ensure safety. Proposed projects will be reviewed on an individual basis. When unstable soils are suspected regardless of the slope, the Public Utilities Director may require a geotechnical report, increase the No Disturbance Line as well as impose greater setbacks for structures or buildings from the Structure Limit Line to ensure safety. Proposed projects will be reviewed on an individual basis.

E. Riparian Plan Standards. In addition to the standard drawings for permit review, a Riparian plan shall also be submitted for review by the Public Utilities Department. An applicant must have a Development Plan approved by the Public Utilities Department (and the Urban Forester for plant material) before a permit can be issued.

1. Plans shall be at a scale of 1"= 20' minimum. Sections requiring a horizontal and vertical scale shall be equal (example: Horizontal 1"=10', Vertical 1"=10').
2. All site plans shall have existing and proposed grades with two (2) foot contour intervals.
3. Native vegetation should be identified by location, type and size. The proposed removal of invasive vegetation must also be identified.
4. Cross section drawings showing the riparian corridor, building setbacks and location of proposed structures.
5. 100 year flood plain, geological faults, high liquefaction areas and slopes 30% or greater must all be identified.

6. The applicant shall also submit any geotechnical or hydrological reports required as determined by the Public Utilities Department.
7. Habitat of any threatened or endangered species of aquatic and terrestrial flora or fauna shall be identified on the plan.

F. Definitions.

1. **Annual High Water Level (AHWL)** - Annual high water level means the highest level water reaches annually, on average on the shore and is identified by: fresh silt or sand deposits, the presence of litter and debris, or other characteristics indicative of high water levels.
2. **Armoring** – A protective covering of a stream’s bed or banks with erosion-resistant material such as rock, concrete or stone filled gabion baskets. Armoring increases the stream flow velocity, which causes further damage on opposite down stream banks. Armoring can increase water temperatures, which affects riparian habitat and water quality.
3. **Stream** – A flowing body of water confined within a defined bed and banks. Streams may have continuous or periodic flow. Streams are important as conduits in the water cycle, instruments in aquifer recharge, and corridors for fish and wildlife migration. Stream is also an umbrella term used in the scientific community for all flowing natural waters, regardless of size (brook, creek, kill, rill, or run). Streams include intermittent or seasonal waterbodies, which exist for long periods, but not all year round They do not include Ephemeral creeks, streams, rivers, ponds or lakes that only exists for a few days following precipitation or snowmelt.
4. **Wetland** –Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands must be delineated by the Army Corps of Engineers (ACOE).

DRAFT CHANGES

21A.34.050 LC Lowland Conservancy Overlay District:

A. Purpose Statement: It is the purpose of this District to promote the public health, safety and general welfare of the present and future residents of the City and downstream drainage areas by providing for the protection, preservation, proper maintenance, and use of the City's watercourses, lakes, ponds, floodplain and wetland areas. The requirements of this District shall supplement other applicable codes and regulations, including State and Federal regulations and the Salt Lake City Floodplain Ordinance.

B. Lowland Protection Areas: Areas protected by the LC Lowland Conservancy Overlay District encompass areas consisting of waterbodies such as streams, lakes, ponds and wetlands **west of Interstate 215**, as identified on the Zoning Map, and also ~~the Jordan River and~~ the Surplus Canal. These areas are referred to herein as lowland protection areas.

C. Lowland Protection Area Standards:

1. Setback Required: A nonbuildable setback area around the waterbodies described in subsection B of this Section above shall be required. The nonbuildable setback shall be fifty feet (50') for nonresidential uses and twenty five feet (25') for residential uses from the boundary line of the LC Lowland Conservancy Overlay District as identified on the Zoning Map, or from the banks of the ~~Jordan River or~~ Surplus Canal.

2. Permitted Uses: No development or improvement to land shall be permitted within the limits of a waterbody. Within the setback area identified in subsection C1 of this Section, permitted uses shall be limited to the following, subject to the other requirements of this District.

a. Agricultural uses, provided such uses are permitted in the underlying district and do not involve any grading, earthmoving, modification of site hydrology, removal of wetland vegetation or construction of permanent buildings/structures;

b. Open space and recreational uses that do not involve any grading, earthmoving, modification of site hydrology, removal of wetland vegetation or construction of permanent buildings/structures.

3. Conditional Uses: Within the limits of a waterbody, conditional uses shall be limited to those involving only limited filling, excavating or modification of existing hydrology, as listed below:

a. Boat launching ramps;

b. Swimming beaches;

c. Public and private parks including wildlife and game preserves, fish and wildlife improvement projects, and nature interpretive centers;

d. Boat docks and piers;

e. Roads and bridges;

f. Observation decks and walkways within wetlands;

g. Repair or replacement of existing utility poles, lines and towers; and

h. Watercourse relocation and minor modifications.

Within the setback area, conditional uses shall be limited to the following.

a. All uses listed above;

b. Stormwater drainage and detention facilities;

c. Pedestrian paths and trails; and

d. Public and private open space that requires grading or modification of site hydrology.

4. Natural Vegetation Buffer Strip: A natural vegetation strip shall be maintained along the edge of the stream, lake, pond or wetland to minimize erosion, stabilize the streambank, protect water quality, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen manmade structures, and also to preserve aesthetic values of the natural watercourse and wetland areas. Within the twenty five foot (25') natural vegetation strip, no buildings or structures (including paving) may be erected, except as allowed by conditional use. However, normal repair and maintenance of existing buildings and structures shall be permitted. The natural vegetation strip shall extend landward a minimum of twenty five feet (25') from the ordinary high water mark of a perennial or intermittent stream, lake or pond and the edge of a wetland. The natural vegetation strip may be interrupted to provide limited access to the waterbody.

Within the natural vegetation strip, trees and shrubs may be selectively pruned or removed for harvest of merchantable timber, to achieve a filtered view of the waterbody from the principal structure and for reasonable private access to the stream, lake, pond or wetland. Said pruning and removal activities shall ensure that a live root system stays intact to provide for streambank stabilization and erosion control.

5. Landscape Plan Required: A landscape plan shall be submitted with each conditional use permit application for development activity within the LC Lowland Conservancy Overlay District and contain the following:

- a. A plan describing the existing vegetative cover of the property and showing those areas where the vegetation will be removed as part of the proposed construction;
- b. A plan describing the proposed revegetation of disturbed areas specifying the materials to be used. The vegetation must be planned in such a way that access for stream maintenance purposes shall not be prevented **and should be reviewed by the Urban Forester**; and
- c. Such a plan shall be in conformance with the requirements of Part IV, Chapter 21A.48 of this Title.

D. State And Federal Permits Required: A conditional use shall not be granted unless the applicant has first obtained a section 404 permit from the Army Corps of Engineers and a stream alteration permit from the Utah State Department of Natural Resources, Water Rights Division, as applicable.

E. Conditional Use Standards: In addition to demonstrating conformance with the conditional use standards contained in Part V, Chapter 21A.54 of this Title, each applicant for a conditional use within the LC Lowland Conservancy Overlay District must demonstrate conformance with the following standards:

1. The development will not detrimentally affect or destroy natural features such as ponds, streams, wetlands, and forested areas, nor impair their natural functions, but will preserve and incorporate such features into the development's site;
2. The location of natural features and the site's topography have been considered in the designing and siting of all physical improvements;
3. Adequate assurances have been received that the clearing of the site topsoil, trees, and other natural features will not occur before the commencement of building operations; only those areas approved for the placement of physical improvements may be cleared;

4. The development will not reduce the natural retention storage capacity of any watercourse, nor increase the magnitude and volume of flooding at other locations; and that in addition, the development will not increase stream velocities;
 5. The soil and subsoil conditions are suitable for excavation and site preparation, and the drainage is designed to prevent erosion and environmentally deleterious surface runoff;
 6. The proposed development activity will not endanger health and safety, including danger from the obstruction or diversion of flood flow;
 7. The proposed development activity will not destroy valuable habitat for aquatic or other flora and fauna, adversely affect water quality or groundwater resources, increase storm water runoff velocity so that water levels from flooding increased, or adversely impact any other natural stream, floodplain, or wetland functions, and is otherwise consistent with the intent of this Title;
 8. The proposed water supply and sanitation systems are adequate to prevent disease, contamination and unsanitary conditions; and
 9. The availability of alternative locations not subject to flooding for the proposed use.
- (Ord. 26-95 § 2(17-4), 1995)

MEMORANDUM

451 South State Street, Room 406
Salt Lake City, Utah 84111
(801) 535-7757



Planning and Zoning Division
Department of Community Development

TO: Planning Commission
FROM: Marilyn Lewis, Principal Planner
DATE: September 26, 2007
SUBJECT: Petition #400-07-18 Riparian Corridor Overlay District

Planning Commission Input

Background/Introduction

On July 17, 2007 the Salt Lake City Council issued a six month moratorium and an ordinance enacting temporary land use regulations for non-ephemeral above ground stream corridors. The purpose of this legislation is to minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitat, as well as preserve aesthetic values of natural watercourses and wetland areas.

Included with this memo is a copy of the changes staff is recommending for the proposed zoning district Section 21A.34.130 RC Riparian Corridor Overlay District, which is the draft for the permanent zoning ordinance as directed by the City Council, as well as changes to Section 21A.34.050 LC The Lowland Conservancy Overlay District. While there will be some similarity with the two zoning districts, it is important to avoid conflict between them with regards to the Jordan River. There is also a copy of the original temporary ordinance.

Considerations

Staff is requesting direction from the Planning Commission on the draft zoning text amendments, before finalizing the analysis. Those specific issues are as follows:

Do you agree with placing the Jordan River under the new Riparian Corridor Overlay District with the other streams in the City, and removing it from the jurisdiction of the existing Lowlands Conservancy Overlay District?

Conditional Uses are listed in the Lowlands Conservancy Overlay District. However, we have determined that condition uses are not appropriate for the Riparian Corridor Overlay District. If you offer conditional uses you will have to accept them if mitigation is possible. Certain types of potential mitigation (for example armoring of stream banks) is undesirable and staff has listed it as a "prohibited activity". Since large sections along each of these streams runs through urban residential areas, it is staff's professional opinion that by not allowing special situations to occur the City can reduce future negative impacts from in-compatible additions and accessory structures placed too close to the banks of streams on smaller lots.

Please review the attached material and come prepared to discuss these issues with Planning staff.

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, September 26, 2007**

Present for the Planning Commission meeting were Acting Chair Mary Woodhead and Commissioners Peggy McDonough, Babs De Lay, Susie McHugh, Prescott Muir, Kathy Scott, Tim Chambless, and Robert Forbis. Chair Matthew Wirthlin and Commissioner Frank Algarin were excused from the meeting.

Present from the Planning Division were George Shaw, Planning Director; Doug Wheelwright, Deputy Planning Director; Nick Norris, Principal Planner; Nick Britton, Principal Planner; Lex Traughber; Principal Planner; Marilyn Lewis, Principal Planner and Tami Hansen, Senior Secretary. Also present were: Kevin Young, Transportation Planning Engineer.

A roll is being kept of all who attended the Planning Commission Meeting. Acting Chair Woodhead called the meeting to order at 5:45 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, Susie McHugh, Kathy Scott, and Mary Woodhead. Planning Staff present were: Doug Wheelwright, Nick Britton, and Lex Traughber.

APPROVAL OF THE MINUTES from Wednesday, September 12, 2007.

(This item was heard at 5:46 p.m.)

Commissioner McHugh made a motion to approve the minutes with noted changes. Commissioner Forbis seconded the motion.

Acting Chair Woodhead called for the question, Commissioners McDonough and McHugh abstained from the vote.

Acting Chair Woodhead stated that the motion would then need to be made by a Commissioner that was present at the September 12, 2007 meeting.

Commissioner Forbis made a motion to approve the minutes with noted changes. Commissioner Chambless seconded the motion. All in favor voted, "Aye", Commissioner McDonough and Commissioner McHugh abstained from the vote. The minutes were approved.

REPORT OF THE DIRECTOR

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

Mr. George Shaw noted that staff was in the process of rewriting and updating the Downtown Master Plan and would like to present the changes made to the Planning Commission during the October 10, 2007 meeting. He inquired how the Commission would like to give input on that plan and noted that one option would be to have a subcommittee look at the document before the meeting, or staff could give each Commissioner a copy and they could make individual comments.

Commissioners Chambless, De Lay, Woodhead, and Scott stated that they would like to volunteer for a subcommittee.

Mr. Shaw noted that staff would organize a time for the subcommittee to meet. He noted that there were also some text amendments to the zoning ordinance that staff would like to pursue and would like the Commissions support in. He turned the time over to Doug Wheelwright to explain more to the Commission.

Mr. Wheelwright stated that staff was dealing with a number of issues that rose from the community relative to specific development projects, which have raised ordinance interpretation questions and policy debates within the community. Relative to that staff would like the Commission to initiate four petitions, which would direct staff, and allow them to start working on some of these issues by studying potential ordinance text amendments that would be processed within the next 4-6 months. Mr. Wheelwright noted that these petitions were not detailed yet; however, such detail would be added through staff analysis, and through the approval process. These petitions would include:

- Study of restricting, non-conforming uses and expansions.
- Redefine side yard requirements relative to side entry buildings, amending the SR-1A zoning text relative to duplexes, and clarify distinctions between accessory uses and structures.
- Review standards and policies on residential unit legalizations.
- Review of the condominium conversion ordinance.

Acting Chair Woodhead and Commissioner McDonough stated the petitions seemed like a great idea and would like them initiated.

Mr. Wheelwright thanked the Commission.

OTHER BUSINESS

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

City Creek Center—a clarification of subsurface parking structures and subsurface structural pedestals for future buildings.

Mr. Shaw noted that this item was on a previous agenda and CCRI had come before the Commission to discuss this petition. Staff would like the Commission to clarify their decision before they receive the planned development submittal. He noted that staff had invited CCRI back before the Commission to give a visual and graphic presentation so they could make a reaffirmation of the original understanding of what they would and would not be doing permit wise before they submit the planned development. Mr. Shaw noted that CCRI would also give a conceptual timeline of when other items involving the development would come back before the Commission. Mr. Shaw noted that for the record CCRI would also like a motion made regarding the Commissions past decision before proceeding.

Acting Chair Woodhead invited the applicant to the table.

Mr. Mark Gibbons (President of CCRI) introduced Allan Sullivan (Council), Bill Williams (Director of Architecture), and Grant Thomas (Director of Construction).

Mr. Gibbons stated that staff had requested a timeline as to what additional matters regarding the development would be coming forward and at what time. He noted that CCRI was in the process of design elements that were outstanding at the time the original petition was brought before the Commission, He noted that these two key items included: the department store facades, and the pedestrian connector. He noted that during the month of October CCRI would be talking with staff regarding the department store façade issued, and in early November would then present those issues to the Commission. He noted that additionally CCRI would also address the conditions that the City Council enumerated as part of the pedestrian connector analysis.

Mr. Gibbons noted that in addition to addressing the two outstanding issues from before, they would also be addressing the list of conditions, and reintroducing the entire project plan and updating the Commission at that point. He noted that at that time CCRI hoped they would be able to move on from the early November timeframe to an expeditious conclusion of the planned development application shortly thereafter.

Mr. Thomas presented a power point presentation to the Commission that dealt with the items that CCRI was still searching for building permits on prior to the completion of the planned development approval. First, on the new Key Bank Tower remodel, the old Beneficial Tower, they are seeking permits for full retrofit of the lower seven (7) floors of that building, which would include removing some parking decks. Mr. Thomas noted that the building would be wrapped with a new façade, which would include an expansion and creation of a better lobby for this building; also, some new office space and a new entrance to the food court.

Mr. Thomas stated that other permits CCRI would be seeking included: the foundation work only for Towers 1, 6, and 7; and permits for the foundations for the four level parking structure on Block 76 only. All other permits for the project would be sought after the planned development approval.

Acting Chair Woodhead inquired if the Commissioners had any questions for CCRI, since there were none, she called for a motion.

Commissioner Muir inquired of staff the best approach for this motion.

Mr. Shaw noted that CCRI would still be coming back with the planned development, and the foundations seen tonight had not changed from what the Commission had reviewed previously on a number of occasions. Mr. Shaw noted that the Commission would only be reaffirming their decisions on what they had seen previously.

Commissioner Muir inquired if what staff wanted is to make sure the Commission was approving this development in phases.

Mr. Shaw noted that this was not a phase; the Commission had already reviewed height issues on these buildings, and as part of that, looked at locations etc and had made some changes to heights on some of the mid-block buildings as part of the conditional use.

Commissioner Muir clarified that it was an incremental approval.

Mr. Shaw noted that it could be looked at that way.

Acting Chair Woodhead inquired if there needed to be a public hearing regarding the approval of this.

Mr. Shaw stated that his understanding was that this was just a reaffirmation of what the Commission had already seen, staff just wanted to make sure it was clear and ready to move forward.

Commissioner Chambless noted that previously the Commission had talked about trying to be more creative with the roofs of these buildings 6 and 7, which were significantly lower than surrounding buildings and it seemed that there was no green area around the buildings.

Mr. Williams stated that Towers 6 and 7 were the thinnest buildings in the project and there are metal covered mechanical enclosures on the roof. He noted that to the east of Tower 7 there was a green roof at a lower level. He noted that after the mechanical penthouses and elevator shafts were built, there was not a lot of roof left over on top. The building adjacent to Tower 6 was an existing building and there were green roofs behind Tower 6 and 7, but CCRI is limited in space

as to being able to accomplish other green roofs. He noted that the shape of the mechanical penthouses would be sloped and include different textures, but that would be the extent of the roof beautification.

Commissioner Chambless noted that there was an opportunity to be creative and create something that looked environmental friendly and maybe would reflect the surrounding nature's art and landscape.

Mr. Williams noted that CCRI would look at the tops of the two towers and see if there were other scenarios to pursue.

Commissioner De Lay noted that this project was chosen as a special designation with LEED, so they would get LEED points for creativity with landscaping as well as environmentally friendly rooftops, therefore the Commission would like to see more design options regarding this. She inquired if this petition had been heard as a public hearing and had taken public comments; she did not want to see any future repercussions from not doing this portion of the petitions correctly.

Mr. Shaw stated that his understanding was that the Commission was just reaffirming what they had already approved initially. He noted that he was not sure if this was officially set as public hearing in the past, but there had been a lot of public comment.

Commissioner De Lay inquired if legally there needed to be a public hearing.

Mr. Shaw stated that he did not know if that was necessary.

Mr. Gibbons noted that within the D-1 Zoning, each of these uses was absolutely permitted and there were no variances. The foundations were being installed at the risk of CCRI, so if the Commission did not approve the foundations etc. than they would need to comply with what the Commission would approve.

Commissioner McDonough stated that she thought that what Commissioner Muir was getting at was the incremental approval that CCRI was proceeding with, but the question was, if the Commission did not hear this tonight there would not be a difference in the Commissions decision, so was it at CCRI's request that they received this motion or was it at staff's request.

Mr. Shaw noted that it was staff's request to come back because it was not clear in the minutes from the previous meeting.

Commission Muir made a motion to approve the clarification of the Commissions previous findings, and that the applicant can proceed with foundations of Towers 1, 6, and 7 the foundation of the parking structure foundation on Block 76, and the new Key Bank Tower remodeling on Block 75.

Commissioner Forbis seconded the motion.

Commissioner Scott suggested that the word 'foundation' be added after parking structure in the motion.

Commissioner Muir accepted that correction.

All in favor voted, 'aye', the motion passed unanimously.

Acting Chair Woodhead stated that she understood that there were a number of people present to speak for the UTA Light Rail alignment issues, and stated that there would not be a vote on

that issue tonight, but staff would be presenting additional information on the alignment at a later date and tonight's meeting would be used to gather additional public comment.

Mr. Shaw noted that initially it was thought that staff would be ready for a recommendation, which is why the petition was set as a public hearing; however, since that time based on the information gathered at the last meeting and other information submitted by UTA, the timeline was pushed back. He mentioned that on October 18, 2007 an open house for the public had been scheduled at the Fair Park regarding this issue.

Petition 400-07-18, Riparian Corridor Overlay—on July 17 the City Council enacted a moratorium and Temporary Land Use Regulations for Non-ephemeral Above Ground Streambed Corridors. Staff is working on drafts for the ordinance changes and seeks direction from the Planning Commission. No final recommendations will be made on this project at this meeting.

(This item was heard at 6:11 p.m.)

Acting Chair Woodhead introduced Marilyn Lewis as staff representative.

Ms. Lewis stated that staff would like direction regarding this petition, and copies of the draft ordinances had been given to the Commission in their packets prior to this meeting. She noted that staff had gathered comments from the public via an open house, and had made note of the conditions and opportunities that they would like to have included through either conditional uses or variances.

Commissioner Forbis noted that he did agree with this petition; however, would like some clarification in regards to the ordinance draft changes. He inquired about what the difference was between leaving in the language concerning the surplus canal and striking out the Jordan River.

Ms. Lewis noted that currently the Low Land Conservancy dealt with all of the surplus canals and a lot of lower areas west of I-215 and the Jordan River, so what staff wanted to do was include the Jordan River in with the new ordinance and take it out of the old ordinance, so that there were not conflicting district zoning issues.

Commissioner Forbis read from page 2 of the ordinance regarding adequate assurances that had been received, in section E part 3.

Ms. Lewis noted that the Low Land Conservancy was as it exists right now, and the only thing staff was proposing to do to that was to take out the Jordan River.

Commissioner Forbis noted that in the suggested final copy of the ordinance the arborist's involvement in the ordinance was non-existent.

Ms. Lewis noted that its exists in the ordinance currently involved conditional uses that allowed different activities to happen in that area, therefore staff was not proposing that the arborist take on that load.

Commissioner Forbis stated that he suggested that staff should involve the arborist.

Commissioner Scott noted that she would like Commissioner Forbis to further explain his suggestion.

Commissioner Forbis stated that in the draft there was an approval process for the City's arborist regarding trees and other landscaping features, but the draft changes to the Low Land Conservancy Overlay did not include that language, therefore he was suggesting that staff make that consideration in the document. He also noted that in both documents there was not language in regards to developments facing the river, and he felt that would help create a sense of

ownership, which tends to proliferate. He stated that if the businesses rear faced the river it would be more likely to throw waste into the back of the property that might bleed into the river; however, if there was a development that faced the river there was a tendency to take ownership of what was in front of them.

Ms. Lewis noted that there were not specific projects that were being reviewed at this time.

Commissioner Forbis stated that he was only suggesting language that would encompass a development accepting ownership of their placement along the river.

Commissioner Scott inquired about the public input that was received at the open house.

Ms. Lewis noted that many comments received involved people wanting to be able to remove debris without going through a process. They wanted to be able to pull debris out of the river and be able to expand their outdoor living areas; for example, decks and gardens. They also wanted some formal process that they could go through if they could not meet the requirements.

Commissioner Scott inquired about what would constitute an accessory structure in the area, and if this language would be followed up in the final ordinance.

Ms. Lewis noted that there would be a follow up of the language, and asked if the Commission would be okay with allowing decks in the non-buildable area.

Commissioner Scott inquired if a deck would be allowed in the 25-50 foot area from the river.

Ms. Lewis stated that it would not be because any building structure would be allowed only in the 50-100 foot area.

Commissioner McHugh inquired if staff was asking if a deck could go in that 25-50 foot area.

Ms. Lewis noted that was correct.

Commissioner McHugh noted that her thought was no, because then there would be an encroachment upon the non-buildable area.

Commissioner De Lay noted that this ordinance could be used to rethink building along the Jordan River. She inquired how this applied to State and Federal law.

Ms. Lewis noted that currently if you were going to do something in the stream itself, you would have to deal with the State.

Commissioner De Lay inquired, for example, if an applicant wanted to put in a mooring area for canoes; would that be allowed.

Ms. Lewis stated that would not be allowed.

Commissioner De Lay inquired if staff was working with State and/or Federal riparian laws.

Ms. Lewis noted that staff was making sure to not come into conflict with both of those, but the City did not have any regulation in regards to the other streams.

Commissioner Muir inquired of staff, what exactly they expected of the Commission tonight.

Ms. Lewis noted that staff wanted to know what the Commission would like to see included in the ordinance before it comes before them.

Commissioner Muir noted that he supported staffs two concerns. He stated that he did not think that conditional use should be part of the criteria, since there is no mechanism in managing them, and he agreed with the exclusion of the Jordan River.

Commissioner McDonough agreed with Commissioner Muir along with Acting Chair Woodhead.

Ms. Lewis noted that staff would take the information the Commission had given and do an analysis and before it was brought back before them for a hearing process. She noted that this was a moratorium so it was being moved at a very fast pace.

Commissioner McDonough inquired about background information more than just text and the ordinance in terms of studies conducted in the past or existing master plans.

Ms. Lewis noted that riparian, erosion, and storm water management issues have been briefly mentioned in different master plans and that this would involve different zones, which is why it is being considered as an overlay.

Commissioner De Lay noted that she would like a map of the area affected by this moratorium.

Commissioner Muir noted that the map should reflect the existing structures along with the underlying zones so the Commission could get a feel for how many non-compliant structures would be created.

Ms. Lewis noted that she was not sure how a map could be created, due to the size of the area.

Commissioner Muir noted that an aerial overlay would help to see the magnitude of impact on adjoining neighborhoods.

Acting Chair Woodhead noted that she did have one comment card from the public and invited Cindy Cromer to the table.

Ms. Cromer suggested different options regarding the Riparian Corridor Overlay for the Commission to review.

Anne Cannon (1647 Kensington Avenue) stated that she was in favor of this petition.

Mr. Shaw stated that obviously if this ordinance was passed it would affect a lot of private property, but it was not geared toward a specific property, and allowed the City to protect all of its private waterways.

ISSUES ONLY HEARING

Petition 430-07-01, Conditional Building and Site Design Review— a request by Red Mountain Retail Group for the general redevelopment of the western portion of the Granite Furniture Block in Sugar House located at approximately 2100 South and McClelland Street. This is an Issues Only hearing to consider and discuss the proposed mixed-use redevelopment. Public comment will be taken at this hearing; however no final decision will be rendered by the Planning Commission as a result of the discussion and public comment.

Petition 430-07-04, Conditional Building and Site Design Review—a request by Craig Mecham for the general redevelopment of the eastern portion of the Granite Furniture Block in Sugar House located at approximately 2100 South and 1100 East/Highland Drive. This is an Issues Only hearing to consider and discuss the proposed mixed-use redevelopment. Public comment will be taken at this hearing; however no final decision will be rendered by the Planning Commission as a result of the discussion and public comment.

(These items were heard at 6:31 p.m.)

Acting Chair Woodhead recognized Lex Traughber as staff representative.

Mr. Shaw gave a quick background surrounding these two petitions involving the Granite Block, and noted that there had been a process in place for several months, the applicants were working with staff, and there was a subcommittee involving some members of the Commission and Community Council about a month ago. He noted that input from the Commissioners should be geared toward what the Commission would like to see as far as additional information, since they would be reviewing this as a public hearing for a site plan review approval, and staff and the applicants were looking for specifics tonight as to what the Commission would like to see at a future date.

Mr. Traughber noted that the two petitions would be heard concurrently; the first filed by Craig Mecham of Mecham Management Corporation who is represented by Architectural Nexus. The second petition was filed by Red Mountain Retail Group, represented by the Richardson Design Partnership. Both parties were present at the meeting to represent their petitions.

Mr. Traughber noted that the developments located mainly on the Granite Furniture block, but several parcels were located on McClelland Street to the west of the block. He noted that these projects were being reviewed under the Conditional Building and Site Design Review process, which was adopted as part of the walkable community ordinance in 2005. Mr. Traughber stated that in the ordinance under Section 21A.260, it addresses the conditional building and site design review in the Sugar House Business District, which sets the parameters for projects that fall into this type of review.

He noted that the Building and Site Design Review Process, was essentially the same as the conditional use process, except staff and the Commission would be looking at different criteria, for example, the Commission would be looking at the building design as opposed to the land uses, which were allowed in that zone.

Mr. Traughber noted that the plans were currently not detailed and staff would like some direction from the Commission in order to instruct the applicant in those details. He noted staff was not requiring a motion at this time; however, they were looking for direction.

Commissioner De Lay inquired what Mr. Traughber meant when he said that demolition permits were pending.

Mr. Traughber stated that the demolition permits were submitted by Mr. Mecham in March or April, which were not issued, because there was a criteria in the ordinance by which the City was allowed to issue those. He noted that the request to redevelop the property did not specifically fit within the current criteria, so they were on hold. He noted that the criteria was that in order for demolition to occur a developer would have to have an actual building permit in hand for the redevelopment of the property, and if it is not in hand a landscaping permit would have to be issued and approved.

Mr. Shaw noted that the permits could have been issued, but in sitting down with the applicant and staff to discuss the timing of the permits, it was agreed that they would not go forward until the project was unveiled.

Commissioner De Lay inquired about the landscaping plans and if the Sugar House Business District required a plan.

Mr. Traughber stated it did not.

Commissioner McHugh inquired if there was not a requirement in the district, how was the applicant supposed to fulfill that, and stated that she was not comfortable with the vagueness of what actually was going to be built.

Commissioner Chambless inquired of Mr. Traugher how long staff had been dealing with these petitions and the Sugar House area.

Mr. Traugher noted that since about March, but he has worked with the Sugar House area since about 2003.

Acting Chair Woodhead invited the applicants to the table.

Eric Nelson (1234 East 17th Street, Santa Anna, California 92701), representative for Red Mountain Retail Group, which is primarily a retail redevelopment company that breaths new life into second and third generation shopping centers and office buildings. He stated that the original plan included a 30-40 percent demolition of the existing structures, and after several meetings and redesign only two percent of the original structures would be removed.

Mr. Nelson noted that Richardson Design Partnership was also present to answer architectural questions as needed. He stated that most of the tenants had vacated or would be vacating the area before demolition. He noted that the new site would exist on the footprint of the current structures. Mr. Nelson noted that within the block there was very little landscaping and the street did not offer much engagement for pedestrians, and part of the project would involve upgrades of both.

Mr. Nelson noted that on the A-1 building, the current retail showroom for Granite Furniture, and the existing warehouse area, is one of many buildings that required very little demolition and everything was being done to preserve it. He stated that the old Granite Furniture sign/spire would also be preserved.

Mr. Nelson stated that the existing loading docks should be used as storefronts and brownstone walkups and because they were located on the very southern end of the project it would be the perfect way to bookend the development with something creative, different, and exciting.

Mr. Nelson noted that the buildings were still preliminary in the design phase, but one of the ideas was that the McClelland Street access needed some street/pedestrian engagement.

Mr. Craig Mecham stated that there were four areas of the developer's proposal he would like to highlight for the Commission. First, the developers had chosen Architectural Nexus, located in Sugar House for approximately fifteen years, and who had strong ties to Sugar House. Second, the developers did not select them as the firm for the project until a revision of the master plan and zoning ordinance, which took an extended period of time to arrive at. Third, he came across a very unique photograph of the area in 1927 that he showed the Commission, and stated that he took this to the architects to review and incorporate into the development to retain the character and historical feel of Sugar House. Fourth, some members of the public had suggested that the developers should retain the structures on the property; he stated that that was taken very seriously and he had the structures analyzed. Mr. Mecham noted that there were a lot of inadequacies; many of the bricks mortar had deteriorated, the foundations of the building were large rocks that contained mortar that was basically sand now. He stated that the building was not stable; the parapet on top of the building was gone because these buildings were remodeled several times. He stated they also found that the brick columns that supported the building are about half the size they originally were.

Mr. Mecham noted that he invited some of the City Council members to come out and view the buildings and brought the City structural engineer. He noted that the engineer said the buildings were not structurally sound, safe buildings. He noted that he hired another structural engineer for

a third opinion, John Richards of Calder Richards, whose office was located in Sugar House. He stated that he also found the buildings to be in bad condition.

Mr. Mecham noted that regarding the application for demolition, they decided not to pursue the landscape aspect of it because they wanted the Commission to be able to follow the process through to the final result. He stated that this project would be a success and would strengthen the 24-7 environment, reduce graffiti activity, and raise property values in the area.

Jack Hammond (Senior Principle at Architectural Nexus) stated that this was a mixed-use project consisting of six levels of office on top of one level of retail at the street. He noted that the office tower was complemented by condominium housing developments, and there would be 500 parking stalls built over two levels, all of which would be included in Phase One of the project. He also noted that traffic would be routed to 1300 east or McClelland to stop causing traffic problems on Highland Drive.

David Castle (Architectural Nexus) noted that he felt this was a successful effort to create an icon within the community that would be pedestrian oriented. He noted that the materials of the project included: brick, recessed window areas, and a curtain wall on the office tower. He noted that the windows were recessed deeply and the crown molding was somewhat a modern interpretation of the historical style, along with an assortment of awnings. He noted that on the office tower the brick would be stretched through the project to the top of the building, and that the condominium project was a modern adaptation of the historical venue with detailing.

Acting Chair Woodhead invited both applicants back to the table and opened up the floor to questions from the Commissioners.

Commissioner McDonough inquired about height limitations.

Mr. Traugher noted that the zoning ordinance allowed 105 feet that had to be met through specific residential criteria, and mechanical screening could be an additional five. He noted that staff had not yet reviewed specific site plans, which was what staff was asking the Commission to give the applicants so they could start on that process review.

Mr. Mecham noted that the developers had taken that into consideration, but the structure itself was only 105 feet in height and they did not intend to ask for a variance, but rather to comply with what was allowed.

Jonathan Richards (Principal with Calder Richards Consulting Engineers, located at 2015 South 1100 East) noted that he did a brief walk through the buildings and stated that he felt that the buildings were really a hodgepodge of additions, and would not stand through significant seismic activity. He stated that it would be cheaper to rebuild and possibly replicate the facades than upgrade.

Commissioner McDonough stated that she felt that both projects appeared to have the potential to enliven the street; however, the office building at the corner would be placed at a current activity hub, and she wondered if the office building entry would stay on the corner of that.

Mr. Mecham noted that the entry would be in the center of the building, and he had envisioned activity in the form of dining with outdoor seating there.

Commissioner McDonough inquired if the developers intended to merge with small businesses in the area.

Mr. Mecham noted that he had already been contacted by local tenants and would like to see them welcome into the area.

Commissioner McHugh stated that it seemed like the vibrancy of the area would be cut off due to additional traffic in the area.

Mr. Mecham noted that the entrance for the office building parking would be located on the extreme west side of the proposed building and should not interfere too much with traffic; however, a traffic study would be completed before the site plans were finalized.

Commissioner Chambless inquired if the applicant had envisioned ingress and egress to still maintain walkability in the area.

Mr. Mecham stated yes, and there would also be two other areas where ingress and egress could occur, both of which were off of the street.

Commissioner Chambless inquired about the number of parking spaces.

Mr. Mecham noted that there would be approximately 500 plus included in the first phase to accommodate 74 apartments and approximately 300 in the second phase to accommodate about 60 apartments, which could be subject to change depending on how large the condominiums were. He stated that he felt parking was a very critical issue, and was really a serious element to address.

Commissioner Chambless inquired about the number of bedrooms in each condominium.

Mr. Mecham noted it would be two and three with emphasis on two.

Commissioner Muir stated that the Commission would discourage excessive parking, so he would suggest that the developers look at compatible utilization of parking between the office and retail, and inquired if service entries would be located in the back of the project.

Mr. Mecham stated they would be.

Commissioner Muir inquired if the developer intended on developing every component of the project and not outsourcing.

Mr. Mecham stated that was correct.

Commissioner Muir stated that there were concerns where there were types of complex mixed uses, that the Commission be involved with the project as a whole. He also stated that the Commission had no mechanism to use in insisting that the existing structures be kept one way or another, because this project was not in a historic district.

Mr. Mecham stated he was doing it as a courtesy to the community members that suggested they be kept.

Commissioner Muir inquired of Mr. Nelson of the side structure entrance, which seemed to be really close to the corner.

Mr. Nelson noted that Commissioner Muir was referring to an existing transportation area, meaning it was a dock that currently was being used by delivery trucks.

Commissioner Muir noted that the crosswalk between buildings A-1 and C-1 seemed to not work and it would make sense to bring that up to the round-about/valet parking zone.

Mr. Nelson agreed with that.

Commissioner Chambless noted that looking at the rails that come up to the property, he inquired if this could be a spur someday for light rail into Sugar House.

Mr. Wheelwright noted that was talked about on the field trip and the rail spur would be up to McClelland.

Commissioner Chambless noted that the area did exist over to the main corridor and would be a great option for light rail possibility.

Mr. Mecham noted UTA would like to take the light rail all the way up to 1300 East.

Mr. Nelson stated that UTA does have a rail easement that right now is shown as landscaping, and does extend to the eastern portion of the property that Red Mountain Retail owns. He stated that no one had yet come to a concluding solution to make that happen, but if there were plans for it they would definitely embrace it.

Mr. Wheelwright noted that Kevin Young from the City Transportation Division was present to make a comment regarding this subject.

Mr. Young stated that currently there was a study going on called the Sugar House Transit Line, which was looking at the 2100 South corridor and into this location, which currently ended along the warehouse building. He noted they were looking at different modes to bring the light rail as far as Highland.

Commissioner Forbis inquired of Mr. Traughber if he had seen the City structural engineer report and analyzed it.

Mr. Traughber noted that staff was not to that point yet.

Commissioner Forbis inquired if Mr. Mecham was following LEED certification throughout this project.

Mr. Mecham noted that was undetermined at this point, it was looked at, but a decision has not been made.

Commissioner McDonough inquired of Mr. Young what the impact to the intersections at Highland Drive, 2100 South and even 1300 East and 2100 South would be, and if he anticipated the zoning change would disrupt the level of traffic.

Mr. Young stated that in this area the development and effects should be looked at as a whole and Fehr and Peers Associates Inc. would be reviewing that. He also stated that this is the first time he has seen plans for this area and looked forward to reviewing the development.

Acting Chair Woodhead announced a five minute break at 7:56 p.m.

The meeting reconvened at 8:05 p.m.

Acting Chair Woodhead opened the public portion of the hearing.

Phillip Carlson (Sugar House Community Council Chair) introduced Judy Short of the Community Council.

Judy Short (862 Harrison Avenue) stated that the Community Council had reviewed the Red Mountain Retail proposal. She noted that in general most of the comments from the public were favorable, and the developers had done a good job keeping the development within the scale of Sugar House. She noted that she felt local businesses would not be included in this development

and that members of the community were concerned about how much traffic would be generated by this project. She noted the Mr. Mecham had presented a thoughtful design and his building designs echoed what Sugar House was, but there were concerns about traffic and parking.

Commissioner De Lay asked if the Community Council had done their own studies of traffic and inquired where they would have traffic connections to and from the project.

Ms. Short noted that she would not build the development as tall, and noted that maybe the traffic could travel down McClelland and then Sugarmont.

Members of the public that agreed with the development; some of their comments included: The block is rundown and is in need of a makeover, this would breath new life into the area, and would clean up current crime and graffiti in the area

John Gardiner (1073 East 2100 South)
Joy Bossi (4499 West 5570 South Kearns, UT 84118)
Jim Johnson (5122 South Cottonwood Ct.)
Bill Puder (3084 East 3300 South)
Maureen and Dany Tremblay (932 East Elm Avenue)
Russ Callister (4683 Kelly Circle)
Ken Bonner (372 E Hillside Drive)
Mike Hanson (2200 South Highland Drive)
Jonathan Richards (2015 South 1100 East)
Derek Payne (1034 East Hollywood Ave)
Jerry Gurr
Pattie DeNunzio (653 East Milton)
Stephen Benjamin (1112 South 800 East)
Richard Narkosian (764 Wilson Avenue)
Barbara Green (2005 South 1100 East)

Members of the public that disagreed with the development included, stating that it would change the character of the neighborhood, small businesses would not be able to afford to be in the area, and Sugar House would loose it's unique small town feel.

Amy Barry (1178 Ramona Avenue)
Susan Petheram (2260 Lake Street)
Kathleen Hill (1138 East 400 South)
Christian Nielsen (2140 Berkley Street)
Rawlins Young (2135 South 1900 East)
Bob Evans (Sugar House)
Brent Bowen (1544 Garfield Avenue)

Members of the public that disagreed with the development because it will bring more unwanted traffic into the area:

Sarah Woolsey (1027 East Hollywood)
Cindy Bur (940 East Bryan)
Todd Cameron (1000 East Hollywood Avenue)

Commissioner McHugh inquired of staff if when it was said the residential component was not on "site", did "site" mean the building or the whole development, because if site was the building then they were too tall.

Mr. Traugher noted that section of the ordinance was written for different options in obtaining a mixed-use development pattern, for example, the mixed-use could be in one building, or the uses

could be split, but it would have to be within the Sugar House Business District Zoned area; and site would mean the zone parcel.

Acting Chair Woodhead closed the public hearing portion.

Commissioner Scott inquired of the developers when they would be able to provide staff with detailed site plans and elevations of the project.

Mr. Nelson noted it would be approximately 3-4 weeks.

Commissioner Scott inquired of Mr. Nelson how he felt about shared parking in the area.

Mr. Nelson noted it was a great idea; however, it was his experience that it would depend on the zoning of the parking and how that was applied, to prevent a situation where one land owner was burdened more than another. He noted there were plans to mitigate traffic in the area, which might include providing only one parking stall per residential unit and having the residents purchase another spot if they had two cars to discourage having multiple parking stalls.

Commissioner Muir reemphasized that a great mitigation to traffic concerns was through transit and multimodal access to it, and suggested that UTA come forward and catch up to this development process. He also inquired if the Commission would be initiating a parking plan, because he noted the applicants were vested and therefore would not be subject to the results of that. He noted that yes it needed to be done, but in a comprehensive way, looking at all transit and parking issues; however, the developer cannot be held subject to that.

Mr. Mecham noted that there were two issues identified through the public comment, first, traffic, which he noted they would be studying to find the best solution. Second, parking, which he stated that three fourths of the Granite Block would be parked underground and there would be ample parking for everyone.

Commissioner De Lay required clear comments from the Hidden Hollow development, and a map of the trail and creek that go through the development. She noted that from the developers, one had decided to move forward with LEED certification and one had not, so if this was a team effort, why is one team green and one not. She inquired if the developers had received letters of intent from the small tenants that had left the location, but would like to return once the development was completed. She also noted she would like to see either the City Council or Planning Staff initiate a parking, traffic calming, and traffic study of the area. She noted she would like the developers to be sure where the ingress and egress was going to be for the project. Commissioner De Lay noted she would also like to see the engineering reports on the older buildings on the site.

Commissioner Forbis noted that he would like to have a staff interpretation of the height limits brought up about the mixed-use zoning on the development. He also noted that he would like to see both developers working toward LEED certification, and an executive summary, particularly from the City structural engineer, of the condition of the buildings on site. Commissioner Forbis also noted that there has to be a better parking solution, and would like to see UTA and the developers work together to bring light rail into the area.

Commissioner McHugh stated that her concern was about the ingress and egress of the office building parking, and would like to have that re-looked at.

Commissioner Scott stated that the canal and right-of-way should be clearly defined.

Commissioner Chambless stated that traffic and parking were his concerns, and he would like to see the UTA light rail corridor process expedited. He also noted that for the development he liked the use of glass more than brick with the views Sugar House has to offer and would like more detail from Public Utilities about what lies under the surface of this project.

Commissioner McDonough stated that she would like to see the comprehensive traffic plan, and felt strongly that the City needed to issue something for the future in tandem with the district wide parking plan. She also noted that she would be reviewing the list of master plan coordination points. She noted that the office building proposed in the project reminded her of a suburban office building, so anything the design team could do to integrate it to a more urban look would be appreciated.

Acting Chair Woodhead stated that she wanted to reiterate the need for both applicants to come forward with more detailed site plans and specific information about the look and mechanics of how the development will look and interface with the street. She also noted that she wanted a reaffirmation that no demolition would go forward until the developers come forward with those detailed site plans.

PUBLIC HEARING

Petition 400-06-50, Utah Metal Works Street Closure— a request by Utah Metal Works, at 805 West Everett Avenue, is requesting the city close segments of two roads: a) Everett Avenue from Hot Springs Street to Dexter Street; and b) 800 West from 1500 North to Everett Avenue. The closure will occur in two phases, with the first including: only half of the requested Everett Avenue segment and half of the 800 west segment. The second phase will include the remainder of the request. The subject rights-of-way are in the M-2 (Heavy Manufacturing) Zoning District.

(This item was heard at 9:32 p.m.)

Acting Chair Woodhead recognized Nick Britton as staff representative.

Mr. Britton stated that these two closures were occurring in phases because the applicant had failed to secure approval from two abutting property owners, one at 1475 North 800 West and one to the south, the Union Pacific property. He stated that if the first phase was approved prior to the second phase, one of the conditions would require a hammerhead to allow fire access and turn around in the area.

Acting Chair Woodhead invited the applicant to the table.

Mark Lewon (Chief of Operations for Utah Metal Works) stated that the future planned development would include a second phase, which he would also like approved tonight so he did not have to come back before the Commission. He stated that the property that Utah Metal Works was trying to obtain by offering an easement and the city was requiring fencing around the properties and suggested installing gates to close off access to the street, which the applicant was willing to comply with.

Acting Chair Woodhead opened the public portion of the hearing.

Mary Solt (889 Duluth Avenue) stated she was in support of the petition.

Joe Edwards (1475 North 800 West) In a written statement stated he was in opposition of the petition.

Kristina Nielson (1475 North 800 West) noted she was a property owner for twenty years and was in opposition of this petition.

Mr. Britton in response to Commissioners questions stated that Phase One could be approved without approving Phase Two, or half of Phase Two could be approved tonight. He noted that the reason that the north part of the property was not part of Phase One was because they did not

have access to it, and the standards in the code required that no one loose access to their property.

Commissioner McHugh inquired how the property owners at 1475 North 800 West would obtain access short of selling the property.

Mr. Britton stated by either granting an easement to the property owner or half of the street would be closed.

Commissioner McHugh inquired if since Utah Metal Works did not have written agreement from the home owner or the railroad, how could the Commission approve a Phase Two.

Commissioner De Lay inquired if this was a brown field area and there were environmental regulations for expansions and soils.

Commissioner McHugh stated they were not expanding, but planning on paving.

Acting Chair Woodhead closed the public portion of the hearing.

Mr. Lewon approached the table with his council Mr. Greg Williams.

Commissioner McHugh noted that Commissioner Scott had just mentioned that the Commission could approve Phase Two pending the approval.

Mr. Lewon noted that Rocky Mountain Power was in negotiations to do a land swap with Utah Metal Works to obtain more property.

Commissioner Chambless inquired if Mr. Lewon had had a discussion with the home owner regarding these issues.

Mr. Lewon stated that he had been over a few times, but felt they were not receptive.

Commissioner Chambless stated there should be a way to create a win/win situation.

Commissioner Muir noted that the ordinance forces a dialogue, so the Commission does not need to make that a condition.

Acting Chair Woodhead inquired why the applicant needed the additional property if they were going to give the home owner an easement across it.

Mr. Lewon stated it was for control, and he was trying to have future situations covered so he did not have to come back before the Planning Commission.

Commissioners De Lay and Forbis suggested a condition for approval be that the EPA or the City Attorney reviews this petition to make sure that Utah Metal Works was complying with the brown field environmental standards.

Acting Chair Woodhead noted she had a problem with that because she did not know the role EPA played in this, and by asking the City attorney to assure that the regulatory obligations were met was probably appropriate.

Commissioner Chambless stated that it was unfortunate there are certain neglected areas in the City where streets were unpaved, and he suggested that Mr. Lewon take a different approach in the future with his neighbors in negotiating property.

Mr. Wheelwright stated that staff would like to modify their recommendations at this point and noted that this was the first communication staff had had with the property owners at 1475 North 800 West. He noted that the Council would not close that street portion of 800 West if the abutting property owner objected. He stated that staff would suggest that the Commission approve Phase One and the Everett Street portion of Phase Two and not the 800 West portion, which would be looked at in the future if the applicant was successful in bringing forth a new application.

Commissioner Muir inquired why the Commission could not forward the whole petition to the City Council to work out, instead of forcing the applicant to come back to the Commission.

Mr. Wheelwright stated that the City Council would not want to deal with the complicated parts of this petition.

Commissioner Muir stated that hypothetically if the City Council approved Phase One and then a portion of Phase Two that would still force the applicant to come to the Commission because that portion of the application would be closed.

Commissioner McHugh noted that if the petition was forwarded as was, there was a chance the City Council would deny the whole thing because it was still messy and complicated.

Commissioner Muir noted that one benefit of forwarding this petition to the City Council would be to give the applicant time to work with the neighbor.

Acting Chair Woodhead stated that there was a long history of concern in regards to closing streets in the City where residential abutting properties did not approve of it, so by sending recommendation to the City Council that stated that the Commission would like to go ahead with that, may not send the right message.

Commissioner De Lay stated that the basic tenant of the law stated that the Commission could not deny access to someone, so she clarified that what she thought the Commission was suggesting was to go ahead with Phase One, and make sure the attorney approved the environmental issues and then it could be passed onto the City Council.

Commissioner Scott made a motion regarding Petition 400-06-50 that the Planning Commission declare the subject right-of-way of Everett Avenue from Dexter to Hot Spring Road and 800 West from Everett Avenue to the mid-portion of the alley behind the homes on approximately 1500 North surplus, and forward a positive recommendation to the City Council recommending both Phase One and the Everett Avenue portion of Phase Two street closures with the following conditions that should be modified to include Phase Two of the Everett Avenue section:

- 1. Any new development will require an avigation easement from the Salt Lake City Division of Airports.**
- 2. Gates must be placed at each end of the segment of Everett Avenue (at Hot Springs Street and Dexter Street) that Utah Metal Works has requested that the city close upon completion of both phase. Fire and emergency services shall have access to the area at all times either through an automated system or a key box. In addition, the Salt Lake City Fire Department may require an additional fire hydrant to service the property. Final plans must be submitted to and approved by the Fire Department. A fence must enclose the north end of the property at 800 West if and when Phase 2 is approved.**
- 3. The Utah Metal Works site must come into compliance with Chapter 21A.28.030E, which requires 25 foot landscaping in the front yard and 15 foot landscaping in corner side yards, and Chapter 21A.28.010B(3)(b) which requires a 7 to 10 foot solid fence around yards in the M-2 District where there is "outdoor storage of auto**

bodies, or other metal, glass bottles, rags, rubber, paper or other articles commonly known as junk.” There must be a fence placed between the Utah Metal Works property and all residential uses along 1500 North and Dexter Street. The setback requirement will not apply where there is an existing building on the site.

4. An easement dedicated to Salt Lake City is required for the numerous water and storm drain lines that serve the properties along 800 West and Everett Avenue. The easement shall be the width of the current right-of-way along Everett Avenue. Not trees, fences, buildings, or structures of any kind would be allowed and nothing could be stored within this easement. A \$343 per quarter-acre drainage impact fee will be assessed for any new impervious surfaces added to Utah Metal Works property.
5. Utah Metal Works must work with Chevron to establish a private utility easement for the gas line that runs beneath Everett Avenue.
6. Public way improvements must be made along all remaining Utah Metal Works frontage, including Hot Springs Street and 1500 North, at the expense of the applicant.
7. The public rights-of-way along Hot Springs Street, 1500 North, Dexter Street, and the remaining portions of Everett Avenue must remain open for public use. No trailers or trucks can be parked or staged along these streets.
8. Utah Metal Works must file for an amendment to the Empire Addition subdivision with the Planning Division. All parcels impacted by the proposed street closure must have at least eight foot (80’) of street frontage. It must be noted on the plat that there is no sewage system on the site.

Commissioner De Lay stated she would like an amendment to the motion to add another condition:

9. Require the review of the City Attorney for possible conflicts with FEDA regulation guiding brown field development and/or improvement.

Commissioner Scott accepted the amendment to the motion.

Commissioner McDonough seconded the motion.

All in favor voted, “aye”, Commissioner Muir voted, “nay,” because he was opposed to condition 9. The motion passed.

Acting Chair Woodhead announced a five minute break at 10:09 p.m.

The meeting was resumed at 10:15 p.m.

Petitions 410-07-23, Belmont Downtown Phase II— a request by Brent Hilton for approval of a 30 unit residential conditional use planned development located at approximately 994 South 200 East. The subject property is located in the Moderate Density Multi Family Residential (RMF-35) Zoning District.

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

Acting Chair Woodhead recognized Nick Norris as staff representative.

Mr. Norris stated that this property was approximately 1.08 acres in size and was currently vacant. A forty unit mobile home park previously occupied the land which was removed earlier in the year. The development consisted of two structures; one would have eighteen (18) units with two bedrooms each, and the building would have frontage along 200 East with one unit having their main entrance addressing the street. This building would be approximately 34 feet wide and 240 feet long with a footprint of 6,970 square feet, and would be 35 feet tall. Mr. Norris noted that

the second building would contain twelve (12) single bedroom units and would be approximately 34 feet wide and 105 feet long. He noted that the reason this was a planned development was because there were two structures located on the lot and one of them did not have the required frontage.

Mr. Norris noted that this development would require 45 parking stalls. Staff's analysis found that the development generally complied with the objectives of a planned development; however, further review did show that the south building set back shown at ten 10 feet (10') would probably not be enough to mitigate the impact from the building height in the R-1/5,000 Zone. He noted that there were some options on how to address the impact from the building height in the staff report and the two main ones would be to eliminate the seven foot (7') landscaping buffer on the north end of the property and add it to the south setback, which would push the buildings and parking seven feet to the north to increase the set back from ten to seventeen feet of landscaping and to help offset that building height. Mr. Norris noted that the second option would be to flip the development so the parking would be on the south side, one issue found would be that there would be new types of impacts to the residential units to the south associated with parking lots; light, glare from headlights, etc.

Commissioner Muir inquired if it would be a good idea to break up parking between the two developments and leave only three feet there.

Mr. Norris noted that with that option it would essentially be a parking lot buffered from another parking lot. He noted that the first scenario was included as a condition of approval on the project, and also to further reduce the impacts, staff recommends that a six foot (6') high visual barrier parameter fence be installed along the south property line where there is residential.

Acting Chair Woodhead invited the applicant to the table.

Ryan Bailey (Project Manager) stated that the applicant agreed with the staff recommendations.

Acting Chair Woodhead opened the public portion of the hearing.

John Welch (153 Williams Avenue) noted via written comment that the twelve foot (12') fence that bordered the rear of the homes on the north side of Williams Avenue and the proposed condo projects ingress from 200 East, offered extraordinary security, privacy, and protection from light pollution—and he hoped to keep it.

Commissioner De Lay inquired of Mr. Norris to explain the fence.

Mr. Norris noted that there was a chain link fence that was 12 feet high in some areas, which Mr. Welch did not want to lose.

Commissioner De Lay inquired if the development was environmentally friendly.

Mr. Bailey noted he was not sure.

Commissioner Forbis made a motion based on the analysis and findings in the staff report, the Planning Commission approves the Belmont Downtown Phase Two planned development, Petition 410-07-23, with the following conditions:

- 1. That the seven foot landscaping buffer along the north property line be eliminated and seven feet of landscaping be added to the south side yard building setback resulting in a building setback from the south property line of seventeen feet (17').**
- 2. That a solid, visual barrier fence be installed along the south property line.**
- 3. And encourage the applicant to build the development as environmentally friendly as possible.**

Commissioner McHugh seconded the motion.

All those in favor vote, “aye”, the motion passed unanimously.

Airport Light Rail Transit Line—UTA is requesting that the Planning Commission forward a positive recommendation to the City Council concerning a proposal by the Utah Transit Authority to build an Airport Light Rail Transit line; including potential track alignment and station locations.

(This item was heard at 10:27 p.m.)

Mr. Shaw noted that this petition was placed on the agenda as a public hearing because several weeks ago staff had hoped that the timeline would have been such that there would have been a recommendation from the City to the Planning Commission so they could have made a decision tonight; however, this was not forthcoming and that timeline was pushed back significantly; therefore there would be no decision made tonight because there was no recommendation to react to.

Mr. Shaw noted that on October 18, 2007 there would be an open house held, where more information would be shared with the public, which had not been previously shown. He noted that at some time after that, this petition would be rescheduled to come back before the Planning Commission.

Commissioner De Lay inquired about the rumors of a third rail line option, and wondered if that was what the open house would reveal.

Mr. Shaw noted that he had not sent the material and was not sure what was being proposed at this time; however, there were representatives from UTA present at the meeting to answer any questions.

Acting Chair Woodhead opened the public hearing portion of the meeting.

Members of the public that supported the airport Trax line and would like to see it built a.s.a.p include:

Daniel Pacheco (622 West 500 North)
Mike Browning (2334 South 900 East)
Glenn F. Mills (3218 Green Street)

Members of the public that were against the 600 West line, but would like to see the Airport Trax line run down 400 West, comments included: Do not want a viaduct in the neighborhood that would enhance the number of vagabonds, crime, and graffiti. Members of the community felt that the area would become even more unsafe and negatively effect East High school.+

Leslie Reynolds-Benns (1402 Miami Road; Chair of the WestPoint Community Council)
Victoria Orme (159 North 1320 West; Fairpark Community Council)
Jay Ingleby (1148 Redwood Drive; Glendale Community Council)
Jessica Sandberg (310 North 1000 West)
David Galvan (440 North 600 West)
Maria Garciaz (622 West 500 North)
Sharon Tucker (641 West North Temple Street)
Terry Hurst (346 North 600 West)
Dylan Bushnell (4535 West...)
Ruby Chacon (346 North 600 West)
Fred Fife (842 West 900 South)

Donna Langdon (#42 South 600 West)
Ann Pineda (304 North 1100 West)
Gabriella Archuleta (5502 South Westside Circle)
Carolina Galvan (1059 West 400 North)
Andrea Giron (585 North Redwood Road, Apartment #59)
Isaac Alejandro Giron (558 North Redwood Road #51)
Alama Uluave (1364 West Gillespie Avenue)
Cathy Davis (974 East Corner Creek Cove, Draper, UT)
Tony Nissen (456 North 600 West)
Jon Robinson (129 North 600 West)
Gregory Lyon (564 Elizabeth Street)
Sharee Paulson (1258 North Oak Forest Road) noted that her family business (Park 'N Jet) would be directly affected by the airport light rail and would like more information.

Acting Chair Woodhead closed the public hearing portion of the meeting.

The meeting was adjourned at 11:13 p.m.

Tami Hansen

