

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, May 28, 2008**

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

Present from the Planning Division were; Joel Paterson, Acting Planning Director; Cheri Coffey Programs Analysis; Nick Norris, Principal Planner; Katia Pace, Associate Planner; Paul Nielson, City Land Use Attorney; and Tami Hansen, Planning Commission Secretary.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Wirthlin called the meeting to order at 5:48 p.m. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were: Chair Matthew Wirthlin and Vice Chair Mary Woodhead and Commissioners Kathy Scott, Tim Chambless. Salt Lake City Staff present were: Joel Paterson, Cheri Coffey, Katia Pace and Nick Norris.

APPROVAL OF MINUTES from Wednesday, May 14, 2008.

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

Commissioner McHugh made a motion to approve the May 14, 2008 minutes as written. Commissioner Forbis seconded the motion. All in favor voted, "Aye," Commissioners Muir and McDonough, and Chair Wirthlin and Vice Chair Woodhead abstained.

REPORT OF THE CHAIR AND VICE CHAIR

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

Chair Wirthlin noted that neither he nor Vice Chair Woodhead had anything to report.

REPORT OF THE DIRECTOR

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

Mr. Joel Paterson noted that he did not have anything to report.

Commissioner Forbis inquired of Mr. Paterson about the flow chart that was given to the Commissioners, which listed the active heads of the divisions and the new committees and teams that were proposed and being staffed. He stated that there was an executive party which he had volunteered to be part of, but had not received any further information about this and wondered if it had been disbanded.

Mr. Paterson stated that it had not been disbanded; the transition team was still trying to workout the details of exactly how those committees would be functioning.

Commissioner McHugh inquired about the Foothill Wal-Mart petition and where it was in the process because she had expected an issues only hearing by now. She noted that Wal-Mart had been out in the community speaking their points, but the members of the Planning Commission had not had a chance to give any input yet.

Mr. Paterson noted that this petition was working its way through staff processes and would be coming before the Planning Commission in a relatively short amount of time.

Commissioner McHugh stated that what she had heard was that a development agreement was being crafted, which if that was true was without the input of the Commission. She noted that a subcommittee had not even reviewed this project yet.

Mr. Paterson stated that no development agreement would be signed by the City prior to any action made by the Planning Commission.

Commissioner McHugh stated that once these development agreements were written it became a lot harder to re-craft the language to reflect the desires of the Commission, she noted that Wal-Mart was already meeting with Community Councils, citizens and the City Council, and she was quite disturbed by that.

Mr. Paterson noted that the next step in the review process was the Planning Commission's review, and a subcommittee if that would be appropriate.

Commissioner Chambless noted that if a subcommittee was going to be formed he would like to serve on it along with Commissioner McHugh.

Commissioner McHugh stated that again this process did not seem very clear and transparent, which was one of the issues CityGate had mentioned staff should work on in their report.

Mr. Paterson noted that no decisions had been made and if a development agreement was crafted, it would need to come before the Planning Commission for the Commissioners advice and consent.

Commissioner Chambless inquired about a timeframe for this petition.

Mr. Paterson noted that it had not been scheduled for any particular date, but it would most likely be scheduled early this summer.

Commissioner De Lay inquired of Mr. Paterson, what was happening with the Sugar House Granite Furniture Block project.

Mr. Paterson noted that the City building official sent a letter to Craig Mecham, who is the developer for the east half of the Granite Furniture block where the demolition is taking place, and requested that backfilling and landscaping of that site commence within ten days. He noted that staff was waiting for Mr. Mecham to submit a traffic study, which was what was holding the review by the Planning Commission up at this point.

Commissioner De Lay inquired if subcommittee hearings were completed for this petition.

Mr. Paterson noted that Mr. Mecham had suggested changes to how tenants would enter into the underground parking, so if staff felt that those changes would need more review by the Commissioners another subcommittee meeting would be scheduled. He noted that the Red Mountain group had recently been in contact with staff member Lex Traughber, and they were contemplating making some modifications to their design.

Commissioner McHugh inquired how long Mr. Mecham had before the City started to backfill and landscape and so forth.

Mr. Paterson stated that the City had already began the enforcement process, so Mr. Mecham had 10 days to start landscaping, after which the City could choose to try to collect on the bond, and then commence doing backfilling and landscaping.

Vice Chair Woodhead noted that the development and landscaping processes were two different things.

Commissioner Scott inquired about the search for a new Planning Director.

Mr. Paterson noted that there had been one interview since the last Commission meeting and nothing more has come out of that.

PUBLIC HEARING

(This item was heard at 5:59 p.m.)

CitiView Condominium Project; Conditional Use, Planned Development and Preliminary Condominium Plat—a request by Newport CitiView LLC for approval to construct a four-story 45-Unit Condominium development at approximately 313-323 North 300 West. The property is currently zoned Public Lands (PL) and Mixed Use (MU). The Planning Commission will review a request to rezone the property at 313 North 300 West from PL to MU at its May 14, 2008 meeting. The applicant is also requesting approval to install an electrical transformer utility box at approximately 310 West 300 North to service the condominium project.

Chair Wirthlin recognized Cheri Coffey as staff representative, and noted that Commissioner McDonough recused herself from this petition.

- a. **Petition 410-08-06, Conditional Use and Planned Development**—a request by the applicant for Conditional Use approval to exceed the forty-five foot (45') maximum height limit of the MU zoning district by approximately 10 feet. The applicant is also requesting the Planning Commission modify the rear yard setback from a minimum of 15 feet to approximately 10 feet through the Planned Development process. In addition, the applicant is requesting Planning Commission approval to locate a Phase-3 transformer utility box on the property directly south of the proposed condominium project. The box will be six feet wide by six feet deep and will be approximately five feet high. The transformer will only serve the condominium project and will be located at approximately 310 West 300 North on property zoned Public Lands (PL).

Ms. Coffey noted that there were three parts to the petition that the Commission was being asked to act on, she noted that the project was multi-family housing in the MU zoning district, and at the May 14, 2008 Commission meeting the Commissioners forwarded a positive recommendation to the City Council to rezone all of the property MU. She noted that one of the things the MU zoning accomplishes is to try to encourage multi-family housing and allow for a density bonus, it also decreases the rear-yard requirement, which is applicable if the applicant does either underground parking or provides more open space. She noted that with this petition the applicant was doing a little bit of both.

She noted that the density bonus would allow for this development to have up to 49 dwelling units, and the developer was only proposing 45 units. She noted that one of the conditional uses was for height, the planned development was for the rear-yard setback encroachment, and the third was to allow the utility transformer which is located on the abutting school district property in the PO Zone.

Ms. Coffey noted that in the MU zoning district, the maximum height was 45 feet without a conditional use, and there is a slope on the property from east to west, which is the reason for the conditional use/ planned development request. She noted that the rear part of the structure is higher than 45 feet and the underground parking structure would be exposed for approximately five feet in the rear yard setback.

Ms. Coffey noted that the City Council adopted new regulations at the May 6, 2008 meeting that would allow for large utility uses to be processed as a routine and uncontested matter; however, that ordinance was not in affect until after this meeting had been advertised and the applicant chose to continue to go through the conditional use process for the utility transformer because he thought they would get a decision more quickly. She noted that there are now location and screening regulations for these utility boxes; the location regulation pertaining to not hindering the sight distance for pedestrian and vehicle traffic. The applicant has decided to screen these boxes with a solid wall, which would be set back 10 feet from the front property line along 300 West, but it would extend for 26 feet along that frontage, which is viewed by staff as non-pedestrian friendly and could become a site for crime activity in the area, staff recommends that the applicant use landscaping techniques only to soften and screen the area instead of building a big wall there.

Ms. Coffey stated that the applicant still needed to obtain UDOT's approval for the access to the underground parking garage, and the City departments that reviewed this did not have any objection. She noted that the school district and the applicant had come to an agreement to swap easements to allow for the utility boxes to be placed on the north west portion of the project.

Commissioner Muir inquired if the juxtaposition between the height requested in this development and in the SR-1 single-family residences to the north was relevant.

Ms. Coffey noted that there were a few structures between the MU zoned project and the SR-1 Zone.

Commissioner Muir noted that they had an equal amount of height they could potentially reach.

Ms. Coffey agreed.

b. Petition 480-08-14, Preliminary Condominium Plat—a request by the applicant for preliminary approval of a new 45 unit residential condominium development.

Ms. Coffey noted that staff recommended approval of the preliminary condominium plat with the recommendations that were stated in the staff report.

Chair Wirthlin invited the applicant to the table.

Mr. Mike Akerlow representing Newport CitiView LLC stated that they were okay with removing the wall around the utility boxes and softening the area with landscaping.

Chair Wirthlin opened up the public hearing portion of the petition, he noted that there was no one present to speak to this matter; he closed the public hearing portion of the petition.

Commissioner De Lay noted she did not have the staff report for petition 410-08-06, Conditional Use and Planned Development. Commissioners agreed that they had not seen this staff report and noted that they should read it before making a decision.

Chair Wirthlin stated that a motion would be made later in the meeting after the Commissioners had read through the staff report.

Commissioner De Lay made a motion regarding Petition 480-08-14 that the Commission grant preliminary condominium approval for CitiView Condominiums located at approximately 313-323 North 300 West from Public Lands to Mixed Use, subject to the following conditions:

1. **Approval is conditioned upon the City Council adopting the request to rezone the property at 313 North 300 West from Public Lands to Mixed Use (Petition 400-08-05).**
2. **Approval is conditioned upon compliance with all department comments as outlined in this staff report. If during the building permit review process, additional requirements are stipulated by the Building Services and Licensing Department, the applicant shall satisfy said requirements prior to the recording of any approved final condominium plat.**
3. **Upon preliminary approval, the Petitioner shall submit for Final Plat approval with the Salt Lake City Planning Division, which is necessary to prepare a recordable final plat with the Salt Lake County Recorder's Office. The final condominium plat submittal shall conform to the requirements of Chapter 21A.56 of the Zoning Ordinance—Condominium Approval Procedure.**
4. **Any future development activity associated with the properties will require that all substandard or absent public improvements be installed in accordance with the department comments noted in this staff report. Any future redevelopment shall be subject to the requirements of the Zoning Ordinance.**
5. **The execution and recording of the Declaration of Covenants must be approved by the Salt Lake City Attorney for compliance with State of Utah and Salt Lake City Code requirements.**
6. **No condominium shall have final approval, or shall said units be sold, until the final plat mylar has been recorded with the Salt Lake County Recorder.**

Commissioner Forbis seconded the motion. All in favor voted, "Aye," the motion carried unanimously.

Petition 400-08-06, Zoning Map and Text Amendment—a request by Wyndham Resort Development, represented by Wayne Helm, requesting a zoning map amendment for the property located at approximately 431 South 300 East. The property is currently zoned Transit Corridor District (TC-75) and Residential Mixed Use (R-MU). The applicants are proposing to change the portion of the property that is zoned R-MU to TC-75. As part of this request, the applicants are also requesting a zoning text amendment to amend Zoning Ordinance Section 21A.26.080 to allow hotels as a permitted use in the TC-75 Zoning District. Hotels are currently listed as a conditional use in the TC-75 Zoning District. The property is located in the Council District Four represented by Luke Garrott.

(This item was heard at 6:14 p.m.)

Chair Wirthlin recognized Nick Norris as staff representative.

Mr. Norris noted that this site was split-zoned, the north portion was zoned Transit Corridor (TC-75) and the south portion of the property was zoned Residential Mixed Use (R-MU); the applicant would like to convert the R-MU zone to TC-75.

He noted that this property was located within the boundaries of the Central Community Master Plan, which identified separate land-use categories as defining traits of the area including, high density transit oriented and high density mixed-use developments. The purpose of the first was to create a revived downtown and strengthen the livability of the central community; the goal was to establish the benefits of transit-oriented development through land-use designations, design guideline zoning, and public funding. He noted that the main goal of transit-oriented development was to reduce the dependence of automobiles, and encourage the growth of mixed-use development next to light rail stations to create a livable, walkable, urban environment.

Mr. Norris stated that the recommended residential density under both designations is 50 or more units per acre. The TC-75 zoning district is consistent with both designations; however, within this zoning district hotels and motels are listed as conditional uses and this property is adjacent to residentially zoned property in the R-MU district. He noted that based on an ordinance adopted by the City Council in January 2008, conditional uses are prohibited when they are adjacent to residentially zoned property. Under today's current regulations the applicants would not be able to obtain a conditional use to operate a hotel from this site. He noted that the City Council had hired a consultant, who was in the process of amending these regulations as they pertain to conditional uses, and they were expected to have some new regulations in place sometime in July; however, it was unclear how those changes would impact this particular use or request.

Mr. Norris noted that the applicants decided to include a text amendment as part of this petition, which would amend the table of permitted and conditional uses to include hotels and motels, which fall under the same land use category in the zoning ordinance under TC-75 zoning districts. He noted that by passing this it would remove a level of review for these types of uses, when they were located in this district, but it would be subject to the design standards on how buildings address the street, minimum percentages of first floor glass, parking lot locations, and additional standards.

Commissioner Muir inquired why staff wanted to include motels in the text amendment of a transit-oriented development.

Mr. Norris noted that how the land-use designation was listed was that a hotel/motel was the same classification.

Commissioner Scott noted that Mr. Norris had mentioned that the consultant would be presenting a recommendation to the City Council in July, and wondered at this point if it would be wise to wait and see what the results of their study, and their recommendation would be.

Mr. Norris noted that in all likelihood a text amendment would not be necessary, but there was no guarantee of that. The applicant had submitted a request to change the text of the zoning amendment, which was what staff was processing.

Commissioner Forbis noted that in the staff report there was language referring to hotel/motel timeshares and he was curious what this petition was for.

Mr. Norris noted that this type of use was essentially a timeshare hotel; he noted that the City did not differentiate between types of hotels and according to the zoning ordinance any project in this zone was considered a hotel/motel regardless if they operated as a timeshare or as nightly rentals.

Chair Wirthlin invited the applicant to the table.

Mr. Wayne Helm, Wyndham Vacation Ownership, noted that Wyndham Resort Development did do timeshares, and though the project had been classified as hotel/motel this development was more resort/condominium units that ranged in size from 800 square feet up to over 2, 000 square feet. He noted that this was a vacation club, and would not be rented out as nightly units.

Mr. Helm presented a PowerPoint presentation to the Commissioners.

Mr. Tom Bennett, legal counsel, noted that the staff report was accurate and thorough, and that it was important to understand a couple of timing issues. The building was constructed in 1962, and was acquired in 2001 by Barnes Bank including two other adjacent parcels, which that same year were combined into one parcel. He noted that in 2005, when the TC-75 zone was created it took the place of the CC zone for the properties prior to that. He noted that what the applicant was asking the Commission to consider was to simply correct the spit zoning situations so that the entire single parcel would all be zoned TC-75.

Chair Wirthlin inquired about the zoning text amendment in the TC-75 zone, which affects not only this property, but any property in the City with that zoning classification, and wondered about the appropriateness of that text change citywide.

Mr. Helm noted that one thing that was important to realize was that there was not much property with this zoning classification..

Vice Chair Woodhead inquired about the number of parking spaces to the number of unit ratio.

Mr. Helm noted that the requirement was one space for every two units; however, the total was approximately 78 spaces, the parking that exists had been preserved and a few more spaces added as temporary parking at the entrance.

Vice Chair Woodhead noted that this seemed to encourage a more park and drive environment rather than a transit-oriented development.

Mr. Helm noted that some of the parking would be lost due to landscaping and there would be an education program for the visiting tenants that they would be able to use the local transit, since it was so convenient.

Commissioner Scott noted that in the PowerPoint presentation this location was marketed as a drive-to resort.

Mr. Helm noted that was a good point, and what he meant by a drive-to resort was most participants could drive there and then decide if they wanted to use the local transit or their cars to get around the City.

Chair Wirthlin opened up the public hearing portion of the meeting.

Tom Mutter (Central City Neighborhood Council Chair) noted that a lot of people in the neighborhood were in opposition to the project because they were afraid that the TC-75 zone would encroach into the surrounding residential zones. He also noted some citizens did not want hotels/motels on 400 South.

Vice Chair Woodhead inquired why he was worried motels would be built on 400 South.

Mr. Mutter noted that it just did not seem like 400 South was a good place for a motel district.

Vice Chair Woodhead inquired if he was making a distinction between hotel and motel, or if he was opposed to both.

Mr. Mutter noted that up toward 700 East there were hotel/motels that did not seem to fit the cityscape.

Commissioner Chambless inquired of Mr. Mutter if he felt that 400 South and 300 East was a bad location, where was he thinking was more appropriate.

Mr. Mutter noted that in the downtown D-1 and D-2 Zoning Districts.

Commissioner Scott inquired if, all zoning aside, knowing this building exists as it is, would Mr. Mutter consider this a good use for the building.

Mr. Mutter noted that he felt he was not experienced enough to say yes or no on this; however, this project would help the surrounding businesses.

Cindy Cromer (816 East 100 South) stated that she had come to terms with the reuse of this building, a new building might offer a better design but it would be limited to 30 feet. She noted that she had no issues with resolving the split zoning. She noted that she did not want to see a 30 foot height restriction on hotels and motels, and language in the text should not be changed without looking at the ramifications of doing that. She noted she did want to see density and intensity along this transit corridor, but it seemed there was a disconnection between the text of the ordinance and the purpose statement, and she was concerned that 400 south would turn into another hotel district.

Vice Chair Woodhead inquired of Ms. Cromer, how far east the City Council was planning on extending the Transit Corridor Zoning.

Ms. Cromer noted that it would extend to 950 East.

Mr. Helm noted that Wyndham had been looking at different sites in the City, had spoken to staff, and felt this was a terrific site.

Commissioner De Lay asked if the applicant built LEED Certified facilities.

Mr. Bennett noted that they were just getting into that.

Chair Wirthlin closed the public hearing portion of the petition.

Commissioner De Lay noted that she was torn because on one hand she wanted to table this petition until the City Council had made their decision on the text amendment, but she also wanted to forward a favorable recommendation to encourage that process.

Commissioner Scott noted that she felt this was a wonderful reuse of an old building; however, she felt uncomfortable making an amendment to the zoning ordinance because she was not sure if the City had affectively studied the impact of a TC-75 zone if those changes were made. She noted that she could see parking problems in the future, and would like to see hotels/motels required to rely more on public transportation.

She noted that she was also concerned about the ordinance change for this type of commercial use, which was limited in height, and probably not coming at an opportune time. She noted that transportation oriented developments were supposed to be located in places that encourage density, but for residents that were permanently living in the area.

Chair Wirthlin noted that hotels and motels were a conditional use in a TC-75 zoning District, so they could not be in that district.

Vice Chair Woodhead noted that her inclination was positive, she felt this was a good project and a really good location. She was concerned about the information of extending transportation-oriented developments eastward because where she did not have a problem with three or four hotels on 400 South, even though she would like them to be a little taller, she did not feel that this should be extended east of 900 East. She noted that she would also limit this growth to hotels and not motels, because hotels are more appropriate in this district and not drive-in motels. She also noted that she was concerned about the amount of surface parking.

Commissioner De Lay inquired if the applicant was planning to increase the parking because it already was a giant parking lot and had been for a while.

Vice Chair Woodhead noted that the applicant was not adding additional parking, but they were also not making it better.

Commissioner Muir suggested that since the Commission was entertaining an amendment to text, staff could reconfigure the text to eliminate motels as a use in the TC-75 zone and to release the 30 foot height restriction for hotels, and condition this recommendation so that the parking be limited to what is currently allowed in this particular zone.

Chair Wirthlin stated that while he agreed with that concept, could the Planning Commission attach a condition on the parking for this type of petition.

Commissioner Muir noted that he felt that the parking could be limited and if the applicant was left with additional property they could landscape the difference until they developed more units.

Mr. Paterson noted that in the TC-75 zoning district, no parking was allowed in the front yard or corner side yards and there is a maximum front yard set back of 25 feet. As a change of use, the applicants would have to adjust the landscaping to be compliant with the current code, which would require 30 feet of landscaping in a corner yard, adjacent to a surface parking lot, which would reduce the size of that surface parking.

Commissioner Chambless noted that he agreed with Commissioners Scott and Muir, that the goal is to move toward having fewer cars in the downtown area, especially in the 400 South core of the City.

Commissioner McDonough inquired of staff about the amendment that Commissioner Muir proposed, in terms of requesting staff to define hotel and motel and distinguish between the two, she inquired if Commissioner Muir was suggesting tabling the petition.

Commissioner Muir inquired if there was still a moratorium on the Commission initiating petitions.

Mr. Norris noted that the reality was that currently there was not enough staff to entertain the many petitions coming in, much less to take on new City initiated petitions. He stated that Commissioner McDonough was right, there would need to be a differentiation between hotel and motel in the definitions, which would require writing new definitions and bringing them back to the Commission and having a recommendation forwarded to City Council.

Commissioner McDonough inquired if the Commission could ask as part of the current ongoing study with the City Council's consultant that this becomes part of their scope of work, in fleshing out the table of permitted and conditional uses.

Mr. Paterson noted that could certainly be forwarded onto the City Council, to see if they could change their hired consultant's scope.

Commissioner Muir stated that the motion should be coupled with a recommendation to the City Council that a petition be initiated. He noted that he respected the fact that there was a lack of planning staff, but that was not a concern of the Commission, who looks at land use issues and this is a flaw in the process that needs to be pointed out and not passed on due to lack of staff.

Commissioner Muir made a motion regarding Petition 400-08-06, based upon the findings of the staff report, requesting a zoning map amendment from R-MU to TC-75 as well as a text amendment to the Zoning Ordinance Section 21A.26.080 Table of Permitted and Conditional Uses for Commercial Districts to allow hotels and motels as a permitted use, that the Commission forward a favorable recommendation to the City Council on both issues subject to the following conditions:

1. **The City Council initiates a petition to clearly define and differentiate the definition between motels and hotels, specific to the TC-75 zoning district.**
2. **Parking for this conditional use is limited to the requirements of the zoning ordinance.**
3. **The height of hotels in the TC-75 Zoning District is compatible with residential districts definition and limitations, rather than commercial districts.**

Commissioner De Lay seconded the motion.

Commissioner McDonough inquired if it was clear enough that the Commission was recommending to the City Council that they were not encouraging motels.

Commissioner De Lay inquired if motels were even built anymore because of the price of land in these particular areas, she felt it was obsolescent.

Commissioner Muir noted that it was obviously an auto-oriented use, which the Commission was trying to discourage.

Commissioner Scott inquired why Commissioner Muir had not stated in the motion to allow motels in the R-MU Zoning District.

Commissioner Muir stated that he felt that on 400 South around Library Square it could tolerate additional density.

Mr. Norris inquired if this was subject to the City Council initiating a petition to differentiate between hotels and motels, and address height limits of hotels, or was the intent of the Planning Commission that if the City Council refuses to do that, that the Commission's recommendation still stands for this petition.

Commissioner Muir stated yes, the Commission was solely recommending that this be reviewed and the City Council can make that decision.

Vice Chair Woodhead noted that she wanted to convey to the City Council that the Commission did think that this petition was a good project.

All in favor voted, "Aye," Commissioners Scott and Forbis opposed the motion, the motion carried.

Chair Wirthlin called for a break 7:19 p.m.

Chair Wirthlin reconvened the meeting at 7:27 p.m.

Commissioner McDonough recused herself for the second part of the discussion for the CitiView Condominiums.

Chair Wirthlin inquired if upon the completion of the public hearing on this issue, staff comment, and discussion were the Commissioners ready to make a motion.

Commissioner De Lay made a motion regarding Petition 410-08-06, that the Commission approve the Conditional Use and Planned Development as requested with the following conditions:

1. **The maximum height of the structure shall be fifty-five feet as shown on the drawings;**
2. **The rear yard setback shall be a minimum of ten feet as shown on the drawings;**
3. **The approval is subject to the City Council's approval of Petition 400-08-05 a request to rezone the property at 313 North 300 West to Mixed Use.**
4. **The applicant secures approval from UDOT to access the property from 300 West prior to the issuance of a building permit.**
5. **The easement for the transformer is recorded with the County Recorder prior to the issuance of a certificate of occupancy.**
6. **The utility transformer be screened with landscaping rather than a wall enclosure. Final landscaping approval be delegated to the Acting Assistant Planning Director.**
7. **Approval shall not be valid for a period longer than one year unless the applicant submits a complete set of plans for building permit issuance within the timeframe. However, upon written request of the applicant, the one year period may be extended by the Planning Commission for such time as it shall determine for good cause shown, without further public hearing.**
8. **Compliance with the departmental comments as outlined in this staff report.**

Commissioner Forbis seconded the motion. All in favor voted, "Aye," the motion carried unanimously.

Commissioner De Lay recused herself from the meeting. Commissioner McDonough rejoined the meeting.

Petition 490-08-10, Sherwood Oaks Subdivision No. 2—a request by Brigham Wilcox representing Karen Huntsman, requesting preliminary approval for a plat amendment to change the lot line between lots 1 and 2, and merge lots 2 and 3. The property is located at 3049 E. Sherwood Circle in the FR-3/12,000 (Foothills Residential) zoning district in Council District Six represented by J.T. Martin.

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

Chair Wirthlin recognized Katia Pace as staff representative.

Ms. Pace noted that this subdivision amendment was before the Commission because within the Foothill Residential (FR) zoning district this type of change needed to be reviewed due to lot sizes that are 18,000 square feet, and in order to approve lots that large the Commission needed to review the size, configuration, depth and width of the lots.

She noted that in the fall of last year a house on lot two was demolished, the applicant was proposing to change the lot line of lot one to increase the size and combine lots two and three, and lot four would not be changed. Ms. Pace noted that in order to build a new house on the new lot two, the applicant needed to go through the conditional use process.

Commissioner Chambless inquired about the reason for the demolition of the house.

Ms. Pace noted that was a question for the applicant.

Commissioner Scott inquired, when there was a parcel this large, what could the maximum footprint of the home be.

Mr. Paterson noted that the footprint could be 35 percent of the size of the lot.

Chair Wirthlin invited the applicant to the table.

Brigham Wilcox, representing Karen Huntsman, stated that the proposed house that would replace the house that was demolished on lot two would be placed where lot three is currently located, which would be less visible than the previous house that was there. He noted that as far as complying with the block face, fire, sewer, and curb and gutter, all of these elements would be managed and complied with. Mr. Wilcox noted that this request was intended to clean up the lot lines; right now the line of lots one and two was running down the middle of the existing home.

Mr. Wilcox noted that the proposed house would be compliant, but the real issue was there would be a necessary driveway that would cross that property line.

Mrs. Karen Huntsman noted that the reason that the house was taken down was because the owner Tom Welch, had built an illegal pool, the garage on the hill was not permitted, and the basement was continuously flooded, the Huntsman's tried to restructure the house so a family could move in and live safely, but it continued to flood. She noted that instead of rebuilding on the same site, the new house could be built on the lot above it to prevent future flooding issues.

She noted that there was security onsite and another family member would be moving into the new house, which was why the driveways would be connected, to make it easier for the hired security to move between the two homes.

Chair Wirthlin opened up the public hearing portion of the meeting, there was no public to speak for this petition, and he then closed the public hearing.

Commissioner Forbis made a motion regarding Petition 490-08-10, Sherwood Oaks Subdivision No. 2 amendment, that the Commission grant preliminary approval based on compliance with the following zoning standards and conditions of approval:

Section 21A.24.040.J Maximum Lot Size:

With the exception of lots created by a subdivision plat, notice of minor subdivision or minor subdivision amendments recorded in the office of the Salt Lake County recorder, the maximum size of a new lot shall not

exceed eighteen thousand (18,000) square feet. Lots in excess of the maximum lot size may be created through the subdivision process subject to the following standards:

1. **The size of the new lot is compatible with other lots on the same block face;**
2. **The configuration of the lot is compatible with other lots on the same block face; and**
3. **The relationship of the lot width to the lot of depth is compatible with other lots on the same block face.**

Conditions of Approval:

1. **Approval is subject to compliance with all departmental comments attached to this staff report (See Attachment A—Department Comments).**
2. **Applicant shall prepare and submit to the City a final subdivision application and plat.**
3. **Final subdivision plat shall be recorded within 18 months of preliminary approval.**
4. **Any future development activities associated with this property will require that all inadequate or absent public improvements be installed. Additionally, any future development will be subject to requirements of the zoning ordinance.**

Commissioner Chambless seconded the motion. All in favor voted, “Aye,” the motion carried unanimously.

Commissioner Scott inquired of Mr. Paterson if the request list of City initiated petitions was completed at this time.

Mr. Paterson noted that there are still a number of things that need to be updated and it will be to the Commission shortly.

The meeting adjourned at 7:52 p.m.

Tami Hansen, Planning Commission Secretary

