MEMORANDUM

DATE:	October 28, 2005
SUBJECT:	Petition 400-03-10 – Shaw Homes, Inc. request to: • Rezone property at approximately 1532/1560 West 200 South from Residential R-1/5,000 to Neighborhood Commercial CN • Amend the West Salt Lake Master Plan
AFFECTED COUNCIL DISTRICTS:	If the ordinance is adopted the rezoning and master plan amendment will affect Council District 2
STAFF REPORT BY:	Janice Jardine, Land Use Policy Analyst
ADMINISTRATIVE DEPT. AND CONTACT PERSON:	Community Development Department, Planning Division Marilynn Lewis, Principal Planner

POTENTIAL MOTIONS:

1. **["I move that the Council"]** Adopt an ordinance:
   - Rezoning property at approximately 1532/1560 West 200 South from Residential R-1/5,000 to Neighborhood Commercial CN
   - Amending the West Salt Lake Master Plan

2. **["I move that the Council"]** Not adopt an ordinance:
   - Rezoning property at approximately 1532/1560 West 200 South from Residential R-1/5,000 to Neighborhood Commercial CN
   - Amending the West Salt Lake Master Plan

The following information was provided previously for the Council Work Session on October 11, 2005. It is provided again for your reference.

A. Items that require Council action include:
   1. Rezoning property located at 1532/1560 West 200 South from Residential R-1/5,000 to Neighborhood Commercial CN.
   2. Amending the West Salt Lake Community Master Plan Future Land Use Map from residential to commercial land uses consistent with the proposed zoning.

B. On October 12, 2004 the Council referred the petition back to the Planning Commission to "consider rezoning the property to Residential Multi-Family RMF-45, as requested by the petitioner, to allow multi-family residential development consistent with the adjacent condominium uses in the area". Please see the attached Council staff report and letter from the petitioner for additional background information.

C. Due to several problems encountered in pursing residential development, the petitioner has requested that the City Council consider the prior proposal for Neighborhood Commercial zoning for the property. (Earlier this summer the petitioner met with Council Member Turner to discuss this issue.) Issues that have been identified by the petitioner as difficult to resolve include:
    1. Addressing environmental concerns identified by Planning staff relating to noise and vibrations due to the close proximity of the Union Pacific Railroad and Interstate-80.
    2. Obtaining a mutually acceptable lease arrangement from Union Pacific to allow use of a portion of the railroad right-of-way for parking.

D. On August 24, 2005, the Planning Commission voted to reaffirm their recommendation to the Council to consider rezoning the property from Residential R-1/5,000 to Neighborhood Commercial CN.

E. The petitioner has requested an expedited process with the City Council due to the length of time they have been in the process. The Council is scheduled to hold public hearing on Tuesday, November 1st.

R-1-5000
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INTERSTATE 80
N

July 6, 2005

Janice Jardine
Salt Lake City

RE: Petition 400-03-10, Zoning Map Amendment, and West Salt Lake Master Plan Amendment request by Shaw Homes, Inc.
Property Addresses: 1545 W 200 S & 1551 W 200 S

Dear Janice,

This letter is a follow up to our conversation last week regarding the property that Shaw Homes, Inc. owns on 1545 W 200 S. You asked me to provide a summary of the project. There have been many changes with this property but I will try to be as clear as possible.

-In 2002 Shaw Homes, Inc. approached the city to place single-family homes on this property. This did not go over well with the Planning Dept or the railroad because of the close proximity to the railroad and I-80. Noise and safety were the big concerns.

-Salt Lake City Planning then agreed that a re-zone to commercial would be the best fit for this property. The Planning Dept recommended Neighborhood Commercial. The Neighborhood Commercial was recommended to the City Council and then the City Council tabled the project. A meeting was then held at the site with Jim and Julie from Shaw Homes, Inc. Janice Jardine, and Council Member Turner. We all thought that a re-zone to RMF-45 could be a good use.

We originally were told from Union Pacific that they would allow us to lease the railroad easement for a parking area, and community garden area. We were later told from another representative, Rod Carrol, that Union Pacific would possibly allow a lease but that all of their leases have a clause in them that states that the Railroad can cancel the lease at any time. This was a problem for RMF-45 because we needed the easement area for parking.

Another concern with RMF-45 was the disapproval from the Planning Dept. Through the entire process we were told that this site would not be good for residential and constructing a multi-unit building would only place more people near the railroad and I-80 than single family residential. We were asked to complete a 24-hr noise study to establish the existing noise levels on the site. We were given no guidelines as to what an acceptable noise level is.

-Shaw Homes, Inc. then decided to re-look at the approach we were taking on this property. We were having so many roadblocks on the RMF-45 re-zone. The Railroad was going to be an obstacle and we were being asked to provide a costly noise analysis when we weren't sure if it would even be helpful. We realized maybe RMF-45 was not the best zone for the property.

-Shaw Homes, Inc. decided that again we wanted to pursue the neighborhood Commercial zone that had been previously recommended from the Planning Dept. Shaw Homes, Inc. wants to have a commercial income property. Shaw Homes, Inc. would build a small office space. This office space would be owned and maintained by Shaw Homes, Inc. Therefore the unknown factor would no longer be a concern. We would not be selling this property to another investor; we would retain the property so that the Planning Dept, the Community Council, and the City Council would know exactly what would be built on the site.

-Having a small office unit would solve the issue of placing residential units near the noisy railroad and freeway.

I hope this background helps explain the change in course for this project. Shaw Homes, Inc. does want to do what is best for the area and community. Please let me know if you have any questions. Thank you.

Julie Boyson
Shaw Homes, Inc.

SALT LAKE CITY COUNCIL STAFF REPORT

DATE:	October 1, 2004
SUBJECT:	Petition 400-03-10 – Shaw Homes, Inc. request to: • Rezone property at approximately 1532/1560 West 200 South from Residential R-1/5000 to Neighborhood Commercial CN • Amend the West Salt Lake Master Plan
AFFECTED COUNCIL DISTRICTS:	If the ordinance is adopted the rezoning and master plan amendment will affect Council District 2
STAFF REPORT BY:	Janice Jardine, Land Use Policy Analyst
ADMINISTRATIVE DEPT. AND CONTACT PERSON:	Community Development Department, Planning Division Marilynn Lewis, Principal Planner
NOTICE REQUIREMENTS:	Newspaper advertisement and written notification to surrounding property owners 14 days prior to the Public Hearing

WORK SESSION SUMMARY AND NEW INFORMATION

A. The Council discussed this issue on September 7, 2004 and agreed to move the petition forward for a public Hearing.

B. The Council received a briefing on the proposed rezoning request on April 8, 2004. Council Member Turner expressed concern regarding zoning the property for commercial use. He indicated:

1. Commercial would have a very difficult time in this location.
2. The Community would prefer housing to be developed on this site.
3. The immediate surrounding area has a new 50+ lot subdivision under construction and surrounding housing has been recently renovated. The City has contributed funding to the housing projects.
4. A railroad quite zone designation would allow quad gates at 200 South. This would also benefit new and existing housing and the potential residential development of this property.

C. The Council decided to delay scheduling a public hearing to allow Council Member Turner an opportunity to explore some options.

D. The following information was provided from the Planning Division regarding the rezoning and Council Member Turner's concerns. (Please see the attached memo for details)

1. The Planning Division would like to re-affirm the recommendation made by the Planning Commission to rezone the property.
2. The constant noise and vibrations due to the proximity of the Union Pacific Railroad main line and Interstate-80 clearly make this property less appealing as a location for residential development.
3. Of all the possible zoning classifications that could be suggested, the Neighborhood Commercial zone would be the most appropriate because of the following benefits:

a. Would preclude negative impacts from the existing transportation corridors on future residential uses.

b. There is the potential for development of neighborhood oriented commercial uses on a scale that can be supportive to residents in the area and within walking distance.

c. Small commercial development will replace unkempt conditions that currently prevail on the property. If the zoning is not changed, this property will likely remain vacant and unkempt.

E. The following information was provided from the Administration regarding the railroad quite zone:

1. The Administration is currently exploring the possibility of a city-wide quiet zone, which would likely include the crossing at 200 South.
2. This is being explored under guidelines laid out in a new draft rule from the Federal Railroad Administration.
3. The City will not know the final form of the rule until December 18, so it would be premature to make any firm assumptions before then.
4. The Administration is cautiously optimistic that the City could have the crossing at 200 South covered by a quiet zone before too long, probably within the next year or so.

The following information was provided previously for the Council Work Session on April 8, 2004. It is provided again for your reference.

KEY ELEMENTS:

A. An ordinance has been prepared for Council consideration. Items that require Council action include:
1. Rezoning property located at 1532/1560 West 200 South from Residential R-1/5000 to Neighborhood Commercial CN.
2. Amending the West Salt Lake Community Master Plan Future Land Use Map from residential to commercial land uses consistent with the proposed zoning.

B. The Administration's transmittal notes that the original request was to rezone the property from residential to General Commercial CG. The Planning Commission recommended that the property be rezoned to Neighborhood Commercial, a less intense commercial zoning classification. The applicant has accepted the Planning Commission's recommendation.

C. Additional background provided by the Administration notes that, prior to this rezoning request, the applicant had proposed a three-lot single-family subdivision on the property. Planning staff noted the negative impacts on residential uses due to the Union Pacific main rail line and the Interstate-80 freeway corridor and the inability to secure federal funding or mortgage financing due to noise impacts. On October 3, 2002 prior to the Planning Commission hearing, the applicant withdrew the residential subdivision application and the Planning Commission did not make a decision.

D. The proposed rezoning would accommodate small-scale commercial development. The Administration's transmittal notes that the applicant has not submitted plans for a specific project at this time. The property is currently vacant. (Please see attached map for reference.) Surrounding land uses include:
1. Low-density single-family and medium/high density residential developments to the east and south.
2. The Interstate-80 freeway and Union Pacific rail line to the north.
3. Vacant property zoned Residential R-1-5000 to the west.
4. Edison Elementary School to the southwest.

E. The Commercial Districts section of the Zoning Ordinance notes that commercial districts are intended to provide controlled and compatible settings for office and business/commerce developments, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values and the tax base, to ensure high quality of design, and the help implement officially adopted master plans. (Sec.21A.26.010.A - Statement of Intent) Please see the attached Table of Permitted and Conditional Uses for a comparison of the types of uses permitted in each zone.
   1. The purpose of the Neighborhood Commercial zoning district is to provide for small scale commercial uses that can be located within residential neighborhoods without having significant impact upon residential uses.
   2. The purpose of the General Commercial zoning district is to provide an environment for a variety of commercial uses, some of which involve the outdoor display/storage of merchandise or materials.

F. The property is located within the Airport Influence Zone "C" overlay zoning classification. Properties within this overlay area experience exposure to moderate levels of aircraft noise. The overlay zone has specific height restrictions and noise mitigation requirements for buildings constructed within this overlay zone.

G. Key points from the Administration's transmittal and the Planning staff report include the following:
   1. Residential uses would not be appropriate on the property due to negative impacts created by the location of the freeway and railroad corridors and the inability to secure federal funding or mortgage financing due to noise impacts.
   2. Rezoning the property to General Commercial, which allows many uses that are incompatible with the residential neighborhood, is not appropriate.
   3. A less intense commercial zone would decrease the potential for residential development or illegal dumping (currently occurring on the property), while providing the opportunity for compatible commercial development that provides services to the neighborhood.
   4. The Neighborhood Commercial zoning district will provide a variety of small neighborhood business development opportunities that would be more complimentary to the neighborhood setting and consistent with the West Salt Lake Master Plan.

H. Correspondence from Union Pacific included in the Planning staff report notes (Please see the attached electronic mail correspondence for details.):
   1. Union Pacific is very concerned about the safety issues created whenever a residential area, small or large, is placed adjacent to or even near an active railroad line.
   2. Union Pacific is opposed to permitting a residential development at this location.
   3. Union Pacific would request that any development that may be approved (residential or commercial) include the requirement to construct a solid barrier between the development and the railroad right-of-way in order to prevent public access onto the railroad right-of-way.

I. The City's Fire Department, Police Department, Public Utilities Department, Transportation Division, and Permits Division have reviewed the request. Future development proposals will be required to comply with City standards and demonstrate that there are adequate services to meet the needs of the project. The Police Department representative expressed concern regarding potential adverse impacts to adjacent properties from incompatible activities or business uses. The Police representative notes that property owners in the area have committed to upgrade their properties or have invested in improvements in an effort to improve the neighborhood.

J. The public process included a presentation to the Poplar Grove Community Council and written notification of the Planning Commission hearing to surrounding property owners. The Administration's transmittal notes:
   1. The Community Council is concerned that some commercial zones, such as the General Commercial zone initially proposed by the applicant, could allow more intensive uses that would be incompatible with surrounding land uses.

2. On March 26, 2003, the applicant presented their rezoning request to the Community Council. The Council delayed action until their April meeting.
3. On April 9, 2003, the Community Council's Executive Board made the decision to send a letter on behalf of the Community Council. The letter refused to offer support for this rezoning based on past performance and the aesthetics of Shaw Homes, Inc.'s previous developments on the Westside. (Please see the attached electronic mail correspondence for details.)

K. On July 9, 2003, the Planning Commission voted to recommend that the City Council rezone the property to Neighborhood Commercial CN and amend the West Salt Lake Community Master Plan.
1. Items discussed by the Planning Commission included:
   - The potential to close 200 South and establish a quite zone designation to eliminate the need for train whistles to be used in the area.
   - That any decision of the Commission regarding the rezoning and master plan amendment would not preclude establishing a railroad quite zone in the area.
2. Public comments included:
   - Commercial development would disrupt the neighborhood.
   - The intent of property owners in the area to initiate a petition to close 200 South to eliminate the need for train whistles.
   - The preference for the property to be developed with residential uses to increase property values in the area.
   - Concern regarding potential negative impacts of future development.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

A. The Council may wish to discuss with Administration whether the Planning Commission's recommendation for rezoning the property Neighborhood Commercial (rather than the General Commercial zone originally requested) has been discussed with the Poplar Grove Community Council to determine if the less intense zoning classification would be acceptable to the Community Council. As previously noted, the Community Council is concerned that some commercial zones, such as the General Commercial zone initially proposed by the applicant, could allow more intensive uses that would be incompatible with surrounding land uses. The letter submitted by the Community Council's Executive Board refused to offer support for the rezoning based on past performance and the aesthetics of Shaw Homes, Inc.'s previous developments on the Westside.

B. The Council may wish to discuss with the Administration how the proposed rezoning and potential future commercial development of this property fits within the Administration's overall economic development plan for the west side of the City.

C. The Council may wish to discuss with the Administration steps that have been taken to address the neighborhood concerns regarding noise impacts from the railroad and Union Pacific's request for construction of a solid barrier along the railroad right-of-way to prevent public access onto the rail line.
1. If the property is rezoned without a specific development proposed for the property, there is the potential for an "over-the-counter" permit to be issued in the future for a permitted use without ensuring the noise and access concerns are addressed. (The Neighborhood Commercial zone requires a 10 ft. rear yard setback. Fencing or a solid barrier is not required unless the property abuts property zoned for residential use.)
2. As noted in the Planning Commission minutes, property owners in the area indicated their intent to initiate a petition to close 200 South and establish a quite zone designation to eliminate the need for train whistles to be used in the area. The Planning Commission indicated the intent that any decision of the Commission regarding the rezoning and master plan amendment would not preclude establishing a railroad quite zone in the area. Planning staff has indicated to Council staff that a petition has not been filed by the property owners with the Planning Division.

MASTER PLAN AND POLICY CONSIDERATIONS:

A. The West Salt Lake Community Master Plan's Future Land Use Map currently identifies this property for residential land uses. The Planning staff report notes that amending the master plan and rezoning the property for commercial development would decrease the potential for residential development or illegal dumping (currently occurring on the property) while providing the opportunity to allow compatible commercial development that provides services to the neighborhood.

B. The West Salt Lake Community Master Plan, adopted in March 1995, notes:

1. Functional and attractive commercial enterprises are one of the most important features to a viable neighborhood community.
2. Residents in the area have consistently expressed the need for businesses that provide basic necessities to be located within the West Salt Lake Planning Community.
3. There is sufficient vacant and marginally utilized land zoned for commercial use to meet commercial land use demand of projected population and employment levels to the year 2000.
4. Traditional zoning practices either allowed neighborhood commercial services to develop on all four corners of an intersection or encouraged more intense development along both sides of a major street for at least several blocks.
5. Ideally, commercial development should be clustered where shared parking, comparative shopping, effective landscaping, and other site design standards can be appropriately maintained.

C. The City's Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments and creating attractive conditions for business expansion including retention and attraction of large and small businesses.

D. The Council's growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:

1. Is aesthetically pleasing;
2. Contributes to a livable community environment;
3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
4. Forestalls negative impacts associated with inactivity.

E. The City's 1990 Urban Design Element includes statements that emphasize preserving the City's image, neighborhood character and maintaining livability while being sensitive to social and economic realities. Applicable policy concepts include:

1. Allow individual districts to develop in response to their unique characteristics within the overall urban design scheme for the city.
2. Ensure that land uses make a positive contribution to neighborhood improvement and stability.
3. Ensure that building restoration and new construction enhance district character.
4. Require private development efforts to be compatible with urban design policies of the city regardless of whether city financial assistance is provided.
5. Treat building height, scale and character as significant features of a district's image.
6. Ensure that features of building design such as color, detail, materials and scale are responsive to district character, neighboring buildings, and the pedestrian.

CHRONOLOGY:

The Administration's transmittal provides a chronology of events relating to the proposed rezoning and master plan amendment. Key dates are listed below. Please refer to the Administration's chronology for details.

- March 26, 2003 — Poplar Grove Community Council meeting
- April 9, 2003 — Poplar Grove Community Council Executive Board meeting
- April 25, 2003 — Poplar Grove Community Council Executive Board submitted written input on behalf of full the Community Council. The Community Council decided not to support the rezoning request.
- May 14, 2003 — Planning Commission hearing

cc: Sam Guevara, Rocky Fluhart, DJ Baxter, Ed Rutan, Lynn Pace, Lee Martinez, David Dobbins, Louis Zunguze, Brent Wilde, Doug Wheelwright, Cheri Coffey, Marilynn Lewis, Marge Harvey, Barry Esham

File Location: Community Development Dept., Planning Division, Rezoning and Master Plan Amendment, Shaw Homes, Inc., 1532/1560 West 200 South

A. LOUIS ZUNGUZE
DIRECTOR

BRENT B. WILDE
DEPUTY DIRECTOR

SALT LAKE CITY CORPORATION

DEPT. OF COMMUNITY DEVELOPMENT
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON
MAYOR

CITY COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer **Date:** September 23, 2005

FROM: Louis Zunguze, Community Development Director

RE: Petition 400-03-10: Rezoning of parcels at approximately 1551 and 1545 West 200 South from R-1/5,000 (Single-Family Residence) to CN (Neighborhood)

STAFF CONTACTS: Marilynn Lewis, Principal Planner (535-6409)
e-mail: marilynn.lewis@slcgov.com

RECOMMENDATION: That the City Council hold a follow-up briefing and public hearing regarding the requested rezoning

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION: The City Council requested that the Planning Commission submit a new formal recommendation on Petition 400-03-10. The issue was presented at the Planning Commission meeting on August 24, 2005. The Planning Commission voted to reaffirm its earlier decision to recommend CN zoning for the subject property. Attached are the minutes from that meeting as well as a copy of the original transmittal to Council.

451 SOUTH STATE STREET, ROOM 404, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7105 FAX: 801-535-6005
WWW.SLCGOV.COM

NOTE: The field trip is scheduled to leave at 4:00 p.m.

AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, August 24, 2005, at 5:45 p.m.

The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting will be open to the public.

1. **APPROVAL OF MINUTES** from Wednesday, August 10, 2005

2. **REPORT OF THE CHAIR AND VICE CHAIR**

3. **REPORT OF THE DIRECTOR**

   a. Update **Petition 400-03-10** Shaw Homes, Inc. (R – 1/5,000 to CN) at approximately **1545 West 200 South Street and 1551 West 200 South Street**. This petition, a rezone and master plan amendment, was originally heard on May 14, 2003.

   b. Discussion regarding LDS Church wards and parking needs in neighborhoods.

   c. Request for Planning Commission to create a petition to allow multi-family developments in commercial and downtown districts.

   d. Request for Planning Commission to create a petition to establish design guidelines for large retail uses.

4. **PUBLIC NOTICE AGENDA –** Salt Lake City Property Conveyance Matters *(Staff: Karryn Greenleaf at 483-6769 or karryn.greenleaf@slcgov.com, Matt Williams at 535-6447 or matt.williams@slcgov.com, and Doug Wheelwright at 535-6178 or doug.wheelwright@slcgov.com)*

   a. Cephalon, Inc. is expanding their operations within Salt Lake City and is seeking a Telecommunications Right-of-Way Permit at **4710 Wily Post Road** to connect the communications between the buildings across the street. Plans call for a perpendicular street crossing with the six 4" ducts installed via trenching (street cut design has already been approved by the Development Review Team).

5. **PUBLIC HEARINGS**

   a. **Petition No. 400-03-34**, a request by Salt Lake City Council that the Planning Commission review additional refinement of the nonconforming use ordinance, looking specifically at guidelines and criteria to address neighborhood impacts and concerns relating to the enlargement and/or intensification of nonconforming uses. *(Staff: Everett Joyce at 535-7930 or everett.joyce@slcgov.com).*

   b. **Petition No. 410-584**, from Salt Lake Apai **POSTPONED** previously approved planned development for the Emigration Court Apa... ...n the block between **500 to 600 East and 300 to 400 South**. *(Staff: Doug Dansie at 535-6182 or doug.dansie@slcgov.com)*

   c. **Petition No. 400-05-12**, a request initiated by the Planning Commission to review the definition of "automobile" found in Section 21A.62.060 of the Salt Lake City Zoning Ordinance, specifically considering the removal of the words "motor scooter" and "motorized bicycles" from the existing definition. *(Staff: Kevin LoPiccolo at 535-6003 or* kevin.lopiccolo@slcgov.com)

   d. **Petition No. 400-05-13**, a request initiated by the Planning Commission to comprehensively review all applicable regulations in the Zoning Ordinance that address the permitting of tents in both residential and commercial districts city wide. *(Staff: Kevin LoPiccolo at 535-6003 or kevin.lopiccolo@slcgov.com)*

e. **Petition No. 410-753**, a request by the Housing Authority of Salt Lake City for conditional use approval of a proposed transitional treatment housing facility located at approximately **542 West 600 South**. The property is zoned CG General Commercial. *(Staff: Everett Joyce at 535-7930 or everett.joyce@slcgov.com).*

f. **Petition 410-750,** by Qwest Corporation, requesting conditional use approval to install ground-mounted communication equipment cabinets at approximately **1092 North 2200 West**. The property is located in a Business Park "BP" zoning district. *(Staff: Elizabeth Giraud at 535-7128 or elizabeth.giraud@slcgov.com)*

g. **Petition 400-05-11,** by the Salt Lake City Planning Division, requesting comments and a recommendation to the City Council for a text amendment to the Salt Lake City Zoning Ordinance allowing additional types of signage in the Open Space zoning district for parks that are 28 acres or larger in size. *(Staff: Elizabeth Giraud at 535-7128 or elizabeth.giraud@slcgov.com)*

h. **Petition Number 490-05-10**, a preliminary subdivision approval to subdivide the existing parcel located at approximately **239 North Virginia Street** into three new single-family parcels. The project area is located in the SR-1, Special Development Pattern Residential District. *(Staff: Wayne Mills at 535-6173 or wayne.mills@slcgov.com)*

i. **Petition Number 410-755**, by Architectural Nexus, representing Myriad Genetics, requesting conditional use approval to allow additional building height for a proposed research laboratory located in the Research Park (RP) zoning district at approximately **320 South Wakara Way**. *(Staff: Ray McCandless at 535-7282 or ray.mccandless@slcgov.com)*

j. **Petition Number 400-05-20,** the Salt Lake City Council requesting to create a new zoning district limited to natural open space (Natural Open Space, NOS zone). *(Staff: Ray McCandless at 535-7282 or ray.mccandless@slcgov.com)*

6. UNFINISHED BUSINESS

On Wednesday, August 17, 2005, I personally posted copies of the foregoing notice within the City and County Building at 451 South State Street at the following locations: Planning Division, Room 406; City Council Bulletin Board, Room 315; and Community Affairs, Room 345. A copy of the agenda has also been faxed/e-mailed to all Salt Lake City Public Libraries for posting and to the Salt Lake Tribune and Deseret News.

*Signed:*_____

STATE OF UTAH)
:SS
COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN to before me this 17th day of August, 2005.

_____
NOTARY PUBLIC residing in Salt Lake County, Utah

SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, August 24, 2005

Present from the Planning Commission were Chairperson Chambless, Vice Chairperson Laurie Noda, and Commissioners Babs De Lay, John Diamond, Kathy Scott, and Jennifer Seelig. Commissioners Prescott Muir, Craig Galli and Peggy McDonough were excused.

Present from the Staff were Louis Zunguze, Community Development Director, Brent Wilde, Deputy Community Development Director, Alexander Ikefuna, Planning Director, Doug Wheelwright, Deputy Planning Director, Cheri Coffey, Deputy Planning Director, Kevin LoPiccolo, Planning Program Supervisor, Everett Joyce, Principal Planner, Elizabeth Giraud, Senior Planner, Wayne Mills, Senior Planner, Ray McCandless, Principal Planner, Maggie Tow, Secretary.

A roll is kept of all who attended the Planning Commission Meeting. Chairperson Chambless called the meeting to order at 5:46 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Tapes of the meeting will be retained in the Planning Office for a period of one year, after which they will be erased.

APPROVAL OF MINUTES FOR WEDNESDAY, August 10 13, 2005.
(This item was heard at 5:47 P.M.)

Chairperson Chambless asked for a motion to approve the minutes of August 10, 2005. Commissioner Seelig asked that the slides shown in the August 10, 2005 meeting be made a part of the public record. Louis Zunguze stated the slides would be part of the public record. Commissioner De Lay moved that the minutes be approved. Commissioner Scott seconded the motion. Commissioner De Lay, Commissioner Scott, Commissioner Seelig, and Commissioner Noda voted "Aye". Commissioner abstained. Commissioner Muir, Commissioner McDonough and Commissioner Galli were excused. The motion passed.

REPORT OF THE CHAIR AND VICE CHAIR
(This item was heard at 5:50 P.M.)

None.

REPORT OF THE PLANNING DIRECTOR
(This item was heard at 5:51 P.M.)
Mr. Louis Zunguze, Community Development Director, introduced and welcomed the new Planning Director, Alexander Ikefuna. Mr. Zunguze said that Mr. Ikefuna came from Savannah, Georgia and had been in a similar capacity there for the last fourteen years.

At 5:52 P.M. Mr. Zunguze reported on Petition 400-03-10 regarding property owned by Shaw Investments. He stated that this petition was created in 2003 and was originally an

application for an M1 rezone. Originally, the Planning Commission believed CN zoning would be most appropriate for the area, given the location of the property, 200 South and 1545 West, and its proximity to the Interstate at 200 South and approximately 1400 West. Accordingly, CN zoning was recommended to the City Council. The City Council reviewed the Planning Commission's recommendation and key issues raised by the public at the City Council hearing. The City Council has now requested that the Planning Commission re-visit its recommendation. Mr. Zunguze stated that the Planning Office's recommendation remains the same; the CN neighborhood type of commercial development is more appropriate for that area. He said that if the Planning Commission decided to re-hear the matter, the petition would be scheduled for a hearing. If the Commissioners decided to affirm the previous recommendation, it would be reported to the City Council.

The Planning Commission discussed various points, such as the property's inclusion in the quiet zone, and what studies had been done on this issue. The Planning Commission then voted to reaffirm their earlier recommendation.

At 5:54 P.M. Mr. Brent Wilde stated that Mr. Zunguze is asking that the Planning Commission consider initiating a petition pertaining to multi-family dwellings in the commercial and downtown zoning districts. The ordinance of 1995 required that multi-family housing include the presence of a retail or office element on the ground floor of the building fronting the street. Mr. Wilde said the intent of the adopted 1995 ordinance was to assure that a relationship be maintained between retail or restaurant, and the pedestrian on the sidewalk. The concern was that a stand-alone apartment house may not have that relationship. He stated that Planning Commission has constantly been running into this issue as we try to accommodate multi-family dwellings in the downtown area and the time has come to change the requirement from one that requires mixed use buildings to one that allows stand-alone multiple family buildings in these zoning districts.

Chairperson Chambless asked for a motion. Commissioner De Lay moved to recommend the initiation of a petition and Commissioner Noda seconded the motion. Mr. Wilde noted that a formal vote was not needed.

At 5:56 P.M. Mr. Zunguze noted that the increase in institutional uses in neighborhoods, such as churches and hospitals, was creating a need for increased parking. He stated that there is not an adequate mechanism or review process in place to address the impact of the proposed expansions in the various neighborhoods. He said that often the proposals that are received entail the demolition of homes in order to expand parking lots. Through the current Conditional Use process we cannot capture all the elements and issues of the neighborhood that need to be addressed, such as quality of life and safety, when such requests for parking lot expansions are received. Mr. Zunguze would like to look at another vehicle that would capture broader aspects of what neighborhoods are, and obtain a more balanced review process. He asked that the Planning Commission move that a study be done and a petition created that could lead to ordinance changes, thus allowing the Planning Commission and staff to be more effective when they review these proposals. Chairperson Chambless asked Mr. Zunguze if this request needed to be written in the form of a formal petition. Mr. Zunguze replied that it did not. However, after study it would

come back to the Planning Commission as a formal petition. The Planning Commission gave their approval.

At 5:59 P.M. Mr. Zunguze asked the Planning Commission to create a petition that would establish design guidelines for large retail uses. He stated there are a number of uses being proposed and often come with a single format type of development. These uses do not always conform, from a design stand point, to pedestrian friendliness in the neighborhoods and locations they are in. He asked the Commission to create a petition to address large scale retail development from a design standpoint to fit in our neighborhoods.

Commissioner Seelig stated that she would like to initiate the petition. The Planning Commission gave their support without opposition.

At 5:59 P.M. Mr. Zunguze stated that at the August 10, 2005 Planning Commission meeting he asked the Planning Commissioners to review the proposal for the priority listing of master plans in the community. Commissioner Diamond asked Mr. Zunguze how this proposal would be driven and how it would happen. Mr. Zunguze responded that the Planning Commission would drive the proposal and staff would give them a proposed timeline for updating a particular master plan or if it was a new plan, when it would be addressed. He said a format for master plans is now in place. Mr. Zunguze also stated that the Planning Commission would determine what subcommittees would be needed, and what degree of interaction is needed with the community. He stated that this would be a product that Planning Commission would ultimately send to the City Council.

Chairperson Chambless asked for comments. Commissioner Diamond said that it would be helpful to know how the Planning Commission would set up the subcommittees to deal with the list in terms of Staff's timelines and the Planning Commission's schedules. Mr. Zunguze noted that it would obviously entail a lot of interaction with the various community councils concerned with those master plans. He said Staff would set up the first some guidelines and give the Planning Commission an outline indicating a timeline for different kinds of subcommittees. The Planning Commission approved, without opposition, the proposed master plan priority use.

At 6:01 P.M. Mr. Zunguze announced a presentation and book signing by author Dr. Joel Hirschhorn. He noted that the book is titled "Sprawl Kills". Dr. Hirschhorn will be in town Thursday, September 8, 2005, between 4:00 and 5:00 p.m. at the Salt Lake City Library, 210 East 400 South. Mr. Zunguze stated that we all want to do smart growth type development practices and it would be very nice to attend this gathering to hear the thoughts of this author on the subject.

PUBLIC NOTICE AGENDA – Salt Lake City Property Conveyance Matters

At 6:03 P.M. Chairperson Chambless read the Public Notice Agenda for Cephalon, Inc. Cephalon, Inc. is expanding their operations within Salt Lake City and is seeking a Telecommunications Right-of-Way Permit at 4710 Wily Post Road to connect the communications between the buildings across the street. Plans call for a perpendicular

street crossing with the six 4" ducts installed via trenching (street cut design has already been approved by the Development Review Team).read the that Cephalon, Inc. is expanding their operations within Salt Lake City and is seeking a Telecommunications Right-of-Way Permit at 4710 Wily Post Road to connect the communications between the buildings across the street. Plans call for a perpendicular street crossing with the six 4" ducts installed via trenching (street cut design has already been approved by the Development Review Team).

Chairperson Chambless asked if there were any comments or discussion from the Planning Commission or the audience. No response was heard.

PUBLIC HEARINGS

Petition No. 400-03-34, a request by Salt Lake City Council that the Planning Commission review additional refinement of the nonconforming use ordinance, looking specifically at guidelines and criteria to address neighborhood impacts and concerns relating to the enlargement and/or intensification of nonconforming uses.

At 6:03 P.M. Chairperson Chambless introduced Petition No. 400-03-34 and Everett Joyce, Principal Planner.

Mr. Joyce stated that this petition was first introduced to the Planning Commission in a public hearing on July 13, 2005. At that time a quorum was not present and the petition was continued to this date, August 24, 2005. Mr. Joyce said that the text changes were high-lighted in red and blue. The red text was part of the original text change recommended by the Planning Commission and forwarded to the City Council. The City Council adopted and recommended changes to the non-conforming, non-complying regulation. They specifically returned the portion on enlarging non-conforming uses.

The blue text contained specific changes made in response to issues brought forward by the City Council. The memo in the packet identified key issues of the City. Mr. Joyce delineated key issues and gave further clarification of the contents of the new blue text, citing page by page, the issues and conditions as stated in the memo.

Chairperson Chambless asked if a representative of a Community Council was present and if Mr. Joyce was representing the petitioner. Mr. Joyce said his response addressed the issues of the City Council. No one in the community wished to speak to this matter.

Commissioner Diamond asked Mr. Joyce what that process would be and Mr. Joyce responded that it is a Conditional Use process for an intensification or expansion of non-conforming uses. It does not cover all situations. The process begins administratively when the petitioner exceeds the ordinance limits. It then goes into the Conditional Use process and comes to the Planning Commission for approval.

Motion for Petition 400-03-34:

Commissioner De Lay moved that the Planning Commission approve Petition No. 400-03-34, based on the analysis outlined in the staff memorandum. Commissioner

Noda seconded the motion. Commissioner De Lay, Commissioner Seelig, Commissioner Scott, Commissioner Noda, and Commissioner Diamond voted "Aye". Commissioner Galli, Commissioner Muir and Commissioner McDonough were not present. The motion passed.

Petition No. 410-584, from Salt Lake Apartment Builders to modify a previously approved planned development for the Emigration Court Apartments, generally located on the block between 500 to 600 East and 300 to 400 South.

6:11 P.M. This petition was postponed by the petitioner. It will be placed on the September 14, 2005 agenda.

Petition No. 400-05-12, a request initiated by the Planning Commission to review the definition of "automobile" found in Section 21A.62.060 of the Salt Lake City Zoning Ordinance, specifically considering the removal of the words "motor scooter" and "motorized bicycles" from the existing definition.

At 6:12 P.M. Chairperson Chambless introduced Petition No. 400-05-12 and Kevin LoPiccolo, Zoning Administrator.

Mr. LoPiccolo stated that last May he brought a petition to the Planning Commission that changed the existing definition of automobiles. The primary reason for the change was to allow motor scooters and motorized bicycles to be sold as retail goods in all commercial areas that permit retail sales. As currently written, the definition stated that are currently prohibited from selling a scooter or motorized bicycle in certain zones because that particular zoning district does not permit the sales of automotive type uses. As written, the definition of automobile would still restrict automotive type sales in the underlying commercial districts that prohibit automobile sales, but would relax the sales of motor scooters and motorized bicycles.

Chairperson Chambless asked if there were questions for Staff. There were none. Chairperson Chambless then stated that the petitioner is the Planning Commission and asked if there was a representative of the Community Council that wanted to speak to the matter. No one responded. Chairperson Chambless asked if there was someone from the general community that wanted to speak to this matter. No one responded. Chairperson then closed the public meeting and asked for discussion and/or a motion on the petition. A motion was then heard.

Motion for Petition 400-05-12:

Regarding Petition 400-05-12, Commissioner Scott moved that, based upon the facts listed in the staff report, the Planning Commission forward a favorable recommendation to the City Council. Commissioner Noda seconded the motion. Commissioner De Lay, Commissioner Seelig, Commissioner Scott, Commissioner Noda, and Commissioner Diamond voted "Aye". Commissioner Galli, Commissioner Muir and Commissioner McDonough were not present. The motion passed.

Petition No. 400-05-13, a request initiated by the Planning Commission to comprehensively review all applicable regulations in the Zoning Ordinance that address the permitting of tents in both residential and commercial districts city wide

At 6:15 P.M. Chairperson Chambless introduced Petition Number 400-05-13 and Kevin LoPiccolo, Zoning Administrator.

Mr. LoPiccolo stated that this was a request generated last May. Staff held an open house June 16, 2004. This petition affects Chapter 42, "Temporary Uses", and Chapter 52, "Special Exceptions" of the zoning ordinance. The changes that have been modified are reflected in the Staff Report. As proposed, this change allows the use of temporary tents to be more inclusive and recognizes all commercial, manufacturing and special purpose districts to allow the use of tents under a temporary use. As part of the requested changes to the Temporary Uses, Mr. LoPiccolo stated that the proposed language change included businesses located in residential districts and that those businesses be afforded the same opportunity for temporary tent use. Mr. LoPiccolo noted that businesses located in residential zones would be required to go through a Special Exception process which would require the abutting property owner's support to erect a tent for a five day period. The Special Exception process could be done at an administrative level. He stated the process of receiving a tent permit had not been changed; all respective departments that typically review tents would continue to do so under the proposed change. Staff requested that the Planning Commission forward a positive recommendation to the City Council.

Commissioner Scott addressed the question of time limits or the period of time a tent could remain up, with Mr. LoPiccolo. Mr. LoPiccolo responded with a history of the current ordinance stating the timelines were essentially established and Staff was not requesting any type of modification to the time limits currently placed on tents. He said that since the proposed change to allow tents for businesses within residential districts was being added, Staff was concerned with preserving the residential character of the residential district. With the requirement of a Special Exception, the residential integrity would be maintained.

Chairperson Chambless asked if there were questions for Staff. There were none. Chairperson Chambless then stated that the petitioner is the Planning Commission and asked if there was a representative of the Community Council that wanted to speak to the matter. No one responded. Chairperson Chambless asked if there was someone from the general community that wanted to speak to this matter. No one responded. Chairperson Chambless then closed the public meeting and asked for discussion and/or a motion on the petition. A motion was then heard.

Motion for Petition 400-05-13:

Commissioner Seelig moved that the Planning Commission approve Petition No. 400-05-13, based on the analysis outlined in the staff report. Commissioner Noda seconded the motion. Commissioner De Lay, Commissioner Seelig, Commissioner Scott, Commissioner Noda, and Commissioner Diamond voted "Aye". Commissioner Galli, Commissioner Muir and Commissioner McDonough were not present. The motion passed.

Petition No. 410-753, a request by the Housing Authority of Salt Lake City for conditional use approval of a proposed transitional treatment housing facility located at approximately 542 West 600 South. The property is zoned CG General Commercial.

At 6:23 P.M. Chairperson Chambless introduced Petition No. 410-753 and Everett Joyce, Principal Planner.

Mr. Joyce explained that the site is located at the northwest corner of 500 West 600 South. He stated the property is vacant land at this time. Transitional treatment facilities were a specific Conditional Use listed in the zoning ordinance for the CG zone. He also stated the criteria for Conditional Uses. The Salt Lake City Community Housing Plan defined transitional housing as rental housing offered to people moving into the community from various types of shelters. This project would be consistent with the Community Housing Plan and the Central Community Master Plan.

Mr. Joyce stated that the Transportation Division had no concerns with the street impact regarding the capacity on the streets and the internal circulation of the project. The new facility must connect to existing utilities that are in the street. He also said there may be some issues regarding water flow and fire hydrants and the petitioner would be responsible for those items when the facility is submitted for the building permit process.

Mr. Joyce then discussed specific standards:

1) Protection of adjacent land uses from light, noise and visual impact is provided with a ten foot landscape buffer on the perimeter of the parking lot.
2) Staff recommended that final landscape plan approval be by the Planning Director or designee.
3) Federal assistance in financing is requested by Housing Authority which requires an environmental review process and
4) Staff recommends that final site plan approval by the Planning Director or designee be subject to addressing mitigation requirements from the environmental review process.

Mr. Joyce further stated that because the land is vacant, and there are no environmental or historical aspects on site, there would not be a problem with historical issues. Abutting land uses were industrial and commercial, including a produce warehouse, service and storage garage, other warehouse uses and a restaurant. The findings from Staff were that the Conditional Use for transitional treatment facility was compatible with the surrounding neighborhood and would not have a net cumulative adverse impact upon the City or the neighborhood as a whole.

Mr. Joyce said that there were additional standards related to transitional treatment homes that included a requirement to be 800 feet from similar uses. There was a similar use on 700 South 550 West, Safe Haven facility, which was over eleven hundred (1,100) feet from the proposed site, if one took the public walk ways and traveled door to door to the facilities.

Based on the findings of the fact, staff recommends that the Planning Commission approved the request of Conditional Use for a transitional treatment facility at 542 West 600 South subject to the following conditions:

1) Final site plan and landscape plans be approved by the Planning Director or designee subject to the applicant addressing any issues raised within the environmental review process
2) That final plans meet applicable City standards and building permit plan review requirements.

Chairperson Chambless asked if there were any questions for staff. None were noted.

Chairperson Chambless asked the applicant, Bill Nighswonger, Development Director, Housing Authority, to speak. Mr. Nighswonger said that based on his meetings with City staff, it was the recommendation that he apply for the Conditional Use as a transitional treatment facility. He believed that part of the agenda tonight, from the report of the Director, which talked about multi-family developments being allowed in Down-Town districts, was partially driven by this project. He wanted to build a multi-family apartment building that happened to be for the homeless, with services on site for the residents. This is what drives the title of transitional treatment facility and this does require Conditional Use approval.

Chairperson Chambless asked if there were any questions for Mr. Nighswonger. Commissioner Scott asked Mr. Nighswonger about issues relating to parking. Mr. Nighswonger replied that the parking is surface parking with about ninety five (95) parking stalls, which exceeds the required number and the parking area will be gated and lighted. Access to the area would require a card.

Mr. Nighswonger stated there would be about 5000 square feet set aside for retail space and he anticipates some type of catering business may be included to provide training and job skills for the residents. He is now looking for support from the community to help with those ideas, such as Meals on Wheels.

Chairperson Chambless asked if there was a representative of the Community Council that wanted to speak to this petition. No one responded. Chairperson Chambless stated he had two cards from the general community that had expressed a point of view. He asked Mr. Ernest D. Mariani to come forward.

Ernest D. Mariani, Chairman and owner of Ernest F. Mariani Company, addressed the Planning Commission. Mr. Mariani stated that his company is located on the northwest corner of 600 South and 600 West. He gave a history of his company, its founding and expansion. Mr. Mariani stated that he was concerned that the City, County, and State, do not recognize ongoing businesses in their zeal to get new companies into this area. Consequently, 600 West, which was at one time a very nice industrial street, has deteriorated dramatically. Mr. Mariani commended Mr. Nighswonger and the Housing Authority and stated that Mr. Nighswonger had explained the purpose well.

Mr. Mariani stated his concern was with the safety and security of his employees and he felt that his primary responsibility was to provide a safe environment and neighborhood for his employees, especially the women. He asked Mr. Nighswonger to explain the security elements that would be in place.

Bill Nighswonger responded to Mr. Mariani's questions and concerns, stating that the project would provide security lighting on the property but the exact lighting design had not been completed. He continued, saying that security lighting on all areas of the perimeter of the property, in particular Mr. Mariani's area, would be installed. Mr. Nighswonger stated that the project would have interior and exterior security cameras and the exterior security cameras would pinpoint areas such as the viaduct concern and the areas of entry to the parking lot. The parking lot structure would be gated so people could not get behind the property without gaining proper entry.

Mr. Nighswonger went on to say that this would be a twenty four hour, seven days a week secured facility. There would always be somebody on site. The director of the facility, Rosemary Kappas, had told Mr. Nighswonger that they had a good working relationship with the Salt Lake City Police Department and would request more Police Department patrols in the area to alleviate any concerns of the neighboring businesses. Mr. Nighswonger stated that the facility would be a permanent residence, housing single men and women in a self-contained apartment housing unit. It would be an SRO and would house supportive services. He further stated that the apartments would be home for each individual. Guests would register with the front desk and the residents would be free to come and go as any resident would do.

Commissioner Seelig asked Mr. Nighswonger about a retaining wall and its purpose. Mr. Nighswonger responded that the retaining wall is structurally sound and supports the ground on the other side of the wall. Commissioner Seelig then inquired about graffiti and what could be done by Mr. Nighswonger to prevent it. He responded that the only real solution for graffiti was to plant pyracantha bushes, grow them to a height of 6 feet and keep them pruned thick and tall. He explained that with his other buildings he had used an anti-graffiti material on the surface that made graffiti easy to remove. He believed that with the security measures in place, graffiti would be minimal and individuals who vandalize would be caught.

Mr. Nighswonger then introduced Mr. Ken Engh from MJSA Architect and asked him to give a design perspective on this concern. Mr. Engh provided information on materials to be used and stated it was a cement-like horizontal corrugated material that had a pre-finished surface to look like masonry. The material was bolted onto the wall and the panels could be removed and replaced.

Commissioner Scott stated that the area seemed especially dark and asked what lighting would be used. Mr. Nighswonger reiterated the current lighting sources and stated that the additional lighting for this project would increase lighting even more in this area.

Chairperson Chambless asked if there were any other questions. No questions were heard. Chairperson Chambless stated he had one card from Mr. Angelo Gianelo, who did

not want to speak, but had concerns about the adjoining business. Mr. Nighswonger stated that he had talked with Mr. Gianelo and had addressed his concerns.

Chairperson Chambless stated that if there were no questions or discussion from the audience or staff he would close the public meeting. None was heard. Chairperson Chambless then asked a motion on the petition. A motion was heard.

Motion for Petition 410-753:
Commissioner Noda moved that the Planning Commission approve Petition No. 410-753, based on the findings of fact, and analysis as outlined in the staff report with the stated conditions, 1 and 2. Commissioner De Lay seconded the motion. Commissioner De Lay, Commissioner Seelig, Commissioner Scott, Commissioner Noda, and Commissioner Diamond voted "Aye". Commissioner Galli, Commissioner Muir and Commissioner McDonough were not present. The motion passed.

Commissioner Scott asked that it be included in the minutes that the concern of lighting had been discussed at great lengths and requested that Mr. Nighswonger ask the appropriate person with the Engineering Division to visit the area and check out the various lighting sources to determine why the lighting was less than would be expected.

Petition 410-750, by Qwest Corporation, requesting conditional use approval to install ground-mounted communication equipment cabinets at approximately 1092 North 2200 West. The property is located in a Business Park "BP" zoning district.

At 6:55 P.M. Chairperson Chambless introduced Petition No. 410-750 and Elizabeth Giraud, Senior Planner.

Ms. Giraud stated this Conditional Use included three (3) cabinets that sit on a concrete pad that is 375 square feet or 15 feet by 25 feet. The cabinets would be directly behind the property line and would front onto the corner by 2200 West. This is in the business park zone. The purpose of that zone is to create a well landscaped open environment for industrial uses or businesses in regular office park settings, but in a more open well landscaped environment. Ms. Giraud stated that this is being processed as a Conditional Use because the boxes are larger than normal. However, the Planning Division staff determined that it should be approved upon the condition that it is set thirty (30) feet back from the property line in order to meet the thirty (30) foot front yard setback requirement in a business park zone and that some sort of screening device and graffiti measures be taken in order to secure the site. Currently this parcel of land, which was over fourteen (14) acres, is vacant, and Staff recommended this screening because once the property is developed, the boxes would be right in front of whatever is developed and be very visible from 2200 West. The applicant has been informed that Staff recommended approval upon that condition. Ms. Giraud stated that Qwest obtained from the owner, the Boyer Company, about five (5) years ago and Staff recommended that a new lease or easement

be obtained from Qwest in order to place the proposed facilities back thirty (30) feet to meet the business park zoning district's front yard set back requirement. Chairperson Chambless asked if there were any questions for Staff. There were no questions. Chairperson Chambless then asked the petitioner to come forward and address the Planning Commission.

Eric Isom, Government Affairs Director for Qwest, stated the he is seeking approval for a Conditional Use and placement of three (3) cabinets at approximately 1092 North 2200 West. This is a non-residential area. These cabinets would allow Qwest to provide telephone and broadband services to the area. Mr. Isom said that Qwest had already secured an easement from the property owner, Boyer Company and was desirous to move forward with the placement of the facilities. He stated that they understood and respected the recommendation of the Staff to place the facilities thirty (30) feet behind the property line. Mr. Ralph Vigil, a Qwest representative, had already corresponded with the representative from Boyer Company and they were desirous, as was Qwest, to have the cabinets placed at the original proposed location. Qwest's understanding was the cabinets would be placed about twenty two (22) feet from the road and when the sidewalk was installed the cabinets would set back about eleven (11) feet from the sidewalk. Qwest feels that there is adequate distance between the cabinets and the road and the cabinets and the sidewalk and that it should help mitigate the placement and the concerns regarding the distance. One of the reasons larger cabinets would be used was the larger size would provide current and future services. Qwest would recommend that the cabinets be approved in their proposed location and Qwest would work at mitigating concerns with graffiti and work on landscaping efforts to make the site more aesthetically pleasing. Mr. Vigil then said that Qwest believed the equipment could be pushed closer together and minimize another six (6) or seven (7) feet, thus obtaining an eighteen (18) or twenty (20) foot setback from the back of the sidewalk.

Chairperson Chambless asked if there were questions for Mr. Vigil. Commission Scott asked if there was or wasn't a thirty (30) foot front yard setback requirement. Elizabeth Giraud answered that a building cannot be constructed without a (30) foot setback from the property line and this would be measured from the front property line.

Commissioner Seelig asked if Mr. Vigil would be willing to comply with the previous requirements for graffiti control, that being, telephone number, appropriate contact number, and the identifying number on the boxes. Mr. Vigil deferred to Mr. Isom, who said that they would absolutely agree to that; a one call one resolution telephone call.

Chairperson Chambless asked if there was a representative of the Community Council present that wished to speak to this matter. No response was heard. Chairperson stated he had no cards from the audience and asked if anyone from the audience wished to speak. No response was heard.

At this point Ms. Giraud added that she had attended a West Point Community Council meeting July 20, 2005. No objection was made at that meeting to the placing of cabinets there. The West Point Community Council did asked that the pad be decreased to something smaller than the 15 foot by 25 foot and Mr. Vigil had replied that he would

shorten the pad by five (5) feet, making it 20 foot by 15 foot. Mr. Vigil said that he had just learned that they could minimize the pad even more and it would be 18 foot by 15 foot.

Chairperson Chambless closed the public hearing and called for a motion.

Motion for Petition 410-750:
Commissioner De Lay moved that the Planning Commission approve Petition No. 410-750, based on the findings of fact, and analysis as outlined in the staff report with conditions as noted in the staff report. Commissioner Noda seconded the motion. Commissioner De Lay, Commissioner Seelig, Commissioner Scott, Commissioner Noda, and Commissioner Diamond voted "Aye". Commissioner Galli, Commissioner Muir and Commissioner McDonough were not present. The motion passed.

Petition 400-05-11, by the Salt Lake City Planning Division, requesting comments and a recommendation to the City Council for a text amendment to the Salt Lake City Zoning Ordinance allowing additional types of signage in the Open Space zoning district for parks that are 28 acres or larger in size.

At 7:11 P.M. Chairperson Chambless introduced Petition 400-05-11 and Elizabeth Giraud, Senior Planner.

Ms. Giraud began by pointing out an error that was in the notice for this meeting, August 24, 2005. The agenda read "This petition was initiated by the Planning Division". The agenda should read "This petition was initiated by the Planning Commission". Commissioner Seelig then asked if this petition had not gone to a Planning Commission Subcommittee. Ms. Giraud responded that this issue had been discussed at a subcommittee meeting as a component to the Banner Subcommittee, but that this petition did not go through the subcommittee.

Ms. Giraud stated that the proposal had been instigated by a desire on the part of the Parks Division and Engineering Division to increase and improve the orientation and way-finding in Liberty Park. Because Liberty Park is a landmark site the proposal was reviewed by the Historic Landmark Commission and a positive recommendation was forwarded to the Planning Commission who in turn would be encouraged to forward a positive recommendation to the City Council. This petition would only apply in the open space zone to parks twenty eight (28) acres of size or greater as the purpose was not to open up additional signage to other uses in the open space zone such as nature parks, cemeteries or trails. The focus would be on parks, specifically urban parks, and large parks that could absorb the additional impact of the additional signage. Five parks were identified as twenty eight (28) acres or greater. There is a break between the 25 acre park and the 28 acre park. The five parks twenty eight (28) acres or greater were: 1) Sugar House Park 2) Riverside Park 3) Liberty Park 4) Jordan Park and 5) Fairmont Park.

The Planning and Engineering Division staffs also determined that the additional signage would be helpful in parks such as Fairmont or Jordan that have other venues, such as the International Peace Gardens, the swimming pool, and the soon to be skate board park.

The proposal included increasing the height of what is essentially a monument sign. In Liberty Park the signs would be refurbished Olympic signs that had been on Main Street during the Olympics and happened to be ten (10) feet tall. Currently only an eight (8) foot tall monument sign is permitted in an open space zone. The signs would be used for orientation purposes for maps of the park and also entrance signs of the park. The other is park banner signs that would be for permanent venues in Liberty Park such as the Youth City program, the tennis courts, the swimming pool, Tracey Aviary and the Chase House. The signs would technically be pole signs but would be limited to eighteen (18) feet in height. The others would be park identity banners and the Engineering Division is proposing twenty (20) sets of three (3). That is why, in the last column in the proposed table, number of signs permitted stated one (1) set of three (3) signs per five acres.

Chairperson Chambless asked if there was a representative of the Community Council that wished to speak. No one responded. He then asked if there was anyone from the community that wished to speak. No one responded. Chairperson Chambless stated he had no cards and that he would close the public meeting discussion. He asked for a motion.

Motion for Petition 400-05-11:
Commissioner Scott moved that the Planning Commission forward a positive recommendation to the City Council for Petition No. 400-05-11, based on the findings of fact, analysis and conditions as noted in the staff report. Commissioner Noda seconded the motion. Commissioner De Lay, Commissioner Seelig, Commissioner Scott, Commissioner Noda, and Commissioner Diamond voted "Aye". Commissioner Galli, Commissioner Muir and Commissioner McDonough were not present. The motion passed.

Petition Number 490-05-10, a preliminary subdivision approval to subdivide the existing parcel located at approximately 239 North Virginia Street into three new single-family parcels. The project area is located in the SR-1, Special Development Pattern Residential District.

At 7:20 P.M. Chairperson Chambless introduced Petition 490-05-10 and Wayne Mills, Senior Planner.

Mr. Mills stated that the subject property was located at 239 North Virginia Street and currently contained a two family dwelling on the property. The two family dwelling would be demolished if the subdivision was approved. The subject property extends along 5th Avenue. This property included the frontage of 1224 5th Avenue and half the frontage of 1216 5th Avenue. The application for the subdivision included title work and a letter from the property owner's title company showing information dating back to the 1800's during the old "government patent days" which identified the land as part of the applicant's property. Mr. Mills stated that the property owner does own that property.

Mr. Mills then described the square footage and frontage width for each lot and the SR-1 district minimum lot area and minimum lot width requirements. He stated that Lots 1, 2, and 3 exceed both the minimum lot width of 50 feet and the minimum lot size of 5,000

square feet. In addition, the proposed subdivision would deed property, 5.45 feet in depth, along 5th Avenue to the City for future sidewalk improvements. The applicant was working abutting property owners would be deeded parcels of land that would increase their frontage along the street.

Mr. Mills went on to say that the subject property was located in a transition area with the larger lots to the north and to the east zoned R1-1200. The lots had a minimum lot size of 12,000 square feet for new single family development. The lots to the south and east in the older Avenues area were zoned SR-1, and the lot sizes for a new subdivision would be 5,000 square feet. The existing development was a range of lot sizes from 3,000 square feet on up.

One issue of contention for this project was a private right-of-way located to the south of the subject property. The issue has been who did and did not have a right to use it. This right-of-way had been a private right-of-way easement, was not owned by the City and was not owned in fee title by any particular person. The deed stated that a perpetual right-of-way existed. This particular right-of-way was not included within this subject subdivision request. The southern most proposed lot, Lot 3, was proposed to be accessed directly from Virginia Street by a driveway.

Mr. Mills stated that a verbal and written claim had been made by a property owner at 1221 4th Avenue, stating she owned a portion of the southern strip of the subject property. A copy of that written claim has been included in the Commissioners' packets, along with an e-mail correspondence. The same property owner also claimed that twenty years ago the previous owner obtained permission to build a retaining wall. The retaining wall had since been utilized, and because it had been utilized, the ownership issue needed to be resolved before a subdivision process took place. Mr. Mills stated that he had spoken to the City Attorney who stated this subdivision needed to be reviewed according to legal documents that had been recorded and stated the legal description of the subject property described it right to the north side of the right-of-way, and the legal description of the person with the verbal claim described it to the south side of the right-of-way. According to the City Attorney, the subdivision should be reviewed upon those legal documents and not according to verbal claims. Mr. Mills also stated that this was a minor subdivision request. The Subdivision Standards of Review have been addressed in the staff report.

Chairperson Chambless asked if there were questions for staff. Commissioner De Lay verified with Mr. Mills that the title report was clean on this property and that the claim was a verbal claim. She also stated that she knew this property and its state of disrepair because she was the listing agent when this property was sold. Commissioner Scott asked for clarification of a perpetual easement. Mr. Mills responded that on paper it was a private right-of-way and again stated that this private right-of-way was not included within this subdivision request.

Commissioner Scott questioned the grade of the property. Mr. Mills explained that there was approximately a 62% grade at the southern side of the property. The applicant had proposed a grading plan, included in the staff report, wherein the lots would step down with the grade of Virginia Street. The petitioner, Mr. Glen Saxton, was present. Mr. Mills deferred the discussion to Mr. Saxton.

Chairperson Chambless asked the petitioner to speak. Mr. Saxton, a principal in Terrace Hills Associates, stated he was the owner of this property. He purchased the property in January of 2004, with the objective of subdividing it into three lots. He stated that when the company filed the application in March, the Planning staff raised the question of ownership of the property along 5th Avenue; the northerly twenty seven (27) feet area purchased by Mr. Saxton. Mr. Saxton stated that the right-of-way to the south is a private issue between the Terrace Hills Associates and at least one of the owners on the south side of the right-of-way. The issue would be resolved independent of the hearing and the subdivision process. Mr. Saxton then discussed driveway access for the three proposed lots.

Chairperson opened public discussion and stated he had nine cards for this petition. He said that six cards had indicated positions but did not wish to speak. Three cards indicated the individual wanted to speak.

First to speak was Sam Ghosh. Mr. Ghosh stated that he lived in Federal Heights and that this area was well known throughout the county. He stated that if the petition was approved the area would soon become very crowded, all utilities and the school system would be over loaded. He stated that the property values would go down and taxes would go up. Chairperson Chambless asked for questions for Mr. Ghosh. Planning Commissioner De Lay responded that schools are now closing in the Avenues and that the subject property in question is now structurally unsound.

Sarah Sandberg spoke next from the public community, saying she had lived in the avenues all her life and currently lived in Federal Height. She would like to see something more attractive put in place on the subject property.

Kimberly Pilger also spoke, stating the neighbors had a gut reaction because they did not have a lot of the information they needed, such as home size square footage, size of lot, three car garages and placement of driveways. The Planning Commission spoke to the issue of garage size and the placement of driveways.

Bob Farrington spoke, stating the neighborhood was in transition. He stated he would like to focus, not on minimum requirements, but what would be best for the neighborhood. He said neighbors are concerned about three lots and about the density issue involving the neighborhood.

Larry Broxton addressed the Planning Commission. He stated his concern regarding the addition would be the size of the homes put on the three lots. He stated three lots would be too high a density for the neighborhood. Jody Evans spoke next. Mr. Evans stated that he would be greatly affected by lot three of this subdivision. He said there was a pending property lot issue on the table and he had taken steps for a court hearing. He felt he should have a ruling on his issue before the petition for subdivision is addressed.

Chairperson Chambless then stated he had several cards from people that did not wish to speak but had issues with this subdivision. The Planning Commission then discussed various issues; traffic impact, square footage of houses, garage size and location,

driveway location, and character of the neighborhood being maintained with style of homes that would be built.

Mr. Mills then asked to make a clarification regarding the recommended notion stated in the staff report. He said there would be three (3) parcels included in the subdivision that would be deeded to Salt Lake City and included in the 5th Avenue right-of-way, not two (2) as stated in the proposed motion.

Chairperson Chambless then closed the public hearing and called for a motion.

Motion for Petition 490-05-10:
Commissioner Scott moved that the Planning Commission approve Petition No. 490-05-10, based on the findings of fact, and analysis as outlined in the staff report with conditions as noted in the staff report. Commissioner Noda seconded the motion. Commissioner De Lay, Commissioner Seelig, Commissioner Scott, and Commissioner Noda, voted "Aye". Commissioner Diamond voted "Nay". Commissioner Galli, Commissioner Muir and Commissioner McDonough were not present. The motion passed.

Petition Number 410-755, by Architectural Nexus, representing Myriad Genetics, requesting conditional use approval to allow additional building height for a proposed research laboratory located in the Research Park (RP) zoning district at approximately 320 South Wakara Way.

At 8:39 P.M. Chairperson Chambless introduced Petition Number 410-755 and Ray McCandless, Principal Planner.

Mr. McCandless defined the boundaries of the area included in the petition and owned by Myriad Genetics. Architectural Nexus proposed a new research and office building at 320 South Wakara Way in the University of Utah's Research Park. Myriad Genetics presently occupies a building on the site that was constructed in a series of phases. The proposed new building will be a separate building called Phase Four, and would be located just east of the existing building on what was previously a parking lot. The proposed building would be approximately two (2) stories of offices and research space, approximately 60,000 square feet and would be located over a three (3) story parking structure that would be partially underground because of the slope of the lot. The lot slopes away from Red Butte Garden and the western most portion of the parking structure would be exposed with the remainder built into the hillside.

Mr. McCandless further stated that in the Research Park zoning district, buildings up to forty five (45) feet are allowed as a Permitted Use. Buildings between forty five (45) and seventy five (75) feet require Conditional Use approval by the Planning Commission. In this case, the tallest point on the western most side of the building being considered is fifty three (53) feet tall; eight (8) feet over the approved height for a Permitted Use. The applicants indicated that the building would be located below the Red Butte Gardens parking lot. The difference in height between the existing building and proposed building is approximately six feet.

Mr. McCandless continued, saying that because the proposed building is in Research Park, approval by the Research Park Architectural Review Committee is required. Approval was received on July 18, 2005. Approval was also received by the Research Park Community Advisory Committee on August 3, 2005. On August 3, 2005 the proposal was presented to the Yalecrest Neighborhood Council. Research Park is not located within any particular community council boundary. Mr. McCandless stated that the issues discussed at the Yalecrest Neighborhood Council meeting were outlined in the Planning Commission's staff report. The two biggest issues were 1) if this building would set a precedent for other buildings and 2) the visibility of the building given that it is physically located on a sloping piece of property. Mr. McCandless then gave examples of previous height exceptions for various buildings that had all exceeded the required height. With regard to the visibility issue as viewed from the east, Mr. McCandless said there were only two (2) points at which the building would be visible: 1) the top of the hill as one would drive out of the Red Butte Garden parking lot and 2) the bottom of the hill upon leaving Red Butte Gardens. In terms of looking from the west at the property, the tops of the buildings would be roughly in line so one would not see much of the proposed building from a distance.

Mr. McCandless stated he had recently received letters from the Sunnyside East Neighborhood Association but had not had an opportunity to respond to the letters on a point by point basis. Those letters were given to the Planning Commissioners. The letters from Sunnyside East Association mainly relate to transportation and traffic issues and have been forwarded to the Transportation Engineer. The Transportation Division also did not have time to review the issues point by point. It has been written into the staff report that approval would be subject to meeting all departmental comments and applicable ordinance requirements.

Planning Commissioners asked for clarification on building height, surface parking, grade similarities between sites and any concerns that Red Butte Gardens may have. Mr. McCandless addressed each point for clarification and stated that the applicant had indicated that Red Butte Gardens had given their approval.

Chairperson Chambless asked the petitioner, Jon Erdmann of Architectural Nexus, to speak. Mr. Erdmann stated he had worked on all previous phases of this project over the last ten years. The Phase Four building did present a problem on the very west portion of the building. It was above the forty five (45) foot limit because of a twenty four (24) foot section of grade across the width of the building itself. This grade had to be kept as low as possible because shoring was done during the excavation and the parking would have actually ended up being buried by about thirty five (35) feet on the east side of the site. Nexus would like to keep the plan at the point stated because they are beginning to partially bury windows on the east side of one of the two floors. The grade has been pushed as far as possible without creating real problems with the building.

The Planning Commissioners asked questions regarding the height of the building in regards to the parking structure, how the roof of the building would appear when approaching the building from Red Butte Gardens, if construction had been started, and

possible landscaping ideas for the roof top of the proposed building. Mr. McCandless answered all questions and concerns to the satisfaction of the Commissioners.

Several citizens and representatives of Sunnyside East Neighborhood Association spoke to the Planning Commission, expressing their views, concerns and recommendations. Larry Spendlove, President of Sunnyside East Neighborhood Association, spoke on behalf of the Association and the neighbors regarding this proposed site, stating the Association had not received any favorable responses from 10 of the 15 representatives of the Association. The Yalecrest Community Council was notified, but Sunnyside East Neighborhood Association, the area most impacted by the traffic, was not. Mr. Steve Blackham stated that for forty years Research Park and Sunnyside East Neighborhood Association had been good neighbors. When the Business Park was explained to the neighborhood forty years ago, it was explained as a high technology park with low traffic impact. In actuality, over the last forty years Research Park had morphed into an extension of the Medical Center, and a lot of the high tech firms had either dissolved or are no longer there. He stated that now the problem for their neighborhood was more traffic being generated in and out of the Research Park.

Greg Gardner, Boyer Research Park Associates, clarified one question raised by the Commissioners. Mr. Gardener stated that Nexus began grading work last week because a permit had been issued to Nexus. He said they had not and would not ever begin work that related to the issue of the petition, that being the height of the building, unless the petition was approved. Mr. Gardner also answered Commissioners' questions on the number of parking stalls to be added, Red Butte Gardens approval status, and enhancing the "berm", which is located on the north side of Wakara Drive.

Chairperson Chambless closed the public meeting and asked for further discussion and/or a motion.

Doug Wheelwright, Deputy Planning Director gave further clarification on Community Council issues, stating that the Sunnyside East Neighborhood Association was listed in the City's list of recognized community councils. Information the City had regarding meeting dates indicated that regular meetings were not held by Sunnyside East Neighborhood Association and an applicant had to call the Sunnyside East Chair for the meeting date. This Council was also on the Planning Division's notification list. When talking with Larry Spendlove, it was determined that Mr. Spendlove was notified by the distribution of the agenda, but perhaps he meant to say that they had not been approached as a Community Council to receive a presentation. A member of the Sunnyside East Neighborhood Association had been present at the Yalecrest Community Council meeting when a presentation was made by staff.

Mr. Wheelwright commented on the traffic issues. He stated that currently a Utah Department of Transportation project was underway at the intersection of Sunnyside Avenue and Foothill Drive to add some "free flow turn lanes" to two of the four corners. The intersection was further restricted than what it would normally be. Movement would be easier when construction was completed. Mr. Wheelwright said that, to his recollection, a petition had never been brought before the Commission regarding a request to exceed height regulation in Research Park that was denied.

Mr. Wheelwright also clarified that projects on the University of Utah campus are not within our zoning purview. Mr. Wheelwright stated there was an agreement established in the 1960's or 1970's regarding Research Park that is between Salt Lake City Corporation and the University of Utah and that agreement was the only reason Research Park was subject to the City's zoning jurisdiction. Buildings in Research Park were subjected to property taxes. All properties owned by the University had ninety nine (99) year leases and the lease holders paid payment in lieu of property tax equivalent to the value of the buildings in this park. Salt Lake City had more influence and relationship in Research Park than it did with the rest of the Campus.

Mr. Zunguze then stated that every Conditional Use had an impact and clearly, there was a relationship between that building and the other buildings built in Research Park and what the neighbors were concerned about. He stated that, as a City, we had an obligation, because we had zoning rights over the approval of the buildings, to play a role in decisions made. The unfortunate part was that the Transportation Division did not have an opportunity to examine the issues raised by the neighborhoods and those issues needed to be looked at closely to see how they could be mitigated. He stated he didn't think anyone was saying that this project was a bad thing for the community. The question was "how do we get it to work within the setting that this community is in". He stated this project should not be held hostage, but a clear message should be sent that there was direction and that there was communication with the Transportation agencies. He stated we should sit down with the neighborhood and go through the issues, facilitating resolution and not just approving a petition that had an impact on a neighborhood, thereby creating disconnect. He said that every Conditional Use in Research Park generated an impact.

Chairperson Chambless asked for further discussion and/or a motion.

Motion for Petition 410-755:

Commissioner Noda moved that the Planning Commission approve Petition No.410-755, based on the findings of fact, and analysis as outlined in the staff report with conditions as noted in the staff report. Commissioner Scott seconded the motion. Commissioner De Lay, Commissioner Seelig, Commissioner Scott, Commissioner Noda, and Commissioner Diamond voted "Aye". Commissioner Galli, Commissioner Muir and Commissioner McDonough were not present. The motion passed.

Chairperson Chambless heard a motion by Commissioner De Lay, which was seconded by Commissioner Noda and amended by Commissioner Seelig and Commissioner Diamond, proposing that the Planning Director set up a work group to:

1) initiate a meeting or meetings between the surrounding neighborhood councils, Salt Lake City Corporation, University of Utah and UDOT to look at traffic and planning issues in that area,
2) review the current design guidelines and restrictions as related to zoning and the neighbors,
3) evaluate the appropriateness of the current height limit, with the impetus of going back to the original reason for the forty five (45) feet height limit.

Mr. Zunguze suggested that the issues raised by the neighborhood be resolved before any new Conditional Use requests were scheduled to come before the Planning Commission. Planning Commissioners agreed.

Petition Number 400-05-20, the Salt Lake City Council requesting to create a new zoning district limited to natural open space (Natural Open Space, NOS zone).

At 9:39 P.M. Chairperson Chambless introduced Petition Number 400-05-20 and Mr. Ray McCandless, Principal Planner. At this point, Commissioner De Lay notified the Chair that she would be leaving at 9:50 p.m., thus breaking the quorum if this petition was not completed. Chairperson Chambless announced that this last item would be handled very expeditiously.

Mr. McCandless briefly outlined the petition, stating the petition was not about zoning property but was to create a zoning district that could be applied to other properties within the City, such as the foothills area. It was targeted specifically towards natural open space.

Chairperson Chambless asked if the Commissioners had any questions of staff. Seeing none, he opened the public hearing.

Greg Simonson, Lakeview Rock Product, said his company had a rock aggregate operation near the north Salt Lake City border and he was very concerned as to how this ordinance would apply to private property. He stated that open space was a burden that must be bourn by the entire community, not just the people that happened to own private property in the area. He then referred to the staff report and asked if the criteria discussed in the report "Is consistent with the purpose and goals?"

Mr. Simonson said that clearly open space was a legitimate goal but the report referred to the Capitol Hill Community Master Plan which he said stated "one of the goals is to create a new zoning district for public lands in the foothills which prohibit the development of structures".

Mr. Simonson believed the language went too far if applied to private lands, totally eliminating the uses to which the ordinance restricted itself. Mr. Simonson felt he could then do nothing with his private property under the specific language used in the ordinance. He referred to Lucas vs. South Carolina Coastal Council decision that stated under some circumstances, where all uses are viable economic uses, they are eliminated. He would urge the Commission to look at some of the restrictions on the ordinance as it applied to private property and the severe impact it would have. He stated that even the wording of the ordinance under Section A, "to ensure stewardship" as a purpose, implies ownership. He conceded that the Planning Commission clearly had the right to regulate for the public, but stated that the Planning Commission does not have the right to ensure the absolute preservation of natural lands, which means taking away rights of private property rights.

A discussion with the Commissioners ensued on the language and the meaning of "specific ownership". Mr. Simonson referred the Commissioners to page 4 of the staff report and stated he had received a notice from Mr. McCandless, dated July 18, 2005, wherein his property was specifically named in the recommendation of open spaces.

Mr. Zunguze stated that the request before them was to simply create a definition of open space. The issues raised by Mr. Simonson would become germane when the definition was completed and a petition to rezone specific property comes up to apply the NOS zoning.

Mr. Dak Maxfield, real estate manager for Staker and Parson Companies then stated that the issue that caught his attention was a letter sent by Mr. McCandless that specifically mentioned Lakeview property and Staker property. Mr. Maxfield's concern was that the language removed many of the uses for open space zones, namely, corporate retreat, cemetery, community recreational center, and golf courses. He felt that Salt Lake City was trying to illegally control the property. He stated that Staker property was already 400 yards from public land and they were opposed to any open space zone because the Planning Commission was basically restricting the use of the private land to nothing. He said he understood that the Commissioners' recommendation goes before the City Council, and he felt the City was left with only the option of going forward with the zoning of these private properties this way. He stated that if the City targets his company, they would oppose it. It was a "taking" in his mind.

At this point, Commissioner De Lay recommended the item under discussion be tabled and carried over to the next Planning Commission meeting because she had to leave. Chairperson Chambless verified the rules concerning voting and discussion without a quorum with Brent Wilde and Doug Wheelwright. Chairperson Chambless then announced that due to a lack of a quorum, Petition Number 400-05-20 would be tabled until September 14, 2005.

UNFINISHED BUSINESS

None.

The Planning Commission meeting was adjourned at 9:50 P.M. by Chairperson Chambless.

Margaret Tow, Secretary

Great
12-03-03

ALISON WEYHER
DIRECTOR

SALT LAKE CITY CORPORATION
COMMUNITY AND ECONOMIC DEVELOPMENT

ROSS C. "ROCKY" ANDERSON
MAYOR

COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer **DATE:** November 24, 2003

FROM: Alison Weyher

RE: **Petition No. 400-03-10:** Rezoning of parcels at approximately 1551 and 1545 West 200 South from R-1/5,000 (Single-family Residential) to CN (Neighborhood).

STAFF CONTACT: Marilynn Lewis, 535-6409

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION: Shaw Homes, Inc. initiated this request to amend the West Salt Lake Zoning Map to rezone property at approximately 1550 West 200 South Street. The original request was to rezone two parcels and a portion of the vacated Foss Street right-of-way from R-1/5,000 (Single-family Residential) to CG (General Commercial). The Planning Commission, based on their review, recommended the property be rezoned to CN which the applicant has accepted. This request would also require an amendment to the West Salt Lake Master Plan. The applicant wishes to rezone the property, in order to accommodate a small-scale commercial business. The applicant has not submitted any plans to show a specific proposed use.

In October 2002, Planning staff forwarded a request for a three lot single-family subdivision to the Planning Commission for review. This project could have been addressed administratively, however, due to the proximity of a main track of the Union Pacific Railroad and Interstate 80, Planning staff was extremely concerned about the negative impacts of placing more residential dwellings so close to an active rail line and freeway corridor. The applicant withdrew the housing subdivision request. The Planning Commission accepted the withdrawal of the application, and did not make a ruling. The applicant is now seeking to rezone the property to commercial.

The subdivision amendment as proposed met the technical requirements of the R-1/5,000 zoning, the site development standards and site infrastructure requirements of the City. However, staff determined that a review by the Planning Commission was warranted because of concern of locating more homes near an active rail line.

Analysis: The existing character in this section of the neighborhood is a combination of moderate/high density residential dwellings (with future single-family to the west) and high occupancy transportation corridors (Union Pacific rail line and Interstate 80). The noise from the transportation corridors and airplanes (the property is within the airport overlay zoning district) and the proximity to the rail road corridor makes this property undesirable for new residential development. Changing the zoning to accommodate more commercial-type uses would eliminate the possibility of additional residents from being impacted by these intense transportation uses.

Rezoning the subject property from a residential to a commercial use creates the potential for a neighborhood-based business. It is, however, important that the new businesses be compatible when they are located within neighborhoods. The Poplar Grove Community Council is concerned that some commercial zones, such as the General Commercial initially proposed by the applicant, could allow more intensive uses that would be incompatible with the surrounding land uses. A less intense commercial zone would promote the opportunity to allow compatible commercial development that services the neighborhood and decreases the potential for residential development or illegal dumping activities. The Planning Commission was concerned about the subject property being rezoned to a commercial use that has the potential to create as much of a negative impact as leaving the land residential. Therefore, they passed a motion to recommend the less intensive neighborhood commercial zone.

Master Plan: The West Salt Lake Generalized Future Land Use Map identifies the subject property for medium/high density residential. The Zoning map updated the Future Land Use Map (1995) identifying the subject property for low-density residential. An amendment to the master plan is also part of this petition.

Public Process: The applicant attended the March 26, 2003 meeting of the Poplar Grove Community Council, and presented their proposal requesting that the subject property be rezoned to General Commercial (CG). The community's greatest concerns were over the possibility of some type of auto sales or salvage or repair business being located on the property because of the wide ranging variety of uses allowed in the CG zone. The community decided that they would wait until April 2003 before taking a vote.

On April 9, 2003 instead of taking the issue of the rezoning back before the general membership, the Poplar Grove Executive Board made the decision to send a letter on behalf of the Poplar Grove Community Council. The letter refused to offer support for this rezoning based on past performance and aesthetics of Shaw Homes, Inc.'s previous developments on the Westside. Since newspaper ads are required by law for master plan amendments, an ad was run on April 30' 2003 in the Salt Lake Tribune.

The Planning Commission reviewed the request on May 14, 2003. The Planning Commission passed a motion to transmit a favorable recommendation, to change the zoning to CN (neighborhood commercial), to the City Council, based on the findings of fact in the Staff Report.

Relevant Ordinances: Amendments to the Zoning Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 21A.50.050. "A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard." It does, however, list five factors, which should be analyzed prior to rezoning property (Section 21A.50.050 A-E).

Based on these five factors, staff analyzed master plan considerations, existing and potential future development in the immediate vicinity, impacts to adjacent properties, applicable overlay zones, and the adequacy of existing services and facilities. Based on this analysis, the Planning Commission transmitted a recommendation to change the zoning to CN (neighborhood commercial).

Section 21A.02.040 of the Salt Lake City Zoning Ordinance states that amendments to the zoning map should be consistent with the purposes; goals, objectives and policies of the applicable adopted master plan of Salt Lake City. Therefore a master plan amendment is required via Utah State Code Annotated Section 10-9-304 (Amendment of plan).

The subject property is located within the Airport Influence Zone "C", 21A.34.040.22.C. Airport Influence Zones, which denotes exposure to moderate levels of aircraft noise, and specific height restrictions. An avigation easement would be required for development of the subject property. The airport overlay zone requires that certain uses in this overlay be constructed with air circulation systems because opening the windows for ventilation does not meet the Federal Aviation Administration (FAA) noise standards. An example of uses requiring air circulation systems that are allowed in the CN zoning district include assisted living facilities, group homes, nursing homes, as well as transitional, treatment or victim homes.

TABLE OF CONTENTS

PROJECT CHRONOLOGY

- February 05, 2003. The Applicant initiated the petition for the rezoning and master plan amendment of two parcels.
- March 05, 2003. Project was assigned to staff.
- March 24, 2003. Sent memo requesting department comments.
- March 26, 2003. The applicant attended a general meeting of the Poplar Grove Community Council, and presented their proposal requesting that the subject property be rezoned to general commercial, CG.
- April 09, 2003. At the April session of the Poplar Grove Community Council's Executive Board meeting there was discussion of the Shaw Homes, Inc. rezoning case. Staff was invited to attend.
- April 25, 2003. The Poplar Grove Community Council Executive Board, on behalf of the council at large, submitted written input on the zoning request, via e-mail. The Poplar Grove Community Council decided not to support the rezoning request from R-1/5,000 to CG.
- April 29, 2003. Sent notice to property owners within 450 feet for May 14, 2003 Planning Commission public hearing and posted property.
- April 30, 2003. Notice was placed in the Salt Lake Tribune to notify the public of the May 14, 2003 Planning Commission hearing. This action was taken because it includes a proposal to amend the Future Land Use Map of the West Salt Lake Master Plan.
- May 14, 2003. The Planning Commission held a public hearing. The Planning Commission made and passed a recommendation to rezone the subject parcels to CN (neighborhood commercial) instead of CG (general commercial) and amend the master plan.
- July 21, 2003. The applicant was, in writing, reminded that the Planning Commission recommended the subject property be rezoned to CN, and that a survey describing the entire area (including the vacated portion of Foss Street) was required in order to obtain an ordinance from the City Attorney's Office.
- September 30, 2003. The applicant sent a Boundary Survey to staff.
- October 01, 2003. Staff requested a review of survey information submitted by owner and a description exhibit for the ordinance from the City Surveyor.

- October 06, 2003. Received a review response for the legal description from the City Surveyor.

- October 07, 2003. Staff requested a draft ordinance from the City Attorney.

- November 04, 2003. Received a draft ordinance from the City Attorney's Office.

SALT LAKE CITY ORDINANCE
No. _____ of 2003

(Rezoning property located at approximately 1534 West 200 South)

AN ORDINANCE REZONING PROPERTY LOCATED AT APPROXIMATELY 1534 WEST 200 SOUTH FROM SINGLE FAMILY RESIDENTIAL (R-1-5000) TO NEIGHBORHOOD COMMERCIAL (CN) PURSUANT TO PETITION NO. 400-03-10.

WHEREAS, the Planning Commission and the City Council have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and any local master plan as part of their deliberations. Pursuant to these deliberations, the City Council has concluded that the change of zoning for the property located at approximately 1534 West 200 South is appropriate for the development of the community in that area.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Rezoning. The property located at approximately 1534 West 200 South which is more particularly described on Exhibit "A" attached hereto, shall be and hereby is rezoned from a Single Family Residential (R-1-5000) to Neighborhood Commercial (CN).

SECTION 2. Amendment of Zoning Map. The Salt Lake City zoning map, as adopted by the Salt Lake City Code, relating to the fixing of boundaries and zoning districts, shall be, and hereby is amended consistent with the rezoning identified above.

SECTION 3. Amendment of Master Plan. To the extent necessary, the West Salt Lake Master Plan shall be and hereby is amended consistent with the rezoning identified above.

SECTION 4. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2003.

_____
CHAIRPERSON

ATTEST AND COUNTERSIGN:

_____
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____Approved. _____Vetoed.

_____
ROSS C. ANDERSON
MAYOR

_____
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2003.
Published: _____.

[illegible] Office
[illegible] 11-4-03
[illegible]

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EXHIBIT "A"

UTAH SURVEYS
Dennis L. Bailey
RLS No. 175754
2577 West 7380 South
West Jordan, Utah 84084
Home Phone (801) 561-8444

Sept 8, 2003

LEGAL DESCRIPTION
For
FOSS ST.
VACATION

Beginning at the Southeast corner of Block 9 Irving Park Addition and running thence N89 59'55" E 66.00 feet; thence N 00 06' 32" W 90.98 feet; thence S 65 03'59" W 72.72 feet; thence S 00 06' 32"E 60.33 feet to the point of beginning.

Dennis L. Bailey

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition 400-03-10, by Shaw Homes, Inc. requesting an amendment to the West Salt Lake Zoning Map to rezone the vacant property located at approximately1534 West 200 South Street from an R-1/5,000 (single-family residential district) to CN (neighborhood commercial district). This request would also require an amendment to the West Salt Lake Master Plan future Land Use Map.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, the Planning staff may present information on the petition and anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME:

PLACE: Room 315
City and County Building
451 South State Street
Salt Lake City, Utah

Salt Lake City complies with all ADA guidelines. Assistive listening devices and interpretive services will be provided upon 24 hours advance request.

If you have any questions relating to this proposal, please attend the meeting or call Marilynn Lewis at 535-6049 between the hours of 7:30 a.m. and 5:00 p.m., Monday through Friday or via e-mail Marilynn.lewis@ci.slc.ut.us.

BUSTAMANTE, RAFAEL JR; ET
Sidwell No. 1503263039
217 S FOSS ST # B101
SALT LAKE CITY UT 84104

BROWN, WILLIAM E &
Sidwell No. 1503260002
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WEST VALLEY UT 84120

BROWN, MICHAEL A
Sidwell No. 1503263034
1557 W 200 S # F301
SALT LAKE CITY UT 84104

BARRERA, MARY E &
Sidwell No. 1503263010
1557 W 200 S # F101
SALT LAKE CITY UT 84104

BARFUSS, NATALIE K &
Sidwell No. 1503263016
1557 W 200 S # C201
SALT LAKE CITY UT 84104

ANGERBAUER, RICHARD J &
Sidwell No. 1503263065
11741 S OAK MANOR DR
SANDY UT 84092

ANDERSON, MARTIN J
Sidwell No. 1503263023
1557 W 200 S # G201
SALT LAKE CITY UT 84104

ALLINSON, A HAWLII
Sidwell No. 1503263040
217 S FOSS ST # B102
SALT LAKE CITY UT 84104

ALFARO, FRANCISCO
Sidwell No. 1503263044
217 S FOSS ST # D102
SALT LAKE CITY UT 84104

ABRAJAN, MARIBEL
Sidwell No. 1503261011
212 S 1500 W
SALT LAKE CITY UT 84104

FEDERAL HOME LOAN MORTGAG
Sidwell No. 1503263006
5000 PLANO PKWY
CARROLLTON TX 75010

EGGLESTON, SCOTT D
Sidwell No. 1503263015
1557 W 200 S # B201
SALT LAKE CITY UT 84104

DELL, GORDON & JOSEPHINE
Sidwell No. 1503261013
228 S 1500 W
SALT LAKE CITY UT 84104

DELAPP, JOHN D &
Sidwell No. 1503263037
217 S FOSS ST # A101
SALT LAKE CITY UT 84104

CROOK, SUZANNE
Sidwell No. 1503263030
1557 W 200 S # D301
SALT LAKE CITY UT 84104

CRISMON, LARRY H &
Sidwell No. 1503263032
1271 W 75 N
CLEARFIELD UT 84015

CHURCH, KARL V &
Sidwell No. 1503263026
8346 S COOLIDGE ST
MIDVALE UT 84047

CHUNG, HY &
Sidwell No. 1503260005
245 S MONTGOMERY ST
SALT LAKE CITY UT 84104

CHASE, BARNEY R
Sidwell No. 1503261012
220 S 1500 W
SALT LAKE CITY UT 84104

CARLIN, CHRIS R
Sidwell No. 1503263055
217 S FOSS ST # D201
SALT LAKE CITY UT 84104

GONZALEZ, RAMON &
Sidwell No. 1503263027
1557 W 200 S # B301
SALT LAKE CITY UT 84104

GONZALES, DAVID E &
Sidwell No. 1503263014
755 E 315 S
LAYTON UT 84041

GLINES, MANNIX G
Sidwell No. 1503263049
217 S FOSS ST # A201
SALT LAKE CITY UT 84104

GILLIES, ERIC O &
Sidwell No. 1503263053
217 S FOSS ST # C201
SALT LAKE CITY UT 84104

GARDNER, JERRY R
Sidwell No. 1503263019
1557 W 200 S # D202
SALT LAKE CITY UT 84104

GARCIA, JORGE
Sidwell No. 1503263057
217 S FOSS ST # E201
SALT LAKE CITY UT 84104

GAMERO, ANNETTE D
Sidwell No. 1503263041
217 S FOSS ST # C101
SALT LAKE CITY UT 84104

FONESCA, MARIA
Sidwell No. 1503263048
217 S FOSS ST # F102
SALT LAKE CITY UT 84104

FLORES, JOEL R
Sidwell No. 1503263002
1557 W 200 S # A-102
SALT LAKE CITY UT 84104

FERREIRA, SIMONI R M &
Sidwell No. 1503263059
217 S FOSS ST # F201
SALT LAKE CITY UT 84104

KENDALL, RUTH E
Sidwell No. 1503263068
217 S FOSS ST # D302
SALT LAKE CITY UT 84104

JOLLEY, JENNIFER
Sidwell No. 1503263067
89 W SUNSET CIR
REXBURG ID 83440

JOHNSON, JEREMY J &
Sidwell No. 1503263005
1557 W 200 S # C102
SALT LAKE CITY UT 84104

JOHNSON, BENJAMIN C &
Sidwell No. 1503263062
217 S FOSS ST # A302
SALT LAKE CITY UT 84104

JARED, DARAN
Sidwell No. 1503263036
1557 W 200 S # G302
SALT LAKE CITY UT 84104

JANKOVICH, JOSEPH M &
Sidwell No. 1503263029
1557 W 200 S # C302
SALT LAKE CITY UT 84104

HORSPOOL, BROOKE E
Sidwell No. 1503263012
2415 RINCONADA DR
SAN JOSE CA 95125

HENDARTO, HERU
Sidwell No. 1503263018
1557 W 200 S # D201
SALT LAKE CITY UT 84104

HAMBLETON, HARVEY T & MAD
Sidwell No. 1503256003
311 S MC LANE # 107
PAYSON AZ 85541

GREGG, LESLEE
Sidwell No. 1503263031
1557 W 200 S # D302
SALT LAKE CITY UT 84104

MURPHY, DAVID L
Sidwell No. 1503263003
1557 W 200 S # B101
SALT LAKE CITY UT 84104

MONGE, RAFAEL A
Sidwell No. 1503260004
1270 W 500 S
SALT LAKE CITY UT 84104

MIDYETT, KRISTIN A
Sidwell No. 1503263028
1557 W 200 S # C301
SALT LAKE CITY UT 84104

MEECHAM, WILLIAM E &
Sidwell No. 1503263021
1796 E ABBEDALE LN
SANDY UT 84092

LOWE, DANIEL C
Sidwell No. 1503263071
217 S FOSS ST # F301
SALT LAKE CITY UT 84104

LOFTIN, ANGINETTE
Sidwell No. 1503263011
1557 W 200 S # G101
SALT LAKE CITY UT 84104

KUTKAS, DAVEE M
Sidwell No. 1503263046
217 S FOSS ST # E102
SALT LAKE CITY UT 84104

KING, MARIAH D
Sidwell No. 1503263054
217 S FOSS ST # C202
SALT LAKE CITY UT 84104

KEYBANK NATIONAL ASSOCIAT
Sidwell No. 1503263004
400 COUNTRYWIDE WY
SIMI VALLEY CA 93065

KEY BANK NEWTIONAL ASSOCI
Sidwell No. 1503263013
400 COUNTRYWIDE WY
SIMI VALLEY CA 93065

PIPKIN, JEFFREY L
Sidwell No. 1503263035
1557 W 200 S # G301
SALT LAKE CITY UT 84104

PEART, ERIC R &
Sidwell No. 1503263066
217 S FOSS ST # C302
SALT LAKE CITY UT 84104

PARTRIDGE, LORI
Sidwell No. 1503263061
217 S FOSS ST # A301
SALT LAKE CITY UT 84104

PARK WILLOW CONDOMININIUM
Sidwell No. 1503263073
PO BOX 1029
WEST JORDAN UT 84084

PANH, RICHARD &
Sidwell No. 1503260003
231 S MONTGOMERY ST # 2
SALT LAKE CITY UT 84104

ORTIZ, FERDINAND R &
Sidwell No. 1503263047
217 S FOSS ST # F101
SALT LAKE CITY UT 84104

OLIN, SHELDON D
Sidwell No. 1503263072
519 N 300 W
SALT LAKE CITY UT 84103

NUNES, ALEXANDER U &
Sidwell No. 1503263056
1836 N STALLION LN
SALT LAKE CITY UT 84116

NIELSON, JASON A
Sidwell No. 1503263060
217 S FOSS ST # F202
SALT LAKE CITY UT 84104

NEL, ALLEN G
Sidwell No. 1503259006
PO BOX 28622
LAS VEGAS NV 89126

SALT LAKE GARFIELD & WEST
Sidwell No. 1503504048
1700 FARNAM ST 10FL SOUTH
OMAHA NE 68102

SALT LAKE GARFIELD & WEST
Sidwell No. 1503504046
1700 FARNAM ST 10FL SOUTH
OMAHA NE 68102

SALT LAKE COUNTY
Sidwell No. 1503256001
2001 S STATE ST # N4500
SALT LAKE CITY UT 84190

SALT LAKE COUNTY
Sidwell No. 1503201009
2001 S STATE ST # N4500
SALT LAKE CITY UT 84190

SALAZAR, FIDEL
Sidwell No. 1503263009
1557 W 200 S # E102
SALT LAKE CITY UT 84104

ROWBERRY, DENISE &
Sidwell No. 1503263038
217 S FOSS ST # A102
SALT LAKE CITY UT 84104

RODRIGUEZ, ALFREDO
Sidwell No. 1503263007
1557 W 200 S # D102
SALT LAKE CITY UT 84104

PUCKETT, GERALD L
Sidwell No. 1503263001
1557 W 200 S # A101
SALT LAKE CITY UT 84104

POLLEI, EMILY C.
Sidwell No. 1503253001
525 E 2875 N
PROVO UT 84604

PLAZOLA, JOSE D &
Sidwell No. 1503261010
1519 W 200 S
SALT LAKE CITY UT 84104

UTAH POWER & LIGHT CO
Sidwell No. 1503201005
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

TAYLOR, GEORGE C
Sidwell No. 1503263024
1557 W 200 S # G202
SALT LAKE CITY UT 84104

SULLIVAN, CHARLES B &
Sidwell No. 1503263017
1557 W 200 S # C202
SALT LAKE CITY UT 84104

STOLWORTHY, CHRISTIE A
Sidwell No. 1503263064
217 S FOSS ST # B302
SALT LAKE CITY UT 84104

SMITH, JEFFREY R
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19701 E 17TH PL
AURORA CO 80011

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BAY POINT CA 94565

SILVA, LISA M
Sidwell No. 1503263033
1557 W 200 S # E302
SALT LAKE CITY UT 84104

SHAW HOMES, INC
Sidwell No. 1503256002
2504 W 14400 S
BLUFFDALE UT 84065

SHAW HOMES, INC
Sidwell No. 1503255001
2504 W 14400 S
BLUFFDALE UT 84065

SANCHEZ, JUAN C
Sidwell No. 1503263042
217 S FOSS ST # C102
SALT LAKE CITY UT 84104

UTAH POWER & LIGHT CO
Sidwell No. 1503253006
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

UTAH POWER & LIGHT CO
Sidwell No. 1503253005
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

UTAH POWER & LIGHT CO
Sidwell No. 1503253004
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

UTAH POWER & LIGHT CO
Sidwell No. 1503253003
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

UTAH POWER & LIGHT CO
Sidwell No. 1503253002
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

UTAH POWER & LIGHT CO
Sidwell No. 1503252005
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

UTAH POWER & LIGHT CO
Sidwell No. 1503228005
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

UTAH POWER & LIGHT CO
Sidwell No. 1503201008
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

UTAH POWER & LIGHT CO
Sidwell No. 1503201007
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

UTAH POWER & LIGHT CO
Sidwell No. 1503201006
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

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OMAHA NE 68102

WENTZ, HEATHER A &
Sidwell No. 1503263052
217 S FOSS ST # B202
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WALTHER, VAN J, JR &
Sidwell No. 1503263069
217 S FOSS ST # E301
SALT LAKE CITY UT 84104

WAKEFIELD, RUSSELL K &
Sidwell No. 1503263043
10287 S ZINNIA WY
SANDY UT 84094

WADSWORTH, BRENT M
Sidwell No. 1503263070
1522 S ASPEN GROVE ST
NAMPA ID 83686

WADSWORTH, BRENT M
Sidwell No. 1503263058
1522 S ASPEN GROVE ST
NAMPA ID 83686

ZUNIGA, TOMAS C &
Sidwell No. 1503261014
923 N SIR MICHAEL DR
SALT LAKE CITY UT 84116

VILLAR, CARLOS JR
Sidwell No. 1503263051
217 S FOSS ST # B201
SALT LAKE CITY UT 84104

ZAVALA, ALBERTO &
Sidwell No. 1503263022
1557 W 200 S # F201
SALT LAKE CITY UT 84104

VICK, SHADWRICK J &
Sidwell No. 1503263050
217 S FOSS ST # A202
SALT LAKE CITY UT 84104

WRIGHT, RYAN R
Sidwell No. 1503263025
1557 W 200 S # A301
SALT LAKE CITY UT 84104

VALDIVIEZ, RAMIRO &
Sidwell No. 1503263045
217 S FOSS ST # E101
SALT LAKE CITY UT 84104

WILLIAMS, KEITH L
Sidwell No. 1503263008
16495 E 17TH PL #A
AURORA CO 80011

UTAH POWER & LIGHT CO
Sidwell No. 1503254001
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

WESTERN PACIFIC RAILROAD
Sidwell No. 1503504049
1700 FARNAM ST 10FL SOUTH
OMAHA NE 68102

Marilynn Lewis
451 South State Street, Rm 406
Salt Lake City, Utah 84111

Mr. John Storrs
Poplar Grove C.C.
1028 West 500 South
Salt Lake City, Utah 84110

Mr. David Baus
756 South 200 East, Suite A
Salt Lake City, Utah 84111

Mr. David Baus
323 East Hubbard Ave.
Salt Lake City, Utah 84111

Marilynn Lewis
Planning Division
451 South State Street
Salt Lake City, Utah 84111

A. LOUIS ZUNGUZE
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON
MAYOR

Mr. David Baus
323 East Hubbard Avenue
Salt Lake City, Utah 84111

Re: Notification of Planning Commission Hearing
Petition 400-03-10 a Zoning Map Amendment for the Shaw Homes, Inc.

Located at approx. 1551 West 200 South Street and 1545 West 200 South Street, Including the vacated portion of Foss Street (on north side of 200 South)

Dear Mr. Baus:

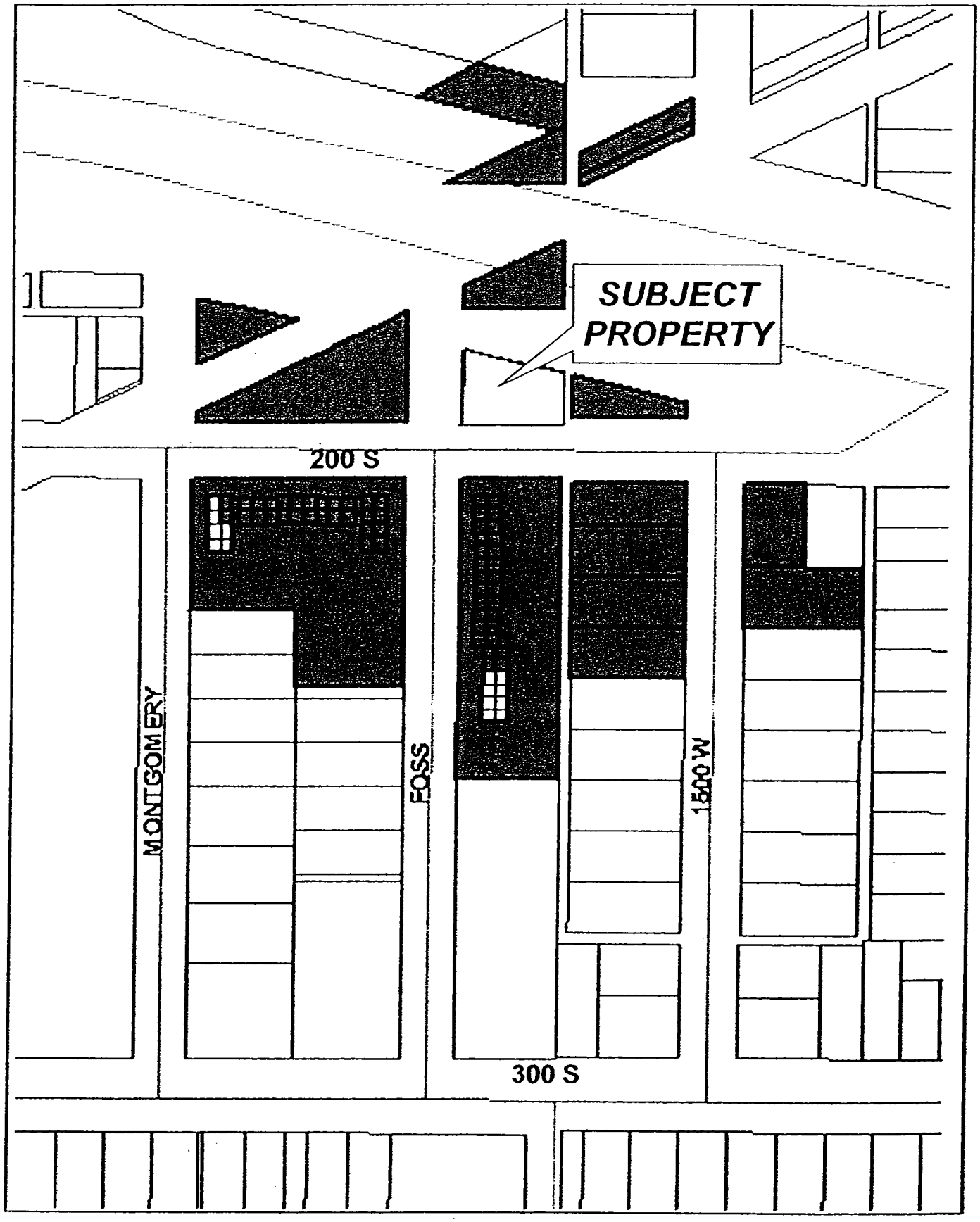
This letter is in response to your comment and concern, during your testimony at the May 14, 2003 Planning Commission hearing, that as a property owner within the vicinity of the aforementioned property you had not received formal notification of the hearing. Your property, located at 264 South Foss Street was outside the required range (300') for notification at the time the application was filed. Attached is a map showing the appropriate area of notification.

We would of course be glad to add your name to future mailing lists involving this zoning amendment petition. Please let me know if you have any questions or comment. I can be reached by phone at 535-6409 or by e-mail at Marilynn.lewis@ci.slc.ut.us. Thank you.

Sincerely,

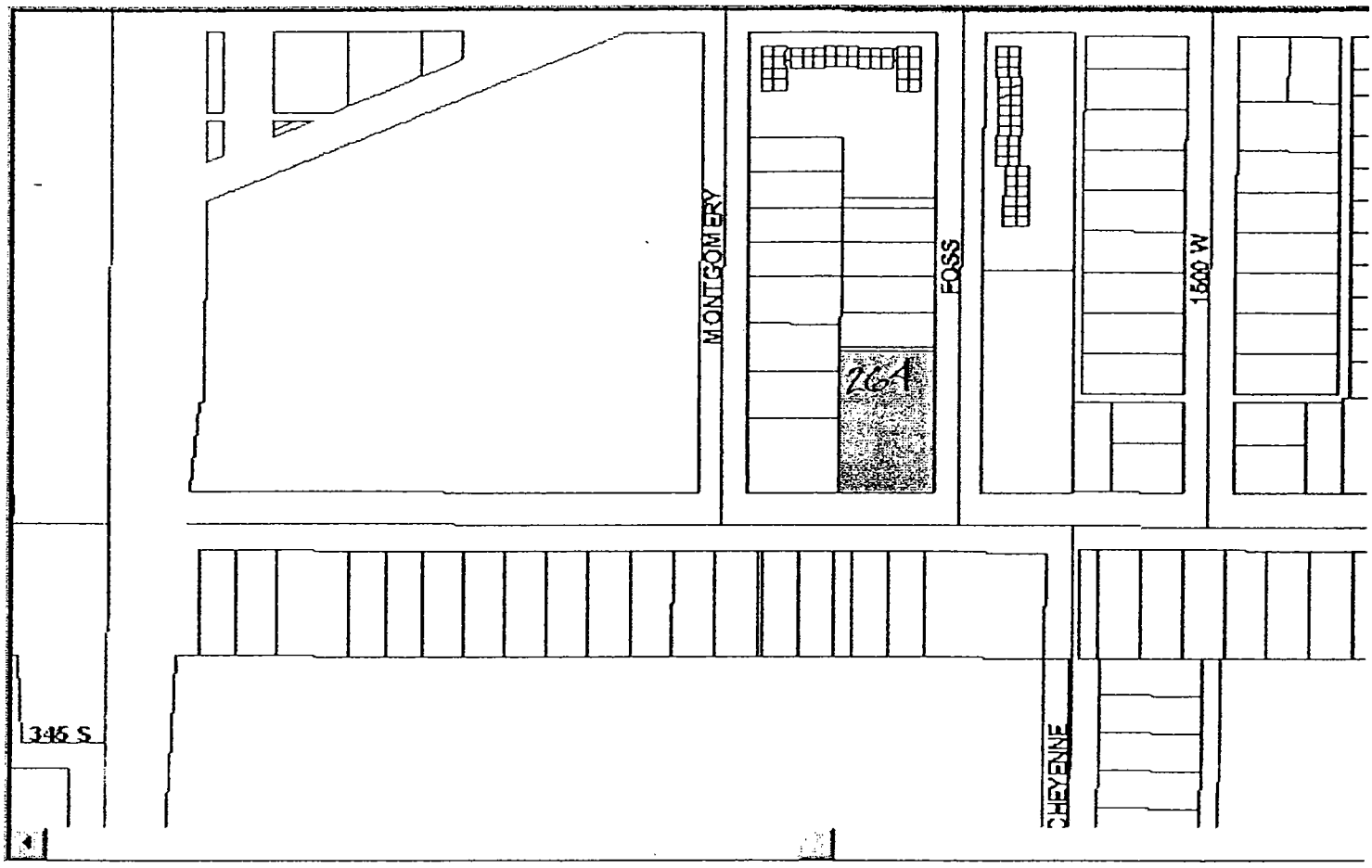
Marilynn Lewis, Principal Planner
Planning Division

C: Louis Zunguze, Director
Brent Wilde, Deputy Director
File



Properties within 300 Feet of Subject Property

GIS Map Application
Printed on: 5/15/2003



A. LOUIS ZUNGUZE
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON
MAYOR

NOTICE OF PUBLIC HEARING
SALT LAKE CITY COUNCIL

The Salt Lake City Planning Commission is considering Petition 400-03-10, in which the applicant, Shaw Homes, Inc. is requesting an amendment to the West Salt Lake Zoning Map for vacant property located approximately at 1551 West 200 South Street. The proposal includes rezoning the subject property from R-1/5,000 (single-family residential district) to CG (general commercial district).

As part of their review regarding the petition, the Planning Commission will hold a public hearing. Anyone desiring to address the Planning Commission concerning this petition will be given the opportunity. You are invited to the public hearing to be held:

WEDNESDAY MAY 14, 2003

6:00 P.M.

ROOM 326
SALT LAKE CITY AND COUNTY BUILDING
451 SOUTH STATE STREET
SALT LAKE CITY, UTAH

Salt Lake City complies with all ADA guidelines. Assistive listening devices and interpretive services will be provided upon a 24 hour advance request.

If you have any questions on this issue, please call Marilynn Lewis at 535-6409 or marilynn.lewis@ci.slc.ut.us. The petition file is available for review in the Salt Lake City Planning Division Office located at 451 South State Street, Room 406. Copies of the staff report are available the Friday before the public hearing at 5:00 pm. If you are the owner of a rental property, please notify your tenants of this meeting.

Salt Lake City Planning Division
451 South State Street
Salt Lake City, Utah 84111

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.

2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing.

3. Speakers will be called by the Chair.

4. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.

5. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.

6. A time limit may be placed on speakers to ensure everyone has a chance to comment. The Chair will make that determination upon reviewing the number of people wishing to speak.

7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.

8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.

9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.

10. Meeting notices are made available 14 days in advance. If persons wish to submit written comments, they should be directed to the Planning Division at least 7 days in advance to enable Planning Commissioners to consider those written comments. Comments should be sent to:

    Salt Lake City Planning Director
    451 South State Street, Room 406
    SLC, UT 84111

Note: We comply with all ADA guidelines. Assistive listening devices & interpreter services provided upon 24 hour advance request.

NOTICE OF HEARING

143 SOUTH MAIN ST.
P.O.BOX 45838
SALT LAKE CITY, UTAH 84145
FED.TAX I.D.# 87-0217663

Newspaper Agency Corporation
The Salt Lake Tribune NAC DESERET NEWS

CUSTOMER'S COPY

PROOF OF PUBLICATION

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
SLC CORP. ~~CAPITAL~~ PLANNG ~~FRANCIS J. RAMOS~~ 451 SO. STATE, RM. 445 SALT LAKE CITY UT 84111	S5356409L-07	04/30/03

ACCOUNT NAME	
SLC CORP. CAPITAL PLANNG	
TELEPHONE	INVOICE NUMBER
801-535-6409	TL820205531
SCHEDULE	
START 04/30/03 END 04/30/03	
CUST. REF. NO.	
CAPTION	
SALT LAKE CITY PLANNING COMMIS	
SIZE	
44 LINES 1.00 COLUMN	
TIMES	RATE
1	1.68
MISC. CHARGES	AD CHARGES
.00	76.92
	TOTAL COST
	76.92

SALT LAKE CITY PLANNING COMMISSION MASTER PLAN HEARING

On Wednesday, May 14, 2003 at 6:00 P.M. the Salt Lake City Planning Commission will hold a public consider Petition 400-03-10, in which the applicant, Shaw Homes, Inc. is requesting an amendment to the West Salt Lake Zoning Map for vacant property located at approximately 1551 West 200 South Street. The proposal includes rezoning the subject property from R-1/5,000 (single-family residential district) to CG (general commercial district). This change also requires an amendment to the West Salt Lake Master Plan

The hearing will be held in Room 326 of the Salt Lake City and County Building, 451 South State Street. Accessible parking and entrance are located on the east side of the building. Hearing impaired individuals who wish to attend this meeting should contact our TDD service number, 535-6021, 4 days in advance so that an interpreter can be provided. For further information regarding this hearing, call Marilynn Lewis at 535-6409. 82020553

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY CORPORATION LEGAL BOOKKEEPER, I CERTIFY THAT THE ADVERTISEMENT OF SALT LAKE CITY PLANNING COMMIS SLC CORP. CAPITAL PLANNG WAS PUBLISHED BY THE NEWSPAPE CORPORATION, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH.

PUBLISHED ON START 04/30/03 END 04/30/03

SIGNATURE Sjanie Best

DATE 04/30/03

Notary Public
SJANIE BEST
824 West Big Mountain Drive
Taylorsville, Utah 84123
My Commission Expires
November 19, 2006
State of Utah

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
PLEASE PAY FROM BILLING STATEMENT.

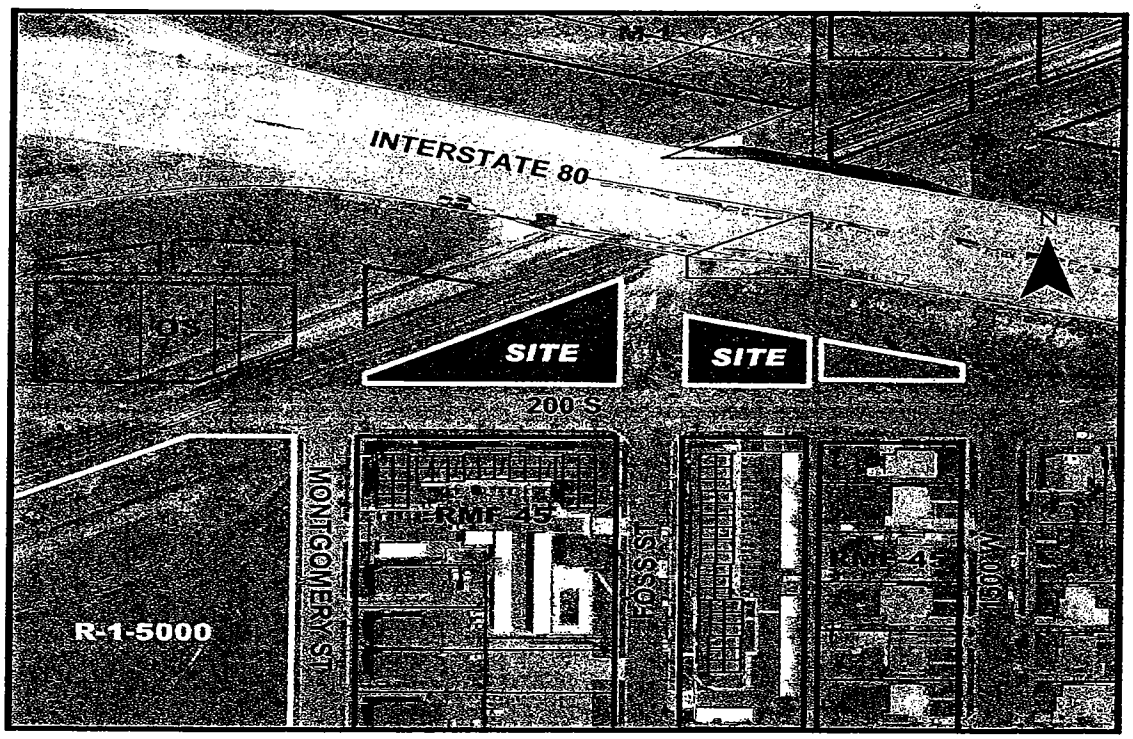
DATE: May 09, 2003

TO: Salt Lake City Planning Commission

FROM: Marilynn Lewis, Principal Planner

RE: May 14, 2003 Planning Commission Meeting

CASE#:	**400-03-10**
COUNCIL DISTRICT:	**District 2**
APPLICANT:	**Shaw Homes, Inc. / Jim Shaw**
STATUS OF APPLICANT:	**Property Owner**
PROJECT LOCATION:	**Approx. 1551 West 200 South Street** **1545 West 200 South Street**



PROJECT/PROPERTY SIZE:

15-03-256-002	**= 0.18 acres**
15-03-255-001	**= 0.43 acres**
Vacated Foss Street	**= 0.15 acres**
Total	**= 0.76 acres**

SURROUNDING ZONING DISTRICTS:

North – M-1 (manufacturing).
South - RMF-45 (multi-family).
East - R-1/7000 (single- family).
West - R-1/5000 and OS (single-family and open space).

SURROUNDING LAND USES:

North – Interstate Highway 80 and the Union Pacific Railroad.
South – Existing condominium –high density residential units.
East - Existing single-family residential units.
West – Vacant land, which was recently subdivided for single-family residential units.

REQUESTED ACTION:
Petition 400-03-10 is a request by Shaw Homes Inc. for an amendment to the West Salt Lake Zoning Map and for a zoning change from R- 1/5,000 (single-family residential district) to CG (general commercial district). This request would also require an amendment to the West Salt Lake Master Plan.

PROPOSED USE(S):
The applicant wishes to rezone the property, in order to accommodate a small- scale commercial business. The applicant has not submitted any plans to show a specific proposed use.

APPLICABLE LAND USE REGULATIONS:

Ordinance 21A.34.040.22.C. Airport Influence Zones
The subject property is located within the Airport Influence Zone "C", which denotes exposure to moderate levels of aircraft noise, and specific height restrictions. An avigation easement would be required for development of the subject property. If this site were developed for single-family homes, as previously presented in 2002, or other

permitted and conditional uses under commercial zoning districts that have bedrooms the airport overlay zone would need to be addressed. The airport overlay zone requires that these uses be constructed with air circulation systems because opening the windows for ventilation does not meet the Federal Aviation Administration (FAA) noise standards. An example of uses requiring air circulation systems would be assisted living facilities, group homes, nursing homes, as well as transitional, treatment or victim homes.

Ordinance 21A.26.010 Commercial District -General Provision, Statement of Intent
The commercial districts are intended to provide controlled and compatible settings for office and business/commerce developments, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values and the tax base, to ensure high quality of design, and to help implement officially adopted master plans.

MASTER PLAN SPECIFICATIONS:
The West Salt Lake Generalized Future Land Use Map identifies the subject property for Medium/High Density residential. The Zoning map updated the Future Land Use Map (1995) identifying the subject property for low-density residential.

SUBJECT PROPERTY HISTORY:
In October of 2002, Planning Staff forwarded a request for a three lot single-family subdivision to the Planning Commission for review. This project could have been addressed administratively, however due to environmental concerns of land uses on properties adjacent to a main track of the Union Pacific Railroad directly west, and Interstate 80 directly north of the subject property, Planning staff was extremely concerned about the negative impacts of placing more residential dwellings so close to an active rail line.

While the subdivision amendment as proposed was able to meet the technical requirements of the R-1/5,000 zoning, the site development standards and site infrastructure requirements of the City, staff determined that a review by the Planning Commission was warranted because of concerns about the amendment requirements. Staff noted the following issues of concern:

1. Allowing new single–family residences to be constructed adjacent to an active main line railroad track;

2. The utilization of modular homes that could not be readily adapted to increase sound attenuation through typical methods of improving windows, insulation, and site layout and design to provide buffering;

3. Limited mortgage opportunities for potential new buyers, which may result in units that are difficult to sell and keep occupied.

The current zoning of the property is R-1/5,000. If approved the applicant could have the right to develop 3 single-family detached dwellings on the site. The applicant had previously submitted a subdivision application (Foss Subdivision) for the Planning Commission's review. However, due to the proximity to the freeway and railroad corridor, staff was extremely concerned about the negative impacts of placing more residential dwellings so close to an active rail line. Furthermore, due to its location near these noise corridors, federal funding or financing of the residential units would not be allowed. The applicant was of the view that the price of the homes would be low enough that homeowners would be able to utilize conventional financing programs or, carry the contract for the new homebuyers (seller financing). The Planning Commission did not make a ruling and accepted the withdrawal of the application.

Although the applicant withdrew the housing subdivision request at the October 3, 2002 Planning Commission meeting, members of the Poplar Grove Community Council members asked to testify on behalf of their community. The testimony revolved around the community's displeasure with the type of structures the applicant's firm places in their neighborhood. Since the applicant is bound by the zoning to develop appropriate uses, he decided to seek a zone that would provide other development opportunities.

ACCESS:
The subject property has access from 200 South Street. Specific points of ingress/egress would have to be identified once a development plan is devised for the subject property.

PROJECT DISCRIPTION:
The applicant has not submitted a specific project for the subject site.

COMMENTS, ANALYSIS AND FINDINGS:

COMMENTS
Only the following City departments responded. Their comments are listed below along with the Poplar Grove Community Council (all original responses are attached):

a. Transportation
The Division of Transportation review comments and recommendations for the Rezone Are the same as those previously submitted on January 24, 2002 with respect to the Foss Subdivision at 1551 West 200 South:

1. 200 South a collector class roadway, is to be 49' wide TBC for parking, bike lanes, and two-way travel lanes. There is existing asphalt paving, but public way improvements for sidewalks, ADA ramps, street lighting, curb and gutter, and drainage control are required.

2. The pedestrian walkway need to comply with ADA standards and align with abutting improvements.

3. The new driveway approaches needs to be coordinated with ADA ramps and intersection alignments, and have a 12-foot separation from abutting driveways and a 5-foot buffer from power poles, fire hydrants etc.

4. Review with Engineering Office for roadway development and definition from the existing curb & gutter at the I-80 overpass to the east, to the rail road crossing on the west.

5. Coordinate with Gordon Haight, Transportation Engineer at 535-7147 for street lighting. (The letter from the Transportation Division is included as Exhibit 4).

b. Public Utilities

"Public Utilities approves the proposed rezone for this property. A sanitary sewer extension may be required at the time of development for this property depending on the proposed future use. Other design and construction requirements for this property were outlined in a letter from our department to Jackie Gasparik in SLC Planning on Jan. 24, 2002." (The letter from Public Utilities is included as Exhibit 4).

c. Police

Their comments are as follows:

"This property is an important key to the future growth of the neighborhood. Property owners have made commitments to upgrade their properties, or have invested in improvements in an effort to improve the neighborhood. The change of zoning from a single –family home designation suggests that this neighborhood may have a land use that is incompatible.

The neighborhood which is struggling to provide a positive identity would be presented with a set back if the development on the land does not serve to strengthen the sense of neighborhood. Compatible land use ensures that conflicts amongst people are avoided and people are not put in dangerous situations. An example of incompatible activities or use is locating a bus shelter right outside the door of a disreputable bar, or a car repair shop in a neighborhood filled with young children who play in residential neighborhoods and streets.

The type of business that could be co-located in this community setting should be carefully chosen. We will not support any business, which will hinder the efforts of this neighborhood to improve a positive identity." (The letter from the Police Dept. is included as Exhibit 4).

d. Fire

"The Fire Department gives approval of the above mentioned request. Please note that additional fire hydrants and access roads may be required as the property is developed." (The letter from the Fire Dept. is included as Exhibit 4).

e. Community Council

The applicant attended the March 26' 2003 meeting of the Poplar Grove Community Council, and presented their proposal requesting that the subject property be rezoned to general commercial, CG. The communitiy's greatest concerns were over the possibility of some type of auto sales, salvage or repair being located on the property because of the wide ranging variety of uses in the CG zone. They were also concerned that there would not be sufficient landscape buffering for such uses opposite residential dwellings. The community understands that the applicant is within their rights to build single-family homes. The community is however, very disturbed with the modular units the applicant typically uses. They stated that they are displeased with the appearance of the structures. The community decided that they would wait until April 2003before taking a vote.

On April 9, 2003 instead of taking the issue of the rezoning back before the general membership, the Executive Board made the decision to send a letter on behalf of the Poplar Grove Community Council which states the following: **"The Poplar Grove Community Council Executive Board, having dispassionately and deliberately examined all available information regarding Shaw Homes Inc., withdraw our combined endorsement and support. On the 9th day of April, 2003, a motion was submitted, seconded, and unanimously carried that the numerous past and present developments of Shaw Homes Inc. were not consistent with the well being and benefit of the Poplar Grove neighborhood. May it also be recorded, that all available action will be taken for the improvement of the community."** (The letter from the Executive Board is included as Exhibit 1).

f. Permits Office

"The Permits Office would have no problem with any rezoning. Provided the use is permitted in the zone and all set back, parking and landscaping requirements are met." (The letter from the Permits Office is included as Exhibit 4).

Planning Staff Comments

With the exception of the Police, all other department comments are technical in nature and discuss the requirements that would relate to future development on the subject site. Once a zone has been established, any new "permitted" development for the subject site would be directed to the Development Review Team prior to the issuance of a permit. Any project that would require a "conditional use" would be required to go before the Planning Commission. Staff is in agreement that achieving a level of compatibility is important to the neighborhood, as well as the success of any business that intends to locate on this site.

However, comments from the Police did not focus primarily on issues safety. The comments did not address issues of security, enforcement, frequency of calls or safety complaints (i.e. vandalism, robberies) for this area, and whether the proposed zoning change would have an effect in a positive or negative manner.

The Poplar Grove community and the Executive Board are reluctant to offer support for any project at this time. While both the Master Plan and the zoning for the area indicate

residential as appropriate uses, Staff finds that placing homes on the subject property would not be in the best interest of the potential buyers or the community, due to the proximity to the Union Pacific Rail Road and Interstate Highway 80. Furthermore, it is worth noting that dumping is occurring on this site. If the property remains undeveloped there is great potential that dumping will continue to occur at the site. The dumping is an incompatible use for the neighborhood, and inconsistent with the goals of the West Salt Lake Master Plan and The Final Report of the Salt Lake City Futures Commission.

ANALYSIS AND FINDINGS

The Planning Commission must make a determination on whether or not they will transmit a recommendation to the City Council to rezone the subject property as requested (thereby creating a zoning map amendment) based on the Analysis and Findings as stated below:

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

Discussion: The West Salt Lake Master Plan states "**Functional and attractive commercial enterprises are one of the most important features to a viable neighborhood community**". West Salt Lake residents have expressed a need for businesses that provide basic necessities to be located within the community. This cannot always be, or should be accomplished with commercial strip centers.

The Final Report of the Salt Lake City Futures Commission recommends that mixing and maintaining some commercial and residential uses in a more urban environment provides equal opportunity for access to goods and services that cross a variety of economic groups and accessibility abilities. Westside communities are interested in properly developed neighborhood commercial uses.

The Strategic Plan Final Report suggests expanding the "own and work" program within the City to encourage pedestrian friendly neighborhood based businesses and discourage blight.

Findings: Rezoning the subject property from a residential to a commercial use creates the potential for a neighborhood based business. It is however, important that the new businesses be compatible when they are located within neighborhoods. Once the zone is changed, permitted uses would be allowed to set up and service areas far greater than the boundaries of the existing neighborhood. The Poplar Grove Community Council is concerned that some commercial zones, such as the one proposed general commercial (CG), could allow more intense uses that would be incompatible, which would defeat the goals of the master plan. A less intense commercial zone would decrease the potential for residential development or illegal dumping, while providing the opportunity to allow compatible commercial development that services the neighborhood. The change

of zoning from residential to commercial would require an amendment to the West Salt Lake Master Plan Future Land Use Map

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

Discussion: The existing character in this section of the neighborhood is a combination of moderate/high density residential dwellings (with future single-family to the west) and high occupancy transportation corridors (Union Pacific rail line and Interstate 80). Coupled with the noise from the transportation corridors and the airport overlay zoning district, changing the zoning to accommodate more commercial type uses would keep additional residents from being impacted by these transportation uses. However, the purpose of the general commercial (CG) zoning district is to provide an environment for a variety of commercial uses, some of which involve the outdoor display/storage of merchandise or materials. Many of the types of uses allowed in the CG zoning district are not harmonious with the residential setting or in this neighborhood. A less intensive commercial zoning district, such as the neighborhood commercial (CN) zoning district, would allow commercial uses such as medical clinics, offices and retail service establishments, that are more likely to be compatible with the adjacent existing residential land uses in the immediate vicinity.

The CN zoning district has a maximum lot size of 16,500 sq. ft. with an overall district size of 90,000 sq. ft. Although, the size of the western lot is approximately 18,730 sq. ft. and exceeds the maximum lot size, the lots are existing and the western lot is encumbered with various restrictions that limit the overall developable envelope.

Finding: A commercial use could be developed in a manner that is functional and harmonious with the neighborhood character. In order for a commercial use to be compatible, the intensity of the use must be taken into consideration to ensure the use is harmonious with the surrounding area. In this instance, a proposed use has not yet been identified. Rezoning the property to CG, which allows many uses that are incompatible with this residential neighborhood, is not appropriate. Many of the uses allowed in the CG zoning district that are allowed as a permitted use, (which would not require any public input or Planning Commission review) are not appropriate in a residential neighborhood. A less intensive commercial zoning use within the CN zoning district, could provide services to the neighborhood, while decreasing the potential for negatively impacting the neighborhood with noise, traffic, visual appearance or undesirable activities and is a more appropriate zoning classification for the subject properties.

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

Discussion: Although the applicant does not have a specific development proposal for the site, the high intensity commercial uses allowed in the CG zoning district are more likely to cause adverse impacts to adjacent properties than a less intensive commercial zoning district (such as the CN zoning district) would. These impacts may relate to noise, traffic or visual impacts as well as undesirable activities associated with some of the uses that are allowed in the CG zoning district (as either permitted or conditional uses). Some of these uses include halfway houses, large substance abuse centers, major auto and truck repair, auto sales, car wash, pawnshops, blood donor centers, laboratories, sign fabrication, welding shops, sexually oriented businesses, ambulance services, contractor's yards and taxi cab facilities. Many of the uses allowed in the CG zoning district (which citywide is mainly mapped in areas away from residential neighborhoods) are inappropriate to locate close to residential neighborhoods.

Findings: Development of the property would upgrade the site, and keep it from being used as an illegal dumping ground, which adversely affects the adjacent properties. However, if the zoning is changed to CG there will be a host of business ventures allowed, that may present adverse impacts to the community. The CG zone allows a variety of uses that would negatively impact adjacent residences. A less intensive commercial zone, such as CN could provide necessary services to the residents.

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

Discussion: This site is located within the Airport Influence Zone "C" (an airport overlay zone), which has moderate exposure to aircraft noise and specific restrictions on the heights of structures.

Findings: New development will need to adhere to height restrictions and building standards, depending on the use, within the Airport Influence Zone "C" (an airport overlay zone). However, given that there is no specific project proposed, it is not possible for Staff to make a definitive finding to this standard.

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.

Discussion: Staff requested input from pertinent City Departments and/or Divisions. Comments were received from the departments of Transportation, Fire, Police, Public Utilities, and Permits.

Findings: Specific recommendations from these departments would require a proposed use, in order to make accurate determinations relating to the adequacy of public facilities and services. That is not possible at this juncture because the applicant has not indicated a specific use for development. However, it is noted in the report that there is concern over the variety of development opportunities in the CG (general commercial) zone that may have negative impacts on the neighborhood.

RECOMMENDATION:
In order to allow the applicant more flexibility in developing the site while eliminating the possibility of developing low density residential land use with potential for poor quality of life, and based on the findings of fact identified in this report, staff recommends that the Planning Commission recommend a zoning change from R-1 /5,000 (single-family residential to CN (neighborhood commercial) rather than CG (general commercial) as originally requested for the following reasons:

1. The CN (neighborhood commercial) zoning district affords development opportunities that are appropriate for the location near the transportation corridors without permitting high intensive commercial uses that are inappropriate in a residential neighborhood.

2. The CN (neighborhood commercial) zoning district will provide a variety of small neighborhood business development opportunities that would be more complimentary to the neighborhood setting, and consistent with the West Salt Lake Master Plan.

Marilynn Lewis, Principal Planner
Planning Division

Attachments:
Exhibit 1 – Letter from Community Council.
Exhibit 2 – Aerial Map with Zoning Districts.
Exhibit 3 – Union Pacific Statement and Approximate Location of Easement (from previous Staff Report).
Exhibit 4 – Comments from City Departments.

Lewis, Marilynn

From: King Follett [kingfollett@hotmail.com]
Sent: Friday, April 25, 2003 3:18 PM
To: marilynn.lewis@ci.slc.ut.us
Subject: Shaw Homes Inc.

Marilynn Lewis
Principal Planner
451 S. State St.
Room 406
Salt Lake City, UT 84111

April 25, 2003

Dear Marilynn,

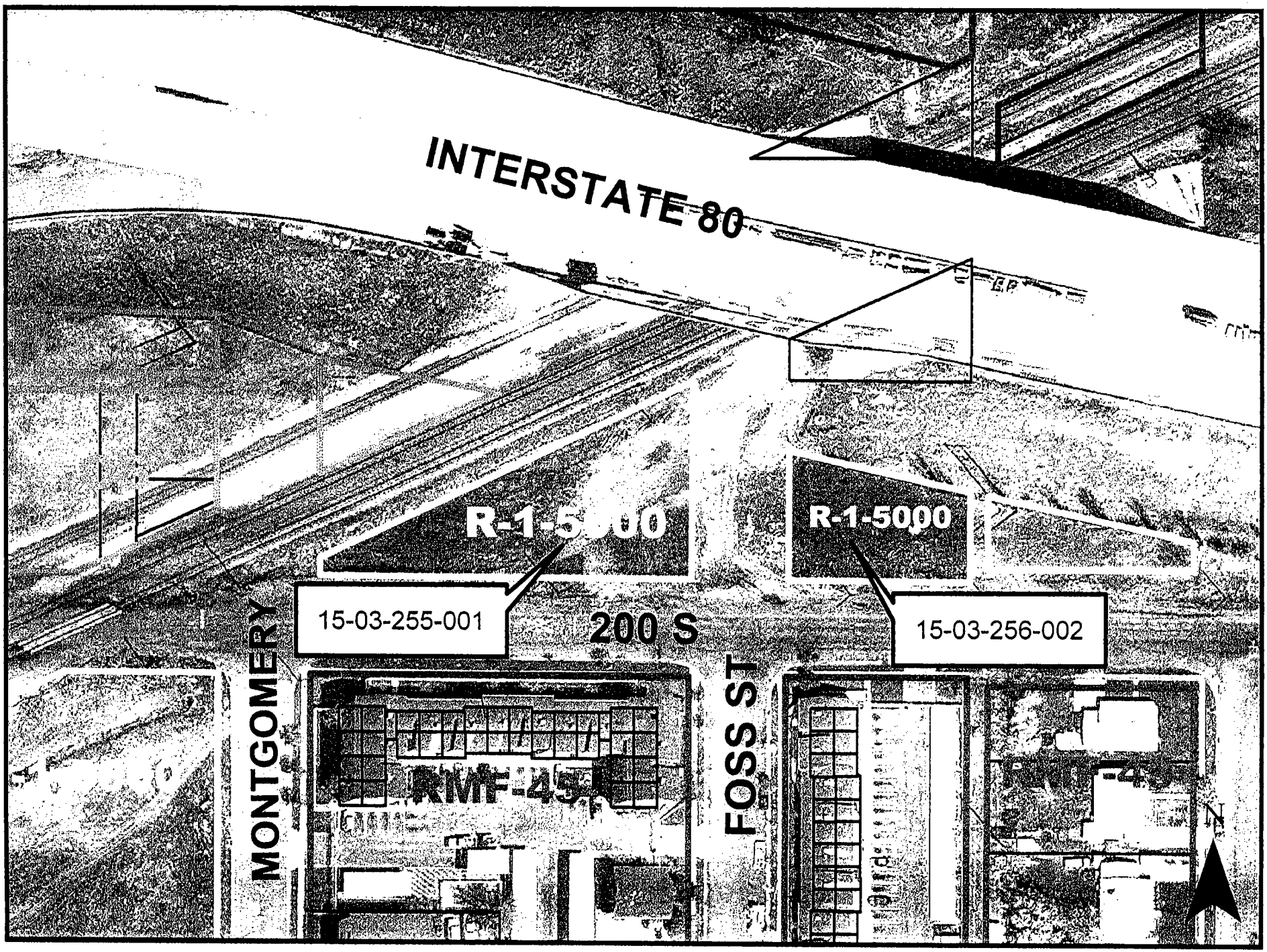
The Poplar Grove Community Council Executive Board, having dispassionately and deliberately examined all available information regarding Shaw Homes Inc., withdraw our combined endorsement and support. On the 9 day of April, 2003, a motion was submitted, seconded, and unanimously carried that the numerous past and present developments of Shaw Homes Inc. were not consistent with the well being and benefit of the Poplar Grove neighborhood.
May it also be recorded, that all available action will be taken for the improvement of the community.

If you have any questions concerning this motion, please contact me.

Most Respectfully,

John Storrs, Chair
Poplar Grove Community Council

Petition 400-03-10



Gasparik, Jackie

From: MSATTLER@UP.COM
Sent: Wednesday, October 02, 2002 5:56 PM
To: jackie.gasparik@ci.slc.ut.us
Subject: Shaw Homes Proposal to Amend Irving Park Addition Subdivision Plat

First, let me introduce myself. I am Mike Sattler, Senior Manager - Real Estate at Union Pacific Railroad Company. My territory includes all of Utah and Nevada.

I recently received notice of a public hearing to review a request from Shaw Homes to amend the Irving Park Addition Subdivision Plat. Since I will be unable to attend the public meeting, I would like to take this opportunity to express Union Pacific's concern with respect to this request. Although I believe that the Commission has probably already considered and addressed the same concerns that I will express, I feel it is important for the record to reflect Union Pacific's position.

As you know, the subject property is located adjacent to an active Union Pacific Railroad line. Union Pacific is very concerned about the safety issues created whenever a residential area, small or large, is placed adjacent to, or even near, an active railroad line. Union Pacific would like to go on record as being opposed to permitting a residential development at this location. However, if the Commission does approve a residential development at this location, I respectfully request that the developer be required to construct a solid barrier, such as a wall, between the development and the railroad right-of-way in order to prevent, as much as is possible, parents, children and pets from getting on the railroad right-of-way. I also request that the Commission require construction of this same type of barrier if any other use is approved, such as a neighborhood convenience store or other development that would bring the public onto the property adjacent to the railroad.

If you have any questions regarding the Railroad's position, please contact me.

Sincerely,

Michael J. Sattler
Senior Manager - Real Estate
Union Pacific Railroad
1800 Farnam St.
Omaha, NE 68102

(402)997-3641

msattler@up.com

G PARK

ITION

All lots not marked are 25 ft. wide length as
Scale 50 ft. = One inch.

200' Rail easement line

UNION PACIFIC RAILROAD

Fass Street

200' Rail easement line

Street

200 South Street

Nevada R.R.

S. 65° 16' E.

W.

N

Lewis, Marilynn

From: Walsh, Barry
Sent: Friday, March 28, 2003 3:57 PM
To: Lewis, Marilynn
Cc: Weiler, Scott; Haight, Gordon
Subject: Pet 400-03-10

Categories: Program/Policy

March 28,2003

Marilynn Lewis
Planning Division
451 South State St, Rm 406
Salt Lake City, Utah 84111

Re: Petition 400-03-10 to rezone 1551 W. 200 South from R-1/5000 to CG by Shaw Homes Inc.

Dear Marilynn

The same issues as per out review letter dated January 24,2002 copy attached are required.

Sincerely,

Barry Walsh
Transportation Engineer Assoc.

cc: Kevin J. Young, P.E.
Scott Weiler, P.E.
Gordon Haight, P.E.
File

January 24,2002

Jackie Gasparik
Planning Division
451 South State St, Rm 406
Salt Lake City, Utah 84111

Re: Foss Subdivision at 1551 West 200 South.

Dear Jackie:

The Division of Transportation review comments and recommendations for the Foss Subdivision are as follows:

1. 200 South a collector class roadway, is to be 49' wide TBC for parking, bike lanes, and two-way travel lanes. There is existing asphalt paving, but public way improvements for sidewalks, ADA ramps, street lighting, curb and gutter, and drainage control are required.

2. The pedestrian walkway needs to comply with ADA standards and align with abutting improvements.

3. The new driveway approaches needs to be coordinated with ADA ramps and intersection alignments, and have a 12-foot separation from abutting driveways and a 5-foot buffer from power poles, fire hydrants etc.

4. Review with engineering for roadway development and definition from the existing curb & gutter at the I-80 overpass to the east, to the rail road crossing on the west.

5. Coordinate with Gordon Haight at 535-7147 for street lighting.

Please feel free to call me at 535-6630 if you have any questions a bout these comments.

Sincerely,

Barry D. Walsh
Transportation Engineer Assoc.

cc: Kevin J. Young, P.E.
Scott Weiler, P.E.
Kurt G. Larson, P.E.
Gordon Haight, P.E.
file

Barry D. Walsh
Engineering Technician VI
Salt Lake City Transportation Division
349 South 200 East, Suite 450
Salt Lake City, UT 84111
(801) 535-7102
(801) 535-6019 FAX
barry.walsh@ci.slc.ut.us

Lewis, Marilynn

From: Garcia, Peggy

Sent: Thursday, April 03, 2003 2:47 PM

To: Lewis, Marilynn

Cc: Niermeyer, Jeff

Subject: Petition 400-03-10, Rezoning of privately held property in District 2, 1551 West 200 South Street and 1545 W 200 S

Categories: Program/Policy

Marilynn,

Public Utilities approves the proposed rezone for this property. A sanitary sewer extension may be required at the time of development for this property depending on the proposed future use. Other design and construction requirements for this property was outlined in a letter from our department to Jackie Gasparik in SLC Planning on January 24, 2002. Please call Jeff Snelling (6889) or Peggy Garcia (6727) if you have any questions.

MEMORANDUM

TO: Marilynn Lewis, Planning Division

FROM: Alicia Orgill/ SLCPD (CPTED)

DATE: April 7, 2003

RE: Petition 400-03-10. Rezoning of a privately held property in District 2, 1551 West 200 South Street and 154 W 200 South

This property is an important key to the future growth of the neighborhood

Property owners have made commitments to upgrade their properties or have invested on improvements in an effort to improve the neighborhood, the change of zoning from a single –family home designation suggest that this neighborhood may have a land use that is incompatibility.

The neighborhood which is struggling to provide a positive identity would be presented with a set back if the developed on the land dose not serve to strengthen the since of neighborhood.

Compatible land use ensures that conflicts amongst people are avoided and people aren't put in dangerous situations. An example of incomputable activities or use is locating a bus shelter right outside the door of a disreputable bar, or a car repair shop in a neighborhood filled with young children who play in residential neighborhoods and streets.

The type of business that could be co-located in this community setting should be carefully chosen. We will not approve of any business, which will hinder the efforts of this neighborhood improve a positive identify.

Shew

Lewis, Marilynn

From: Larson, Bradley

Sent: Tuesday, April 08, 2003 11:01 AM

To: Lewis, Marilynn

Subject: Petition 400-03-10 - Rezoning of a privately held property in District 2, 1551 W. 200 S. and 1554 W. 200 S.

Marilynn,

The Fire Department gives approval of the above mentioned request. Please note that additional fire hydrants and access roads may be required as the property is developed.

Please feel free to contact me should you have any questions.

Thank you,

Brad Larson
Deputy Fire Marshal

Lewis, Marilynn

From: Ukena, Jan
Sent: Thursday, March 27, 2003 12:46 PM
To: Lewis, Marilynn
Subject: Shaw Property

Marilynn

The permits department would have no problem with any rezoning. Provided the use is permitted in the zone and all set back, parking and landscaping requirement are meant.

Jan

A. LOUIS ZUNGUZE
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON
MAYOR

Mr. David Baus
323 East Hubbard Avenue
Salt Lake City, Utah 84111

Re: Notification of Planning Commission Hearing
Petition 400-03-10 a Zoning Map Amendment for the Shaw Homes, Inc.

Located at approx. 1551 West 200 South Street and 1545 West 200 South Street, Including the vacated portion of Foss Street (on north side of 200 South)

Dear Mr. Baus:

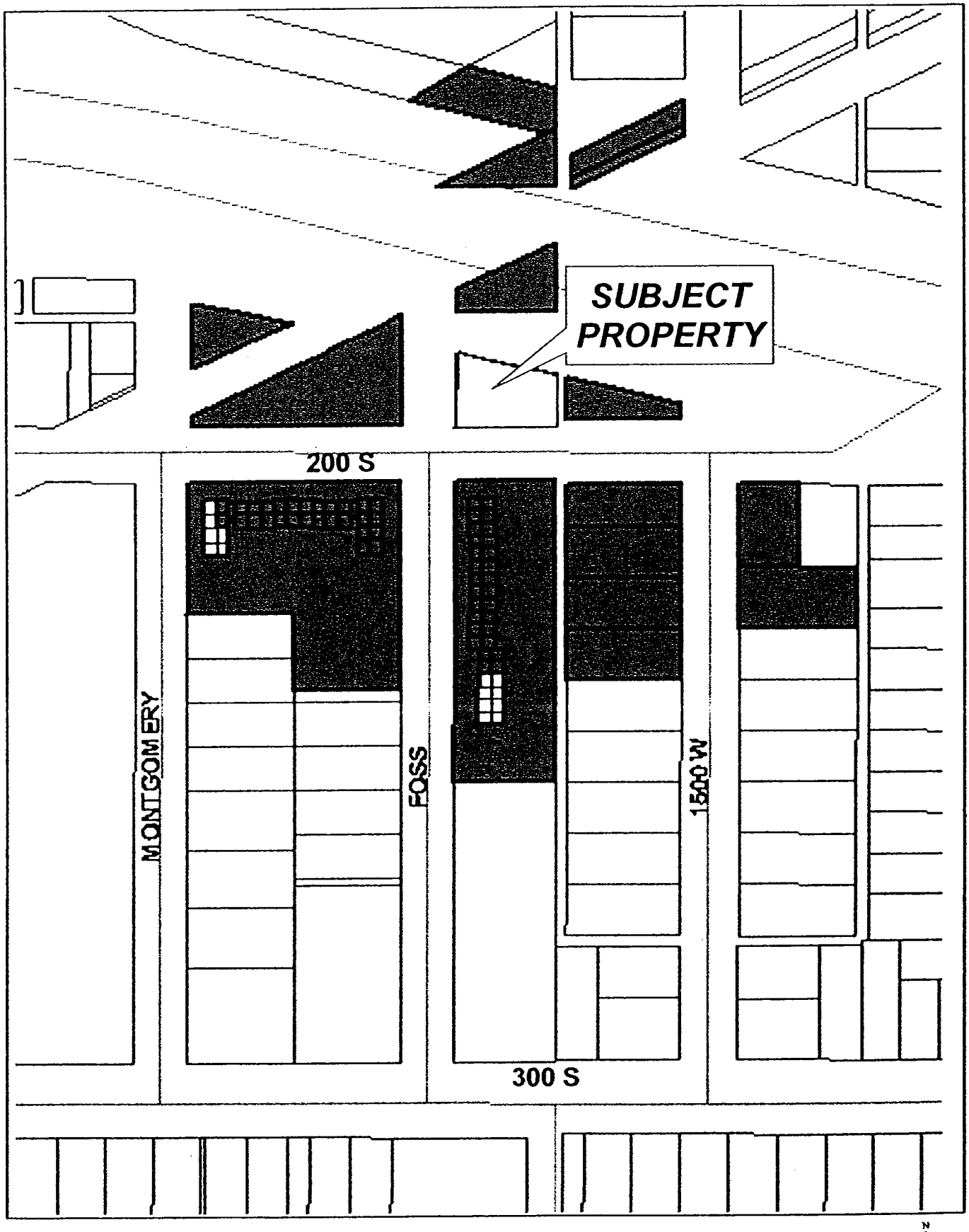
This letter is in response to your comment and concern, during your testimony at the May 14, 2003 Planning Commission hearing, that as a property owner within the vicinity of the aforementioned property you had not received formal notification of the hearing. Your property, located at 264 South Foss Street was outside the required range (300') for notification at the time the application was filed. Attached is a map showing the appropriate area of notification.

We would of course be glad to add your name to future mailing lists involving this zoning amendment petition. Please let me know if you have any questions or comment. I can be reached by phone at 535-6409 or by e-mail at Marilynn.lewis@ci.slc.ut.us. Thank you.

Sincerely,

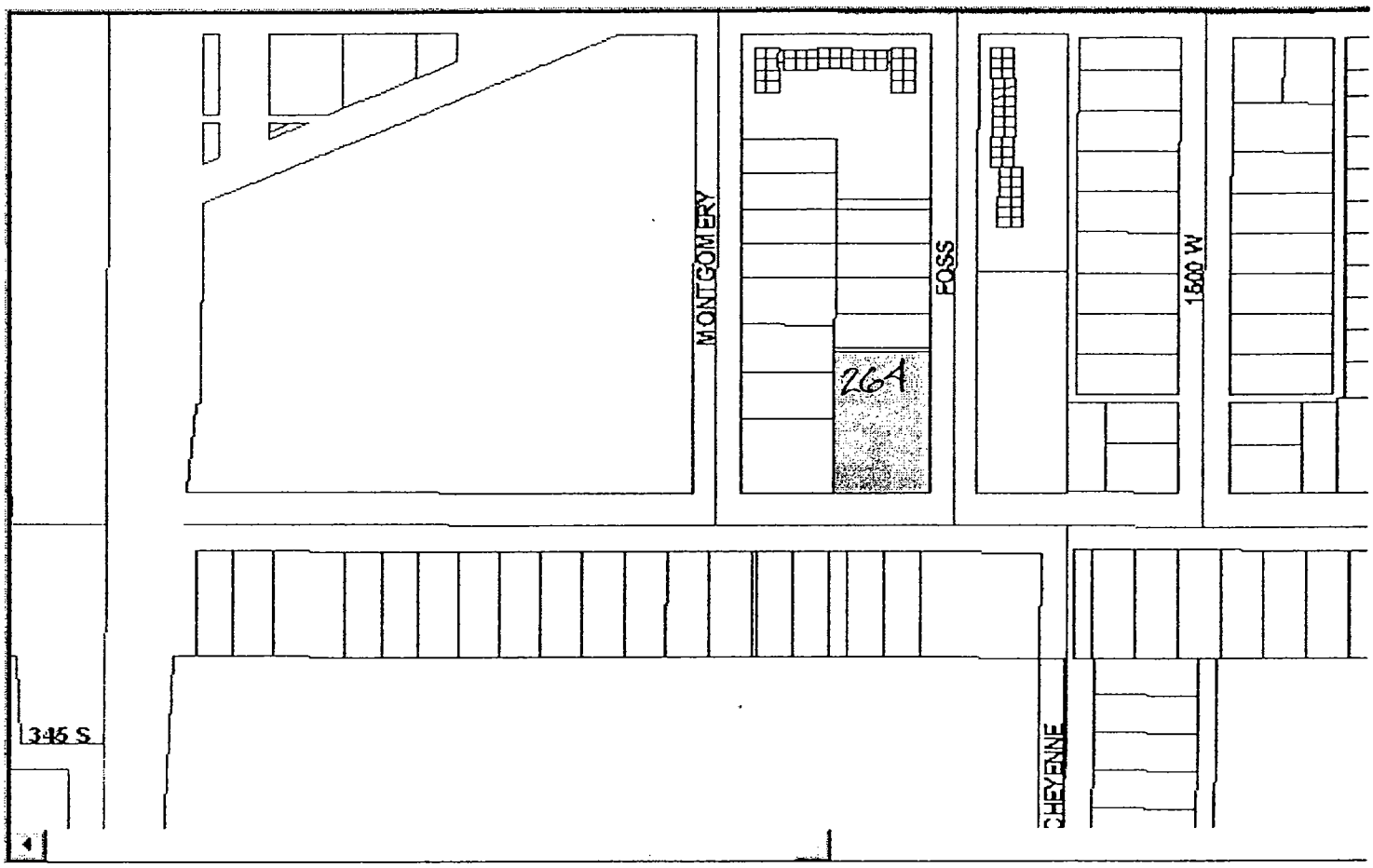
Marilynn Lewis, Principal Planner
Planning Division

C: Louis Zunguze, Director
Brent Wilde, Deputy Director
File



Properties within 300 Feet of Subject Property

GIS Map Application
Printed on: 5/15/2003



NOTE: The field trip is scheduled to leave at 4:00 p.m.

AGENDA FOR THE SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, May 14, 2003, at 5:30 p.m.

The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share planning information with the Planning Commission. This portion of the meeting will be open to the public.

1. **APPROVAL OF MINUTES** from Wednesday, April 23, 2003

2. **REPORT OF THE DIRECTOR**

3. **CONSENT AGENDA** – Salt Lake City Property Conveyance Matters:

4. **LONG RANGE PLANNING ISSUES**

   a. Presentation by Envision Utah and UDOT on the Mountain View Corridor (Previously called The Western Transportation Corridor). (Staff – Brent Wilde at 535-6180)

5. **PUBLIC HEARINGS**

   a. **PUBLIC HEARING at 6:00 p.m.** – Petition No. 400-03-10, by Shaw Homes Inc. requesting an amendment to the West Salt Lake Zoning Map to rezone the property located at approximately 1551 West 200 South from R- 1/5,000 (single-family residential district) to CG (general commercial district). This request would also require an amendment to the West Salt Lake Master Plan. (Staff – Marilynn Lewis at 535-6409)

   b. **PUBLIC HEARING at 6:20 p.m.** – Petition No. 400-03-06 by Asset Management Services requesting to rezone property located at 1341 South State Street from a Corridor Commercial (CC) and Moderate Density Multi-Family Residential (RMF-35) to a Moderate / High Density Multi-Family Residential (RMF-45) Zoning District including approval of a 2-lot Subdivision Plat Amendment, Amending lots 1 through 17 and Lots 26 through 46 and a portion of lots 18 and 25 of the Nye's Addition Subdivision. (Staff – Ray McCandless at 535-7282)

   c. **PUBLIC HEARING at 6:40 p.m.** – Petition No. 400-02-05, by Thomas A. Duffin requesting to rezone the property at 2275 South Green Street from R-1-7000, single-family residential to SR-1, Special Development Pattern Residential Zoning District, to facilitate the construction of a two family dwelling. (Staff – Melissa Anderson at 535-6184)

   d. **PUBLIC HEARING at 7:00 p.m.** – Petition No. 410-632, by Johansen Thackeray Commercial Real Estate Services requesting a conditional use and planned development permit at the southwest corner of 2100 South McClelland Street. The proposal involves demolition of an existing building to construct a new, single story commercial structure for retail and restaurant use, in the C-SHBD Zoning District. (Staff – Melissa Anderson at 535-6184)

   e. **PUBLIC HEARING at 7:30 p.m.** – River Glen Subdivision Phase II, by Iverson Homes to create nine Single Family Dwelling lots at 1345 South Utah Street in an R-1-7000 Zoning District. (Staff – Jackie Gasparik at 535-6354)

   f. **PUBLIC HEARING at 8:00 p.m.** – 400-03-12, by Chabad Lubavitch of Utah, requesting to amend the zoning map for the property located at 1433 and 1435 South 1100 East from a RB Residential Business district to a R-1-5000 Single Family Residential district. (Staff – Joel Paterson at 535-6141)

   g. **ISSUES ONLY PUBLIC HEARING at 8:30 p.m.** – Scott Turville is requesting preliminary subdivision approval for the Carrigan View 2 Subdivision; a redesigned proposal of a 3-lot, single-family residential subdivision located at approximately 1977 South Lakeline Drive (2950 East) in a Foothill Residential "FR-2" Zoning District. No decision will be made at this meeting. (Staff – Greg Mikolash at 535-7932)

Salt Lake City Corporation complies with all ADA guidelines. If you are planning to attend the public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City 48 hours in advance of the meeting and we will try to provide whatever assistance may be required. Please call 535-7757 for assistance.

PLEASE TURN OFF CELL PHONES AND PAGERS BEFORE THE MEETING BEGINS. AT YOUR REQUEST A SECURITY ESCORT WILL BE PROVIDED TO ACCOMPANY YOU TO YOUR CAR AFTER THE MEETING. THANK YOU.

COMMUNITY AND ECONOMIC DEVELOPMENT • PLANNING DIVISION • 451 SOUTH STATE STREET, ROOM 406 • SALT LAKE CITY, UT 84111
TELEPHONE: 801-535-7757 • FAX: 801-535-6174

Mr. Muir asked Mr. Terragno to ask the people in the workshops to rethink the whole notion that the project is being called a corridor. Calling it a corridor implies a solution, and assumes that it is a north to south corridor as opposed to east and west corridor. Mr. Sibull said that north/south and east/west were connected and went hand-in-hand.

Mr. Jonas asked why the project stopped at I-80 on the North. Mr. Sibull said that was considered the northern terminus of the project from the standpoint of where people are going, i.e., the airport, major interstate, etc.

The presentation ended at 6:19 p.m.

PUBLIC HEARINGS

Petition No. 400-03-10, by Shaw Homes Inc. requesting an amendment to the West Salt Lake Zoning Map to rezone the property located at approximately 1551 West 200 South from R- 1/5,000 (single-family residential district) to CG (general commercial district). This request would also require an amendment to the West Salt Lake Master Plan.

This hearing began at 6:19 p.m. Planner Marilynn Lewis presented the petition as written in the staff report. Last Fall, Staff forwarded a request for a 3 lot, single-family subdivision for review on this site. The project could have been addressed administratively. However, due to environmental concerns of land uses on adjacent properties, Staff was extremely concerned about negative impacts of intentionally placing residential dwellings so close to an active rail line. At that time, the applicant withdrew their request. The applicant is now requesting an amendment to change the property from R1/5,000 to CG. The community's greatest concern with this has been the wide range of uses allowed in the CG zone that would not be compatible with an adjacent residential community. Zoning enforcement has also received numerous complaints about dumping on the site. In order to allow the applicant more flexibility to develop the site, while eliminating the possibility of developing low density residential homes with a potential for poor quality of life, based on the findings of fact identified in the staff report, Staff recommends that the Planning Commission recommend a zone change from R1/5,000 to CN (neighborhood commercial). The CN zone is more complimentary to the neighborhood setting and is consistent with the West Salt Lake Master Plan.

Mr. Jonas took a moment to compliment Mr. Zunguze and Staff on the new and consistent format of the staff reports.

Mr. Jonas invited the applicant to speak. Mr. Jim Shaw, with Shaw Homes, spoke next. He accepted the findings of Staff for a CN zone.

Mr. Jonas asked if Foss Street had been vacated and was a part of Mr. Shaw's property. Mr. Shaw said yes. Mr. Jonas asked if Foss Street was being rezoned as well. Ms. Coffey said it was.

Mr. Jonas asked if anyone from the Community Council would like to speak. None were forthcoming. Mr. Jonas then opened the hearing up to the general public and invited anyone who wished to speak to come forward.

Ms. Marne Eggleston, 1557 West 200 South, #B-201, Salt Lake City, Utah 84104, spoke next. She said Foss Street runs through her condo development. Their community had just had a Homeowner's Association meeting. They are against any development on the proposed site. They are trying to get a petition together to close 200 South so that the train whistles will stop blowing. Any commercial development would disrupt the neighborhood. They would prefer to leave the proposed site vacant. She thinks the proposed site is too small to develop anything of worth to the community.

Mr. Daniels asked Ms. Eggleston if 200 South were closed and a quiet zone were enforced, if she would be amenable to more housing put on the proposed site. Ms. Eggleston said yes, that would bring up everyone's property value.

Mr. David Bouse spoke next. He has purchased apartments on Foss Street. He said he had not been made aware of the proposed zone change and asked how many feet away from a property one had to be to be put on the notice list. Mr. Jonas said 350 feet. Mr. Bouse said the train noise would be a negative factor for any housing put on the proposed site. Neighborhood Commercial zone might fit. He said the neighborhood was trying to improve the area, and he would hate to see anything of low quality be developed on the site.

Mr. Jonas closed the public hearing and brought it back to the Commission for discussion. Ms. Funk said the Commission and previously discussed the idea of homes on the site, and it was decided it would not be safe for small children because of the railroad. She liked the idea of CN zoning on the site.

Motion

Ms. Funk moved to approve Petition 400-03-10 by Shaw Homes, Inc., and to send a recommendation to the City Council to change the zoning to CN based on the findings of fact as outlined in the staff report, with the recommendations also as outlined. Mr. Daniels seconded the motion.

Ms. Seelig asked if the zoning designation in the area was related to any criteria associated with a quiet zone designation. Ms. Lewis said no. Ms. Seelig wished to make sure that any decisions of the Commission on this issue would not change whether or not the area could be designated a quiet zone. Mr. Zunguze said he did not think so.

Mr. Jonas asked if the motion included making a modification to the West Salt Lake master plan. Ms. Funk said it does and amended the motion appropriately. Mr. Daniels accepted the amendment as well. She said that closing 200 South would not be

negated by the Commission's action tonight. Mr. Wheelwright said if the closure occurred it would be west of Montgomery Street. The crossing of the street over the railroad tracks would be closed.

Mr. Jonas said for the record that when the parcel was combined it was close to ¾ of an acre.

Mr. Muir asked if the CN zone allowed for storage units. Ms. Lewis said no. It would have been allowed in the CG zone.

Amended Motion

Ms. Funk moved to approve Petition 400-03-10 by Shaw Homes, Inc.; and to send a recommendation to the City Council to change the zoning to CN, and amend the West Salt Lake master plan based on the findings of fact as outlined in the staff report, with the recommendations also as outlined. Mr. Daniels seconded the motion.

Ms. Arnold, Mr. Chambless, Ms. Noda, Mr. Daniels, Ms. Funk, Ms. Seelig, Mr. Muir, Ms. McDonough and Ms. Scott voted "Aye". Mr. Diamond voted "Nay". Mr. Jonas, as Chair, did not vote. The motion carried.

Findings of Fact:

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

Findings: Rezoning the subject property from a residential to a commercial use creates the potential for a neighborhood based business. It is however, important that the new businesses be compatible when they are located within neighborhoods. Once the zone is changed, permitted uses would be allowed to set up and service areas far greater than the boundaries of the existing neighborhood. The Poplar Grove Community Council is concerned that some commercial zones, such as the one proposed general commercial (CG), could allow more intense uses that would be incompatible, which would defeat the goals of the master plan. A less intense commercial zone would decrease the potential for residential development or illegal dumping, while providing the opportunity to allow compatible commercial development that services the neighborhood. The change of zoning from residential to commercial would require an amendment to the West Salt Lake Master Plan Future Land Use Map

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

Findings: A commercial use could be developed in a manner that is functional and harmonious with the neighborhood character. In order for a commercial use to be compatible, the intensity of the use must be taken into consideration to

ensure the use is harmonious with the surrounding area. In this instance, a proposed use has not yet been identified. Rezoning the property to CG, which allows many uses that are incompatible with this residential neighborhood, is not appropriate. Many of the uses allowed in the CG zoning district that are allowed as a permitted use, (which would not require any public input or Planning Commission review) are not appropriate in a residential neighborhood. A less intensive commercial zoning use within the CN zoning district, could provide services to the neighborhood, while decreasing the potential for negatively impacting the neighborhood with noise, traffic, visual appearance or undesirable activities and is a more appropriate zoning classification for the subject properties.

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

Findings: Development of the property would upgrade the site, and keep it from being used as an illegal dumping ground, which adversely affects the adjacent properties. However, if the zoning is changed to CG there will be a host of business ventures allowed, that may present adverse impacts to the community. The CG zone allows a variety of uses that would negatively impact adjacent residences. A less intensive commercial zone, such as CN could provide necessary services to the residents.

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

Findings: New development will need to adhere to height restrictions and building standards, depending on the use, within the Airport Influence Zone "C" (an airport overlay zone). However, given that there is no specific project proposed, it is not possible for Staff to make a definitive finding to this standard.

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.

Findings: Specific recommendations from these departments would require a proposed use, in order to make accurate determinations relating to the adequacy of public facilities and services. That is not possible at this juncture because the applicant has not indicated a specific use for development. However, it is noted in the report that there is concern over the variety of development opportunities in the CG (general commercial) zone that may have negative impacts on the neighborhood.

RECOMMENDATION: In order to allow the applicant more flexibility in developing the site while eliminating the possibility of developing low density residential land use with potential for poor quality of life, and based on the findings of fact identified in this report,

staff recommends that the Planning Commission recommend a zoning change from R-1 /5,000 (single-family residential to CN (neighborhood commercial) rather than CG (general commercial) as originally requested for the following reasons:

1. The CN (neighborhood commercial) zoning district affords development opportunities that are appropriate for the location near the transportation corridors without permitting high intensive commercial uses that are inappropriate in a residential neighborhood.

2. The CN (neighborhood commercial) zoning district will provide a variety of small neighborhood business development opportunities that would be more complimentary to the neighborhood setting, and consistent with the West Salt Lake Master Plan.

This hearing ended at 6:36 p.m.

Petition No. 400-03-06 by Asset Management Services requesting to rezone property located at 1341 South State Street from a Corridor Commercial (CC) and Moderate Density Multi-Family Residential (RMF-35) to a Moderate / High Density Multi-Family Residential (RMF-45) Zoning District including approval of a 2-lot Subdivision Plat Amendment, Amending lots 1 through 17 and Lots 26 through 46 and a portion of lots 18 and 25 of the Nye's Addition Subdivision.

This hearing started at 6:37 p.m. Planner Ray McCandless presented the petition as written in the staff report. He presented aerial site maps to the Commission. The property is one piece, but is unusual because it has a commercial strip center along the west side, and on the east side there is a 90-unit apartment complex. The petitioner wishes to sell off the eastern half of the property to Utah Non-profit Housing. The property needs to be subdivided in order to sell it.

Mr. McCandless presented a drawing of the site plan to the Commission. Initially there was an alley running through the middle of the property. That is where the existing zoning boundary line lies. He explained to the Commission the various rezoning requests for different areas on the property.

Staff recommends preliminary subdivision amendment approval and approval of the rezoning from RMF-35 to RMF-45 as requested and subject to the following conditions:

1. Recordation of a final plat.
2. Meeting all City departmental requirements.
3. Implementation of all site improvements as shown on the proposed site plan.
4. The building height is restricted to the height of the existing buildings which is 25 feet.
5. The number of units not to exceed the current number of units whish is 59, 1-bedroom units and 36, 2-bedroom units, 95 units total.

Zoning Amendment

FOR OFFICE USE ONLY

Petition No. _____

Receipt No. _____ Amount $ _____

Date Received _____

Reviewed by _____

SALT LAKE CITY PLANNING

Date 1-31-03

Name of Applicant Shaw Homes Inc. Phone 254-5610

Address of Applicant 2504 W 14400 S Bluffdale UT 84065

E-mail address of Applicant JulieShaw2002@Hotmail.com Cell/(Fax) 253-7556

Applicant's Interest in Subject Property Applicant is owner of property

Name of Property Owner Shaw Homes Inc Phone 254-5610

Address of Subject Property 1551 W 200 S & 1545 W 200 S

County Tax Parcel # (Sidwell #) 15-03-255-001 & 15-03-256-002 Zoning of Property R1 5,000

Existing Use of Property vacant lots

☐ **Amend the text of the Zoning Ordinance** by amending Section: _____

■ **Amend the Zoning Map** by reclassifying the following property: 1551 W 200 S & 1545 W 200 S

From a R1 5,000 classification to a M-1 classification.

Please include with the application:

1. A statement of the text amendment or map amendment describing the purpose for the amendment and the exact language, boundaries and zoning district.
2. A complete description of the proposed use of the property where appropriate.
3. Reasons why the present zoning is not proper for the area.
4. The names and addresses of all property owners within three hundred (300) 450 feet of the subject parcel-exclusive of streets and alleys. The name, address and Sidwell number of each property owner must be typed or clearly printed on gummed mailing labels. Please include yourself and the appropriate Community Council Chair. **The cost of first class postage for each address is due at time of application. Please do not provide postage stamps.**
5. Legal description of the property.
6. Six (6) copies of site plans drawn to scale (where applicable).
7. A signed statement that the petitioner has met with and explained the proposal to the appropriate Community Council.
7. Related materials or data supporting the application as may be determined by the Zoning Administrator.
8. **Filing fee of $500.00 plus $100 for each acre over one acre, due at time of application.**

If you have any questions regarding the requirements of this petition, please contact a member of the Salt Lake City Planning staff (535-7757) prior to submitting the petition.

Sidwell maps and names of property owners are available at:

Salt Lake County Recorder
2001 South State Street, Room N1600
Salt Lake City, UT 84190-1051
Telephone: (801) 468-3391

File the complete application at:

Salt Lake City Planning
451 South State Street, Room 406
Salt Lake City, UT 84111
Telephone: (801) 535-7

Signature of Applicant Julie Shaw Shaw Homes Inc.
or authorized agent *Title of agent*

1/26/2001

Shaw Homes

Shaw Homes Inc.
2504 W 14400 S Bluffdale, UT 84065
Phone 801-254-5610 Fax 801-253-7556

March 21, 2003

Salt Lake City Corporation
Planning Dept. Attn: Marilynn Lewis
451 S State St Room
Salt Lake City, UT 84111

RE: 1551 W 200 S & 1545 W 200 S
Tax id #: 15-03-55-001 & 15-03-256-002

Dear Ms. Lewis:

Shaw Homes Inc. had originally requested a zone change to M-1 Light Manufacturing, for the above-mentioned property. Since the original application was submitted, Shaw Homes Inc. has changed their request to CG General Commercial.

Sincerely,

Shaw Homes Inc.

Date: Friday, March 21, 2003

To: Salt Lake City Planning
Marilynn Lewis
Phone:
Fax: 535-6174

From: Shaw Homes
Julie Shaw
Phone: 801-254-5610
Fax: 801-253-7556

Pages: 2

Subject:

Marilynn,

Here is the letter you needed, indicating we are changing our request to CG.

Also, could you get back with us to verify the date of the planning meeting we are scheduled to attend.. And have we paid all of the necessary fees that go along with this zoning amendment?

Thanks, and have a great day.

Julie

Shaw Homes

Shaw Homes Inc.
2504 W 14400 S Bluffdale, UT 84065
Phone 801-254-5610 Fax 801-253-7556

January 31, 2002

Salt Lake City Planning
451 S State St Room 406
SLC, UT 84111

RE: Address: 1551 W 200 S & 1545 W 200 S
Tax Id No.: 15-03-255-001 & 15-03-256-002

Salt Lake City Planning:

Shaw Homes Inc. is requesting a map amendment, or re-zone, of the property at 1551 W 200 S and 1545 W 200 S. We request that the zone be changed from a R1-5 to a M-1 zone.

Originally, Shaw Homes Inc. actively pursued a residential subdivision for this property. We met with resistance from the community council chairman to put single-family homes on this property. Also, Union Pacific Railroad personnel strongly recommended not putting residential near the railroad tracks.

We went to the extent to have a public meeting with Salt Lake City planning on a residential subdivision, but withdrew the application because of the resistance of the community council chair and also our realization that single-family homes would not be best suited for this property.

Salt Lake planning has recommended that we pursue a zone change to a M-1 zone. Because of the geographical location of the property, being near the Union Pacific rail line and I-80, it would not be conducive to have offices, retail, etc. Therefore, we feel M-1 zone would be the best use for the property.

Sincerely,

Shaw Homes Inc.

Salt Lake City Corporation
CED Planning Division
451 South State Rm 406
Salt Lake City UT 84111
801-535-7757

OPEN
Invoice#: 062004539
Date: 2/5/2003

Received From:
Shaw Homes, Inc.
2504 West 14400 S
Bluffdale, UT 84065

Prepared by:
Lucille Taylor

Description	No	C. Center	Object	Project	Activity	Amount
Zoning Map Amendment for the property located at 1551 West 200 South & 1545 W. 200 South, Check No. 2392	1	0600100	125111	-	-	$500.00

TOTAL AMOUNT **$500.00**
PAYMENT TYPE **CHECK**

File No. 171933

SCHEDULE A, LEGAL DESCRIPTION.

PARCEL 1:

Lots 1 through 7, Block 9, IRVING PARK ADDITION, according to the official plat thereof, recorded in Book B of Plats at Page 138, records of Salt Lake County, State of Utah.

(For reference purposes only: Tax Parcel No. 15-03-255-001)

PARCEL 2:

Lots 1 through 5, Block 10, IRVING PARK ADDITION, according to the official plat thereof, recorded in Book B of Plats at Page 138, records of Salt Lake County, State of Utah.

Less and excepting therefrom the tract of land deeded to the State Road Commission of Utah, by that certain Quit Claim Deed, dated February 16, 1962, and recorded April 6, 1962, in Book 1908, at Page 189, as Entry No. 1838023, being more particularly described as follows:

Beginning on the East line of said Lot 1, Block 10, IRVING PARK ADDITION, at a point 68.97 feet South from the Northeast corner of said Lot 1; thence North 68.97 feet; thence West 123 feet; thence South 39.9 feet; thence Easterly 126 feet, more or less, along a straight line to the point of beginning as shown on the official map of said project on file in the office of the State Road Commission of Utah.

(For reference purposes only: Tax Parcel No. 15-03-256-002)

PETITION NO. 400-03-10

PETITION CHECKLIST

Date	Initials	Action Required
____	____	Petition delivered to Planning
3/5/03	cc	Petition assigned to: Marilynn Lewis
5/14/03	m	Planning Staff or Planning Commission Action Date
11/07/03	m	Return Original Letter and Yellow Petition Cover
11/04/03	m	Chronology
10/07/03	m	Property Description (marked with a post it note)
5/09/03	m	Affected Sidwell Numbers Included
5/09/03	m	Mailing List for Petition, include appropriate Community Councils
5/09/03	m	Mailing Postmark Date Verification
5/09/03	m	Planning Commission Minutes
5/09/03	m	Planning Staff Report
11/07/03	m	Cover letter outlining what the request is and a brief description of what action the Planning Commission or Staff is recommending.
11/04/03	m	Ordinance Prepared by the Attorney's Office
____	____	Ordinance property description is checked, dated and initialed by the Planner. Ordinance is stamped by Attorney.
Marilynn Lewis		Planner responsible for taking calls on the Petition
____	____	Date Set for City Council Action ____
____	____	Petition filed with City Recorder's Office

REMARKS

Petition No. 400-03-10

By Shaw Homes

Is requesting a Zoning Map Amendment for the property located at 1551 West 200 South and 1545 West 200 South from a R-1 5,000 to a M-1 classification.

Date Filed

Address