
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: September 5, 2006

SUBJECT: Petition No. 400-05-17 - A request by the Salt Lake City Planning Commission, requesting a text amendment to the Zoning Ordinance to allow certain Conditional Uses to be approved by the Administrative Hearing Officer

STAFF REPORT BY: Jennifer Bruno, Policy Analyst

AFFECTED COUNCIL DISTRICTS: City-wide

**ADMINISTRATIVE DEPT:
AND CONTACT PERSON:** Community Development Department
Wayne Mills, Senior Planner

NOTICE REQUIREMENTS: Newspaper advertisement and written notification to surrounding property owners 14 days prior to the Public Hearing

KEY ELEMENTS:

- A. The Administration's transmittal contains an ordinance for Council consideration to amend the Zoning Ordinance to allow certain Conditional Uses to be approved by the Administrative Hearing Officer (The Planning Director or Designee).
- B. The current ordinance allows the Administrative Hearing Officer to approve certain development requests that are unopposed by the community and comply with other City policies, in the following instances:
 1. Applications for low power wireless telecommunications facilities
 2. Alterations or modifications to a conditional use that increase the floor area by 1,000 square feet or more and/or increase the parking requirement
 3. Minor subdivisions
 4. Subdivision amendments not involving streets
 5. Condominiums
- C. The Planning Commission is recommending the following changes:
 1. All conditional uses should be reviewed through an Administrative Hearing except those that:
 - a) Are listed as a "residential" land use,
 - b) Are located within a residential zoning district,
 - c) Abut a residential zoning district or residential use, or
 - d) Require Planned Development approval.
 2. All Public/Private Utility Buildings and Structures that are requested in both residential and non-residential zoning districts should be reviewed through an Administrative Hearing.
- D. The purpose of the proposed amendment, as noted in the Administration's transmittal, is to:
 1. Decrease the number of items on the Planning Commission agenda, thereby providing more time for the Planning Commission to focus on issues with impacts to the community (Council Staff note: The Planning Commission minutes indicate that the Planning Commission could have more time to allocate to long-range planning) , and

2. Offer an expedited process for those conditional uses with no impact to the surrounding community
- E. Key Points from the Administration's transmittal are as follows:
1. Notification and review processes required for items that qualify for an Administrative, rather than Planning Commission Hearing, would remain the same as that of any other requests reviewed through the Planning Commission.
 - Notification and presentation, if requested, to the affected Community Council (s)
 - Review by the pertinent City Departments and Divisions
 - Notification by mail to surrounding property owners fourteen days in advance of the Administrative Public Hearing
 2. The appeal process would also remain the same for items that qualify for an Administrative Hearing:
 - a) If any person including affected Community Council(s) object to the request prior to or at the Administrative Hearing, the request would be forwarded to the Planning Commission for review.
 - b) Any person that does not agree with the decision of the Administrative Hearing Officer may appeal the decision to the Planning Commission. The appeal must be made within 14 days of the decision.
 3. The Planning Commission's proposed change now also requires that any appeals must specify, in detail, the reasons for appeal. The reasons must be based on procedural error, or compliance with the conditional use standards or zoning ordinance.
 4. The Planning Commission initiated this request on June 8th 2005.
 5. Planning Staff analyzed all Conditional Use requests reviewed by the Planning Commission in 2004 and 2005. Through their analysis they determined that conditional uses that are commercial in nature with no impact the residential community, should be able to be determined by the Administrative Hearing Officer, and do not necessarily need to go to the Planning Commission every time.
 6. Planning Staff's analysis showed the following. (Please see the attached spreadsheets at the end of this staff report for details.)
 - Out of 45 conditional uses reviewed by the Planning Commission in 2004, 17 Public/Private Utility Structures and 5 conditional uses fitting the proposed criteria could have been approved by the Administrative Hearing Officer, decreasing the Planning Commission's conditional use review by 48%.
 - In 2005, out of 32 conditional uses reviewed, 5 could have been approved by the Administrative Hearing Officer (a 15% decrease).
 7. Because each conditional use request would be analyzed according to the existing and unchanged conditional use standards established in the Zoning Ordinance, Planning Staff indicates that any conditional use that is approved will be harmonious with the surrounding neighborhood.
- F. City Departments and Divisions were contacted for their comments. The Transportation Division, Building Services, Public Utilities, and the Fire Department all did not state any objections to the proposed text change.
- G. The Planning Division held an open house for Community Councils and other interested parties on December 5, 2005. Seven people attended, and one wrote in support of the

proposed amendment. The Planning Division did however, receive an e-mail from a constituent that stated they were in support of the proposed amendment with respect to utilities, but not with respect to the commercial zoning district. The constituent stated that, particularly in the East Central community, where commercial and residential properties are intermingled, but not necessarily abutting, the proposal is "too broad."

- H. The Planning Commission held a public hearing on January 25, 2006 and forwarded a positive recommendation to the City Council in regard to the proposed ordinance. 8 Commissioners were in favor and 1 opposed.
1. No members of any Community Councils or members of the public spoke.
 2. Commissioners discussed the following issues at the hearing:
 - The conditional use requests heard by the Planning Commission are rarely contentious.
 - The Commissioner who opposed the proposed ordinance change voiced the following concern - Some Community Councils are more informed than others of conditional use requests, and that applications could be approved without sufficient input.

MATTERS AT ISSUE:

- A. The Council may wish to consider further, the impacts of conditional uses from commercial property to commercial property. Because any conditional use that is within a commercial district and does not abut a residential use is proposed to be heard by an Administrative Hearing Officer, neighboring commercial properties may not, or may not perceive to have sufficient forum to air their concerns.
- B. The Council may wish to discuss in further detail with the Administration, if the proposed Administrative conditional use process would address non-residential use of residential structures that may be located in either residential or non-residential zoning classifications?
- C. The Council may wish to discuss addressing the impacts of a conditional use in a commercial zone, on residential properties that it does not directly abut. For example, if a commercial property is granted a conditional use by the Administrative Hearing officer because it does not directly abut a residential use, it may still have an adverse impact if there are residential properties in close proximity. The Council may wish to consider requiring any conditional use request within 100-150 feet of a residential use be required to go to the Planning Commission.
- D. The Council may wish to consider asking the Administration to ensure that all written notification to surrounding property owners, of a conditional use request, be detailed and clearly stated to convey in a obvious manner the action being requested. For example, use language that is understandable to people who are not in the planning profession.
- E. The Council may also wish to consider asking the Administration if it would be realistic to notify surrounding property owners of the decisions of the Administrative Hearing (possibly a website updated after each hearing, with links to the various staff reports), so they can be appealed to the Planning Commission, if a citizen so desired, and the citizen could have full access to the information needed to appeal in a timely manner.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Salt Lake City Vision and Strategic Plan (1993) states the following goal relating to the proposed amendment: "Develop 'business friendly' licensing and regulatory practices."

- B. 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.
- C. The Council's stated policy regarding maintaining a residential base is as follows - "The Council supports using its zoning power to maintain the residential population base within the City, and to encourage population expansion.
- 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.

CHRONOLOGY:

Please refer to the Administration's transmittal for a complete chronology of events relating to the proposed text amendment.

- June 16, 2005 Petition Assigned.
- December 5, 2005 Planning Division Open House.
- January 25, 2006 Planning Commission Hearing.
- March 28, 2006 Transmittal received in Council Office.

cc: Rocky Fluhart, Sam Guevara, DJ Baxter, Ed Rutan, Lynn Pace, Melanie Reif, Alison McFarlane, Rick Graham, Tim Harpst, Louis Zunguze, Alexander Ikefuna, Brent Wilde, Doug Wheelwright, Cheri Coffey, Wayne Mills, Orion Goff, Larry Butcher, Ed Butterfield, Barry Esham, Annette Daley, Gwen Springmeyer, Jan Aramaki, Marge Harvey, Sylvia Richards, Lehua Weaver, Janice Jardine

File Location: Community Development Dept., Planning Division, Expansion of Administrative Conditional Uses, Planning Commission Request

2004 Conditional Uses

Petition #	Residential Zoning	Non-Residential Zoning	Residential Planned Development	Non-Residential Planned Development	Residential Use (not a Planned Development)	Non-Residential Use (not a Planned Development)	Public Concern/ Opposition	Approved by Planning Commission	Comments
410-623/655		X		X			X	X	Public utility building in City Creek
410-663		X		X			X	X	Multiple buildings in I zone
410-667		X		X			X	X	Modification to a prior P.D.
410-658	X					X	X	X	Cell tower originally heard administratively - forwarded to PC because of public opposition
410-659	X			X			X	X	P.D. in CSHBD zone - Street closure included
410-656	X			X			X	X	Auto rental in D-1
410-662	X			X			X	X	Amendment to prior P.D.
410-660	X					X	X	X	Expand electrical substation in RT15 - alley vacation included
410-667	X					X	X	X	Church in M-1
410-664	X					X	X	X	Water treatment facility in City Creek
410-663	X					X	X	X	Solid waste transfer facility - Street closure included
410-668	X			X			X	X	Commercial P.D.
410-670	X			X			X	X	Used car sales in D2
410-672	X			X			X	X	Drive-through coffee kiosk in CS - P.D.
410-666	X		X				X	X	Multiple residential buildings w/ rezone
410-674	X					X	X	X	Utility cabinet
410-675	X					X	X	X	Utility cabinet
410-676	X					X	X	X	Utility cabinet
410-677	X					X	X	X	Utility cabinet
410-679	X					X	X	X	Utility cabinet
410-680	X					X	X	X	Utility cabinet
410-681	X					X	X	X	Utility cabinet
410-682	X					X	X	X	Utility cabinet
410-687	X			X			X	X	Convenience store and car wash in CSHBD
410-688	X					X	X	X	Commercial parking lot
410-699	X					X	X	X	Commercial parking lot
410-701	X					X	X	X	Commercial parking lot
410-671	X			X			X	X	Salt Palace
410-678	X					X	X	X	Commercial P.D.
410-683	X					X	X	X	Utility cabinet
410-686	X					X	X	X	Utility cabinet
410-689	X					X	X	X	Utility cabinet
410-690	X					X	X	X	Utility cabinet
410-691	X					X	X	X	Utility cabinet
410-693	X					X	X	X	Utility cabinet
410-694	X					X	X	X	Utility cabinet
410-695	X					X	X	X	Utility cabinet
410-696	X					X	X	X	Utility cabinet
410-700	X		X				X	X	Residential P.D. in R17
410-706	X					X	X	X	Commercial height in D1
410-702	X					X	X	X	Beer bar to Private Club in CC
410-665	X					X	X	X	Concrete plant in M1
410-707	X		X				X	X	New building in GMU
410-710	X					X	X	X	Unity Center - rezone request included
410-705	X		X				X	X	Church - property zoned RMU and D1
TOTALS	18	30	2	11	0	32	12	44	

Highlighted Yellow

Conditional Uses that:

- Are not zoned residential
- Are non-residential land uses
- Are not Planned Developments
- Had no Public Opposition
- Are not attached to another request
- Do not abut residential zoning or residential uses
- Were approved by the Planning Commission

Total = 5

Highlighted Green

Public/Private Utility Buildings and Structures

Total = 17

2005 Conditional Uses

Petition #	Residential Zoning	Non-Residential Zoning	Residential Planned Development	Non-Residential Planned Development	Residential Use (not a Planned Development)	Non-Residential Use (not a Planned Development)	Public Concern/ Opposition	Approved by Planning Commission	Comments
410-701		X				X	X	X	Salt Palace - continuation from meetings in 2004
410-712		X				X		X	Car rental in D-2, abuts res. Zoning and land use
410-715	X				X			X	Assisted Living Facility in RMF-35
410-663		X				X		X	Concrete plant in M-1
410-713	X					X	X		Church parking lot w/ home demo in R15
410-709		X		X			X	X	Reconstruct gas station in CSHBD
410-717	X		X					X	Multi-family in RMF-45
410-718		X				X		X	Expand auto recycling in CC
410-734		X		X				X	Commercial P.D. in GMU
410-736	X					X		X	Plant and garden shop w/ rezoning
410-735									Cell tower - already an admin. cond. Use - forwarded to P.C. because of public opposition
410-737		X						X	Multiple buildings in M-1
410-741		X		X			X	X	Salt Palace
410-732	X					X		X	Private club - property in two zones - commercial and res.
410-742	X							X	Multi-family in RMU
410-751		X	X					X	Commercial P.D. in GMU
410-739		X	X					X	Commercial P.D. in GMU
410-752	X				X			X	off-site parking for res. use
410-753		X			X			X	transitional treatment housing facility in CG
410-750		X						X	utility cabinets
410-755		X				X		X	additional building height in RP
410-757	X					X		X	Church in R15 w/ sub
410-708		X		X				X	Commercial P.D. in BP
410-746		X				X		X	part of 410-708 P.D.
410-759		X				X		X	Parking lot in 1 district - abuts residential zone and use
410-758		X				X		X	outdoor patio for private club in G-MU
410-756		X		X				X	Amend P.D. for hotel in BP
410-747		X		X				X	Hotel together with 410-756 P.D.
410-773	X					X		X	Church together w/ zone change
410-748	X						X	X	Church together with rezoning
410-765		X				X		X	Beer bar to private club in CC
410-769	X					X		X	Church in RMF-30
TOTALS	11	21	3	8	3	17	9	30	
32									

Highlighted Yellow

- Conditional Uses that:
 - Are not zoned residential
 - Are non-residential land uses
 - Are not Planned Developments
 - Had no Public Opposition
 - Are not attached to another request
 - Do not abut residential zoning or residential uses
 - Were approved by the Planning Commission

Total = 4

Highlighted Green

Public Private Utility Buildings and Structures

Total = 1



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:** March 14, 2006
FROM: Louis Zunguze, Community Development Director 
RE: Petition #400-05-17: a request by the Salt Lake City Planning Commission to amend the text of the Salt Lake City Zoning Ordinance, Section 21A.54 – Conditional Uses, to allow certain Conditional Uses to be approved by the Administrative Hearing Officer

STAFF CONTACTS: Wayne Mills, Senior Planner, at 535-6173 or wayne.mills@slcgov.com

RECOMMENDATION: That the City Council hold a briefing and schedule a Public Hearing

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: The Salt Lake City Code currently provides an Administrative Public Hearing Process where an Administrative Hearing Officer (the Planning Director or Designee) may approve certain development requests that are unopposed by the community and comply with City ordinances and policies. The types of development requests that currently fall in this category are:

- Applications for low power wireless telecommunication facilities that are listed as conditional uses;
- Alterations or modifications to a conditional use that increase the floor area by 1,000 square feet or more and/or increase the parking requirement;
- Minor Subdivisions;
- Subdivision Amendments not involving streets; and
- Condominiums

The review process, notification process, and Staff Report for requests reviewed through the Administrative Hearing process is the same as that of requests reviewed by the Planning Commission. The process is as follows:

- Notification, and presentation if requested, to the affected Community Council(s);
- Review by the pertinent City Departments and Divisions, such as Engineering, Transportation, Public Utilities, Fire, Building Services, and the Police Department;
- Notification by mail to surrounding property owners fourteen (14) days in advance of the Administrative Public Hearing; and
- A Staff Report describing the request, outlining the issues, and recommending action (approval or denial) based upon the ordinance standards for the type of request.

There are two appeal processes available to projects that fall in the Administrative Public Hearing category. They are:

- Any person may object to the request being considered in an Administrative Public Hearing prior to the scheduled hearing. If any person objects to the request being considered in the Administrative Public Hearing, the request is forwarded to the Planning Commission for review; and
- Any person aggrieved by a decision of the Administrative Hearing Officer may appeal the decision to the Planning Commission.

In addition to the appeal process, the Administrative Hearing Officer may decline to hear the request and forward it to the Planning Commission if any of the following are determined:

- There is neighborhood opposition,
- The applicant has failed to adequately address the conditional use standards, or
- At the discretion of the Administrative Hearing Officer.

On June 8, 2005, the Salt Lake City Planning Commission requested that the Planning Staff analyze the possibility of expanding the conditional uses that may be approved by the Administrative Hearing Officer in an Administrative Public Hearing.

Analysis: In response to the aforementioned request by the Planning Commission, Staff reviewed Section 21A.54 of the Zoning Ordinance, which is the regulating ordinance for conditional uses. Staff also analyzed all of the conditional uses reviewed by the Planning Commission during the years 2004 and 2005. Summary spreadsheets of the 2004/2005 analysis are included in the attached Staff Report.

After analyzing the 2004/2005 conditional use case history and the existing conditional use chapter of the Zoning Ordinance, Staff determined that the conditional uses that are permitted to be reviewed by an Administrative Hearing Officer should be expanded to include those conditional uses that are commercial in nature and would have no impact to the residential community. To that end, the Planning Commission is recommending that

Section 21A.54 (Conditional Uses) of the Zoning Ordinance be amended to permit review of all conditional uses through an Administrative Hearing except those that:

- Are listed as a “residential” land use in the Table of Permitted and Conditional Uses for each zoning district,
- Are located within a Residential zoning district,
- Abut a Residential zoning district or residential use, or
- Require Planned Development approval.

In addition, the Planning Commission recommends that Chapter 21A.54 of the Zoning Ordinance be amended to permit Administrative Hearing review of Public/Private Utility Buildings and Structures that are requested in both residential and non-residential zoning districts.

The purpose of the proposed amendment is to:

- 1) Decrease the number of items on the Planning Commission agendas, thereby providing more time for the Planning Commission to focus on issues with impacts to the community, and
- 2) Offer an expedited process for those conditional uses with no impact to the surrounding community.

In addition to the amendments to the Conditional Use section of the Zoning Ordinance stated above, the proposed ordinance amendment includes other changes to Chapter 54 to reflect the Administrative Hearing Officer’s (Planning Director or Designee) authority to approve Administrative Conditional Uses. The proposed amendments also require appeals of administrative conditional uses to specify, in detail, the reasons for the appeal. The reasons for the appeal must be based upon procedural error or compliance with the conditional use standards or any other specific standards listed in the Zoning Ordinance that regulate the particular conditional use. All of the proposed amendments to Chapter 21A.54 are shown in the ordinance drafted by the City Attorney.

Master Plan Considerations: The City Vision and Strategic Plan (1993) states as a goal that the City should, “Develop business friendly licensing and regulatory practices.” One of the purposes of the proposed amendment is to allow conditional use requests that are commercial in nature and have no impact to the surrounding community to be approved through the Administrative Hearing Process. The Planning Commission finds that providing this option for conditional use approval is consistent with the goal of the City Vision and Strategic Plan by creating a business friendly regulatory practice.

PUBLIC PROCESS:

A public Open House was held on December 5, 2005, and seven people were in attendance. Prior to the Open House, Staff received an e-mail stating the following:

“I don't have a problem with an administrative hearing for Low power wireless telecommunication facilities. I could even let the power company and cable boxes be done administratively. The Planning Commission has wasted a lot of time on these.

However, I am opposed to administrative approval for uses that are:

- Non-residential land use types;
- Not located within a residential zoning district;
- Do not abut a residential zoning district or residential use;
- Do not require Planned Development approval;

Perhaps you have a staff report, even a draft, of what you are proposing so I could get a clearer picture of it? Maybe there is a way to word these so that we know that our neighborhoods are protected? I worry that we could have three of these properties in a row on a street, the two on either side abut residential, but the one in the middle doesn't, so the middle one gets redeveloped in a non-compatible way. East Central is an area that comes to mind, there is lots of non-residential mixed in between the residential, and this proposal sounds way too broad to me.”

The individual that wrote the e-mail did not attend the public Open House. As stated above, seven people did attend and one public comment form was returned to Staff with the following comment:

“This seems like a useful and wise amendment, which could allow for more attention to significant issues. I am in support of it.”

A Planning Commission Public Hearing was held on January 25, 2006. The Planning Commission passed a motion to recommend that the City Council adopt the changes to Chapter 21A.54 of the Zoning Ordinance as proposed by the Planning Staff. The vote was 8 in favor and 1 opposed.

RELEVANT ORDINANCES:

Salt Lake City Zoning Ordinance Section 21A.54 – Conditional Uses

Amendments to the Zoning Ordinance and 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 standards which should be analyzed prior to rezoning property (Section 21A.50.050 A-E). The five standards are discussed in detail starting on page 7 of the Planning Commission Staff Report in Attachment 5b.

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5. Planning Commission Hearing
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6. Original Petition

1. Chronology

CHRONOLOGY

<i>June 16, 2005</i>	Petition Assigned
<i>October 18, 2005</i>	Routed Proposed Zoning Amendments to City Departments/Divisions
<i>November 17, 2005</i>	Mailed Notice of Public Open House
<i>December 5, 2005</i>	Public Open House
<i>January 10, 2006</i>	Mailed Notification of Planning Commission Public Hearing
<i>January 25, 2006</i>	Planning Commission Public Hearing
<i>February 8, 2006</i>	Minutes of Planning Commission Hearing Ratified

2. Ordinance

SALT LAKE CITY ORDINANCE
No. _____ of 2006
(Amending Chapter 21A.54 Pertaining to Conditional Uses)

AN ORDINANCE AMENDING CHAPTER 21A.54, *SALT LAKE CITY CODE*,
PERTAINING TO CONDITIONAL USES, PURSUANT TO PETITION NO. 400-05-17.

WHEREAS, Chapter 21A.54 of the Salt Lake City Code contains certain regulations regarding conditional uses; and

WHEREAS, the City Council of Salt Lake City, Utah finds after public hearings before its own body and before the Planning Commission that portions of the Salt Lake City Zoning Code which relates to conditional uses should be amended; and

WHEREAS, the City Council finds that the proposed ordinance is in the best interest of the City.

Now, therefore, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 21A.54.020, *Salt Lake City Code*, pertaining to authority to approve conditional uses be, and the same hereby is, amended to read as follows:

21A.54.020 Authority:

The planning commission, or, in the case of Administrative Conditional Uses, the Planning Director or designee, may, in accordance with the procedures and standards set out in this chapter, and other regulations applicable to the district in which the property is located, approve uses listed as conditional uses in the tables of permitted and conditional uses found at the end of each chapter of part III of this title for each category of zoning district or districts.

SECTION 2. That Section 21A.54.030, *Salt Lake City Code*, pertaining to categories of conditional uses be, and the same hereby is, amended to read as follows:

21A.54.030 Categories Of Conditional Uses:

Conditional uses shall consist of the following categories of uses:

A. **Uses Impacting Other Property:** Uses that may give rise to particular problems with respect to their impact upon neighboring property and the city as a whole, including their impact on public facilities; and

B. **Planned Developments:** The uses which fall within these categories are listed in the tables of permitted and conditional uses found at the end of each chapter of part III of this title for each category of zoning district or districts.

C. **Administrative Consideration Of Conditional Uses:** ~~Certain types of conditional uses have been determined by the city to be low impact~~ may be considered to be low impact due to their particular location and are hereby authorized to be reviewed administratively according to the provisions contained in section 21A.54.155 of this chapter. Conditional uses that are authorized to be reviewed administratively are:

1. Applications for low power wireless telecommunication facilities that are listed as conditional uses in subsection 21A.40.090E of this title.

2. Alterations or modifications to a conditional use that increase the floor area by one thousand (1,000) gross square feet or more and/or increase the parking requirement.

3. Any conditional use as identified in the Table of Permitted and Conditional Uses for each zoning district, except those that:

a. Are listed as a “residential” land use in the Table of Permitted and Conditional Uses for each zoning district;

b. Are located within a Residential zoning district;

c. Abut a residential zoning district or residential use; or

d. Require Planned Development approval.

4. Public/Private Utility Buildings and Structures in Residential and Non-Residential zoning districts.

SECTION 3. That Section 21A.54.060, *Salt Lake City Code*, pertaining to procedures for conditional uses be, and the same hereby is, amended to read as follows:

21A.54.060 Procedures:

A. **Application:** A complete application shall contain at least the following information submitted by the applicant, unless certain information is determined by the zoning administrator to be inapplicable or unnecessary to appropriately evaluate the application:

1. The applicant's name, address, telephone number and interest in the property;
2. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
3. The street address and legal description of the subject property;
4. The zoning classification, zoning district boundaries and present use of the subject property;
5. A complete description of the proposed conditional use;
6. Site plans are required pursuant to section 21A.58.060 of this part;
7. Traffic impact analysis;
8. A signed statement that the applicant has met with and explained the proposed conditional use to the appropriate neighborhood organization entitled to receive notice pursuant to chapter 2.62 of this code;
9. A statement indicating whether the applicant will require a variance in connection with the proposed conditional use;

10. Mailing labels and first class postage for all persons required to be notified of the public hearing on the proposed conditional use pursuant to part II, chapter 21A.10 of this title;

11. Such other and further information or documentation as the zoning administrator may deem to be necessary for a full and proper consideration and disposition of the particular application.

B. **Determination Of Completeness:** Upon receipt of an application for a conditional use, the zoning administrator shall make a determination of completeness of the application pursuant to section 21A.10.010 of this title.

C. **Fees:** The application for a conditional use shall be accompanied by the fee established on the fee schedule.

D. **Staff Report-Site Plan Review Report:** Once the Zoning Administrator has determined that the application is complete a staff report evaluating the conditional use application shall be prepared by the Planning Division and forwarded to the Planning Commission, or in the case of Administrative Conditional Uses, the Planning Director or designee, along with a site plan review report prepared by the development review team.

E. **Public Hearing:** The Planning Commission, or, in the case of Administrative Conditional Uses, the Planning Director or Designee, shall schedule and hold a public hearing on the proposed conditional use in accordance with the standards and procedures for conduct of the public hearing set forth in Part II, Chapter 21A.10 of this Title. (See Sections 21A.54.150 and 21A.54.155 of this Chapter for additional procedures for public hearings in connection with planned developments and Administrative Conditional Uses.)

F. **Notice Of Applications For Additional Approvals:** Whenever, in connection with the application for a conditional use approval, the applicant is requesting other types of approvals,

such as a variance or special exception, all required notices shall include reference to the request for all required approvals.

G. **Planning Commission and Planning Director or designee Action:** At the conclusion of the public hearing, the Planning Commission, or, in the case of Administrative Conditional Uses, the Planning Director or designee shall either: 1) approve the conditional use; 2) approve the conditional use subject to specific modifications; or 3) deny the conditional use.

SECTION 4. That Section 21A.54.090, *Salt Lake City Code*, pertaining to conditions on conditional uses be, and the same hereby is, amended to read as follows:

21A.54.090 Conditions On Conditional Uses:

The Planning Commission, or, in the case of Administrative Conditional Uses, the Planning Director or designee, may impose on a conditional use such conditions and limitations as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the conditional use, upon the City as a whole, or upon public facilities and services. However, such conditions shall not be used as a means to authorize as a conditional use any use which is intended to be temporary only. These conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this Title. Such conditions shall be expressly set forth in the motion authorizing the conditional use.

A. **Violations Of Conditions:** Violation of any such condition or limitation shall be a violation of this Title and shall constitute grounds for revocation of the conditional use approval.)

SECTION 5. That Section 21A.54.110, *Salt Lake City Code*, pertaining to effect of approval of conditional use be, and the same hereby is, amended to read as follows:

21A.54.110 Effect Of Approval Of Conditional Use:

The approval of a proposed conditional use by the Planning Commission, or, in the case of Administrative Conditional Uses, the Planning Director or designee, shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the City, including, but not limited to, a building permit, certificate of occupancy and subdivision approval.

SECTION 6. That Section 21A.54.120, *Salt Lake City Code*, pertaining to limitations on conditional use approval be, and the same hereby is, amended to read as follows:

21A.54.120 Limitations On Conditional Use Approval:

Subject to an extension of time granted by the Planning Commission, or, in the case of Administrative Conditional Uses, the Planning Director or designee, no conditional use shall be valid for a period longer than twelve (12) months unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period, or unless a longer time is requested and granted by the Planning Commission, or, in the case of Administrative Conditional Uses, the Planning Director or designee. The approval of a proposed conditional use by the Planning Commission, or, in the case of Administrative Conditional Uses, the Planning Director or designee, shall authorize only the particular use for which it was issued.

SECTION 7. That Section 21A.54.155, *Salt Lake City Code*, pertaining to administrative consideration of conditional uses be, and the same hereby is, amended to read as follows:

21A.54.155 Administrative Consideration Of Conditional Uses:

The purpose of this section is to establish an administrative hearing process for certain categories of low impact conditional uses as authorized by subsection 21A.54.030C of this chapter.

Applications for administrative conditional use approval shall be reviewed as follows:

A. Preapplication And Application Requirements:

1. Preapplication Conference: The applicant shall first meet with a member of the Salt Lake City planning division to discuss the application and alternatives.
2. Community Council Review: The applicant shall meet with the respective community council(s) pursuant to subsection 21A.10.010B of this title.
3. Application: The applicant shall file an application and associated application fees with the planning office on a form prescribed by the city and consistent with this chapter. After considering information received, the planning director or designee may choose to schedule an administrative hearing or to forward the application to the planning commission.

B. Administrative Hearing:

1. Noticing And Posting Requirements: Notice of the proposed conditional use shall be mailed to all applicable property owners and the property shall be posted pursuant to subsection 21A.10.020B of this title.
2. Administrative Hearing: After consideration of the information received from the applicant and concerned residents, the planning director or designee may approve, approve with conditions, or deny the conditional use request.

At the administrative hearing, the planning director or designee may decline to hear or decide the request and forward the application for planning commission consideration, if it is determined that there is neighborhood opposition, if the applicant has failed to adequately address the conditional use standards, or for any other reason at the discretion of the planning director or designee.

The planning director may grant the conditional use request only if the proposed development is consistent with the standards for conditional uses listed in section 21A.54.080 of this chapter and ~~subsection 21A.40.090E7 of this title~~ any specific standards listed in this title that regulate the particular use.

C. Appeals:

1. Objection To Administrative Consideration: The petitioner or any person who objects to the planning director or designee administratively considering the conditional use request may request a hearing before the planning commission by filing a written notice at any time prior to the planning director's scheduled administrative hearing on the conditional use request. If no such objections are received by the city prior to the planning director's administrative hearing, any objections to such administrative consideration will be deemed waived. The notice shall specify all reasons for the objection to the administrative hearing. Upon receipt of such an objection, the matter will be forwarded to the Salt Lake City planning commission for consideration and decision.

2. Appeal Of Administrative Consideration: Any person aggrieved by the decision made by the planning director or designee at an administrative hearing may appeal that decision to the Salt Lake City planning commission by filing notice of an appeal, ~~explaining the reasons therefor,~~

within fourteen (14) days after the planning director's administrative hearing. The notice of appeal shall specify, in detail, the reason(s) for the appeal. Reasons for the appeal shall be based upon procedural error or compliance with the standards for conditional uses listed in Section 21A.54.080 of this chapter or any specific standards listed in this title that regulate the particular use.

SECTION 8. 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 _____, 2006.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2006.

Published: _____.

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SALT LAKE CITY ORDINANCE
No. _____ of 2006
(Amending Chapter 21A.54 Pertaining to Conditional Uses)

AN ORDINANCE AMENDING CHAPTER 21A.54, *SALT LAKE CITY CODE*,
PERTAINING TO CONDITIONAL USES, PURSUANT TO PETITION NO. 400-05-17.

WHEREAS, Chapter 21A.54 of the Salt Lake City Code contains certain regulations regarding conditional uses; and

WHEREAS, the City Council of Salt Lake City, Utah finds after public hearings before its own body and before the Planning Commission that portions of the Salt Lake City Zoning Code which relates to conditional uses should be amended; and

WHEREAS, the City Council finds that the proposed ordinance is in the best interest of the City.

Now, therefore, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 21A.54.020, *Salt Lake City Code*, pertaining to authority to approve conditional uses be, and the same hereby is, amended to read as follows:

21A.54.020 Authority:

The planning commission, or, in the case of Administrative Conditional Uses, the Planning Director or designee, may, in accordance with the procedures and standards set out in this chapter, and other regulations applicable to the district in which the property is located, approve uses listed as conditional uses in the tables of permitted and conditional uses found at the end of each chapter of part III of this title for each category of zoning district or districts.

SECTION 2. That Section 21A.54.030, *Salt Lake City Code*, pertaining to categories of conditional uses be, and the same hereby is, amended to read as follows:

21A.54.030 Categories Of Conditional Uses:

Conditional uses shall consist of the following categories of uses:

A. **Uses Impacting Other Property:** Uses that may give rise to particular problems with respect to their impact upon neighboring property and the city as a whole, including their impact on public facilities; and

B. **Planned Developments:** The uses which fall within these categories are listed in the tables of permitted and conditional uses found at the end of each chapter of part III of this title for each category of zoning district or districts.

C. **Administrative Consideration Of Conditional Uses:** Certain conditional uses may be considered to be low impact due to their particular location and are hereby authorized to be reviewed administratively according to the provisions contained in section 21A.54.155 of this chapter. Conditional uses that are authorized to be reviewed administratively are:

1. Applications for low power wireless telecommunication facilities that are listed as conditional uses in subsection 21A.40.090E of this title.
2. Alterations or modifications to a conditional use that increase the floor area by one thousand (1,000) gross square feet or more and/or increase the parking requirement.
3. Any conditional use as identified in the Table of Permitted and Conditional Uses for each zoning district, except those that:
 - a. Are listed as a “residential” land use in the Table of Permitted and Conditional Uses for each zoning district;
 - b. Are located within a Residential zoning district;
 - c. Abut a residential zoning district or residential use; or
 - d. Require Planned Development approval.

4. Public/Private Utility Buildings and Structures in Residential and Non-Residential zoning districts.

SECTION 3. That Section 21A.54.060, *Salt Lake City Code*, pertaining to procedures for conditional uses be, and the same hereby is, amended to read as follows:

21A.54.060 Procedures:

A. **Application:** A complete application shall contain at least the following information submitted by the applicant, unless certain information is determined by the zoning administrator to be inapplicable or unnecessary to appropriately evaluate the application:

1. The applicant's name, address, telephone number and interest in the property;
2. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
3. The street address and legal description of the subject property;
4. The zoning classification, zoning district boundaries and present use of the subject property;
5. A complete description of the proposed conditional use;
6. Site plans are required pursuant to section 21A.58.060 of this part;
7. Traffic impact analysis;
8. A signed statement that the applicant has met with and explained the proposed conditional use to the appropriate neighborhood organization entitled to receive notice pursuant to chapter 2.62 of this code;
9. A statement indicating whether the applicant will require a variance in connection with the proposed conditional use;

10. Mailing labels and first class postage for all persons required to be notified of the public hearing on the proposed conditional use pursuant to part II, chapter 21A.10 of this title;

11. Such other and further information or documentation as the zoning administrator may deem to be necessary for a full and proper consideration and disposition of the particular application.

B. **Determination Of Completeness:** Upon receipt of an application for a conditional use, the zoning administrator shall make a determination of completeness of the application pursuant to section 21A.10.010 of this title.

C. **Fees:** The application for a conditional use shall be accompanied by the fee established on the fee schedule.

D. **Staff Report-Site Plan Review Report:** Once the Zoning Administrator has determined that the application is complete a staff report evaluating the conditional use application shall be prepared by the Planning Division and forwarded to the Planning Commission, or in the case of Administrative Conditional Uses, the Planning Director or designee, along with a site plan review report prepared by the development review team.

E. **Public Hearing:** The Planning Commission, or, in the case of Administrative Conditional Uses, the Planning Director or Designee, shall schedule and hold a public hearing on the proposed conditional use in accordance with the standards and procedures for conduct of the public hearing set forth in Part II, Chapter 21A.10 of this Title. (See Sections 21A.54.150 and 21A.54.155 of this Chapter for additional procedures for public hearings in connection with planned developments and Administrative Conditional Uses.)

F. **Notice Of Applications For Additional Approvals:** Whenever, in connection with the application for a conditional use approval, the applicant is requesting other types of approvals,

such as a variance or special exception, all required notices shall include reference to the request for all required approvals.

G. **Planning Commission and Planning Director or designee Action:** At the conclusion of the public hearing, the Planning Commission, or, in the case of Administrative Conditional Uses, the Planning Director or designee shall either: 1) approve the conditional use; 2) approve the conditional use subject to specific modifications; or 3) deny the conditional use.

SECTION 4. That Section 21A.54.090, *Salt Lake City Code*, pertaining to conditions on conditional uses be, and the same hereby is, amended to read as follows:

21A.54.090 Conditions On Conditional Uses:

The Planning Commission, or, in the case of Administrative Conditional Uses, the Planning Director or designee, may impose on a conditional use such conditions and limitations as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the conditional use, upon the City as a whole, or upon public facilities and services. However, such conditions shall not be used as a means to authorize as a conditional use any use which is intended to be temporary only. These conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this Title. Such conditions shall be expressly set forth in the motion authorizing the conditional use.

A. **Violations Of Conditions:** Violation of any such condition or limitation shall be a violation of this Title and shall constitute grounds for revocation of the conditional use approval.)

SECTION 5. That Section 21A.54.110, *Salt Lake City Code*, pertaining to effect of approval of conditional use be, and the same hereby is, amended to read as follows:

21A.54.110 Effect Of Approval Of Conditional Use:

The approval of a proposed conditional use by the Planning Commission, or, in the case of Administrative Conditional Uses, the Planning Director or designee, shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the City, including, but not limited to, a building permit, certificate of occupancy and subdivision approval.

SECTION 6. That Section 21A.54.120, *Salt Lake City Code*, pertaining to limitations on conditional use approval be, and the same hereby is, amended to read as follows:

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Subject to an extension of time granted by the Planning Commission, or, in the case of Administrative Conditional Uses, the Planning Director or designee, no conditional use shall be valid for a period longer than twelve (12) months unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period, or unless a longer time is requested and granted by the Planning Commission, or, in the case of Administrative Conditional Uses, the Planning Director or designee. The approval of a proposed conditional use by the Planning Commission, or, in the case of Administrative Conditional Uses, the Planning Director or designee, shall authorize only the particular use for which it was issued.

SECTION 7. That Section 21A.54.155, *Salt Lake City Code*, pertaining to administrative consideration of conditional uses be, and the same hereby is, amended to read as follows:

21A.54.155 Administrative Consideration Of Conditional Uses:

The purpose of this section is to establish an administrative hearing process for certain categories of low impact conditional uses as authorized by subsection 21A.54.030C of this chapter.

Applications for administrative conditional use approval shall be reviewed as follows:

A. Preapplication And Application Requirements:

1. Preapplication Conference: The applicant shall first meet with a member of the Salt Lake City planning division to discuss the application and alternatives.

2. Community Council Review: The applicant shall meet with the respective community council(s) pursuant to subsection 21A.10.010B of this title.

3. Application: The applicant shall file an application and associated application fees with the planning office on a form prescribed by the city and consistent with this chapter. After considering information received, the planning director or designee may choose to schedule an administrative hearing or to forward the application to the planning commission.

B. Administrative Hearing:

1. Noticing And Posting Requirements: Notice of the proposed conditional use shall be mailed to all applicable property owners and the property shall be posted pursuant to subsection 21A.10.020B of this title.

2. Administrative Hearing: After consideration of the information received from the applicant and concerned residents, the planning director or designee may approve, approve with conditions, or deny the conditional use request.

At the administrative hearing, the planning director or designee may decline to hear or decide the request and forward the application for planning commission consideration, if it is determined that there is neighborhood opposition, if the applicant has failed to adequately address the conditional use standards, or for any other reason at the discretion of the planning director or designee.

The planning director may grant the conditional use request only if the proposed development is consistent with the standards for conditional uses listed in section 21A.54.080 of this chapter and any specific standards listed in this title that regulate the particular use.

C. Appeals:

1. **Objection To Administrative Consideration:** The petitioner or any person who objects to the planning director or designee administratively considering the conditional use request may request a hearing before the planning commission by filing a written notice at any time prior to the planning director's scheduled administrative hearing on the conditional use request. If no such objections are received by the city prior to the planning director's administrative hearing, any objections to such administrative consideration will be deemed waived. The notice shall specify all reasons for the objection to the administrative hearing. Upon receipt of such an objection, the matter will be forwarded to the Salt Lake City planning commission for consideration and decision.

2. **Appeal Of Administrative Consideration:** Any person aggrieved by the decision made by the planning director or designee at an administrative hearing may appeal that decision to the Salt Lake City planning commission by filing notice of an appeal within fourteen (14) days after the planning director's administrative hearing. The notice of appeal shall specify, in detail, the

reason(s) for the appeal. Reasons for the appeal shall be based upon procedural error or compliance with the standards for conditional uses listed in Section 21A.54.080 of this chapter or any specific standards listed in this title that regulate the particular use.

SECTION 8. 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 _____, 2006.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date February 22, 2006
By Melanie Gray

(SEAL)

Bill No. _____ of 2006.

Published: _____.

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3. Notice of City Council Hearing

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is currently reviewing Petition 400-05-17, a petition initiated by the Salt Lake City Planning Commission recommending that Chapter 21A.54 – Conditional Uses is amended to allow certain conditional uses to be approved by the Administrative Hearing Officer.

The City Council is holding a public hearing to receive comments regarding the petition. During this hearing, the Planning staff may present information on the proposal 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: 7:00 p.m.
PLACE: ROOM 315
City and County Building
451 South State Street
Salt Lake City

If you have any questions relating to this proposal, please attend the meeting or contact Wayne Mills at 535-6173, or e-mail wayne.mills@slcgov.com.

4. Mailing Labels

COMMUNITY COUNCIL CHAIRS:

Updated: 11/3/2005 cr

KEN FUTZ, CHAIR
WEST POINTE COMM. COUNCIL
1217 NO. BRIGADIER CIRCLE
SALT LAKE CITY, UT 84116

KENNETH L. NEAL, CHAIR
ROSE PARK COMMUNITY COUNCIL
1071 NO. TOPAZ DR.
SALT LAKE CITY, UT 84116

ANGIE VORHER, CHAIR
JORDAN MEADOWS COMM. COUNCIL
1988 SIR JAMES DRIVE
SALT LAKE CITY, UT 84116

VICKY ORME, CHAIR
FAIRPARK COMM. COUNCIL
159 NORTH 1320 WEST
SALT LAKE CITY, UT 84116

MIKE HARMAN, CHAIR
POPLAR GROVE COMM. COUNCIL
1044 WEST 300 SOUTH
SALT LAKE CITY, UT 84104

RANDY SORENSON, CHAIR
GLENDALE COMMUNITY COUNCIL
1184 SO. REDWOOD DRIVE
SALT LAKE CITY, UT 84104-3325

PETER VON SIVERS, CHAIR
CAPITOL HILL COMMUNITY COUNCIL
223 WEST 400 NORTH
SALT LAKE CITY, UT 84103

JILL VAN LANGEVELD, CHAIR
GRTR. AVENUES COMM. COUNCIL
807 E. NORTHCLIFFE DRIVE
SALT LAKE CITY, UT 84103

BILL DAVIS, CHAIR
RIO GRANDE COMMUNITY COUNCIL
329 E. HARRISON AVENUE
SALT LAKE CITY, UT 84115

BILL PLASTOW, CHAIR
PEOPLES FREEWAY COMM. COUNCIL
1625 SOUTH WEST TEMPLE
SALT LAKE CITY, UT 84115

THOMAS MUTTER, CHAIR
CENTRAL CITY COMMUNITY COUNCIL
228 EAST 500 SOUTH, #100
SALT LAKE CITY, UT 84111

DENNIS GUY-SELL, CHAIR
EAST CENTRAL COMMUNITY
COUNCIL
P.O. BOX 520473
SALT LAKE CITY, UT 84152-0473

BRIAN WATKINS, CHAIR
LIBERTY WELLS COMM. COUNCIL
1744 SOUTH 600 EAST
SALT LAKE CITY, UT 84106

JIM WEBSTER, CHAIR
YALECREST COMMUNITY COUNCIL
938 MILITARY DRIVE
SALT LAKE CITY, UT 84108-1326

MARYDELLE GUNN, CHAIR
WASATCH HOLLOW
COMMUNITY COUNCIL
1595 SOUTH 1300 EAST
SALT LAKE CITY, UT 84105

ELIOT BRINTON, CHAIR
SUNNYSIDE EAST ASSOCIATION
849 SOUTH CONNOR ST
SALT LAKE CITY, UT 84108

ELLEN REDDICK, CHAIR
BONNEVILLE HILLS
COMMUNITY COUNCIL
2177 ROOSEVELT AVE.
SALT LAKE CITY, UT 84108

DAVE MORTENSEN, CHAIR
ARCADIA HEIGHTS/BENCHMARK
COMMUNITY COUNCIL
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MARK HOLLAND, CHAIR
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SALT LAKE CITY, UT 84105

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St. Mary's Community Council
VACANT

TIM DEE, CHAIR
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1575 DEVONSHIRE DRIVE
SALT LAKE CITY, UT 84108

SHAWN McMILLEN, CHAIR
H ROCK COMMUNITY COUNCIL
1855 SOUTH 2600 EAST
SALT LAKE CITY, UT 84108





ORGANIZATIONS:

Updated: 4/1/2005 sj

DOWNTOWN ALLIANCE
BOB FARRINGTON, DIRECTOR
175 EAST 400 SOUTH, #100
SALT LAKE CITY, UT 84111

S.L. CHAMBER OF COMMERCE
175 EAST 400 SOUTH, SUITE #100
SALT LAKE CITY, UT 84111

ATTN: CAROL DIBBLEE
DOWNTOWN MERCHANTS ASSN.
10 W. BROADWAY, SUITE #420
P.O. BOX
SALT LAKE CITY, UT 84101

HISPANIC CHAMBER OF
COMMERCE
P.O. BOX 1805
SALT LAKE CITY, UT 84110

VEST POCKET BUSINESS
COALITION
P.O. BOX 521357
SALT LAKE CITY, UT 84152-1357

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SMITH-CROWN
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SALT LAKE CITY, UT 84106



5. Planning Commission Hearing

a. Original Notice with Postmark

b. Staff Report

c. Minutes

5a. Original Notice with Postmark



**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING**
In Room 326 of the City & County Building at 451 South State Street
Wednesday, January 25, 2006, 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, January 11, 2006.
2. REPORT OF THE CHAIR AND VICE CHAIR
3. REPORT OF THE DIRECTOR
 - a) Initiate a petition for a text amendment to the Salt Lake City Zoning Ordinance allowing ambulance services and government facilities in the manufacturing districts.
4. PUBLIC NOTICE AGENDA Salt Lake City Property Conveyance Matters
5. PUBLIC HEARINGS
 - a) **Petition 410-772 - H.M. Investments Retail Center – Conditional Use Planned Development Request.** The H.M. Investments has submitted an application for a retail development center located at **1846 South 300 West Street**, just south of Costco in the CG (General Commercial) Zoning District. Four parcels will be combined by deed to accommodate the new retail center. The existing structures would be demolished for the development of the new center. The proposed center would be comprised of six buildings containing retail shops and food services. Two of the buildings will have drive-thru lanes. Although, the proposed uses are allowed within the CG (General Commercial) Zoning District, development of multiple buildings on a single site requires Conditional Use Planned Development approval from the Planning Commission. (Staff – Marilyn Lewis at 535-6409 or Marilynn.lewis@slcgov.com)
 - b) **Petition 400-05-17 – A request by the Planning Commission to analyze the feasibility of allowing additional conditional uses to be approved by an Administrative Hearing Officer.** The Planning Division has analyzed the request and proposes to amend Section 21A.54 of the Zoning Ordinance to permit Public Private Utility Buildings and Structures and non-residential conditional uses to be approved by an Administrative Hearing Officer if the requested use complies with zoning ordinance regulations and is unopposed. (Staff – Wayne Mills at 535-6173 or wayne.mills@slcgov.com)
- 6) UNFINISHED BUSINESS

5b. Staff Report

DATE: January 18, 2005
TO: Salt Lake City Planning Commission
FROM: Wayne Mills, Senior Planner
RE: **STAFF REPORT FOR THE JANUARY 25, 2006 MEETING**

CASE#: 400-05-17

APPLICANT: Salt Lake City Planning Commission

PROJECT LOCATION: This is a zoning ordinance text change that is applicable City-wide.

PROJECT/PROPERTY SIZE: Not Applicable

COUNCIL DISTRICT: **District One**, Carlton Christensen
District Two, Van Turner
District Three, Eric Jergensen
District Four, Nancy Saxton
District Five, Jill Remington Love
District Six, Dave Buhler
District Seven, Soren Simonsen

REQUESTED ACTION: Analyze the feasibility of allowing additional conditional uses to be approved by an Administrative Hearing Officer.

PROPOSED USE(S): The proposal is not use or site specific; however the proposed zoning text amendment pertains to conditional uses City-wide.

APPLICABLE LAND USE REGULATIONS: Salt Lake City Code, Title 21A, Zoning Ordinance

MASTER PLAN SPECIFICATIONS: City Vision and Strategic Plan, adopted in 1993

SUBJECT PROPERTY HISTORY: Not Applicable

ACCESS: Not Applicable

PROJECT DESCRIPTION:

The Salt Lake City Code currently provides an Administrative Public Hearing Process where an Administrative Hearing Officer (the Planning Director or Designee) may approve certain development requests that are unopposed by the community and comply with City ordinances and policies. The types of development requests that may be approved through the Administrative Public Hearing Process are:

- Applications for low power wireless telecommunication facilities that are listed as conditional uses;
- Alterations or modifications to a conditional use that increase the floor area by 1,000 square feet or more and/or increase the parking requirement;
- Minor Subdivisions;
- Subdivision Amendments not involving streets; and
- Condominiums

The review process, notification process, and Staff Report for requests reviewed through the Administrative Hearing process is the same as that of requests reviewed by the Planning Commission:

- Notification, and presentation if requested, to the affected Community Council(s);
- Review by the pertinent City Departments and Divisions, such as, Engineering, Transportation, Public Utilities, Fire, Building Services, and the Police Department;
- Notification by mail to surrounding property owners fourteen days in advance of the Administrative Public Hearing; and
- A Staff Report describing the request, outlining the issues and recommending action (approval or denial) based upon the ordinance standards for the type of request.

Two appeal processes are currently in place to ensure that only those development requests that are unopposed are approved through the Administrative Public Hearing process. They are as follows:

- Any person may object to the request being considered in an Administrative Public Hearing prior to the scheduled hearing. If any person objects to the request being considered in the Administrative Public Hearing, the request is forwarded to the Planning Commission for review; and

- Any person aggrieved by a decision of the Administrative Hearing Officer, may appeal the decision to the Planning Commission.

In addition to the appeal process, the Administrative Hearing Officer may decline to hear the request and forward it to the Planning Commission if it is determined that there is neighborhood opposition, if the applicant has failed to adequately address the conditional use standards, or for any other reason at the discretion of the Administrative Hearing Officer.

On June 8, 2005 the Salt Lake City Planning Commission requested that the Planning Staff analyze the possibility of expanding the conditional uses that may be approved by the Administrative Hearing Officer in an Administrative Public Hearing. The Planning Staff has reviewed current ordinances and analyzed conditional use case history for the years 2004 and 2005 and recommends that Chapter 21A.54 (Conditional Uses) of the Zoning Ordinance be amended to permit any conditional use to be reviewed in an administrative hearing except those that:

- Are listed as a “residential” land use in the Table of Permitted and Conditional Uses for each zoning district;
- Are located within a Residential zoning district;
- Abut a Residential zoning district or residential use; or
- Require Planned Development approval.

The Planning Staff also recommends that Chapter 21A.54 of the Zoning Ordinance be amended to permit Administrative Hearing review of Public/Private Utility Buildings and Structures that are proposed in both residential and non-residential zoning districts. All of the proposed amendments to Chapter 21A.54 are shown in strike and bold format in Exhibit 1.

COMMENTS, ANALYSIS AND FINDINGS

COMMENTS:

The comments received from pertinent City Departments/Divisions are attached to this staff report for review (see Exhibit 2). The comments received from citizens are also attached as Exhibit 3. The following is a summary of the comments/concerns received:

A. **Public Utilities:**

The Public Utilities Department has no objection to the proposed zoning ordinance changes; however, some changes to the use of property will trigger different regulations pertaining to water, sewer and storm drainage. The Planning Department needs to continue to keep Public Utilities informed of new projects.

Planning Staff Comment: Planning Staff responded to Public Utilities by stating that the review process for administrative conditional uses is the same as that of conditional uses reviewed by the Planning Commission in that they are routed to Public Utilities for

review and comments.

B. Engineering:

No comments received.

C. Building Services:

Building Services recommends that the language in Section 21A.02.050B2 of the Zoning Ordinance is amended to reflect the new procedure.

Planning Staff Comment: Section 21A.02.050B2 of the Zoning Ordinance states that utility wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment owned, operated and/or maintained by a governmental entity or public utility that are underground or above grade and smaller than 20 square feet horizontally, 10 cubic feet in volume or 3 feet above grade are exempt from zoning regulations. The proposed change to the Conditional Use section of the Zoning Ordinance would not affect this section of the Zoning Ordinance because it only pertains to those utility structures that are not exempt from zoning regulations and require conditional use review. Planning Staff met with the Development Review Supervisor in the Building Services Department to explain and clarify the proposed amendment.

D. Transportation:

The Transportation Division does not foresee an impact to transportation issues as part of this proposal.

E. Fire:

The Fire Department has no comments regarding this request.

F. City Attorney:

No comments received.

G. Community Councils and Citizens: A public open house was held on December 5, 2005 and seven people were in attendance. Prior to the open house, Staff received an e-mail stating the following:

"I don't have a problem with an administrative hearing for Low power wireless telecommunication facilities. I could even let the power company and cable boxes be done administratively. The Planning Commission has wasted a lot of time on these.

However, I am opposed to administrative approval for uses that are:

- *Non-residential land use types;*
- *Not located within a residential zoning district;*
- *Do not abut a residential zoning district or residential use;*
- *Do not require Planned Development approval;*

Perhaps you have a staff report, even a draft, of what you are proposing so I could get a clearer picture of it? Maybe there is a way to word these so that we know that our neighborhoods are protected? I worry that we could have three of these properties in a row on a street, the two on either side abut residential, but the one in the middle doesn't, so the middle one gets redeveloped in a non-compatible way. East Central is an area that comes to mind, there is lots of non-residential mixed in between the residential, and this proposal sounds way too broad to me."

Staff Responded to the e-mail with the following:

"The proposal would allow administrative consideration of only those conditional uses that are unopposed and meet the conditional use standards as well as any other zoning requirements.

The administrative hearing process requires the same notification to the surrounding neighborhood as the Planning Commission hearing process. The applicant and staff member assigned to the project are required to meet with the affected community council(s) prior to the administrative hearing being scheduled. If the community council is not in support of the requested conditional use, planning staff would forward it to the Planning Commission for review. In addition, the required notification of an administrative hearing is the same as the required notification of a Planning Commission hearing; all property owners within a radius of 300 feet of the subject property. If a neighbor, upon receiving notice, objects to the administrative hearing, the request would be forwarded to the Planning Commission for review. Also, if any person objects to the decision made at an administrative hearing, the request is forwarded to the Planning Commission.

The intent of this proposal is not to circumvent the Planning Commission process. It is intended to provide a process to review those conditional uses that are listed as a condition use in the use charts of the Zoning Ordinance, but would not have an impact on neighboring property due to their location in the City. This would free the Planning Commission's time to review the more controversial and technical planning projects."

The individual that wrote the e-mail did not attend the public open house. As stated above, seven people did attend the open house and one public comment form was returned to Staff with the following comment:

"This seems like a useful and wise amendment, which could allow for more attention to significant issues. I am in support of it."

ANALYSIS:

Pursuant to Planning Commission directive, Staff reviewed Section 21A.54 of the Zoning Ordinance, which is the regulating ordinance for conditional uses. Staff also reviewed all of the

conditional uses reviewed by the Planning Commission during the years 2004 and 2005. Summary spreadsheets of the 2004 and 2005 year review are attached as Exhibit 4.

After analyzing the 2004/2005 conditional use case history and the existing conditional use chapter of the Zoning Ordinance, Staff determined that the conditional uses that are permitted to be reviewed by an Administrative Hearing Officer should be expanded to include those conditional uses that are commercial in nature and would have no impact to the residential community. Therefore, Staff recommends that Section 21A.54 (Conditional Uses) of the Zoning Ordinance is amended to permit any conditional use to be reviewed in an Administrative Hearing except those that:

- Are listed as a “residential” land use in the Table of Permitted and Conditional Uses for each zoning district;
- Are located within a Residential zoning district;
- Abut a Residential zoning district or residential use; or
- Require Planned Development approval.

In addition, Planning Staff recommends that Chapter 21A.54 of the Zoning Ordinance is amended to permit Administrative Hearing review of Public/Private Utility Buildings and Structures that are requested in both residential and non-residential zoning districts.

The purpose of the proposed amendment is to:

- 1) Decrease the number of items on the Planning Commission agendas, which provides more time for the Planning Commission to focus on issues with impacts to the community; and
- 2) Offer an expedited process for those conditional uses with no impact to the surrounding community.

Review of the 2004/2005 conditional use case history shows that in 2004, the Planning Commission reviewed 45 conditional uses. Out of those 45 conditional uses, 17 Public/Private Utility Structures and 5 conditional uses fitting the proposed criteria stated above could have been approved by the Administrative Hearing Officer as per the proposed ordinance. This would have been a 48% decrease in the number of conditional uses reviewed by the Planning Commission. In 2005, the Planning Commission reviewed 32 conditional uses. Out of those 32 cases, 1 Public/Private Utility Structure and 4 conditional uses could have been approved by the Administrative Hearing Officer as per the proposed ordinance. This would have been a 15% decrease in the number of conditional uses reviewed by the Planning Commission during 2005.

This study shows that, although the percentage decrease is much less in 2005 due to the large number of utility structures in 2004, the proposed amendment would decrease the number of items that require review by the Planning Commission. Therefore, the proposed amendment is consistent with purpose #1 stated above. Also, the conditional uses that could be approved by the Administrative Hearing Officer could be approved through the expedited Administrative Hearing process. The Administrative Hearing process is an expedited process because the hearings can be

scheduled at any time after the necessary review is completed, as long as the minimum 14 day notice requirement is met.

In addition to the amendments to the Conditional Use section of the Zoning Ordinance stated above, Staff also recommends that other changes are made to the ordinance to reflect the Administrative Hearing Officer's (Planning Director or designee) authority to approve Administrative Conditional Uses. The proposed amendments also require appeals of administrative conditional uses to specify, in detail, the reasons for the appeal. The reasons for the appeal must be based upon procedural error or compliance with the conditional use standards or any other specific standards listed in the Zoning Ordinance that regulate the particular conditional use (see Section 21A.54.155C – Appeals – in Exhibit 1). All of the proposed amendments to Chapter 21A.54 are shown in strike and bold format in Exhibit 1.

FINDINGS

Issues that are being generated by this proposal

Since this petition is a modification of the Conditional Use section of the Zoning Ordinance, the Planning Commission must review the proposal and forward a recommendation to the City Council. In undertaking the task, the Planning Commission must establish findings of fact based on the following standards contained in Section 21A.50.050 of the City's Zoning Ordinance.

21A.50.050 Standards for general amendments.

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

Discussion: The City Vision and Strategic Plan (1993) states as a goal that the City should, "*Develop business friendly licensing and regulatory practices.*" One of the purposes of the proposed amendment is to allow conditional use requests that are commercial in nature and have no impact to the surrounding community to be approved through the Administrative Hearing Process. Staff finds that providing this option for conditional use approval is consistent with the goal of the City Vision and Strategic Plan by creating a business friendly regulatory practice.

Findings: The proposed amendment is consistent with the goals of the City Vision and Strategic Plan adopted in 1993.

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

Discussion: The proposal is not site specific. Each conditional use affected by the proposed amendment would be analyzed according to the existing and unchanged conditional use standards established in the Zoning Ordinance to ensure that any requested conditional use is harmonious with its surrounding neighborhood.

Findings: The proposed amendment is not site specific. All future requests for conditional uses must comply with Zoning Ordinance standards to ensure compatibility with the community.

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

Discussion: All conditional uses reviewed pursuant to the proposed amendment, would be analyzed as to its affect on adjacent properties. If any requested conditional use appears to be detrimental to adjacent properties, the conditional use request would be forwarded to the Planning Commission for review.

Findings: The proposed amendments are written to minimize impacts on adjacent properties.

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

Discussion: The proposal is not site specific. All requests for conditional uses would be reviewed to ensure compliance with applicable overlay zoning districts.

Findings: The proposed amendments are designed to be consistent with the City's applicable overlay districts.

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: The proposal is not site specific. All requests for a conditional use would be reviewed to ensure compliance with City codes and policies.

Findings: All pertinent City departments will have review authority on conditional uses proposals to ensure adequacy of public facilities and services.

RECOMMENDATION:

In light of the comments, analysis and findings noted above, staff recommends that the Planning Commission forward a positive recommendation to the City Council to adopt the following proposed zoning text amendments pertaining to Chapter 21A.54 of the Zoning Ordinance:

1. That *Section 21A.54.020: Authority*, be amended to permit the Planning Director or designee to approve Administrative Conditional Uses;

2. That Section 21A.54.030C: Administrative Consideration of Conditional Uses, be amended to eliminate the phrase, “have been determined by the City to be low impact” and replace it with, “may be considered to be low impact due to their particular location.”
3. That Section 21A.54.030C3, be added to permit the Planning Director or designee to approve (through an Administrative Hearing) all conditional uses except those that:
 - a. Are listed as a “residential” land use in the Table of Permitted and Conditional Uses for each zoning district;
 - b. Are located within a Residential zoning district;
 - c. Abut a residential zoning district or residential use; or
 - d. Require Planned Development approval.
4. That Section 21A.54.030C3, be added to permit the Planning Director or designee to approve (through an Administrative Hearing) Public/Private Utility Buildings and Structures in Residential and Non-Residential zoning districts.
5. That Section 21A.54.060D: Staff Report-Site Plan Review Report, be amended to state that staff report and site plan review report be forwarded to the Planning Director or designee for Administrative Conditional Uses.
6. That Section 21A.54.060E: Public Hearing, be amended to state that the Planning Director or designee shall hold a public hearing in the case of Administrative Conditional Uses and shall conduct the public hearings in conformance to the Zoning Ordinance.
7. That Section 21A.54.060G: Planning Commission Action, be amended to state that, in the case of Administrative Conditional Uses, the Planning Director or designee shall approve, approve with conditions, or deny the Administrative Conditional Use.
8. That Section 21A.54.090: Conditions on Conditional Uses, be amended to state that the Planning Director or designee may impose conditions on Administrative Conditional Uses.
9. That Section 21A.54.110: Effect of Approval of Conditional Use, be amended to include the Planning Director or designee in the case of Administrative Conditional Uses.
10. That Section 21A.54.120: Limitations on Conditional Use Approval, be amended to include the Planning Director or designee in the case of Administrative Conditional Uses.
11. That Section 21A.54.155B2: Administrative Hearing, be amended to state that the Planning Director or designee may approve an Administrative Conditional Use only if it complies with all standards in the Zoning Ordinance that regulate the particular use.

12. That Section 21A.54.155: Appeals of Administrative Conditional Uses, be amended to state that an appeal of an Administrative Conditional Use must be based on procedural error, compliance with the standards that regulate conditional uses, or any specific standards listed in the Zoning Ordinance that regulate the requested use.

Wayne Mills
Senior Planner

Attachments: Exhibit 1 – Chapter 21A.54 – Conditional Uses – Proposed Amendments
Exhibit 2 – City Department/Division Comments
Exhibit 3 – Citizen Comments
Exhibit 4 – 2004/2005 Conditional Use Review

Exhibit 1
Chapter 21A.54 – Conditional Uses
Proposed Amendments

Chapter 21A.54
CONDITIONAL USES

21A.54.010 Purpose Statement:

A conditional use is a use which has potential adverse impacts upon the immediate neighborhood and the city as a whole. It requires a careful review of its location, design, configuration and special impact to determine the desirability of allowing it on a particular site. Whether it is appropriate in a particular location requires a weighing, in each case, of the public need and benefit against the local impact, taking into account the applicant's proposals for ameliorating any adverse impacts through special site planning, development techniques and contributions to the provision of public improvements, rights of way and services. (Ord. 26-95 § 2(27-1), 1995)

21A.54.020 Authority:

The planning commission, **or, in the case of Administrative Conditional Uses, the Planning Director or designee**, may, in accordance with the procedures and standards set out in this chapter, and other regulations applicable to the district in which the property is located, approve uses listed as conditional uses in the tables of permitted and conditional uses found at the end of each chapter of part III of this title for each category of zoning district or districts. (Ord. 26-95 § 2(27-2), 1995)

21A.54.030 Categories of Conditional Uses:

Conditional uses shall consist of the following categories of uses:

A. **Uses Impacting Other Property:** Uses that may give rise to particular problems with respect to their impact upon neighboring property and the city as a whole, including their impact on public facilities; and

B. **Planned Developments:** The uses which fall within these categories are listed in the tables of permitted and conditional uses found at the end of each chapter of part III of this title for each category of zoning district or districts.

C. **Administrative Consideration of Conditional Uses:** ~~Certain types of conditional uses have been determined by the City to be low impact~~ **may be considered to be low impact due to their particular location** and are hereby authorized to be reviewed administratively according to the provisions contained in section 21A.54.155 of this chapter. Conditional uses that are authorized to be reviewed administratively are:

1. Applications for low power wireless telecommunication facilities that are listed as conditional uses in subsection 21A.40.090E of this title.
2. Alterations or modifications to a conditional use that increase the floor area by one thousand (1,000) gross square feet or more and/or increase the parking

requirement. (Ord. 13-04 § 34, 2004; Ord. 81-01 § 2, 2001; Ord. 26-95 § 2(27-3), 1995)

3. Any conditional use as identified in the Table of Permitted and Conditional Uses for each zoning district, except those that:

- a. Are listed as a “residential” land use in the Table of Permitted and Conditional Uses for each zoning district;**
- b. Are located within a Residential zoning district;**
- c. Abut a residential zoning district or residential use; or**
- d. Require Planned Development approval.**

4. Public/Private Utility Buildings and Structures in Residential and Non-Residential zoning districts.

21A.54.040 Site Plan Review Required:

Site plan review of development proposals is required for all conditional uses in all districts. (Ord. 26-95 § 2(27-4), 1995)

21A.54.050 Initiation:

An application for a conditional use may be filed with the zoning administrator by the owner of the subject property or by an authorized agent. (Ord. 26-95 § 2(27-5), 1995)

21A.54.060 Procedures:

A. Application: A complete application shall contain at least the following information submitted by the applicant, unless certain information is determined by the zoning administrator to be inapplicable or unnecessary to appropriately evaluate the application:

1. The applicant's name, address, telephone number and interest in the property;
2. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
3. The street address and legal description of the subject property;
4. The zoning classification, zoning district boundaries and present use of the subject property;
5. A complete description of the proposed conditional use;

6. Site plans are required pursuant to section 21A.58.060 of this part;
7. Traffic impact analysis;
8. A signed statement that the applicant has met with and explained the proposed conditional use to the appropriate neighborhood organization entitled to receive notice pursuant to chapter 2.62 of this code;
9. A statement indicating whether the applicant will require a variance in connection with the proposed conditional use;
10. Mailing labels and first class postage for all persons required to be notified of the public hearing on the proposed conditional use pursuant to part II, chapter 21A.10 of this title;
11. Such other and further information or documentation as the Zoning Administrator may deem to be necessary for a full and proper consideration and disposition of the particular application.

B. Determination Of Completeness: Upon receipt of an application for a conditional use, the zoning administrator shall make a determination of completeness of the application pursuant to section 21A.10.010 of this title.

C. Fees: The application for a conditional use shall be accompanied by the fee established on the fee schedule.

D. Staff Report-Site Plan Review Report: Once the Zoning Administrator has determined that the application is complete a staff report evaluating the conditional use application shall be prepared by the Planning Division and forwarded to the Planning Commission, **or, in the case of Administrative Conditional Uses, the Planning Director or designee**, along with a site plan review report prepared by the development review team.

E. Public Hearing: The Planning Commission, **or, in the case of Administrative Conditional Uses, the Planning Director or Designee**, shall schedule and hold a public hearing on the proposed conditional use in accordance with the standards and procedures for conduct of the public hearing set forth in Part II, Chapter 21A.10 of this Title. (See Section 21A.54.150 and Section 21A.54.155 of this Chapter for additional procedures for public hearings in connection with planned developments and **Administrative Conditional Uses**)

F. Notice Of Applications For Additional Approvals: Whenever, in connection with the application for a conditional use approval, the applicant is requesting other types of approvals, such as a variance or special exception, all required notices shall include reference to the request for all required approvals.

G. Planning Commission **and Planning Director or designee** Action: At the conclusion of the public hearing, the Planning Commission, **or, in the case of Administrative Conditional Uses, the Planning Director or designee** shall either: 1) approve the conditional use; 2) approve the conditional use subject to specific modifications; or 3) deny the conditional use. (Ord. 26-95 § 2(27-6), 1995)

21A.54.070 Sequence Of Approval Of Applications For Both A Conditional Use And A Variance:

Whenever the applicant indicates pursuant to subsection 21A.54.060A9 of this Chapter that a variance will be necessary in connection with the proposed conditional use (other than a planned development), the applicant shall at the time of filing the application for a conditional use, file an application for a variance with the Board of Adjustment.

A. Combined Review: Upon the filing of a combined application for a conditional use and a variance, at the initiation of the Planning Commission or the Board of Adjustment, the Commission and the Board may hold a joint session to consider the conditional use and the variance applications simultaneously.

B. Actions by Planning Commission and Board of Adjustment: Regardless of whether the Planning Commission and Board of Adjustment conduct their respective reviews in a combined session or separately, the Board of Adjustment shall not take any action on the application for a variance until the Planning Commission shall first act to recommend approval or disapproval of the application for the conditional use. (Ord. 26-95 § 2(27-7), 1995)

21A.54.080 Standards For Conditional Uses:

The Planning Commission shall only approve, approve with conditions, or deny a conditional use based upon written findings of fact with regard to each of the standards set forth below and, where applicable, any special standards for conditional uses set forth in a specific zoning district:

A. The proposed development is one of the conditional uses specifically listed in this Title;

B. The proposed development is in harmony with the general purposes and intent of this Title and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans;

C. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets;

D. The internal circulation system of the proposed development is properly designed;

E. Existing or proposed utility services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources;

F. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;

G. Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood;

H. Landscaping is appropriate for the scale of the development;

I. The proposed development preserves historical, architectural and environmental features of the property;

J. Operating and delivery hours are compatible with adjacent land uses;

K. The proposed conditional use or, in the case of a planned development, the permitted and conditional uses contained therein, are compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the City as a whole;

L. The proposed development complies with all other applicable codes and ordinances. (Ord. 35-99 § 95, 1999; Ord. 26-95 § 2(27-8), 1995)

21A.54.090 Conditions On Conditional Uses:

The Planning Commission, **or, in the case of Administrative Conditional Uses, the Planning Director or designee**, may impose on a conditional use such conditions and limitations as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the conditional use, upon the City as a whole, or upon public facilities and services. However, such conditions shall not be used as a means to authorize as a conditional use any use which is intended to be temporary only. These conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this Title. Such conditions shall be expressly set forth in the motion authorizing the conditional use.

A. Violations of Conditions: Violation of any such condition or limitation shall be a violation of this Title and shall constitute grounds for revocation of the conditional use approval. (Ord. 26-95 § 2(27-9), 1995)

21A.54.100 No Presumption Of Approval:

The listing of a conditional use in any table of permitted and conditional uses found at the end of each chapter of Part III of this Title for each category of zoning district or districts does not constitute an assurance or presumption that such conditional use will be approved. Rather, each

proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this Chapter and with the standards for the district in which it is located, in order to determine whether the conditional use is appropriate at the particular location. (Ord. 26-95 § 2(27-10), 1995)

21A.54.110 Effect Of Approval Of Conditional Use:

The approval of a proposed conditional use by the Planning Commission, **or, in the case of Administrative Conditional Uses, the Planning Director or designee**, shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the City, including, but not limited to, a building permit, certificate of occupancy and subdivision approval. (Ord. 26-95 § 2(27-11), 1995)

21A.54.120 Limitations on Conditional Use Approval:

Subject to an extension of time granted by the Planning Commission, **or, in the case of Administrative Conditional Uses, the Planning Director or designee**, no conditional use shall be valid for a period longer than twelve (12) months unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period, or unless a longer time is requested and granted by the Planning Commission, **or, in the case of Administrative Conditional Uses, the Planning Director or designee**. The approval of a proposed conditional use by the Planning Commission, **or, in the case of Administrative Conditional Uses, the Planning Director or designee**, shall authorize only the particular use for which it was issued. (Ord. 26-95 § 2(27-12), 1995)

21A.54.130 Conditional Use Related To The Land:

An approved conditional use relates only to, and is only for the benefit of the use and lot rather than the owner or operator of such use or lot. (Ord. 26-95 § 2(27-13), 1995)

21A.54.135 Alterations Or Modifications To A Conditional Use:

Any land use currently listed as a conditional use under existing zoning regulations shall be required to obtain conditional use approval subject to the provisions of this chapter if the floor area increases by one thousand (1,000) gross square feet or more and/or the parking requirement is increased.

A. Administrative Consideration Of Conditional Use: Applications for alterations and/or modifications to a conditional use may be reviewed according to the procedures set forth in section 21A.54.155 of this chapter. (Ord. 13-04 § 35, 2004)

21A.54.140 Conditional Use Approvals And Planned Developments:

When a development is proposed as a planned development pursuant to the procedures in section 21A.54.150 of this chapter and also includes an application for conditional use approval, the Planning Commission shall decide the planned development application and the conditional use application together. In the event that a new conditional use is proposed after a planned development has been approved pursuant to section 21A.54.150 of this chapter, the proposed conditional use shall be reviewed and approved, approved with conditions, approved with modifications, or denied under the standards set forth in section 21A.54.080 of this chapter. (Ord. 26-95 § 2(27-14), 1995)

21A.54.150 Planned Developments (not included)

21A.54.155 Administrative Consideration Of Conditional Uses:

The purpose of this section is to establish an administrative hearing process for certain categories of low impact conditional uses as authorized by subsection 21A.54.030C of this chapter. Applications for administrative conditional use approval shall be reviewed as follows:

A. Preapplication And Application Requirements:

1. Preapplication Conference: The applicant shall first meet with a member of the Salt Lake City planning division to discuss the application and alternatives.
2. Community Council Review: The applicant shall meet with the respective community council(s) pursuant to subsection 21A.10.010B of this title.
3. Application: The applicant shall file an application and associated application fees with the planning office on a form prescribed by the city and consistent with this chapter. After considering information received, the Planning Director or designee may choose to schedule an administrative hearing or to forward the application to the Planning Commission.

B. Administrative Hearing:

1. Noticing And Posting Requirements: Notice of the proposed conditional use shall be mailed to all applicable property owners and the property shall be posted pursuant to subsection 21A.10.020B of this title.
2. Administrative Hearing: After consideration of the information received from the applicant and concerned residents, the Planning Director or designee may approve, approve with conditions, or deny the conditional use request.

At the administrative hearing, the Planning Director or designee may decline to hear or decide the request and forward the application for Planning Commission consideration, if it is determined that there is neighborhood opposition, if the applicant has failed to adequately address the conditional use standards, or for any other reason at the discretion of the Planning Director or designee.

The Planning Director may grant the conditional use request only if the proposed development is consistent with the standards for conditional uses listed in section 21A.54.080 of this chapter and ~~subsection 21A.40.090E7 of this title~~ **any specific standards listed in this title that regulate the particular use.**

C. Appeals:

1. Objection to Administrative Consideration: The petitioner or any person who objects to the Planning Director or designee administratively considering the conditional use request may request a hearing before the Planning Commission by filing a written notice at any time prior to the Planning Director's scheduled administrative hearing on the conditional use request. If no such objections are received by the city prior to the Planning Director's administrative hearing, any objections to such administrative consideration will be deemed waived. The notice shall specify all reasons for the objection to the administrative hearing. Upon receipt of such an objection, the matter will be forwarded to the Salt Lake City Planning Commission for consideration and decision.

2. Appeal of Administrative Consideration: Any person aggrieved by the decision made by the Planning Director or designee at an administrative hearing may appeal that decision to the Salt Lake City Planning Commission by filing notice of an appeal, ~~explaining the reasons therefore,~~ within fourteen (14) days after the Planning Director's administrative hearing. **The notice of appeal shall specify, in detail, the reason(s) for the appeal. Reasons for the appeal shall be based upon procedural error or compliance with the standards for conditional uses listed in Section 21A.54.080 of this chapter or any specific standards listed in this title that regulate the particular use.** (Ord. 81-01 § 3, 2001)

21A.54.160 Appeal Of Planning Commission Decision:

Any party aggrieved by a decision of the Planning Commission on an application for a conditional use, including a planned development, may file an appeal to the Land Use Appeals Board within thirty (30) days of the date of the decision. The filing of the appeal shall not stay the decision of the Planning Commission pending the outcome of the appeal, unless the Planning Commission takes specific action to stay a decision. (Ord. 77-03 § 9, 2003; Ord. 83-96 § 6, 1996; Ord. 26-95 § 2(27-16), 1995)

21A.54.170 Appeal Of Land Use Appeals Board Decision:

Any party adversely affected by the decision of the Land Use Appeals Board on appeal from a decision of the Planning Commission may appeal to the district court within thirty (30) days of the date of the Land Use Appeals Board decision. (Ord. 83-96 § 7, 1996)

Exhibit 2
City Department/Division Comments

Mills, Wayne

From: Stewart, Brad
Sent: Wednesday, October 26, 2005 1:25 PM
To: Mills, Wayne
Cc: Garcia, Peggy
Subject: Petition #400-05-17, Amendment to zoning ordinance to allow broader administrative approval powers
Categories: Program/Policy

Wayne,

The Public Utilities Department has no objection to the proposed zoning ordinance changes.

However, some changes to the use of property will trigger different regulations pertaining to water, sewer and storm drainage. The Planning Department needs to continue to keep Public Utilities "in the loop".

There are too many possible issues to list, but just for flavor, a couple of issues that have become more important recently for PU to review are developments in the primary recharge areas and stream set backs.

Thanks,

Brad

Mills, Wayne

From: Mills, Wayne
Sent: Wednesday, October 26, 2005 1:35 PM
To: Stewart, Brad
Subject: RE: Petition #400-05-17, Amendment to zoning ordinance to allow broader administrative approval powers
Categories: Program/Policy

Thanks for your comments Brad. The review process for administrative conditional uses is the same as that of conditional uses reviewed by the Planning Commission in that they are routed to Public Utilities for review and comments.

Thanks again for your help.

From: Stewart, Brad
Sent: Wednesday, October 26, 2005 1:25 PM
To: Mills, Wayne
Cc: Garcia, Peggy
Subject: Petition #400-05-17, Amendment to zoning ordinance to allow broader administrative approval powers

Wayne,

The Public Utilities Department has no objection to the proposed zoning ordinance changes.

However, some changes to the use of property will trigger different regulations pertaining to water, sewer and storm drainage. The Planning Department needs to continue to keep Public Utilities "in the loop".

There are too many possible issues to list, but just for flavor, a couple of issues that have become more important recently for PU to review are developments in the primary recharge areas and stream set backs.

Thanks,

Brad

Mills, Wayne

From: Butcher, Larry
Sent: Tuesday, November 08, 2005 8:53 AM
To: Mills, Wayne
Cc: Goff, Orion
Subject: Petition 400-05-17 Conditional Use Administrative Approval

Wayne:

Our office has one comment:

Consider revising the language in Section 02.0502 to reflect the new procedure.

LB

Mills, Wayne

From: Walsh, Barry
Sent: Wednesday, October 26, 2005 5:14 PM
To: Mills, Wayne
Cc: Young, Kevin; Smith, Craig; Butcher, Larry
Subject: Pet 400-05-18
Categories: Program/Policy

October 26, 2005

Wayne Mills, Planning

Re: Petition 400-05-17, an amendment to the Zoning Ordinance to allow administrative approval of certain conditional uses.

The transportation division review comments and recommendations are as follows:

We see no impact to the transportation issues addressed in the proposed revisions.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Craig Smith, Engineering
Larry Butcher, Permits
File

Mills, Wayne

From: Larson, Bradley

Sent: Wednesday, November 16, 2005 5:37 PM

To: Mills, Wayne

Subject: Petition #400-05-17, an amendment to the Zoning Ordinance to allow administrative approval of certain conditional uses.

Wayne,

The Fire Department has no comments regarding the above named Petition. Please feel free to contact me should you have any questions.

Thank you.

Brad Larson
Deputy Fire Marshal
Salt Lake City Fire Department
801-799-4162 office
801-550-0147 cell
bradley.larson@slcgov.com

Exhibit 3
Citizen Comments

Mills, Wayne

From: Judi Short [Judi.Short@hsc.utah.edu]
Sent: Monday, November 21, 2005 9:37 AM
To: Coffey, Cheri; Wilde, Brent; Mills, Wayne
Subject: Dec 1 open house

I don't have a problem with an administrative hearing for Low power wireless telecommunication facilities . I could even let the power company and cable boxes be done administratively. The Planning Commission has wasted a lot of time on these.

However, I am opposed to administrative approval for uses that are

- Non-residential land use types;
- Non located within a residential zoning district;
- Do not abut a residential zoning district or residential use;
- Do not require Planned Development approval;

Perhaps you have a staff report, even a draft, of what you are proposing so I could get a more clear picture of it? Maybe there is a way to word these so that we know that our neighborhoods are protected? I worry that we could have three of these properties in a row on a street, the two on either side abut residential, but the one in the middle doesn't, so the middle one gets redeveloped in a non-compatible way. East Central is an area that comes to mind, there is lots of non-residential mixed in between the residential, and this proposal sounds way too broad to me.

Mills, Wayne

From: Mills, Wayne
Sent: Tuesday, November 22, 2005 10:57 AM
To: 'Judi Short'
Cc: Coffey, Cheri; Wilde, Brent; LoPiccolo, Kevin; Wheelwright, Doug
Subject: RE: Dec 1 open house
Categories: Program/Policy

Thank you for your comments. I do not have a staff report at this time because we are in the study phase of the petition, but, hopefully I can clarify the petition for you.

The proposal would allow administrative consideration of only those conditional uses that are unopposed and meet the conditional use standards as well as any other zoning requirements.

The administrative hearing process requires the same notification to the surrounding neighborhood as the Planning Commission hearing process. The applicant and staff member assigned to the project are required to meet with the affected community council(s) prior to the administrative hearing being scheduled. If the community council is not in support of the requested conditional use, planning staff would forward it to the Planning Commission for review. In addition, the required notification of an administrative hearing is the same as the required notification of a Planning Commission hearing; all property owners within a radius of 300 feet of the subject property. If a neighbor, upon receiving notice, objects to the administrative hearing, the request would be forwarded to the Planning Commission for review. Also, if any person objects to the decision made at an administrative hearing, the request is forwarded to the Planning Commission.

The intent of this proposal is not to circumvent the Planning Commission process. It is intended to provide a process to review those conditional uses that are listed as a condition use in the use charts of the Zoning Ordinance, but would not have an impact on neighboring property due their location in the City. This would free the Planning Commission's time to review the more controversial and technical planning projects.

I hope this clarifies the Planning Division's current proposal. If you have questions or recommendations, please feel free to contact me at 535-6173 or by e-mail.

From: Judi Short [mailto:Judi.Short@hsc.utah.edu]
Sent: Monday, November 21, 2005 9:37 AM
To: Coffey, Cheri; Wilde, Brent; Mills, Wayne
Subject: Dec 1 open house

I don't have a problem with an administrative hearing for Low power wireless telecommunication facilities . I could even let the power company and cable boxes be done administratively. The Planning Commission has wasted a lot of time on these.

However, I am opposed to administrative approval for uses that are

- Non-residential land use types;

- Non located within a residential zoning district;
- Do not abut a residential zoning district or residential use;
- Do not require Planned Development approval;

Perhaps you have a staff report, even a draft, of what you are proposing so I could get a more clear picture of it? Maybe there is a way to word these so that we know that our neighborhoods are protected? I worry that we could have three of these properties in a row on a street, the two on either side abut residential, but the one in the middle doesn't, so the middle one gets redeveloped in a non-compatible way. East Central is an area that comes to mind, there is lots of non-residential mixed in between the residential, and this proposal sounds way too broad to me.

PUBLIC COMMENT FORM

Petition 400-05-17, An Amendment to the Zoning Ordinance that would Expand the Types of Conditional Uses that may be Reviewed through the Administrative Hearing Process

**All comment forms must be returned to the Salt Lake City Planning Division (Attn: Wayne Mills, 451 S. State Street, Room 406) by December 23, 2005.*

Please provide the following information:

Name Bonnie Mangold

Address 326 Almond St.

Salt Lake City, Ut. 84103

Phone 363-4634

Would you like to be notified of future public hearings regarding this proposal?

Yes

No

Comments (please use back of page if additional space is needed):

This seems like a useful and wise amendment which could allow for more attention to significant issues. I am in support of it.

Exhibit 4
2004/2005 Conditional Use Review

2004 Conditional Uses

Petition #	Residential Zoning	Non-Residential Zoning	Residential Planned Development	Non-Residential Planned Development	Residential Use (not a Planned Development)	Non-Residential Use (not a Planned Development)	Public Concern/ Opposition	Approved by Planning Commission	Comments
410-623/655		X		X			X	X	Public utility building in City Creek
410-653		X		X			X	X	Multiple buildings in I zone
410-657		X		X				X	Modification to a prior P.D.
410-658	X					X	X	X	Cell tower originally heard administratively - forwarded to PC because of public opposition
410-659		X		X				X	P.D. in CSHBD zone - Street closure included
410-656		X				X		X	auto rental in D-1
410-662		X		X				X	Amendment to prior P.D.
410-660	X					X		X	Expand electrical substation in R15 - alley vacation included
410-667		X				X		X	Church in M-1
410-664		X				X	X	X	Water treatment facility in City Creek
410-663		X				X		X	Solid waste transfer facility -Street closure included
410-668		X		X				X	Commercial P.D.
410-670		X				X		X	used car sales in D2
410-672		X		X			X	X	Drive-through coffee kiosk in CS - P.D.
410-666	X	X	X					X	Multiple residential buildings w/ rezone
410-674									
410-675									
410-676									
410-677									
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410-700	X		X					X	Residential P.D. in R17
410-706		X				X		X	Commercial height in D1
410-702		X				X		X	Beer bar to Private Club in CC
410-665		X				X	X		Concrete plant in M1
410-707		X		X				X	New building in GMU
410-710	X	X				X		X	Unity Center - rezone request included
410-705	X	X		X			X	X	Church - property zoned RMU and D1
TOTALS									
45	18	30	2	11	0	32	12	44	

Highlighted Yellow

- Conditional Uses that:
- Are not zoned residential
 - Are non-residential land uses
 - Are not Planned Developments
 - Had no Public Opposition
 - Are not attached to another request
 - Do not abut residential zoning or residential uses
 - Were approved by the Planning Commission

Total = 5

Highlighted Green

Public/Private Utility Buildings and Structures

Total = 17

2005 Conditional Uses

Petition #	Residential Zoning	Non-Residential Zoning	Residential Planned Development	Non-Residential Planned Development	Residential Use (not a Planned Development)	Non-Residential Use (not a Planned Development)	Public Concern/ Opposition	Approved by Planning Commission	Comments
410-701		X				X	X	X	Salt Palace - continuation from meetings in 2004
410-712		X				X		X	Car rental in D-2, abuts res. Zoning and land use
410-715	X				X			X	Assisted Living Facility in RMF-35
410-663		X				X		X	Concrete plant in M-1
410-713	X					X	X		Church parking lot w/ home demo in R15
410-709		X		X			X	X	Reconstruct gas station in CSHBD
410-717	X		X					X	Multi-family in RMF-45
410-718		X				X		X	Expand auto recycling in CC
410-734		X		X				X	Commercial P.D. in GMU
410-736	X					X	X	X	Plant and garden shop w/ rezoned
410-735									Cell tower - already an admin. cond. Use - forwarded to P.C. because of public opposition
410-737		X		X				X	Multiple buildings in M-1
410-741		X				X	X	X	Salt Palace
410-732	X	X				X		X	Private club - property in two zones - commercial and res.
410-742	X		X				X	X	Multi-family in RMU
410-751		X		X				X	Commercial P.D. in GMU
410-739		X		X				X	Commercial P.D. in GMU
410-752	X				X			X	off-site parking for res. use
410-753		X			X			X	transitional treatment housing facility in CG
410-755		X				X	X	X	additional building height in RP
410-757	X					X		X	Church in R15 w/ sub
410-708		X		X				X	Commercial P.D. in BP
410-746		X				X		X	part of 410-708 P.D.
410-759		X				X		X	Parking lot in I district - abuts residential zone and use
410-758		X				X		X	outdoor patio for private club in G-MU
410-756		X		X				X	Amend P.D. for hotel in BP
410-747		X		X				X	Hotel together with 410-756 P.D.
410-773	X					X		X	Church together w/ zone change
410-748	X		X				X	X	together with rezoned
410-765		X				X		X	Beer bar to private club in CC
410-769	X					X	X	X	Church in RMF-30
TOTALS									
32	11	21	3	8	3	17	9	30	

Highlighted Yellow

- Conditional Uses that:
- Are not zoned residential
 - Are non-residential land uses
 - Are not Planned Developments
 - Had no Public Opposition
 - Are not attached to another request
 - Do not abut residential zoning or residential uses
 - Were approved by the Planning Commission

Total = 4

Highlighted Green

Public Private Utility Buildings and Structures

Total = 1

5c. Agenda and Minutes

AMENDED

AGENDA FOR THE SALT LAKE CITY PLANNING COMMISSION MEETING In Room 326 of the City & County Building at 451 South State Street Wednesday, January 25, 2006, at 5:45 p.m.

The Planning Commissioners and Staff will have 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 is open to the public for observation.

1. **APPROVAL OF MINUTES from Wednesday, January 11, 2006.**
2. **REPORT OF THE CHAIR AND VICE CHAIR**
3. **REPORT OF THE DIRECTOR**
 - a) Initiate a petition for a text amendment to the Salt Lake City Zoning Ordinance allowing ambulance services and government facilities in the manufacturing districts.
 - b) **University of Utah Research Park Transportation Issues Working Group – Work program discussion and status update of the Transportation Issues Working Group established by the Planning Commission to address community council concerns regarding traffic and land use impacts related to the Research Park. The Planning Commission will discuss lifting a Planning Commission initiated hold on conditional use applications for excess building height in the Research Park.**
 - c) **Petition 400-05-38, by the Salt Lake City Administration requesting approval of a new ordinance to require certain Salt Lake City funded projects to be certified using the Leadership in Energy and Environmental Design (LEED) guidelines (approved December 14, 2005) –Clarification to establish that exceptions from applicability of new LEED certification requirements and determination of substantial compliance be decided by a High Performance Building Board, staffed by the Building Official or designee, to approve standards for exceptions.**
4. **PUBLIC NOTICE AGENDA Salt Lake City Property Conveyance Matters**
5. **PUBLIC HEARINGS**
 - a) **Petition 410-772 - H.M. Investments Retail Center – Conditional Use Planned Development Request.** The H.M. Investments has submitted an application for a retail development center located at **1846 South 300 West Street**, just south of Costco in the CG (General Commercial) Zoning District. Four parcels will be combined by deed to accommodate the new retail center. The existing structures would be demolished for the development of the new center. The proposed center would be comprised of six buildings containing retail shops and food services. Two of the buildings will have drive-thru lanes. Although, the proposed uses are allowed within the CG (General Commercial) Zoning District, development of multiple buildings on a single site requires Conditional Use Planned Development approval from the Planning Commission. (Staff – Marilyn Lewis at 535-6409 or marilynn.lewis@slcgov.com)
 - b) **Petition 400-05-17 – A request by the Planning Commission to analyze the feasibility of allowing additional conditional uses to be approved by an Administrative Hearing Officer.** The Planning Division has analyzed the request and proposes to amend Section 21A.54 of the Zoning Ordinance to permit Public Private Utility Buildings and Structures and non-residential conditional uses to be approved by an Administrative Hearing Officer if the requested use complies with zoning ordinance regulations and is unopposed. (Staff – Wayne Mills at 535-6173 or wayne.mills@slcgov.com)
- 6) **UNFINISHED BUSINESS**

The next scheduled Planning Commission meeting will be February 8, 2006. This information can be accessed at www.slcgov.com/CED/planning.

~~Locations may require additional dedications. A public-way permit will be needed to work within the City right of way.~~

- ~~2. There will be no on-street staging for deliveries, all services are to be provided on site. The site plan as shown is restricted to single unit box truck deliveries with front of store access.~~
- ~~3. Applicant must combine all of the lots by deed, as proposed, prior to the permit process. Right of way dedication is anticipated at the northeast corner for traffic control device, which may also be performed by deed. This dedication must be done to the satisfaction of the Engineering and Transportation Divisions' prior to the issuance of Certificate of Occupancy for any of the buildings on the site.~~
- ~~4. The Planning Director has final approval of the modifications to the site plan.~~
- ~~5. The applicant must meet all of the required parking for the uses on the final site plan.~~

~~Commissioner De Lay also noted that the minutes from the discussion conducted by the Planning Commission should be applicable to the consideration of any modifications to the final site plan. The following condition is a result of the discussion:~~

- ~~6. Planning Commission further requires that all facades of all buildings be fifty percent glass and contain all other aesthetic treatments. If building C is reduced in square footage it must be from the southern face. The developer will provide vehicular/pedestrian access from the west employee parking lot to the main parking lot and add additional landscaping. Developer will also attempt to provide landscaping along the western façade of building C.~~

~~The motion was seconded by Commissioner Scott. Commissioner Chambliss, Commissioner De Lay, Commissioner Diamond, Commissioner Galli, Commissioner McDonough, Commissioner Muir, Commissioner Scott, Commissioner Seelig, and Commissioner Forbis voted "Aye". Chairperson Noda did not vote. The motion passed.~~

~~Petition 400-05-17 – A request by the Planning Commission to analyze the feasibility of allowing additional conditional uses to be approved by an Administrative Hearing Officer. The Planning Division has analyzed the request and proposes to amend Section 21A.54 of the Zoning Ordinance to permit Public/Private Utility Buildings and Structures and non-residential conditional uses to be approved by an Administrative Hearing Officer if the requested use complies with zoning ordinance regulations and is unopposed.~~

At 6:55 p.m., Chairperson Noda introduced Petition 400-05-17 and Wayne Mills.

Mr. Mills stated that presently there are two types of development requests that may be approved through the Administrative Public Hearing Process. They are:

- Applications for low power wireless telecommunication facilities that are listed as conditional uses; and
- Alterations or modifications to a conditional use that increase the floor area by 1,000 square feet or more and/or increase the parking requirement.

The review processes are the same for these types of conditional uses as for conditional uses reviewed by the Planning Commission. All City departments and affected community councils review the applications. Notification of the Administrative Hearings is the same as the Planning Commission Public Hearings. An Administrative Request can be approved once the hearing has been held and all conditions met. If the Administrative Request is contested, the Request is forward to the Planning Commission for review.

Staff has analyzed the Zoning Ordinances and proposes to allow the Administrative Hearing Officer to review all conditional uses except those that:

- Are listed as a “residential” land use in the Table of Permitted and Conditional Uses for each zoning district;
- Are located within a Residential zoning district;
- Abut a Residential zoning district or residential use; or
- Require Planned Development approval.

The Planning Staff also recommends that Chapter 21A.54 of the Zoning Ordinance be amended to permit Administrative Hearing review of Public/Private Utility Buildings and Structures that are proposed in both residential and non-residential zoning districts.

Mr. Mills stated that this petition was initiated by the Planning Commission to further allow the Commission more time to allocate for long-range planning.

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed zoning text amendments pertaining to Chapter 21A.54 of the Zoning Ordinance found in the Staff Report.

Chairperson Noda opened and closed the Public Hearing as no public was in attendance. The Planning Commission went into Executive Session.

Commissioner McDonough requested clarification regarding the Administrative Hearing process and the housing infill ordinance. Mr. Mills clarified by stating that the proposed amendment is for conditional uses only and is not associated with the compatible infill ordinance.

Commissioner Scott noted that some community councils are less aware than others and some applications may be approved without sufficient public input. Commissioner Muir noted that there should be additional sensitivity to the area of West Salt Lake. It was also noted that the conditional uses brought before the Commission last year were not very time consuming or contentious.

Mr. Mills noted the concern, but stated that an appeal can be made by any member of the public if they are opposed to the decision made in the Hearing within fourteen days of the decision. With reference to the time spent on these issues, Mr. Mills noted that it is important to remember the time spent in preparing for the meeting.

Commissioner Galli noted that numerous governments throughout the United States have transferred responsibilities to the Planning Staff and agrees with the proposed petition.

Chairperson Noda agreed with Commissioner Galli and considered the possibility of freeing up more time for the Planning Commission as a positive reform. Although, when community councils are not active, there should be concern and sensitivity by Staff.

Commissioner Scott referenced a citizen comment found in the Staff Report from Ms. Judi Short supporting the idea of freeing up time of the Commission. Commissioner Seelig also noted that many citizens are not made aware of the implications of petitions when they state their support or opposition. Commissioner Scott stated concern regarding the possibility of an issue passing through the process without being brought to an appropriate measure of attention.

Mr. Mills responded that he had written Ms. Short back with the proposed changes. As she has not contacted him, nor did she show up at the open house, Mr. Mills believes she is satisfied with the proposed changes.

Mr. Mills stated that the Planning Commission will be informed on the issues because of the information distributed to them via email and the City's list serve. Agendas for each meeting, including Administrative Hearings, are distributed through the list serve and should be considered carefully. If the Planning Commissioners wanted more information on the proposed project or to encourage the petition to go to the Planning Commission, Staff should be contacted and a discussion conducted.

Commissioner Diamond asked if these changes would alter any conditional uses on signage. Mr. Mills responded that presently there are no conditional uses on signage within the City.

Commissioner Muir made a motion in the case of Petition #400-05-17 in light of the comments, analysis, and findings of Staff in the Staff Report, that the Planning Commission forward a positive recommendation to the City Council to adopt the following proposed zoning text amendments pertaining to Chapter 21A.54 of the Zoning Ordinance.

1. That **Section 21A.54.020: Authority**, be amended to permit the Planning Director or designee to approve Administrative Conditional Uses;
2. That **Section 21A.54.030C: Administrative Consideration of Conditional Uses**, be amended to eliminate the phrase, "have been determined by the City to be low impact" and replace it with, "may be considered to be low impact due to their particular location."
3. That **Section 21A.54.030C3**, be added to permit the Planning Director or designee to approve (through an Administrative Hearing) all conditional uses except those that:

- a. Are listed as a “residential” land use in the Table of Permitted and Conditional Uses for each zoning district;
 - b. Are located within a Residential zoning district;
 - c. Abut a residential zoning district or residential use; or
 - d. Require Planned Development approval.
4. That Section 21A.54.030C3, be added to permit the Planning Director or designee to approve (through an Administrative Hearing) Public/Private Utility Buildings and Structures in Residential and Non-Residential zoning districts.
 5. That Section 21A.54.060D: Staff Report-Site Plan Review Report, be amended to state that staff report and site plan review report be forwarded to the Planning Director or designee for Administrative Conditional Uses.
 6. That Section 21A.54.060E: Public Hearing, be amended to state that the Planning Director or designee shall hold a public hearing in the case of Administrative Conditional Uses and shall conduct the public hearings in conformance to the Zoning Ordinance.
 7. That Section 21A.54.060G: Planning Commission Action, be amended to state that, in the case of Administrative Conditional Uses, the Planning Director or designee shall approve, approve with conditions, or deny the Administrative Conditional Use.
 8. That Section 21A.54.090: Conditions on Conditional Uses, be amended to state that the Planning Director or designee may impose conditions on Administrative Conditional Uses.
 9. That Section 21A.54.110: Effect of Approval of Conditional Use, be amended to include the Planning Director or designee in the case of Administrative Conditional Uses.
 10. That Section 21A.54.120: Limitations on Conditional Use Approval, be amended to include the Planning Director or designee in the case of Administrative Conditional Uses.
 11. That Section 21A.54.155B2: Administrative Hearing, be amended to state that the Planning Director or designee may approve an Administrative Conditional Use only if it complies with all standards in the Zoning Ordinance that regulate the particular use.
 12. That Section 21A.54.155: Appeals of Administrative Conditional Uses, be amended to state that an appeal of an Administrative Conditional Use must be based on procedural error, compliance with the standards that regulate conditional uses, or any specific standards listed in the Zoning Ordinance that regulate the requested use.

Commissioner Chambless seconded the motion. Commissioner Chambless, Commissioner De Lay, Commissioner Diamond, Commissioner Galli, Commissioner McDonough,

Commissioner Muir, Commissioner Seelig, and Commissioner Forbis voted "Aye". Commissioner Scott voted "Nay". Chairperson Noda did not vote. The motion passed.

UNFINISHED BUSINESS

(This item was heard at 7:20 p.m.)

Commissioner Scott noted a subject of concern to the Commissioners regarding the Transit Oriented District Petition. Portions of the Transit Oriented District Petition has been approved by the City Council with a large change on the proposed height restrictions. A discussion occurred when the petition was presented to the Planning Commission regarding the proposed height restriction. The Planning Commission recommended the proposed height to be at 50 feet; although, the City Council has now approved a height restriction of 75 feet, with the option of going to 120 feet on the north side of the street.


Commissioner Scott recommended that an effort be made to send a message to the City Council regarding the proposed height change and the recommended height from the Planning Commission. She requested a letter be sent.

Commissioner Galli noted that the Planning Commission may send a letter, but it should be drafted by the Chair of the Planning Commission in order to represent the appropriate jurisdiction. He noted that if someone wants to be heard in regards to a concern on an issue, the best effort is to attend the Hearing and discuss the matter with the representatives. He noted that many letters are received by the Planning Commission, but hearing the concerns directly from the individual are more helpful. He requested that more participation from the Planning Commission be directed towards large item issues of concern to the City Council.

Chairperson Noda agreed and concluded that she would attend the next City Council meeting with Commissioner Scott to discuss the concerns. Chairperson Noda also suggested that perhaps having a member of the Planning Commission attend a City Council meeting each month could help resolve some of the concerns as well as enhance the position of the Planning Commission. .

Mr. Wheelwright stated that although the month of January has not had many items on the agenda, the February meetings will have more. He informed the commissioners to be prepared for longer meetings in February.

The Planning Commission meeting was adjourned at 7:33 p.m. by Chairperson Noda.


Cindy Rockwood, Acting Planning Commission Secretary

6. Original Petition

PETITION CHECKLIST

<u>Date</u>	<u>Initials</u>	<u>Action Required</u>
<u>6/14/05</u>	<u>WTH</u>	Petition delivered to Planning
<u>6/16/05</u>	<u>wm</u>	Petition assigned to: <u>WAYNE</u>
<u>1/25/06</u>	<u>wm</u>	Planning Staff or Planning Commission Action Date
<u>✓</u>	<u>wm</u>	Return Original Letter and Yellow Petition Cover
<u>✓</u>	<u>wm</u>	Chronology
<u>—</u>	<u>—</u>	Property Description (marked with a post it note)
<u>—</u>	<u>—</u>	Affected Sidwell Numbers Included
<u>✓</u>	<u>wm</u>	Mailing List for Petition, include appropriate Community Councils
<u>✓</u>	<u>wm</u>	Mailing Postmark Date Verification
<u>✓</u>	<u>wm</u>	Planning Commission Minutes
<u>✓</u>	<u>wm</u>	Planning Staff Report
<u>✓</u>	<u>wm</u>	Cover letter outlining what the request is and a brief description of what action the Planning Commission or Staff is recommending.
<u>✓</u>	<u>wm</u>	Ordinance Prepared by the Attorney's Office
<u>✓</u>	<u>wm</u>	Ordinance property description is checked, dated and initialed by the Planner. Ordinance is stamped by Attorney.
<u>Wayne Mills</u>	<u>_____</u>	Planner responsible for taking calls on the Petition
<u>_____</u>	<u>_____</u>	Date Set for City Council Action _____
<u>_____</u>	<u>_____</u>	Petition filed with City Recorder's Office

Petition No. 400-05-17

By Planning Commission

Is requesting a petition to analyze the feasibility of allowing some conditional uses to be approved by an Administrative Hearing Officer.

Date Filed _____

Address _____

more efficient. Ms. Coffey requested the Planning Commission initiate the following petitions to allow staff to start work on them:

1. The Planning Commission to consider initiating a petition to expand the types of conditional uses that could be approved administratively.
(This item was heard at 5:53 P.M.)

Ms. Coffey said that the first petition that she was asking the Planning Commission to consider initiating was to allow staff to study the possibility of allowing more conditional uses to be administratively approved. She said that from a cursory review, it seemed like non-residential related cases were less controversial and could be administratively approved. Ms. Coffey said that staff is trying to expand conditional uses to be approved administratively by an Administrative Hearing Officer. Ms. Coffey stated that currently only conditional uses for telecommunication facilities and expansion of existing conditional uses could be approved administratively.

Chairperson Chambless inquired if an official vote by the Planning Commission was needed for the record. Ms. Coffey stated that only one Commissioner is needed to request the action.

Motion:

Commissioner Scott moved that the Planning Commission initiate a petition charging staff with looking at expanding the types of conditional uses that could be heard and approved administratively.

2. The Planning Commission to consider initiating a petition to allow design related issues to go through a new process called, "The Conditional Building and Site Design Review", rather than a conditional use process.
(This item was heard at 5:54 P.M.)

Ms. Coffey stated that the second petition relates to the fact that the zoning ordinance has several types of design issues that currently have to go through the conditional use process. She added that because staff has a new process called "The Conditional Building and Site Design Review", some things like height increases that are design related and not use related would be shifted out of the conditional use process to the new process.

Motion:

Commissioner Diamond moved for the Planning Commission to initiate a petition to allow design related issues to go through a new process called, "The Conditional Building and Site Design Review", rather than a conditional use process.

3. The Planning Commission to consider initiating a petition to amend the zoning ordinance relating to notification requests.
(This item was heard at 5:55 P.M.)