
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: November 9, 2007

SUBJECT: Petition Nos. 400-07-06 and 400-07-07 – Elizabeth and Jeanette Trujillo request to:

- Rezone properties located at 360, 362, 364, 366, and 376 South 900 West from Residential Multi-Family RMF-35 to Residential/Mixed Use RMU-45
- Amend the West Salt Lake Community Master Plan Future Land Use Map

STAFF REPORT BY: Janice Jardine
Land Use Policy Analyst

AFFECTED COUNCIL DISTRICTS: If the ordinance is adopted the rezoning and master plan amendment will affect Council District 2

**ADMINISTRATIVE DEPT:
AND CONTACT PERSON:** Community and Economic Development
Michael Maloy, Principal Planner

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

POTENTIAL MOTIONS:

1. [“I move that the Council”] Adopt an ordinance

- Rezone properties located at 360 to 376 South 900 West from Residential Multi-Family RMF-35 to Commercial Neighborhood CN
- Amend the West Salt Lake Community Master Plan Future Land Use Map

(Zoning the properties with the Commercial Neighborhood zoning classification would be consistent with the historic use of this property, the surrounding commercial uses and the adopted master plan. Height is allowed to 25 ft. Dwelling units including multi-family are permitted. This zoning classification would allow a slightly broader category of commercial uses than the Residential Mixed-Use RMU 35 or 45 zoning districts. Please see Attachment A, Tables of Permitted and Conditional Uses for the residential and commercial zoning districts, for a complete list of uses allowed in the Commercial Neighborhood zoning district. Uses allowed in the Commercial Neighborhood district are highlighted in yellow)

2. [“I move that the Council”] Adopt an ordinance

- Rezone properties located at 360 to 376 South 900 West from Residential Multi-Family RMF-35 to Residential Mixed Use RMU-35
- Amend the West Salt Lake Community Master Plan Future Land Use Map

(Zoning the properties with the Residential Mixed Use RMU-35 zoning classification would be consistent with the historic use of this property, the surrounding commercial uses and the draft, un-adopted master plan. Height is allowed to 35 ft. Dwelling units including multi-family are permitted. This zoning classification would allow an increase in density of commercial and residential uses than the current

RMF-35 zoning. Please see Attachment A, Tables of Permitted and Conditional Uses for the residential and commercial zoning districts, for a complete list of uses allowed in the Commercial Neighborhood zoning district. Uses allowed in the Residential Mixed-Use RMU-35 district are highlighted in yellow)

3. [“I move that the Council”] Adopt an ordinance

- Rezone properties located at 360 to 376 South 900 West from Residential Multi-Family RMF-35 to Residential Mixed Use RMU-45
- Amend the West Salt Lake Community Master Plan Future Land Use Map

(This option would be consistent with the recommendation from the Planning Commission. Zoning the properties with the Residential Mixed Use RMU-45 zoning classification would be consistent with the historic use of this property, the surrounding commercial uses and the draft, un-adopted master plan. Height is allowed to 45 ft .and conditional to 75 ft. Dwelling units including multi-family are permitted. This zoning classification would allow an increase in density of commercial and residential uses and a significant increase in height than the current RMF-35 zoning. Please see Attachment A, Tables of Permitted and Conditional Uses for the residential and commercial zoning districts, for a complete list of uses allowed in the Commercial Neighborhood zoning district. Uses allowed in the Residential Mixed-Use RMU-45 district are highlighted in yellow.)

4. [“I move that the Council”] Not adopt the proposed ordinance.

- 5. [“I further move that the Council”] initiate a Legislative Action to rezone properties with single-family dwellings located between 300 and 800 South and Interstate I-80 freeway to 1000 West currently zoned Residential Multi-Family RMF-35 to an appropriate single-family residential zoning classification.**

WORK SESSION SUMMARY/NEW INFORMATION:

On October 16, 2007, the Council discussed the proposed rezoning and master plan amendment with the Administration. Key points included:

- a. This property has been historically used as a commercial use.
- b. The surrounding corner properties to the south and southeast are currently commercial uses and zoned Commercial Neighborhood CN.
- c. The current adopted master plan (1995) does not support additional zoning to accommodate higher density multi-family dwellings in the community.
- d. The Council discussed the need to reevaluate the surrounding single-family uses in this area currently zone Residential Multi-Family RMF-35. *(Note: Council staff has provided a potential motion to address this issue.)*
- e. Adopted policies support maintaining the single family neighborhoods and providing neighborhood-oriented commercial support services.
- f. The draft master plan is taking the neighborhood in a different direction supporting mixed-use development allowing more height and density. *(The Council has not reviewed nor approved the draft master plan.)*
- g. Housing stock within the surrounding area is still viable.
- h. A legal option could be the use of a development agreement. (Planning staff indicated they would be more comfortable with the RMU 35 rather than a development agreement, uses in the RMU 35 and 45 are very similar.)
- i. Provide a comparison of the uses permitted in the RMU 35, 45 and Commercial Neighborhood.

The following information was provided previously for the Council Work Session on October 16, 2002. It is provided again for your reference.

KEY ELEMENTS:

- A. An ordinance has been prepared for Council consideration to:
 - 1. Rezone properties located at 360, 362, 364, 366, and 376 South 900 West from Moderate Density Residential Multi-Family RMF-35 to Residential/Mixed Use RMU-45.
 - 2. Amend the West Salt Lake Community Master Plan Future Land Use Map.

- B. The Administration's transmittal letter and Planning staff report note:
 - 1. The zoning map and master plan amendments will facilitate use of an existing vacant building (approximately 4,718 sq. ft.) as a beauty salon and future cosmetology school.
 - 2. The proposed zoning map amendment will rezone five contiguous parcels that encompass .60 acres of property.
 - 3. The current RMF-35 zoning classification does not allow the proposed use.
 - 4. On April 15, 1991, the City granted a change of use for a "non-conforming structure from retail to church." The building was used for several years as a church and is currently vacant.
 - 5. The proposed amendments are consistent with the March 13, 2006 draft of the proposed West Salt Lake Generalized Future Land Use Map.

- C. The Planning staff report provides analysis and findings for proposed master plan amendment and the Zoning Ordinance Standards for General Amendments. The standards were evaluated in the Planning staff report and considered by the Planning Commission. Key findings and analysis are summarized below. (Discussion and findings may be found in the Planning staff report on pages 5-7.)
 - 1. The subject properties have historically been used for commercial or quasi public purposes, not residential.
 - 2. Properties located to the south and east of the subject properties have been or are currently being used for commercial purposes.
 - 3. The applicant is proposing to maintain the overall character of the neighborhood by reusing the existing commercial structure.
 - 4. The proposed zoning and master plan amendment will facilitate an adaptive reuse of the subject properties in a manner that is consistent with the stated goals, objectives, development policies and Future Land Use Map in the March 2006 draft of the West Salt Lake Community Master Plan.

- D. The Planning staff report notes the following zoning classifications and existing land uses. (Please see attached map for details).
 - 1. **North** – RMF-35 Moderate Density Multi-Family Residential – residential land uses
 - 2. **South** – CN Neighborhood Commercial – commercial land uses
 - 3. **East** – RMF-35 Moderate Density Multi-Family Residential – commercial (vacant) and residential land uses
 - 4. **West** – R-1/5000 Single Family Residential – residential land uses

- E. The purpose of the Moderate Density Multi-Family Residential RMF-35 District is to provide an environment suitable for a variety of moderate density housing types, including multi-family dwellings.

- F. The purpose of the Residential/Mixed Use RMU-45 District is to implement the objectives of the applicable master plan through district regulations that reinforce the residential character of the area

and encourage the development of areas as medium density residential urban neighborhoods containing supportive retail, service commercial, and small scale office uses.

- G. The public process included a presentation to the Poplar Grove Community Council and written notification of the Planning Commission hearing to surrounding property owners.
 - 6. On April 25, 2007, the Poplar Grove Community Council received a presentation from the applicants and supported the petition as proposed.
 - 7. Planning staff received two telephone inquiries regarding the potential impact on adjacent property values, and one citizen's letter (email) opposed to commercial use at this location.
- H. On June 13, 2007, the Planning Commission held a public hearing and voted unanimously to forward a positive recommendation to the City Council to rezone the properties and amend the West Salt Lake Community Master Plan Future Land Use Map. No one spoke against the petitions.
- I. The City's Fire, Police, and Public Utilities Departments and Building Services, Transportation and Engineering Divisions have reviewed the request and did not report any significant issues or concerns. The proposal commercial use will be required to comply with City standards and regulations and demonstrate that there are adequate services and parking to meet the needs of the project. (Specific comments may be found on page 4 in the September 10, 2007 Planning staff report.)

MATTERS AT ISSUE:

- A. The Administration's transmittal and Planning staff report analysis address the March 2006 draft update of the West Salt Lake Community Master Plan. The Council has previously expressed concern when draft master plans (not adopted by the Council) are relied upon in analysis. The West Salt Lake Community Master Plan (adopted 1995) identifies this area for Low-Density Residential uses. The proposed rezoning request would not be consistent with this land use designation. A mitigating factor is that the proposed amendments are consistent with the March 2006 draft Plan update. In addition, due to the age of most of the Community Plans, rezoning requests often include an amendment to the adopted Plans. (As noted above, the current West Salt Lake Community Master Plan was adopted in 1995.)
- B. While it is not appropriate to rely upon a draft master plan as policy, it does appear that this rezoning request is compatible with the area.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The West Salt Lake Community Master Plan (adopted 1995) identifies this area for Low-Density Residential uses. As previously noted, amending the Future Land Use Map in the West Salt Lake Community Master Plan is part of this request. The designation for the properties will be changed from Low Density Residential to Medium Density/Intensity Mixed Use consistent with the March 2006 West Salt Lake Community Master Plan. (Discussion and findings may be found in the Planning staff report on pages 5 and 6.)
- B. The Planning staff report includes the following applicable policies and objectives from the 1995 Community Master Plan.
 - 1. Preserve and protect the predominantly single-family character of the community's residential area.
 - 2. Reverse the decline of neighborhood commercial areas to ensure necessary services.

3. Neighborhood commercial areas are locally oriented retail trade and services generally situated on street corners that serve the immediate area around them. Such businesses include the traditional “mom and pop” stores, grocery stores, small retail shops, beauty salons, barber shops, laundries, video rental, and gas service stations... These commercial areas have served social and economic functions supporting overall neighborhood activities. The West Salt Lake Community must reverse this decline of neighborhood commercial areas to ensure necessary services (page 4).
- C. The Planning staff report notes the following applicable policies and objectives from the March 13, 2006 draft update of the West Salt Lake Community Master Plan:
1. The March 13, 2006 draft of the proposed West Salt Lake Community Master Plan Generalized Future Land Use Map has identified the area as Medium Density/Intensity Mixed Use, ***which is consistent with the applicant’s petition.***
 2. The proposed West Salt Lake Community Master Plan justifies the proposed transition from residential to neighborhood mixed use as follows:
 - One component of the *Salt Lake City Community Housing Plan* is to support mixed use projects that achieve vibrant, safe, integrated walkable neighborhoods. The purpose of the mixed-use zoning district is to encourage the development of areas as a mix of compatible residential and commercial uses. Neighborhood mixed-use land uses includes low intensity developments with non-residential activity, such as retail, services or office on the ground floor with residential uses above. The design of neighborhood mixed use should be pedestrian oriented with a strong street presence. Transitioning the existing marginally developed neighborhood commercial nodes in the West Salt Lake Community to neighborhood mixed use development could increase the viability of these areas as neighborhood gathering places to which residents can walk. This can increase positive social interaction. These nodes should be attractive, aesthetically pleasing areas that contribute architecturally to the neighborhood and its identity (page 23).
 3. The proposed West Salt Lake Community Master Plan also includes the following, ***which is specific to the subject properties:***
 - *New Neighborhood Commercial Opportunity at 400 South 900 West*
Although this community is limited in available land for development of new neighborhood commercial areas, one prospect exists at the intersection of 400 South and 900 West....Currently, the southern corners are zoned for small-scale commercial development. However, the northern corners are zoned for medium density residential uses. As plans to redevelop this intersection are explored, it will be necessary to rezone the four corners and adjacent properties for mixed-use development. Ultimately, this type of project could spark redevelopment of the other three corners, creating an attractive, vibrant entrance to the Poplar Grove neighborhood (page 23).
- D. The 1995 West Salt Lake Community Master Plan includes the following additional applicable policies, goals and objectives.
1. Residential Land Use – Medium-High-Density Residential
Recommendations (p.3)
 - As a general policy, this plan does not support additional zoning to accommodate higher density multiple-family dwelling in the Community, given recent population and housing trends.
 2. Infill Development Potential
(p.4)
 - An advantage to infill development includes conservation of energy by using existing infrastructure.

3. Commercial Land Use

Future Commercial Uses and Needs (p.4)

- There is sufficient vacant appropriately zoned acreage to meet commercial land use demand of projected population and employment levels to the year 2000.

4. Housing

Goals (p.6)

- Develop a balanced residential environment with access to employment opportunities, community facilities and adequate services.

5. Implementation of an Urban Design Process

(p.12)

- One urban design strategy relevant to the West Salt Lake Community for implementation within Salt Lake City's existing planning program is to focus commercial development efforts where they will make the most important contribution.
 - a. Industrial Core – the area roughly between 200 West and 900 West, running the entire north-south length of the city.
 - b. Neighborhood-oriented retail areas.

- E. The City's Comprehensive Housing Plan policy statements address a variety of housing issues including quality design, architectural designs compatible with neighborhoods, public and neighborhood participation and interaction, accommodating different types and intensities of residential developments, transit-oriented development, encouraging mixed-income and mixed-use developments, housing preservation, rehabilitation and replacement, zoning policies and programs that preserve housing opportunities as well as business opportunities.
- F. The City's Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments and creating attractive conditions for business expansion including retention and attraction of large and small businesses.
- G. 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.
- H. 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.

CHRONOLOGY:

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

- | | |
|------------------|---|
| • March 28, 2007 | Petitions submitted to Planning Division |
| • April 25, 2007 | Popular Grove Community Council meeting |
| • June 13, 2007 | Planning Commission Public Hearing |
| • July 18, 2007 | Ordinance requested from the City Attorney's Office |

- August 1, 2007 Ordinance received from the City Attorney's Office
- September 18, 2007 Transmittal received in City Council Office

cc: Sam Guevara, Lyn Creswell, Ed Rutan, Lynn Pace, Melanie Reif, Louis Zunguze, Mary De La Mare -Schaefer, George Shaw, Doug Wheelwright, Cheri Coffey, Michael Maloy, Sarah Church, Jennifer Bruno, City Council Liaisons, Community Affairs Specialists

File Location: Community Development Dept., Planning Division, Rezoning and Master Plan Amendment, Elizabeth and Jeanette Trujillo, 360, 362, 364, 366, and 376 South 900 West

ATTACHMENT A

**TABLES OF PERMITTED AND CONDITIONAL USES FOR
RESIDENTIAL AND COMMERCIAL ZONING DISTRICTS**

21A.26.080 Table Of Permitted And Conditional Uses For Commercial Districts:

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS						
C = Conditional Use P = Permitted Use		CN	CB	CC	CS ¹	CSHBD ¹	CG	TC-75
USE	Residential							
Assisted living center, large			P	P			P	P
Assisted living center, small			P	P			P	P
Dwelling, single room occupancy ^d								P
Dwelling units, including multi-family dwellings, above or below first story office, retail and commercial uses or on the first story, as defined in the adopted building code, where the unit is not located adjacent to the street frontage		P	P	P	P	P	P	P
Group home, large (see section 21A.36.070 of this title)				C			C	P
Group home, small (see section 21A.36.070 of this title) above or below first story office, retail and commercial uses or on the first story, as defined in the adopted building code where the unit is not located adjacent to the street frontage		P	P	P	P	P	P	P
Halfway homes (see section 21A.36.110 of this title)							C	
Living quarters for caretaker or security guard		P	P	P	P	P	P	P
Multi-family residential						P		P
Nursing home			P	P			P	P
Residential substance abuse treatment home, large (see section 21A.36.100 of this title)				C			C	C
Residential substance abuse treatment home, small (see section 21A.36.100 of this title)				C			C	C
Transitional treatment home, large (see section 21A.36.090 of this title)				C			C	C
Transitional treatment home, small (see section 21A.36.090 of this title)				C			C	C

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS						
C = Conditional Use P = Permitted Use		CN	CB	CC	CS ¹	CSHBD ¹	CG	TC-75
USE								
Transitional victim home, small (see section 21A.36.080 of this title)				C				
Office And Related Uses							C	C
Financial institutions with drive-through facilities			P	P	P	P	P	C
Financial institutions without drive-through facilities	P	P	P	P	P	P	P	P
Medical and dental clinics	P	P	P	P	P	P	P	P
Offices	P	P	P	P	P	P	P	P
Veterinary offices, operating entirely within an enclosed building and keeping animals overnight only for treatment purposes	C	P	P	P	P	P	P	C
Retail Sales And Services								
Auction sales								
Automobile repair, major				P			P	
Automobile repair, minor				P	C		P	C
Automobile sales/rental and service	C	P	P	P	P	P	P	P
Boat/recreational vehicle sales and service				P			P	
Car wash as accessory use to gas station or convenience store that sells gas				P			P	
Car wash, with or without gasoline sales		P	P	P	P	P	P	C
Conventional department store				P	P		P	C
Equipment rental, indoor and outdoor					P	P		
Furniture repair shop			P	P			P	C
			P	P	P	P	P	C

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS						
C = Conditional Use P = Permitted Use		CN	CB	CC	CS ¹	CSHBD ¹	CG	TC-75
USE								
"Gas station" (may include accessory convenience retail and/or minor repairs) as defined in part VI, chapter 21A.62 of this title		P	P	P	P	P	P	
Health and fitness facility			P	P	P	P	C	P
Liquor store			C	C	C	C	C	C
Manufactured/mobile home sales and service							P	
Mass merchandising store					P	P	P	
Pawnshop							P	
Restaurants with drive-through facilities		C	P	P	P	P	P	C
Restaurants without drive-through facilities		P	P	P	P	P	P	P
Retail goods establishments with drive-through facilities		C	P	P	P	P	P	C
Retail goods establishments without drive-through facilities		P	P	P	P	P	P	P
Retail services establishments with drive-through facilities		C	P	P	P	P	P	C
Retail services establishments without drive-through facilities		P	P	P	P	P	P	P
Specialty store				P	P	P	P	
Superstore and hypermarket store					P		P	
Truck repair, large							P	
Truck sales and rental, large				P			P	
Upholstery shop			P	P	P	P	P	C
Value retail/membership wholesale							P	

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS						
C = Conditional Use P = Permitted Use	CN	CB	CC	CS ¹	CSHBD ¹	CG	TC-75
USE							
Warehouse club store						P	
Institutional Uses (Sites < 2 Acres)							
Adult daycare center	P	P	P	P	P	P	P
Child daycare center	P	P	P	P	P	P	P
Community recreation centers on lots less than 4 acres in size	P	P	P	P	P	P	P
Government facilities (excluding those of an industrial nature and prisons)	P	P	P	P	P	P	P
Medical/dental research facilities							P
Museum		P	P	P	P		P
Music conservatory		P	P	P	P		P
Places of worship on lots less than 4 acres in size	C	P	P	P	P	P	P
Research: commercial, scientific, educational							P
Schools: professional and vocational	P	P	P	P	P	P	P
Commercial And Manufacturing							
Bakery, commercial						P	
Blacksmith shop						P	
Blood donation centers, commercial and not accessory to a hospital or medical clinic			C			P	
Cabinet and woodworking mills						P	
Commercial laundries, linen service and dry cleaning						P	
Industrial assembly						P	

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS						
C = Conditional Use P = Permitted Use		CN	CB	CC	CS ¹	CSHBD ¹	CG	TC-75
USE								
Laboratory: medical, dental, optical				P	P	P	P	P
Laboratory: testing				C	C		P	C
Miniwarehouse				P			P	C
Motion picture studio					P	P	P	P
Photo finishing lab				P	P	P	P	P
Plant and garden shop, with outdoor retail sales area		C	C	C	C	C	P	P
Sign painting/fabrication							P	
Warehouse				P			P	
Welding shop							P	
Wholesale distributors				P			P	
Recreation, Cultural And Entertainment								
Amusement park					P		P	
Art gallery		P	P	P	P	P	P	P
Art studio		P	P	P	P	P	P	P
Commercial indoor recreation				P	P	P	P	P
Commercial outdoor recreation					C		P	C
Commercial video arcade				P		P	P	P
Dance studio		P	P	P	P	P	P	P
Live performance theaters				P	P	P	P	P

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS						
C = Conditional Use P = Permitted Use		CN	CB	CC	CS ¹	CSHBD ¹	CG	TC-75
USE								
Miniature golf				P	P		P	P
Movie theaters					P	P	P	P
Natural open space and conservation areas						P	P	P
Parks and playgrounds, public and private, on lots less than 4 acres in size	C	C	C	C	C	C	C	C
Pedestrian pathways, trails, and greenways	P	P	P	P	P	P	P	P
Private club	P	P	P	P	P	P	P	P
Sexually oriented businesses		C	C	P	P	P	P	C
Squares and plazas on lots less than 4 acres in size							P ⁵	
Tavern/lounge/brewpub, 2,500 square feet or less in floor area	P	P	P	P	P	P	P	C
Tavern/lounge/brewpub, more than 2,500 square feet in floor area			P	P	P	P	P	P
Miscellaneous				C	C	P	P	C
Accessory uses, except those that are specifically regulated in this chapter, or elsewhere in this title	P	P	P	P	P	P	P	P
Ambulance services, dispatching, staging and maintenance conducted entirely within an enclosed building		P	P	P	P	P	P	P
Ambulance services, dispatching, staging and maintenance utilizing outdoor operations		P ⁷	P ⁷	P ⁷	P ⁷	P ⁷	P	
Auditorium				P	P	P	P	P
Auto salvage (indoor)							P	
Bed and breakfast	P	P	P	P	P	P	P	P
Bed and breakfast inn	P	P	P	P	P	P	P	P

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS						
C = Conditional Use P = Permitted Use		CN	CB	CC	CS ¹	CSHBD ¹	CG	TC-75
USE								
Bed and breakfast manor	C ¹	C ¹	P			P	P	P
Bus line terminals			P				P	C
Bus line yards and repair facilities							P	
Commercial parking garage or lot			C			P	P	C
Communication towers		P	P	P	P	P	P	P
Communication towers, exceeding the maximum building height		C	C	C	C	C	C	C
Contractor's yard/office (including outdoor storage)			C				P	
Farmers' market			C	C			P	C
Flea market (indoor)			P	P	P	P	P	C
Flea market (outdoor)							P	
Funeral home			P	P	P	P	P	C
Homeless shelter							C	
Hotel or motel			P			P	P	C
Impound lot							C	
Intermodal transit passenger hub							C	
Kennels							P	
Limousine service utilizing 4 or more limousines							P	
Limousine service utilizing not more than 3 limousines		C	C				P	
Microbrewery							P	

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS						
C = Conditional Use P = Permitted Use		CN	CB	CC	CS ¹	CSHBD ¹	CG	TC-75
USE								
Park and ride lots			C	C	C	P	P	C
Park and ride, parking shared with existing use			P	P	P	P	P	P
Pet cemeteries ⁴							P	
Off site parking, as per chapter 21A.44 of this title				P		C	P	C
Outdoor sales and display			C	P	C	P	P	C
Outdoor storage				C			P	
Outdoor storage, public				C			P	
Precision equipment repair shops				P			P	
Public/private utility buildings and structures	C		C	P	P	C	P	P
Public/private utility transmission wires, lines, pipes and poles ²	P		P	P	P	P	P	P
Radio, television station					C	P	P	P
Recreational vehicle park (minimum 1 acre)				C				
Recycling collection station	P		P	P	P	P	P	
Reverse vending machines	P		P	P	P	P	P	P
Taxicab facilities, dispatching, staging and maintenance							P	
Temporary labor hiring office							P	
Vehicle auction use							P	
Vending carts on private property as per chapter 5.65 of this code						P		
Wireless telecommunications facility (see table 21A.40.090E of this title)								

Qualifying Provisions:

1. Development in the CS district shall be subject to planned development approval pursuant to the provisions of section 21A.54.150 of this title. Certain developments in the CSHBD zone shall be subject to the conditional building and site design review process pursuant to the provisions of subsection 21A.26.060D of this chapter and chapter 21A.59 of this title.
2. See subsection 21A.02.050B of this title for utility regulations.
3. When located in a building listed on the Salt Lake City Register of Cultural Resources (see subsection 21A.24.010S of this part and subsection 21A.26.010K of this chapter).
4. Subject to Salt Lake Valley health department approval.
5. Pursuant to the requirements set forth in section 21A.36.140 of this title.
6. Subject to location restrictions as per section 21A.36.190 of this title.
7. Greater than 3 ambulances at location require a conditional use.

(Ord. 61-06 § 3 (Exh. C), 2006: Ord. 13-06 § 2 (Exh. A), 2006: Ord. 1-06 § 30, 2005: Ord. 89-05 § 6 (Exh. F), 2005: Ord. 76-05 § 8 (Exh. C), 2005: Ord. 68-05 § 1 (Exh. A), 2005: Ord. 18-04 § 2, 2004: Ord. 17-04 § 6 (Exh. E), 2004: Ord. 13-04 § 7 (Exh. B), 2004: Ord. 6-03 § 1 (Exh. A), 2003: Ord. 23-02 § 3 (Exh. A), 2002: Ord. 2-02 § 1, 2002: Ord. 38-99 § 6, 1999: Ord. 35-99 § 29, 1999: Ord. 19-98 § 2, 1998: amended during 5/96 supplement: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 84-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(13-7), 1995)

21A.24.190 Table Of Permitted And Conditional Uses For Residential Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT RESIDENTIAL DISTRICTS																		
	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R-MU-35	R-MU-45	R-MU	RO
C = Conditional Use P = Permitted Use																			
Use																			
Residential																			
Accessory guest and servants' quarters	C																		
Accessory uses on accessory lots	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C
Assisted living facility, large												C	P	P		C	P	P	P
Assisted living facility, small				C	C	C	C			C	C	P	P	P	P	P	P	P	P
Dormitories, fraternities, sororities (see section 21A.36.150 of this title)																			
Group home, large (see section 21A.36.070 of this title)											C	C	C	C	C	C	C	C	C
Group home, small (see section 21A.36.070 of this title)	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Manufactured home	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT RESIDENTIAL DISTRICTS																		
C = Conditional Use P = Permitted Use		FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R-MU-35	R-MU-45	R-MU	RO
Mixed use develop- ments, including residential and other uses allowed in the zoning district																P ¹	P	P	P	P
Multiple-family dwellings												P	P	P	P		P	P	P	P
Nursing care facility (see section 21A.36.060 of this title)														P	P		C	P	P	
Resident healthcare facility (see section 21A.36.040 of this title)												P	P	P	P	P	P	P	P	P
Residential substance abuse treatment home, large														C	C			C	C	C
Residential substance abuse treatment home, small													C	C	P		P	P	P	P
Rooming (boarding) house												C	C	P	P	C	P	P	P	P

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT RESIDENTIAL DISTRICTS																		
	C = Conditional Use P = Permitted Use																		
Use	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R-MU-35	R-MU-45	R-MU	RO
Single-family attached dwellings									P		P	P	P	P		P	P	P	P
Single-family detached dwellings	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Transitional treatment home, large (see section 21A.36.090 of this title)													C	C			C	C	C
Transitional treatment home, small (see section 21A.36.090 of this title)												C	C	C		C	C	C	C
Transitional victim home, large (see section 21A.36.080 of this title)													C	C			C	C	C
Transitional victim home, small (see section 21A.36.080 of this title)												C	C	P		C	C	P	P
Twin home dwellings							P		P	P	P	P				P	P	P	P
Two-family dwellings							P		P	P ²	P	P			P	P	P	P	P

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT RESIDENTIAL DISTRICTS																		
C = Conditional Use P = Permitted Use		FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R-MU-35	R-MU-45	R-MU	RO
Office And Related Uses																				
Financial institutions with drive-through facilities																			C ³	C ⁹
Financial institutions without drive-through facilities																	P	P	P ³	P ⁹
Medical and dental clinics and offices																C	C	C	P ³	P ⁹
Municipal service uses, including city utility uses and police and fire stations	C	C	C	C	C	C	C			C	C	C	C	C	C	C	C	C	C	C ⁹
Offices, excluding medical and dental clinics and offices																P ⁴	P	P	P ³	P ⁹
Recreation, Cultural And Entertainment																				
Art galleries																				
Community and recreation centers, public and private on lots less than 4 acres in size	C	C	C	C	C	C	C			C	C	C	C	C	C	P	P	P	P ³	P

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT RESIDENTIAL DISTRICTS																		
C = Conditional Use P = Permitted Use		FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R-MU-35	R-MU-45	R-MU	RO
Community gardens as defined in part VI, chapter 21A.62 of this title and as regulated by subsection 21A.24.010P of this chapter					P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Dance studio																P	P	P	P ¹	
Movie theaters/live performance theaters																	C	C	P	
Natural open space and conservation areas on lots less than 4 acres in size		P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P
Parks and playgrounds, public and private, less than 4 acres in size		P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P
Pedestrian pathways, trails and greenways		P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P
Tavern/lounge/ brew-pub; 2,500 square feet or less in floor area																			C	

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT RESIDENTIAL DISTRICTS																		
C = Conditional Use P = Permitted Use		FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R-MU-35	R-MU-45	R-MU	RO
Retail Sales And Service																				
Gas station—may include accessory convenience retail and/or "minor repairs" as defined in part VI, chapter 21A.62 of this title																P	C	C	P	
Health and fitness facility																	P	P	P	
Liquor store																				
Restaurants, without drive-through facilities																C ¹	C	C	C	
Retail goods establishments																P ⁴	P	P	P ³	
Retail service establishments																P ⁴	P	P	P ³	
Institutional																				
Adult daycare center																				
Child daycare center					C	C	C	C		C	C	C	C	C	C		P	P	P	P
Governmental uses and facilities																P	P	P	P	P
																	C	C	C	P ⁹

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT RESIDENTIAL DISTRICTS																		
C = Conditional Use P = Permitted Use		FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R-MU-35	R-MU-45	R-MU	RO
Museum																P	C	C	P ³	
Music conservatory																	C	C	P	
Nursing care facility (see section 21A.36.060 of this title)														P	P		C	P	P	
Places of worship on lots less than 4 acres in size	C	C	C	C	C	C	C			C	C	C	C	C	C	C	C	C	C	C
Schools, professional and vocational																P ⁴	C	C	P ³	P ⁹
Seminaries and religious institutes				C	C	C	C			C	C	C	C	C	C	C	C	C	P	P
Commercial																				
Laboratory; medical; dental; optical																				P ¹
Plant and garden shop, with outdoor retail sales area																C ⁴	C	C	C ³	

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT RESIDENTIAL DISTRICTS																			
C = Conditional Use P = Permitted Use		FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R-MU-35	R-MU-45	R-MU	RO	
Miscellaneous																					
Accessory uses, except those that are otherwise specifically regulated in this chapter, or elsewhere in this title		P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P	
Bed and breakfast		C ⁷	C ⁷	C ⁷	C ⁷	C ⁷	C ⁷			C ⁷	C ⁷	C ⁷	C ⁷	C ⁷	C ⁷	P	P	P	P	P	
Bed and breakfast inn							C ⁸			C ⁸	C ⁷	C ⁷	C ⁷	C ⁷	C ⁷	P	C	P	P	P	
Bed and breakfast manor																			C	P	
House museum in landmark sites (see subsection 21A.24.010S of this chapter)		C	C	C	C	C	C			C	C	C	C	C	C		C	P		C	
Offices and reception centers in landmark sites (see subsection 21A.24.010S of this chapter)		C	C	C	C	C	C			C	C	C	C	C	C	P	C	P	P	P ⁹	
Park and ride parking, shared with church parking lot on arterial street		C	C	C	C	C	C			C	C	C	C	C	C	C	C	C	C	C	

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT																		
	RESIDENTIAL DISTRICTS																		
Use	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R-MU-35	R-MU-45	R-MU	RO
Parking, off site facilities (accessory to permitted uses)	C	C							C		C	C	C	C	C	C	C	C	C
Public/private utility buildings and structures	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C ⁹
Public/private utility transmission wires, lines, pipes and poles ⁵	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Reuse of church and school buildings	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶		C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ^{6,9}
Veterinary offices															C	C	C	P ¹	P ⁹
Wireless telecommunications facilities (see table 21A.40.090E of this title)																			

Qualifying Provisions:

1. A single apartment unit may be located above first floor retail/office.
2. Provided that no more than 2 two-family buildings are located adjacent to one another and no more than 3 such dwellings are located along the same block face (within subdivisions approved after April 12, 1995).
3. Subject to conformance with the provisions of subsection 21A.24.170E of this chapter.
4. Construction for a nonresidential use shall be subject to all provisions of subsections 21A.24.160I and J of this chapter.
5. See subsection 21A.02.050B of this title for utility regulations.
6. Subject to conformance of the provision in section 21A.36.170 of this title.

21A.24.190

7. When located in a building listed on the Salt Lake City Register of Cultural Resources (see subsection 21A.24.010S of this chapter).
8. Buildings in excess of 7,000 square feet in the SR-1 and R-2 districts when located in a building listed on the Salt Lake City Register of Cultural Resources (see subsection 21A.24.010S of this chapter).
9. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to the conditional use process.

(Ord. 13-06 § 4 (Exh. C), 2006: Ord. 54-05 § 1 (Exh. A), 2005: Ord. 11-05, 2005: Ord. 71-04 § 3 (Exh. C), 2004: Ord. 13-04 § 5, 2004: Ord. 5-02 § 2, 2002: Ord. 19-01 § 6, 2001: Ord. 35-99 § 20, 1999: Ord. 30-98 § 2, 1998: Ord. 19-98 § 1, 1998: amended during 5/96 supplement: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 84-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(12-18), 1995)

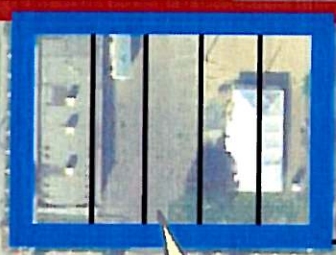


N

POST ST

R-1-50000

400 S



Subject Property

900 W

RMF-35

CN

870 W

JEREMY ST

I-15


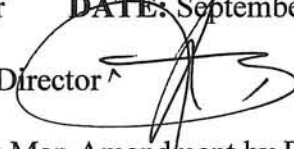
A. LOUIS ZUNGUZE
DIRECTOR

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: Lyn Creswell, Chief Administrative Officer **DATE:** September 10, 2007
FROM: Louis Zunguze, Community Development Director 
RE: Petitions 400-07-06 and 400-07-07: Zoning Map Amendment by Elizabeth Trujillo and Jeanette Trujillo, requesting that properties located at 360 South, 362 South, 364 South, 366 South, and 376 South 900 West be rezoned from RMF-35 Moderate Density Multi-Family Residential District to R-MU-45 Residential/Mixed Use District. This proposal also requires a Master Plan map amendment to the Future Land Use Map of the West Salt Lake Community Master Plan.

STAFF CONTACTS: Michael Maloy, Principal Planner, at 535-7118 or michael.maloy@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 applicants' purpose for the requested Master Plan and Zoning Map amendments is to develop a retail sales and service business (e.g., beauty salon or cosmetology school) on the subject properties. The subject properties are currently zoned RMF-35 Moderate Density Multi-Family Residential District, which does not permit the proposed use. Upon learning of the existing zoning limitations, the applicants prepared and submitted the attached petitions requesting a rezone to the R-MU-45 Residential/Mixed Use District in order to accommodate the desired land use.

If approved, the applicants intend to reuse an existing approximately 4,718 square foot building that is currently vacant on the subject properties. The existing structure was built around 1960 and, according to City records, was originally used for a period of time as a neighborhood market. On April 15, 1991, the City granted a change of use from "retail to church" for the Tongan United Methodist Church of Salt Lake City.

Analysis: The proposed zoning map amendment will rezone five contiguous parcels that encompass .60 acres of property. The proposed rezone would allow for the applicants' intended

reuse of the existing vacant building located on the subject properties. The proposed Master Plan and Zoning Map amendments are consistent with the March 13, 2006, draft of the proposed West Salt Lake Generalized Future Land Use Map. As such, Staff fully supports the Planning Commission's recommendation to the City Council for approval of the requested amendments.

Master Plan Considerations: The current 1995 West Salt Lake Community Future Land Use Map identifies the area of the subject property for Low-Density Residential. The majority of the residential land use in West Salt Lake consists of single-family dwellings. These low-density residential areas are interspersed with duplexes and some multiple-family dwellings.

The March 13, 2006, draft of the proposed West Salt Lake Generalized Future Land Use Map has identified the area as Medium Density/Intensity Mixed Use, which is consistent with the applicant's petition. The proposed West Salt Lake Community Master Plan justifies the proposed transition from residential to neighborhood mixed use as follows:

One component of the *Salt Lake City Community Housing Plan* is to support mixed use projects that achieve vibrant, safe, integrated walkable neighborhoods. The purpose of the mixed-use zoning district is to encourage the development of areas as a mix of compatible residential and commercial uses. Neighborhood mixed-use land uses includes low intensity developments with non-residential activity, such as retail, services or office on the ground floor with residential uses above. The design of neighborhood mixed use should be pedestrian oriented with a strong street presence. Transitioning the existing marginally developed neighborhood commercial nodes in the West Salt Lake Community to neighborhood mixed use development could increase the viability of these areas as neighborhood gathering places to which residents can walk. This can increase positive social interaction. These nodes should be attractive, aesthetically pleasing areas that contribute architecturally to the neighborhood and its identity (page 23).

The proposed West Salt Lake Community Master Plan also states the following paragraph, which is specific to the subject properties:

New Neighborhood Commercial Opportunity at 400 South 900 West

Although this community is limited in available land for development of new neighborhood commercial areas, one prospect exists at the intersection of 400 South and 900 West. In 2000, the Tongan United Methodist Church on the northeast corner of 400 South and 900 West was destroyed by fire. The lot is currently vacant. As a result, there is an opportunity to create a development project with three to four phases, which would establish mixed use residential / retail projects on each corner. The initial phase of the project would be to develop the vacant lot as a mixed-use project with uses on the ground floor such as a café, fabric/craft shop, bakery, gift and card shop, local deli, bookstore or fresh fruit and vegetable market with residential units above. Currently, the southern corners are zoned for small-scale commercial development. However, the northern corners are zoned for medium density residential uses. As plans to redevelop this intersection are explored, it will be necessary to rezone the four corners and adjacent properties for mixed-use development. Ultimately, this type of project could spark redevelopment of the other three corners, creating an attractive, vibrant entrance to the Poplar Grove neighborhood (page 23).

PUBLIC PROCESS:

The applicants attended the April 25, 2007, meeting of the Poplar Grove Community Council and presented their proposal requesting that the subject properties be rezoned to R-MU-45. Planning staff was also present at this meeting. Approximately 20 residents were in attendance. At that meeting, residents were encouraged to come forward and give comments to the Poplar Grove Community Council. All comments were in favor of the project. Once all of those present had spoken, the Community Council unanimously voted to support the project.

The Planning Commission held a Public Hearing on June 13, 2007. Although no one in attendance at the public hearing spoke against the petitions, Staff informed the Commission that the City received two telephone inquiries regarding the potential impact on adjacent property values, and one citizen's letter opposed commercial development at this location. The Planning Commission unanimously passed a motion to recommend approval of both petitions to the City Council.

RELEVANT ORDINANCES:

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 5 of the Planning Commission Staff Report (see Attachment 5.C).

Sections 10-9a-204 and 205 of the Utah Code Title 10, Chapter 9a, Municipal Land Use, Development and Management Act regulate the requirements for noticing a general plan amendment and land use ordinance amendment. The petitions for zoning and Master Plan amendment were published in the newspaper on May 30, 2007, meeting State Code noticing requirements.

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- 1. PROJECT CHRONOLOGY**
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 - A) ORIGINAL NOTICE AND POSTMARK**
 - May 30, 2007 – Date of Newspaper Notice**
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 - June 01, 2007 – Date of Posted Notice**
 - B) STAFF REPORT**
 - June 13, 2007 – Planning Commission**
 - C) AGENDA AND MINUTES**
 - June 13, 2007 – Planning Commission**
- 6. ORIGINAL PETITION**

1. PROJECT CHRONOLOGY

PROJECT CHRONOLOGY
Petition 400-07-06 and 400-07-07

March 28, 2007	Petitions submitted to City for consideration and processing.
April 3, 2007	Petitions assigned to Michael Maloy, Principal Planner for staff analysis and processing.
April 25, 2007	Petitions reviewed by Poplar Grove Community Council for comment and recommendation. Applicant and planning staff attended meeting.
May 30, 2007	Publication of Planning Commission public hearing notices.
June 6, 2007	Publication of Planning Commission Staff Report.
June 13, 2007	Planning Commission held public hearing on Petitions 400-07-06 and 400-07-07. Planning Commission voted 7-0 to recommend approval of petitions to City Council.
June 27, 2007	Planning Commission ratified minutes for June 13, 2007 meeting.
July 18, 2007	Staff requested draft of proposed ordinance from City Attorney's Office.
August 1, 2007	Staff received draft of proposed ordinance from City Attorney's Office.

2. PROPOSED ORDINANCE

SALT LAKE CITY ORDINANCE
No. _____ of 2007
(Rezoning Properties Located at 360-376 South 900 West, and Amending the West Salt
Lake Community Master Plan and Zoning Map)

AN ORDINANCE REZONING PROPERTIES LOCATED AT 360-376 SOUTH 900 WEST, AND AMENDING THE WEST SALT LAKE COMMUNITY MASTER PLAN AND ZONING MAP, PURSUANT TO PETITION NOS. 400-07-06 and 400-07-07.

WHEREAS, after hearings before the Planning Commission and the Salt Lake City Council, the City Council has determined that the following 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. Rezoning of properties. The properties located at 360, 362, 364, 366, and 376 South 900 West, which are more particularly identified on Exhibit "A" attached hereto, shall be and hereby are rezoned from moderate density multi-family residential (RMF-35) to residential/mixed use (R-MU-45).

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

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

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

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2007.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2007.
Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date August 1, 2007
By Melanie King

Exhibit "A"

Affected Sidwell Numbers and Legal Descriptions
Petition 400-07-06 and 400-07-07

WEST SALT LAKE COMMUNITY MASTER PLAN MAP AND SALT LAKE CITY
ZONING MAP AMENDMENTS:

SIDWELL NUMBER	LOCATION	LEGAL DESCRIPTION	AREA
15-02-402-028	360 S 900 W	BEG 149 FT S FR NE COR LOT 1 BLK 33 PLAT C SLC SUR S 33 FT W 141 FT N 33 FT E 141 FT TO BEG.	.11 acre
15-02-402-029	632 S 900 W	COM 112 FT N FR SE COR LOT 1 BLK 33 PLAT C SLC SUR N 36 FT W 141 FT; S 36 FT; E 141 FT TO BEG.	.12 acre
15-02-0402-030	364 S 900 W	BEG 78 FT N FR SE COR LOT 1 BLK 33 PLAT C SLC SUR N 34 FT W 141 FT S 34 FT E 141 FT TO BEG.	.11 acre
15-02-402-031	366 S 900 W	COM 45 FT N OF SE COR LOT 1, BLK 33, PLAT C, SLC SUR; N 33 FT; W 141 FT; S 33 FT; E 141 FT TO BEG.	.11 acre
15-02-402-032	376 S 900 W	BEG AT SE COR LOT 1 BLK 33 PLAT C SLC SUR N 45 FT W 141 FT S 45 FT E 141 FT TO BEG.	.15 acre

3. NOTICE OF CITY COUNCIL HEARING

NOTICE OF PUBLIC HEARING

The Salt Lake City Council will hold a public hearing regarding Petition 400-07-06 and Petition 400-07-07 to adopt an ordinance to amend the West Salt Lake Community Master Plan and Zoning Map for properties located approximately at 376 S 900 W, 366 S 900 W, 364 S 900 W, 362 S 900 W, and 360 S 900 W. The requested Master Plan amendment proposes changing the future land use map from low-density residential to medium density mixed use for the subject properties. The requested Zoning Map amendment proposes rezoning the subject properties from RMF-35 Moderate Density Multi-Family Residential District to R-MU-45 Residential/Mixed Use District.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petitions. During this hearing, 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 Council Chambers)*
Salt Lake City and County Building
451 S. State Street
Salt Lake City, UT

*Please enter building from east side.

If you have any questions relating to this proposal or would like to review the petitions on file, please call Michael Maloy, Principal Planner, at 535-7118 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at michael.maloy@slcgov.com.

People with disabilities may make requests for reasonable accommodations no later than 48 hours in advance in order to attend this public hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. The City & County Building is an accessible facility. For questions, requests, or additional information, please contact the ADA Coordinator at (801) 535-7971; TDD 535-6021.

4. MAILING LABELS



15024010130000 RESIDENT 320 N 600 W SALT LAKE CITY UT	84116	15024010340000 RESIDENT 350 S POST ST SALT LAKE CITY UT	84104	15024020080000 RESIDENT PO BOX 1789 SANDY UT	84091
15024010140000 RESIDENT 954 E 7145 S # B-102 MIDVALE UT	84047	15024010350000 RESIDENT 352 S POST ST SALT LAKE CITY UT	84104	15024020090000 RESIDENT 353 S POST ST SALT LAKE CITY UT	84104
15024010150000 RESIDENT 335 8TH STREET NORCO CA	92860	15024020010000 RESIDENT 706 W VINE ST MURRAY UT	84123	15024020100000 RESIDENT 357 S POST ST SALT LAKE CITY UT	84104
15024010240000 RESIDENT 960 W 400 S SALT LAKE CITY UT	84104	15024020020000 RESIDENT 325 S POST ST SALT LAKE CITY UT	84104	15024020130000 RESIDENT 2001 S STATE ST # N4500 SALT LAKE CITY UT	84115
15024010250000 RESIDENT 2644 W 15250 S BLUFFDALE UT	84065	15024020030000 RESIDENT 329 S POST ST SALT LAKE CITY UT	84104	15024020130000 RESIDENT 2001 S STATE ST # N4500 SALT LAKE CITY UT	84115
15024010260000 RESIDENT 758 E WILSON AVE SALT LAKE CITY UT	84105	15024020040000 RESIDENT 333 S POST ST SALT LAKE CITY UT	84104	15024020140000 RESIDENT 4500 CHERRY CREEK DR SO GLENDALE CO	80246
15024010270000 RESIDENT 972 W 400 S SALT LAKE CITY UT	84104	15024020050000 RESIDENT 337 S POST ST SALT LAKE CITY UT	84104	15024020150000 RESIDENT 320 W 500 S #16 BOUNTIFUL UT	84010
15024010310000 RESIDENT 9231 S REDWOOD RD WEST JORDAN UT	84088	15024020060000 RESIDENT 341 S POST ST SALT LAKE CITY UT	84104	15024020160000 RESIDENT 1183 E HUNT RD MURRAY UT	84117
15024010330000 RESIDENT 2968 W 13310 S RIVERTON UT	84065	15024020070000 RESIDENT 345 S POST ST SALT LAKE CITY UT	84104	15024020170000 RESIDENT 922 W 400 S SALT LAKE CITY UT	84104

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15024020180000 RESIDENT 320 S 900 W SALT LAKE CITY UT	84104	15024020270000 RESIDENT 7448 S REDWOOD RD WEST JORDAN UT	84084	15024030040000 RESIDENT 341 S 900 W SALT LAKE CITY UT	84104
15024020190000 RESIDENT 324 S 900 W SALT LAKE CITY UT	84104	15024020280000 RESIDENT PO BOX 271026 SALT LAKE CITY UT	84127	15024030050000 RESIDENT 1221 S 800 E SALT LAKE CITY UT	84105
15024020200000 RESIDENT 324 S 900 W SALT LAKE CITY UT	84104	15024020290000 RESIDENT PO BOX 271026 SALT LAKE CITY UT	84127	15024030060000 RESIDENT 351 S 900 W SALT LAKE CITY UT	84104
15024020210000 RESIDENT 4581 S BRANDY WOOD DR WEST VALLEY UT	84120	15024020300000 RESIDENT PO BOX 271026 SALT LAKE CITY UT	84127	15024030070000 RESIDENT 355 S 900 W SALT LAKE CITY UT	84104
15024020220000 RESIDENT 334 S 900 W SALT LAKE CITY UT	84104	15024020310000 RESIDENT PO BOX 271026 SALT LAKE CITY UT	84127	15024030080000 RESIDENT 357 S 900 W SALT LAKE CITY UT	84104
15024020230000 RESIDENT 336 S 900 W SALT LAKE CITY UT	84104	15024020320000 RESIDENT PO BOX 271026 SALT LAKE CITY UT	84127	15024030090000 RESIDENT 363 S 900 W SALT LAKE CITY UT	84104
15024020240000 RESIDENT 342 S 900 W SALT LAKE CITY UT	84104	15024020350000 RESIDENT PO BOX 10569 BAKERSFIELD CA	93389	15024030100000 RESIDENT 11108 S SANDY CREEK DR SANDY UT	84094
15024020250000 RESIDENT 344 S 900 W SALT LAKE CITY UT	84104	15024030020000 RESIDENT 333 S 900 W SALT LAKE CITY UT	84104	15024030110000 RESIDENT PO BOX 271026 SALT LAKE CITY UT	84127
15024020260000 RESIDENT 350 S 900 W SALT LAKE CITY UT	84104	15024030030000 RESIDENT 337 S 900 W SALT LAKE CITY UT	84104	15024030120000 RESIDENT PO BOX 271026 SALT LAKE CITY UT	84127

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15024030130000 RESIDENT 331 S 870 W SALT LAKE CITY UT	84104	15024040030000 RESIDENT 967 W 400 S SALT LAKE CITY UT	84104	15024050010000 RESIDENT 3700 S MARKET ST WEST VALLEY UT	84119
15024030140000 RESIDENT PO BOX 271026 SALT LAKE CITY UT	84127	15024040040000 RESIDENT 1983 W SIR JOSEPH WY SALT LAKE CITY UT	84116	15024050020000 RESIDENT 2659 S WELLINGTON ST SALT LAKE CITY UT	84106
15024030150000 RESIDENT 371 S 870 W SALT LAKE CITY UT	84104	15024040050000 RESIDENT 415 S 1000 W SALT LAKE CITY UT	84104	15024050030000 RESIDENT 417 S POST ST SALT LAKE CITY UT	84104
15024030160000 RESIDENT 858 W 400 S SALT LAKE CITY UT	84104	15024040210000 RESIDENT 404 S POST ST SALT LAKE CITY UT	84104	15024050040000 RESIDENT 423 S POST ST SALT LAKE CITY UT	84104
15024030170000 RESIDENT 852 W 400 S SALT LAKE CITY UT	84104	15024040220000 RESIDENT 341 N 1200 W SALT LAKE CITY UT	84116	15024050050000 RESIDENT 10491 MORGAN BLVD CEDAR HILLS UT	84062
15024030180000 RESIDENT 499 S 100 W BOUNTIFUL UT	84010	15024040230000 RESIDENT 416 S POST ST SALT LAKE CITY UT	84104	15024050060000 RESIDENT 433 S POST ST SALT LAKE CITY UT	84104
15024030190000 RESIDENT 225 W ORCHARD PL SALT LAKE CITY UT	84101	15024040240000 RESIDENT 422 S POST ST SALT LAKE CITY UT	84104	15024050070000 RESIDENT 437 S POST ST SALT LAKE CITY UT	84104
15024030200000 RESIDENT 57 SHAGGY MTN RD HERRIMAN UT	84096	15024040250000 RESIDENT 423 S POST ST SALT LAKE CITY UT	84104	15024050080000 RESIDENT 441 S POST ST SALT LAKE CITY UT	84104
15024040020000 RESIDENT 1927 S TEXAS ST SALT LAKE CITY UT	84108	15024040260000 RESIDENT 436 S POST ST SALT LAKE CITY UT	84104	15024050340000 RESIDENT PO BOX 70508 SALT LAKE CITY UT	84170

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15024050350000 RESIDENT 2990 W 8870 S WEST JORDAN UT	84088	15024060120000 RESIDENT 857 W 400 S SALT LAKE CITY UT	84104	15022570060000 RESIDENT 915 W 300 S SALT LAKE CITY UT	84104
15024060010000 RESIDENT PO BOX 271026 SALT LAKE CITY UT	84127	15024060150000 RESIDENT 417 S 900 W SALT LAKE CITY UT	84104	15022570070000 RESIDENT 4600 S HOLLADAY BLVD HOLLADAY UT	84117
15024060020000 RESIDENT 908 W 200 N SALT LAKE CITY UT	84116	15022560080000 RESIDENT 314 S POST ST SALT LAKE CITY UT	84104	15022570080000 RESIDENT 308 S 900 W SALT LAKE CITY UT	84104
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15024060040000 RESIDENT 857 W 400 S SALT LAKE CITY UT	84104	15022570010000 RESIDENT 931 W 300 S SALT LAKE CITY UT	84104	15022570100000 RESIDENT 2659 S WELLINGTON ST VALRICO FL	33594
15024060050000 RESIDENT 2968 W 13310 S RIVERTON UT	84065	15022570020000 RESIDENT 9288 S JANALEE DR WEST JORDAN UT	84088	15022580010000 RESIDENT 11075 S STATE ST # 4-104 SANDY UT	84070
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15024060110000 RESIDENT 862 W PACIFIC AVE SALT LAKE CITY UT	84104	15022570050000 RESIDENT 919 W 300 S SALT LAKE CITY UT	84104	15022580100000 RESIDENT 319 S 900 W SALT LAKE CITY UT	84104

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15024010030000
RESIDENT
159 E CARRINGTON LN
CENTERVILLE UT 84014

15024010120000
RESIDENT
328 S POST ST
SALT LAKE CITY UT 84104

15024010040000
RESIDENT
341 S 1000 W
SALT LAKE CITY UT 84104

Michael Maloy
SLC Planning Division
451 S State St Room 406
SLC UT 84111

15024010050000
RESIDENT
345 S 1000 W
SALT LAKE CITY UT 84104

Mike Harman
1044 West 300 South
SLC UT 84104

15024010060000
RESIDENT
25 S 1000 W # 3
SALT LAKE CITY UT 84104

15024010070000
RESIDENT
1084 E OAKRIDGE CIR
SANDY UT 84094

15024010080000
RESIDENT
355 S 1000 W
SALT LAKE CITY UT 84104

15024010090000
RESIDENT
1110 W GARN WY
SALT LAKE CITY UT 84104

15024010100000
RESIDENT
1110 W GARN WY
SALT LAKE CITY UT 84104

15024010110000
RESIDENT
136 S MAIN ST # 220
SALT LAKE CITY UT 84101

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**5.A PLANNING COMMISSION
ORIGINAL NOTICE AND POSTMARK**

Newspaper Agency Company, LLC

The Salt Lake Tribune

Morning News

CUSTOMER'S COPY

4770 S. 5600 W.
P.O. BOX 704005

WEST VALLEY CITY, UTAH 84170
FED. TAX I.D.# 87-0217663

PROOF OF PUBLICATION

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
CAPITAL PLANNING C/O SARA RICHARDSON 451 S STATE RM 406 SALT LAKE CITY, UT 84111	C5357757L-07	05/30/07

ACCOUNT NAME	
CAPITAL PLANNING	
TELEPHONE	INVOICE NUMBER
801-535-7757	TL82038C6A1
SCHEDULE	
START 05/30/07	END 05/30/07
CUST. REF. NO.	
CAPTION	
SALT LAKE CITY PLANNING COMMIS	
SIZE	
32 LINES	2.00 COLUMN
TIMES	RATE
1	1.25
MISC. CHARGES	AD CHARGES
.00	85.00
TOTAL COST	
85.00	

SALT LAKE CITY PLANNING COMMISSION HEARING MASTER PLAN AND ZONING MAP AMENDMENT

On Wednesday June 13, 2006 at 5:45 P.M, the Salt Lake City Planning Commission will hold a public hearing to take public comment regarding a request by Elizabeth and Jeanette Trujillo to amend the West Salt Lake Community Master Plan and Zoning Map for properties located at approximately 376 S 900 W, 366 S 900 W, 364 S 900 W, 362 S 900 W, and 360 S 900 W. The Master Plan Amendment proposes changing the future land use map from low-density residential to medium density mixed use for the subject properties. The Zoning Map Amendment proposes rezoning the subject properties from RMF-35 Moderate Density Multi-Family Residential District to RMU-45 Residential/Mixed Use District.

The hearing will be held in Room 326 of the Salt Lake City and County Building, 451 South State Street. Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, request or additional information, please contact the Planning Division at 535-7757; TDD 535-6220. For further information regarding this hearing, call Michael Maloy at 535-7118 or via e-mail at michael.maloy@slcgov.com. 82038C6A UPAXLP

AFFIDAVIT OF PUBLICATION

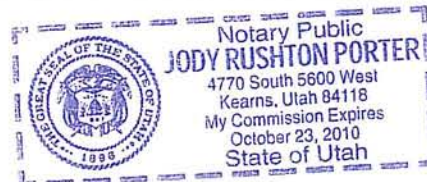
AS NEWSPAPER AGENCY CORPORATION LEGAL BOOKKEEPER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF SALT LAKE CITY PLANNING COMMIS FOR CAPITAL PLANNING WAS PUBLISHED BY THE NEWSPAPER AGENCY CORPORATION, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH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

PUBLISHED ON START 05/30/07 END 05/30/07

SIGNATURE

Jody Rushton-Porter

DATE 05/30/07



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

GEORGE G. SHAW, AICP
PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

CHERI COFFEY, AICP
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. "ROCKY" ANDERSON
MAYOR

A. LOUIS ZUNGUZE
COMMUNITY DEVELOPMENT DIRECTOR

NOTICE OF PUBLIC HEARING

Master Plan and Zoning Map Amendment Petition Numbers 400-07-06 & 400-07-07

The Salt Lake City Planning Division is reviewing a request by Elizabeth Trujillo and Jeanette Trujillo for support of a proposed amendment to the West Salt Lake Community Master Plan and Zoning Map for properties located at approximately 376 S 900 W, 366 S 900 W, 364 S 900 W, 362 S 900 W, and 360 S 900 W. The Master Plan Amendment proposes changing the future land use map from low-density residential to medium density mixed use for the subject properties. The Zoning Map Amendment proposes rezoning the subject properties from RMF-35 Moderate Density Multi-Family Residential District to RMU-45 Residential/Mixed Use District.

A public hearing will be held to seek public comment and consider approval of the proposed amendments on:

Date: Wednesday, June 13, 2007

Time: 5:45 PM

**Place: City & County Building
451 South State Street Room 326
Salt Lake City, UT 84111**

Please direct any questions you may have concerning this request to Michael Maloy at 535-7118. Written comments regarding the proposal may be sent to:

Postal address:

Attn: Michael Maloy, AICP
Salt Lake City Planning Division
451 S. State Street Room 406
Salt Lake City, UT 84111

E-mail address:

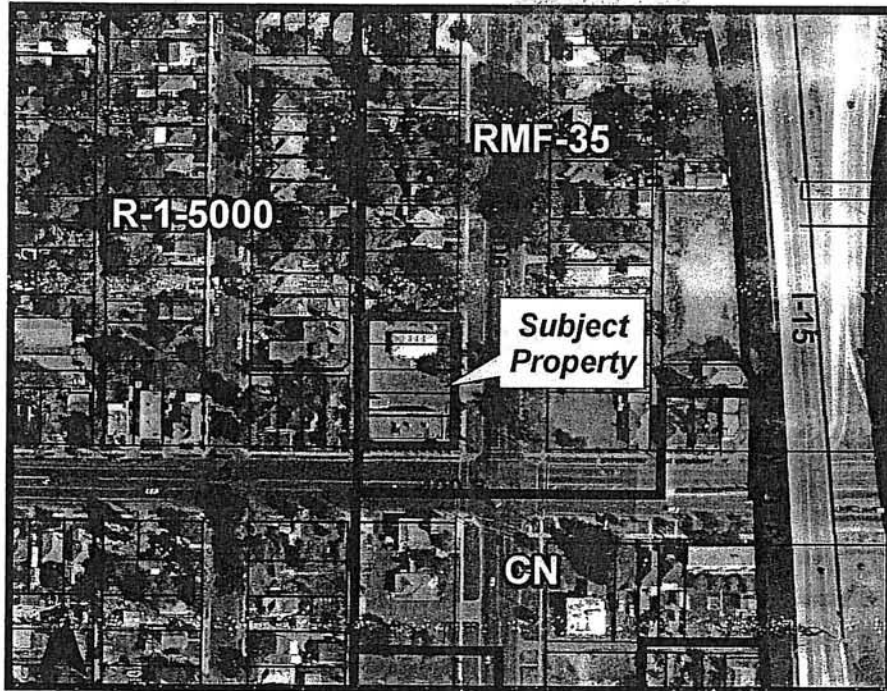
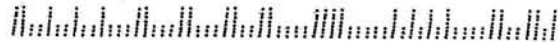
michael.maloy@slcgov.com

The staff report for this petition may be found on the Internet five (5) days prior to the hearing date at the following web address:

<http://www.slcgov.com/boards/plancom/plancom.htm>

People with disabilities may make requests for reasonable accommodations no later than 48 hours in advance in order to attend this administrative hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. The City & County Building is an accessible facility. For questions, requests, or additional information, please contact Michael Maloy at 535-7118; TDD 535-6220.

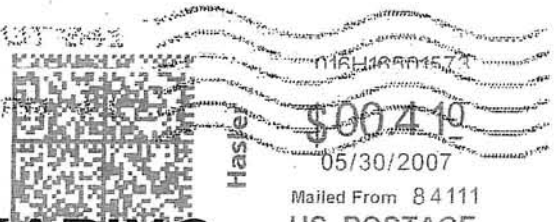
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Salt Lake City Planning Division
 451 South State Street, Room 406
 Salt Lake City, Utah 84111
 MM

SALT LAKE CITY UT 84111

30 MAY 2007



Mailed From 84111
 US POSTAGE

NOTICE OF PUBLIC HEARING

Michael Maloy
 SLC Planning Division
 451 S State St Room 406
 SLC UT 84111

**5.B PLANNING COMMISSION
STAFF REPORT**

DATE: June 6, 2007
TO: Salt Lake City Planning Commission
FROM: Michael Maloy, AICP, Principal Planner
RE: Staff Report for the June 13, 2007 Planning Commission Meeting

CASE #: Petition 400-07-06 (Zoning Map Amendment)
Petition 400-07-07 (Master Plan Amendment)

APPLICANT: Elizabeth Trujillo and Jeanette Trujillo

STATUS OF APPLICANT: Property owners (subject to completion of purchase contract)

REQUESTED ACTION: This is a request (petition 400-07-07) for a zoning map amendment to change the subject properties currently zoned RMF-35 Moderate Density Multi-Family Residential District to R-MU-45 Residential/Mixed Use District. This request also requires an amendment to the adopted West Salt Lake Community Master Plan for the subject properties from Low Density Residential to Medium Density/Intensity Mixed Use (petition 400-07-06).



COUNCIL DISTRICT: District 2, Council Member Van Turner

PROJECT LOCATION: 360 South – 376 South 900 West

PROJECT/PROPERTY SIZE: .60 acres

SURROUNDING ZONING DISTRICTS:

North: RMF-35 Moderate Density Multi-Family Residential

South: CN Neighborhood Commercial

East: RMF-35 Moderate Density Multi-Family Residential

West: R-1/5000 Single-Family Residential

SURROUNDING LAND USES:

North: Residential

South: Commercial

East: Commercial (vacant) and residential

West: Residential

PROPOSED USE(S):

The applicant wishes to rezone the listed properties, in order to develop a beauty salon or future cosmetology school within an existing 4,718 ± square foot commercial building.

MASTER PLAN SPECIFICATIONS:

The current 1995 West Salt Lake Community Future Land Use Map identifies the area of the subject property for Low-Density Residential. The majority of the residential land use in West Salt Lake consists of single-family dwellings. These low-density residential areas are interspersed with duplexes and some multiple-family dwellings.

The March 13, 2006 draft of the proposed West Salt Lake Generalized Future Land Use Map has identified the area as Medium Density/Intensity Mixed Use, *which is consistent with the applicant's petition*. The proposed West Salt Lake Community Master Plan justifies the proposed transition from residential to neighborhood mixed use as follows:

One component of the *Salt Lake City Community Housing Plan* is to support mixed use projects that achieve vibrant, safe, integrated walkable neighborhoods. The purpose of the mixed-use zoning district is to encourage the development of areas as a mix of compatible residential and commercial uses. Neighborhood mixed-use land uses includes low intensity developments with non-residential activity, such as retail, services or office on the ground floor with residential uses above. The design of neighborhood mixed use should be pedestrian oriented with a strong street presence. Transitioning the existing marginally developed neighborhood commercial nodes in the West Salt Lake Community to neighborhood mixed use development could increase the viability of these areas as neighborhood gathering places to which

residents can walk. This can increase positive social interaction. These nodes should be attractive, aesthetically pleasing areas that contribute architecturally to the neighborhood and its identity (page 23).

The proposed West Salt Lake Community Master Plan also states the following paragraph, *which is specific to the subject properties*:

New Neighborhood Commercial Opportunity at 400 South 900 West

Although this community is limited in available land for development of new neighborhood commercial areas, one prospect exists at the intersection of 400 South and 900 West. In 2000, the Tongan United Methodist Church on the northeast corner of 400 South and 900 West was destroyed by fire. The lot is currently vacant. As a result, there is an opportunity to create a development project with three to four phases, which would establish mixed use residential / retail projects on each corner. The initial phase of the project would be to develop the vacant lot as a mixed-use project with uses on the ground floor such as a café, fabric/craft shop, bakery, gift and card shop, local deli, bookstore or fresh fruit and vegetable market with residential units above. Currently, the southern corners are zoned for small-scale commercial development. However, the northern corners are zoned for medium density residential uses. As plans to redevelop this intersection are explored, it will be necessary to rezone the four corners and adjacent properties for mixed-use development. Ultimately, this type of project could spark redevelopment of the other three corners, creating an attractive, vibrant entrance to the Poplar Grove neighborhood (page 23).

SUBJECT PROPERTY HISTORY:

The subject property contains a commercial building and parking lot located in the RMF-35 Moderate Density Multi-Family Residential District. Unfortunately, staff was unable to determine exactly when the existing structure was originally built (circa 1960), but City records did indicate that the building had been used for a period of time as a neighborhood market.

On April 15, 1991 the City granted a change of use for a “non-conforming structure from retail to church.” Although the building was used for several years as a church, the building is currently vacant.

ACCESS:

Access to the subject property is from an existing drive approach located on 900 West.

PROJECT DESCRIPTION:

The applicants intend to reuse the existing commercial structure and parking lot for a beauty salon or cosmetology school. Both of these proposed uses are allowed within the R-MU-45 District.

COMMUNITY COUNCIL:

The applicant attended the April 25, 2007 meeting of the Poplar Grove Community Council and presented their proposal requesting that the subject properties be rezoned to

R-MU-45. Planning staff was also present at this meeting. At that meeting residents were encouraged to come forward and give comments to the Poplar Grove Community Council. All comments were in favor of the project. Once all of those present had spoken, the community council unanimously voted to support the project.

DEPARTMENTAL COMMENTS:

Plans were sent to the pertinent City departments and divisions for comment. The project was also reviewed at a Development Review Team meeting on June 5, 2007. All of the departmental comments are included in Exhibit 4.

Transportation

The Division of Transportation reviewed the proposed amendments and conceptual land use plan and provided the following comments:

- The 900 West and 400 South roadways are arterial class roadways.
- The existing use (church) and proposed uses for R-MU-45 are consistent with these transportation corridors and are subject to standard development and permitting processes requirements.

Public Utilities

The Public Utilities Department reviewed the proposed amendments and conceptual land use plan and did not report any significant issues or concerns with the petitions.

Police

The Police Department reviewed the proposed amendments and conceptual land use plan and did not report any significant issues or concerns with the petitions.

Fire

The Building Department provided a fire review for the proposed amendments and conceptual land use plan and did not report any significant issues or concerns with the petitions.

Engineering

The Engineering Department reviewed the proposed amendments and conceptual land use plan and provided the following comment:

- Prior to permit issuance the Engineering Department will conduct an inventory and inspection of the public right of way.

Permits Office

The Permits reviewed the proposed amendments and conceptual land use plan and provided the following comments:

- Prior to permit issuance, the Permits Office will verify the parking requirement for proposed land use. It would be nice to know how many seats the church provides. The Ordinance requires one parking stall per five seats. Beauty salons require two per 1,000 square feet and a vocational school requires one stall per employee plus one stall per three students based upon the maximum number of students at any one time. The site may already provide the required number of

stalls. The existing parking and proposed parking numbers will also determine if we need to analyze a landscaping upgrade.

ANALYSIS AND FINDINGS:

The Planning Commission must transmit a recommendation to the City Council on whether or not to rezone the subject properties as requested (thereby creating a zoning map amendment), and whether or not to amend the West Salt Lake Community Master Plan based on the Analysis and Findings as stated below:

Master Plan Amendment Analysis and Findings

Review of Proposed Amendment in relation to the strategies listed in the West Salt Lake Community Master Plan in Low-Density Residential Areas.

A. Preserve and protect the predominantly single-family character of the community's residential area.

Finding: The proposed amendment does not advance this strategy, however the subject properties were developed for commercial uses and not residential. Furthermore properties located to the south and east of the subject properties have been or are currently being used for commercial purposes. Additionally, the proposed master plan amendment is consistent with the proposed West Salt Lake Generalized Future Land Use Map and recommendations found within the March 2006 draft of the West Salt Lake Community Master Plan, which has been recommended by the Planning Commission to the City Council for adoption.

B. Change Existing "R-4" and "R-6" Zoning to Reflect Low Density.

Finding: The subject properties are zoned RMF-35 Moderate Density Multi-Family Residential. Therefore promotion of this strategy is not applicable to the proposed amendment.

C. Create a Special Development Pattern District with Provisions to Facilitate the Relocation of Off-Street Parking.

Finding: Promotion of this strategy is not applicable to the proposed amendment.

Review of Proposed Amendment in relation to the strategies listed in the West Salt Lake Community Master Plan for Neighborhood Commercial Areas.

A. Reverse the decline of neighborhood commercial areas to ensure necessary services.

Finding: The proposed amendment is consistent with the following statement and objective from the 1995 West Salt Lake Community Master Plan:

Neighborhood commercial areas are locally oriented retail trade and services generally situated on street corners that serve the immediate area around them. Such businesses include the traditional “mom and pop” stores, grocery stores, small retail shops, beauty salons, barber shops, laundries, video rental, and gas service stations... These commercial areas have served social and economic functions supporting overall neighborhood activities. The West Salt Lake Community must reverse this decline of neighborhood commercial areas to ensure necessary services (page 4).

Zoning Map Amendment Analysis and Findings

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

Findings: The proposed zoning map amendment for the subject properties is not consistent with the adopted 1995 West Salt Lake Community Master Plan; however the amendment is consistent with the proposed March 2006 draft of the West Salt Lake Community Master Plan, which was recommended by the Planning Commission to the City Council for adoption.

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

Finding: The applicant is proposing to maintain the overall character of the neighborhood by reusing the existing commercial structure. Furthermore, the existing character of adjacent properties located to the south and east is commercial not residential. Therefore, the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

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

Findings: The subject properties have historically been used for commercial or quasi public purposes, not residential. Currently the subject properties are vacant. The proposed zoning amendment will facilitate an adaptive reuse of the subject properties in a manner that is consistent with the stated goals, objectives and development policies as recommended by the Planning Commission in the March 2006 draft of the West Salt Lake Community Master Plan. Therefore the proposed amendment will not adversely affect adjacent properties.

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

Findings: There are no additional overlay zoning districts that impose additional standards.

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

Findings: Comments have been provided by pertinent City departments that identify issues that would need to be addressed if approval for the Master Plan Amendment and Zoning Map Amendment is given by the City Council.

RECOMMENDATION:

Based on the findings of fact identified in this report, staff recommends that the Planning Commission make the following recommendations to the City Council:

Petition 400-07-07 Master Plan Amendment: The Planning Commission recommends approval based on the findings below:

- A. The proposal does not detract from the single-family character of adjacent low-density residential neighborhoods.
- B. The proposal does not frustrate the strategies identified for low-density single-family residential neighborhoods identified within the 1995 West Salt Lake Community Master Plan.
- C. The proposal encourages neighborhood commercial development as identified within the 1995 West Salt Lake Community Master Plan.
- D. The proposal is consistent with the March 2006 draft of the West Salt Lake Community Master Plan, which was recommended by the Planning Commission to the City Council for adoption.

Petition 400-07-06 Zoning Map Amendment: The Planning Commission recommends approval based on standards listed in the Zoning Ordinance and the findings below:

- A. The proposed amendment is consistent with the purposes, goals, objectives, and policies of the proposed West Salt Lake Community Master Plan amendment
- B. The proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.
- C. The proposed amendment does not adversely affect adjacent properties.

Michael Maloy, Principal Planner
Planning Division

Attachments:

- Exhibit 1 – Applicant’s Narrative
- Exhibit 2 – Proposed Site Plan
- Exhibit 3 – West Salt Lake Generalized Future Land Use Map (2006 draft)
- Exhibit 4 – Department Comments
- Exhibit 5 – Public Comment

ATTACHMENT 1 – APPLICANT’S NARRATIVE

Zoning Amendment

PROPERTY ADDRESSES

376 SOUTH 900 WEST, 366 SOUTH 900 WEST,
364 SOUTH 900 WEST, 362 SOUTH 900 WEST, 360 SOUTH 900 WEST
Salt Lake City, Utah 84104

Poplar Grove

1. The building we aquired at 376 south 900 west is not zoned for our intended use. We are proposing to change the zone on the property addresses: 376 south 900 west is only found in the county records as 380 south 900 west, 366 south 900 west, 364 south 900 west, 362 south 900 wset, 360 south 900 west. Which is located in the Poplar Grove area. The current zone is RMF - 35 and we are proposing the zone to be changed to RMU - 35 or RMU - 45 to establish a retail outlet. Our plan is to relocate our salon, to a larger more accomidating space. The building we have aquired exceeds the space for a salon.

Our goal is to expand our growing business and to begin a new business venture.

Open a Cosmetology Academy that I am licenced to teach. This building will meet all the necessary state requirments for schools of cosmetology. The building has ample space inside, restrooms for male and female, space for teaching an already established curriculum, sufficent parking for students and patrons, the space is also accessable for persons with disabilities. The goal is to have a School that will work two-fold, provide an important beauty and hair service thats affordable to the community and be cultrually sensitive to all who want to attend to earn a professional career. Twin Shears has been established and serving the West Side community for over 20 years. This is a great opportunity for Twin Shears and the West Side community.

2. Our plan is to keep the existing building as it is and use it for a Salon and eventually as a Cosmetology Academy, as it meets our needs in all areas of requirements for a school. Our plan is to reopen our salon and provide to our clients beauty services which include; all hair services from all types of cutting to all and any chemical services on hair that are available through salon professionals. Facial and body waxings, Electrolysis, Esthetics including; permmanent cosmetics. Piercings of all types, Cosmetics, Massage and all types of nail care and cosmetic services for Hand and foot. We will have a retail area for the sale of salon products and any other beauty or cosmetic product available to clientele. We will offer training of all these services to our students in our courses to train for 2000 hours. The training will involve classroom time and hands on experience for students. The student will, after some coursework begin a practicum and will begin working directly with the customer. During the training they will be provided with the necessary cirriculum to prepare them to take the State test and become licenced cosmetologists.

3. The present zoning is RMF-35- and does not permit for a Salon or Cosmetology Academy to operate business. The adjacent corners are commercial properties with retail businesses so it would make sence to change the currant zone to RMU - 35 or RMU - 45. We are in a contract to purchase the properties and we cannot open to operate our business with the currant zone. We desperatly need to change the proposed zone as soon as possible, Our business is our only sourse of income and our business expences are still accumulating. I read about the West Salt Lake Community Master Plan and they were already proposing to redevelope the corner parcels at 400 South 900 West into a mixed-use neighborhood center.

The Following Paragraph is the exact paragraph taken from the proposal from the master plan.

New Neighborhood Commercial Opportunity at 400 South 900 West

Although this community is limited in available land for development of new neighborhood commercial areas, one prospect exists at the intersection of 400 South and 900 West. In 2000, the Tongan United Methodist Church on the northeast corner of 400 South and 900 West was destroyed by fire. The lot is currently vacant. As a result, there is an opportunity to create a development project with three to four phases, which would establish mixed use residential / retail projects on each corner. The initial phase of the project would be to develop the vacant lot as a mixed-use project with uses on the ground floor such as a café, fabric/craft shop, bakery, gift and card shop, local deli, bookstore or fresh fruit and vegetable market with residential units above. Currently, the southern corners are zoned for small-scale commercial development. However, the northern corners are zoned for medium density residential uses. As plans to redevelop this intersection are explored, it will be necessary to rezone the four corners and adjacent properties for mixed-use development. Ultimately, this type of project could spark redevelopment of the other three corners, creating an attractive, vibrant entrance to the Poplar Grove neighborhood.

It is our intention to improve the cosmetic look of the property, to create an attractive building in this community, from all the other businesses located adjacent to us. Our plan is to have a professional look and a well maintained landscape.

We have discussed our projected plan with several nearby property owners and people that were curious have stopped by to see what was going on with the building, everyone's responses were positive.

Master Plan Amendment

PROPERTY ADDRESSES

376 SOUTH 900 WEST, 366 SOUTH 900 WEST,
364 SOUTH 900 WEST, 362 SOUTH 900 WEST, 360 SOUTH 900 WEST
Salt Lake City, Utah 84104

Poplar Grove

1. The building we aquired at 376 south 900 west is not zoned for our intended use. We are proposing to change the zone on the property addresses: 376 south 900 west is only found in the county records as 380 south 900 west, 366 south 900 west, 364 south 900 west, 362 south 900 wset, 360 south 900 west. Which is located in the Poplar Grove area. The current zone is RMF - 35 and we are proposing the zone to be changed to RMU - 35 or RMU - 45 to establish a retail outlet. Our plan is to relocate our salon, to a larger more accomidating space. The building we have aquired exceeds the space for a salon.

Our goal is to expand our growing business and to begin a new business venture.

Open a Cosmetology Academy that I am licenced to teach. This building will meet all the necessary state requirments for schools of cosmetology. The building has ample space inside, restrooms for male and female, space for teaching an already established curriculum, sufficent parking for students and patrons, the space is also accessable for persons with disabilities. The goal is to have a School that will work two-fold, provide an important beauty and hair service thats affordable to the community and be cultrually sensitive to all who want to attend to earn a professional career. Twin Shears has been established and serving the West Side community for over 20 years. This is a great opportunity for Twin Shears and the West Side community.

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The Following Paragraph is the exact paragraph taken from the proposal from the master plan.

New Neighborhood Commercial Opportunity at 400 South 900 West

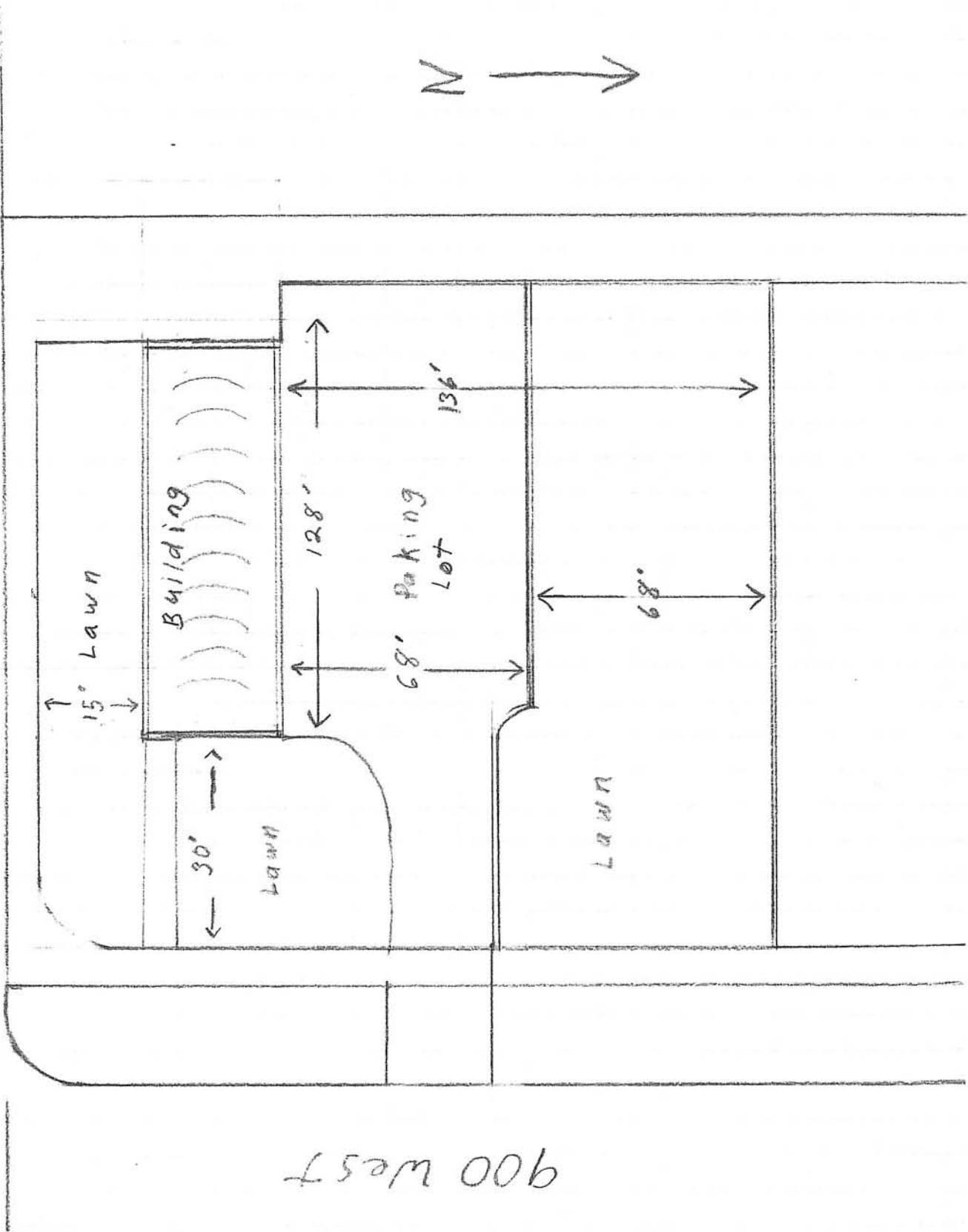
Although this community is limited in available land for development of new neighborhood commercial areas, one prospect exists at the intersection of 400 South and 900 West. In 2000, the Tongan United Methodist Church on the northeast corner of 400 South and 900 West was destroyed by fire. The lot is currently vacant. As a result, there is an opportunity to create a development project with three to four phases, which would establish mixed use residential / retail projects on each corner. The initial phase of the project would be to develop the vacant lot as a mixed-use project with uses on the ground floor such as a café, fabric/craft shop, bakery, gift and card shop, local deli, bookstore or fresh fruit and vegetable market with residential units above. Currently, the southern corners are zoned for small-scale commercial development. However, the northern corners are zoned for medium density residential uses. As plans to redevelop this intersection are explored, it will be necessary to rezone the four corners and adjacent properties for mixed-use development. Ultimately, this type of project could spark redevelopment of the other three corners, creating an attractive, vibrant entrance to the Poplar Grove neighborhood.

It is our intention to improve the cosmetic look of the property, to create an attractive building in this community, from all the other businesses located adjacent to us. Our plan is to have a professional look and a well maintained landscape.

We have discussed our projected plan with several nearby property owners and people that were curious have stopped by to see what was going on with the building, everyone's responses were positive.

EXHIBIT 2 – PROPOSED SITE PLAN

400 So















900 West

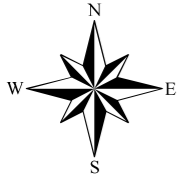
EXHIBIT 3 – FUTURE LAND USE MAP (2006 DRAFT)

West Salt Lake Generalized Future Land Use

EUCLID SMALL AREA PLAN

Future Land Use

 Open Space	 Light Industrial
 Low Density	 Business Park
 Medium Density	 Institutional
 Medium/High Density	 Lower Density/Intensity Mixed Use
 Mobile Home Park	 Medium Density/Intensity Mixed Use or Transit Oriented Development
 Neighborhood Commercial	
 Commercial	



March 2006

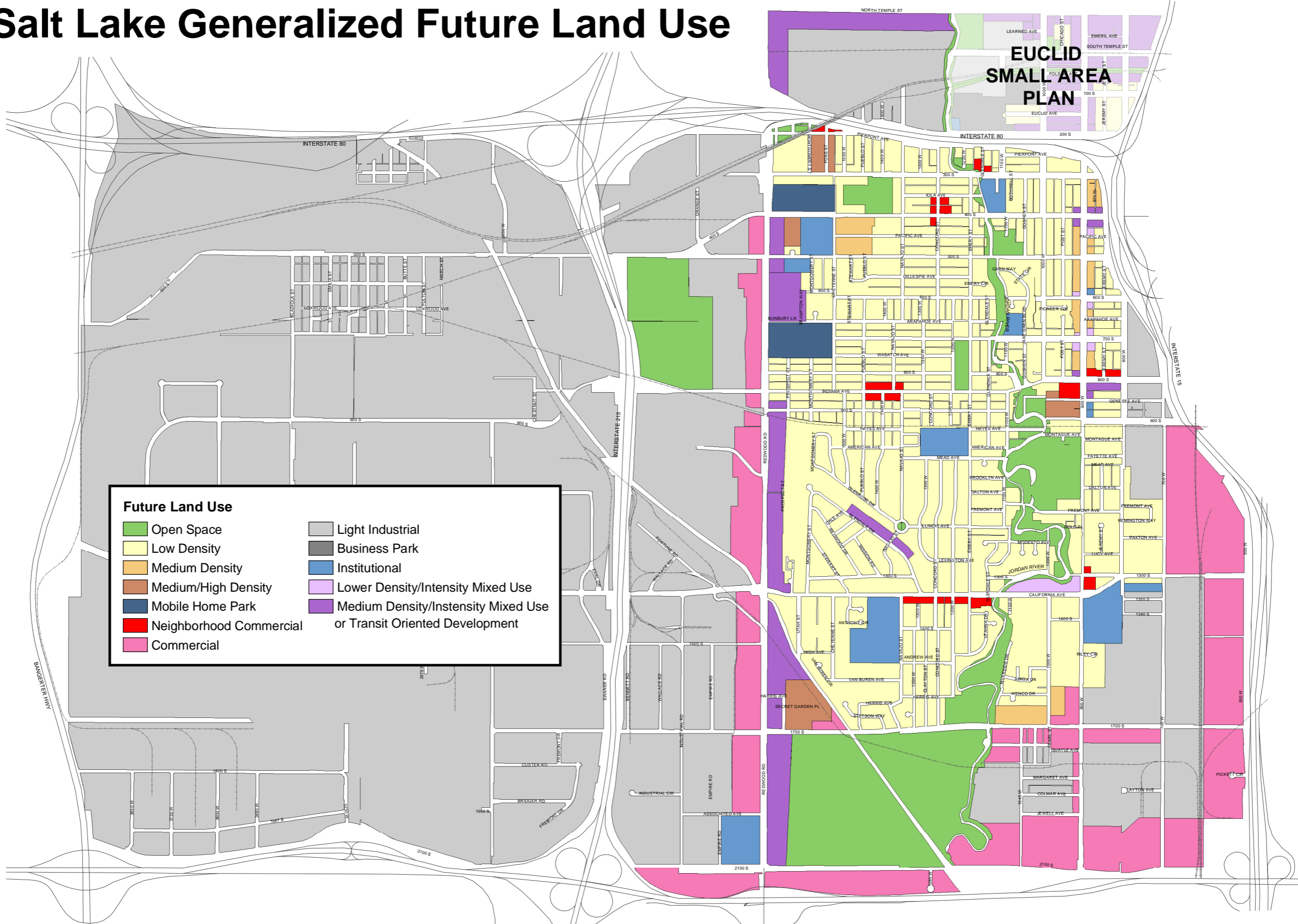


EXHIBIT 4 – DEPARTMENT COMMENTS

Maloy, Michael

From: Butcher, Larry
Sent: Thursday, May 31, 2007 12:21 PM
To: Maloy, Michael
Cc: Goff, Orion
Categories: Program/Policy

Michael:

I have no comments on the zone change except that we should verify the parking requirement. It would be nice to know how many seats the church provides. The Ordinance requires 1 stall per 5 seats. Salons require 2/1000 sq. ft. and the vocational school requires 1/1 employee plus 1/3 students based upon the max. number of students at any one time. The site may already provide the required number of stalls. The existing parking and proposed parking numbers will also determine if we need to analyze a landscaping upgrade.

Larry

Maloy, Michael

From: Walsh, Barry
Sent: Monday, June 04, 2007 9:44 AM
To: Maloy, Michael
Cc: Young, Kevin; Weiler, Scott; Butcher, Larry; Garcia, Peggy; Itchon, Edward; Spencer, John
Subject: Pet
Categories: Program/Policy

June 4, 2007

Michael Maloy, Planning

Re: Petition 400-07-06 & 400-07-07 to amend the West Salt Lake Community Master Plan and Zoning Map for properties located at approximately 376 South 900 West, 366 South, 900 West, 364 South 900 West, 362 South 900 West, and 360 South 900 West.

The division of transportation review comments and recommendations are as follows:

The 900 West and 400 South roadways are arterial class roadways. The existing use (church) and proposed uses for RMU-45 are consistent with these transportation corridors and are subject to standard development and permitting processes requirements.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Scott Weiler, P.E.
Larry Butcher, Permits
Peggy Garcia, Utilities
Ted Itchon, Fire
John Spencer, Property Management
File

6/7/2007

Maloy, Michael

From: Robinson, DeeDee
Sent: Wednesday, June 06, 2007 11:47 AM
To: Maloy, Michael
Subject: DRT Meeting Comments June 5, 2007 Beauty Salon

Meeting Date: June 5, 2007.

Address: 376 South 900 West

Proposing changing zoning to accommodate a new beauty salon.

(Mike Malloy)

Ken Brown/Zoning: Need to provide parking calculations to determine the percentage of intensification. Intensification of 50% or more would require that the site meet current landscaping requirements. Would suggest combining the properties into one with one tax parcel number to address off-site parking, parking lot landscaping, cross access & drainage issues.

Lisa Shaffer/Building Code: Change in zoning from RMF-35 to RMU-45. No Building Code issues at this time related to the zoning. Once the applicant comes in to try to convert the building from church to a salon, the occupancy classification will go from Group "A-B" to Group "B". The floor area allowances per occupant would go from 15 net to 100 gross. Change of use requirements related to ADA would kick in.

Craig Smith/Engineering: Pre-inventory public way.

DeeDee Robinson

Development Review Facilitator
Community Development
451 South State Street Room 218
Salt Lake City, UT. 84111
Phone: 801-535-6629
Fax: 801-535-7750
deedee.robinson@slcgov.com

EXHIBIT 5 – PUBLIC COMMENT

Maloy, Michael

From: Kyle LaMalfa [kylelamalfa@gmail.com]
Sent: Wednesday, May 30, 2007 5:01 PM
To: Maloy, Michael
Subject: Petitions 400-07-06 and 400-07-07

Comment regarding the above petitions:

These petitions should be denied on the basis that they make substantive changes to the West Salt Lake Master Plan while circumventing the planning process. A major change to the residential area such as merging five residential homes into one giant mega-development should go through the master planning process. The last thing 900 West needs is another strip mall. Furthermore, the West Side needs more permanent residents, less renters.

Thank you,

Kyle LaMalfa
150 South 800 West
801-359-8559

**5.C PLANNING COMMISSION
AGENDA AND MINUTES**

**SECOND AMENDED
AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, June 13, at 5:45 p.m.**

Dinner will be served to the Planning Commissioners and Staff 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, May 23, 2007**
2. **REPORT OF THE CHAIR AND VICE CHAIR**
3. **REPORT OF THE DIRECTOR**
4. **PUBLIC HEARING**
 - a. **Petition 410-07-12**— a request by Mark and Kathie Miller at approximately 3145 E. Carrigan Canyon Drive for conditional use approval to place an accessory structure on an accessory lot. The applicant is proposing a gazebo on an adjacent landscaped parcel. The subject property is in the FR-1/43,560 (Foothills Estate Residential) Zoning District (Staff— Nick Britton at 535-7932 or nick.britton@slcgov.com).
 - b. **Petitions 480-07-07, 480-07-08, and 480-07-09**— a request by MLRE, LLC to convert three existing apartment buildings generally found at 800 East 300 South into condominiums. The approximate addresses are as follows: 319 South 800 East, 310 South 800 East, 320 South 800 East, 804 East 300 South, 808 East 300 South, and 818 East 300 South. The proposed conversion would take place in three phases. The properties are zoned RMF-35 (Moderate Density Multi-Family Residential) Zoning District. These petitions were forwarded to the Planning Commission by the administrative hearing officer (Staff— Nick Britton at 535-7932 or nick.britton@slcgov.com).
 - c. **Petition 410-07-08**—a request by Scott Dee (agent for the developer) for Planned Development/Conditional Use approval for more than one principal building on the property located at approximately 250 West 600 South. The building on the west portion of the subject property is to be a Starbucks Coffee store (1,800 square feet) with drive-through facilities. The other proposed building (7,000 square feet) on the east portion of the property is to be used for commercial purposes (Staff—Lex Traughber 801-535-6184 or lex.traughber@slcgov.com).
 - d. **Petitions 400-07-06 and 400-07-07**—a request by Elizabeth Trujillo and Jeanette Trujillo to amend the West Salt Lake Community Master Plan and Zoning Map for properties located at approximately 376 South 900 West, 366 South, 900 West, 364 South 900 West, 362 South 900 West, and 360 South 900 West. The Master Plan Amendment proposes changing the future land use map from low density residential to medium density mixed use for the subject properties. The Zoning Map Amendment proposes rezoning the subject properties from RMF-35 Moderate Density Multi-Family Residential District to RMU-45 Residential/Mixed Use District. (Staff—Michael Maloy at 535-7118 or michael.maloy@slcgov.com).
 - e. **Petitions 410-07-10**—a request by Steven Lowe to construct a 378 square foot accessory structure on an accessory lot located at approximately 324 A Street. The property is zoned SR-1A Special Development Pattern Residential District. (Staff—Michael Maloy at 535-7118 or michael.maloy@slcgov.com).
 - f. **Petition 410-07-11**—a request by Michael Druce for Planned Development/Conditional Use approval to extend a reduced width right-of-way for a proposed two lot residential subdivision located at approximately 1492 South 900 West and 1487 South 1000 West. (Staff—Michael Maloy at 535-7118 or michael.maloy@slcgov.com).
5. **ISSUES ONLY**
 - a. **Petition 410-07-04** – a request by Trolley Square Associates, LLC, for a planned development at Trolley Square located at approximately 602 E. 500 South, in the Central City Historic District. The property is located in the CS Community Shopping District Zone. The proposed planned development includes adding multiple new buildings totaling approximately 90,000 square feet of commercial space (Staff – Nick Norris at 535-6173 or nick.norris@slcgov.com).

Visit the Planning and Zoning Enforcement Division's website at www.slcgov.com/CED/planning.com for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, June 13, 2007**

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

Present from the Planning Division were George Shaw, Planning Director; Director, Doug Wheelwright, Deputy Planning Director; Kevin LoPiccolo, Zoning Administrator; Lynn Pace, Deputy City Attorney; Nick Britton, Principal Planner; Michael Maloy, Principal Planner; Nick Norris, Principal Planner; Lex Traugher, Principal Planner and Cecily Zuck, Senior Secretary.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson McDonough called the meeting to order at 5:47p.m. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless, Kathy Scott, Susie McHugh, Matthew Wirthlin and Mary Woodhead. Planning Staff present were: Doug Wheelwright, Nick Britton, Michael Maloy, Nick Norris, and Lex Traugher.

DINNER

A brief discussion regarding Planning Commission issues was held during dinner.

George Shaw, Planning Director, presented a handout to the Commissioners which briefly encapsulated the issues brought forth during the May 23rd hearing for Property Reserve Inc. (City Creek Center).

Mr. Shaw noted that PRI suggested a possible adjustment to the previously requested additional building heights. He stated that the proposed adjustment was of such a difference that if PRI were to submit an application, he felt the Planning Commission should review the request again at a future meeting.

Commissioner McHugh noted her concern regarding the Federal Trade Commission's hold on a merger between Whole Foods and Wild Oats. She inquired of counsel if this fact should be considered in the Commission's ruling on the future Trolley Square Planned Development.

Lynn Pace, Deputy City Attorney, noted that disapproval based upon this event would require extremely careful language as the tenant of a retail space is subject to change at any point in time.

APPROVAL OF THE MINUTES from Wednesday, May 23, 2007.

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

Vice Chair Wirthlin made a motion to approve the minutes with noted changes. Commissioner Chambless seconded the motion. Commissioners Algarin and De Lay abstained from the approval of the minutes. All others voted 'Aye'. The minutes were approved.

REPORT OF THE CHAIR AND VICE-CHAIR

(This item was heard at 5:50 p.m.)

Chairperson McDonough noted that some Commissioners had attended an awards luncheon for the American Society of Public Administration (ASPA) of Utah where the Planning Commission was awarded with a Board or Commission Award of Excellence for the Year. Chairperson McDonough stated that she spoke on behalf of the Planning Commission and Commissioner Forbis spoke regarding the difficulty and gravity of some of the decisions the Planning Commission had made within the last year.

REPORT OF THE DIRECTOR

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

George Shaw stated that Planning Staff had produced a list of items that could be considered for training of the Planning Commission during the Planning Commission dinner including: current development trends such as transit-oriented development, Master Plan Updates and Commission protocol. Mr. Shaw noted that Staff would like to start this training at the next meeting on June 27, 2007, and that these sessions would be between 15 and 20 minutes, beginning around 5:15 p.m. Mr. Shaw stated that Staff would welcome discussion ideas from the Commission as well.

Commissioner Scott noted that she would like to see a discussion regarding how to find particular Master Plans and Planning documents on the web page.

Commissioner De Lay stated that she would like to see a discussion on Historic Overlay Districts and how to identify them. She noted that the Commission could also benefit from a general review of different Zoning Districts and their respective meanings.

Commissioner Scott stated that with several recent Planning personnel changes, it would be beneficial to have a Planning "Family Tree" of sorts for review.

Mr. Shaw noted that there was required open meeting training which needed to occur at least once a year.

Lynn Pace, Deputy City Attorney, noted that this training did not need to occur at the next meeting, but needed to be completed at one meeting before the end of the year, and was required from all decision making bodies within the City.

PUBLIC HEARINGS

Petition 410-07-12— a request by Mark and Kathie Miller at approximately 3145 E. Carrigan Canyon Drive for conditional use approval to place an accessory structure on an accessory lot. The applicant is proposing a gazebo on an adjacent landscaped parcel. The subject property is in the FR-1/43,560 (Foothills Estate Residential) Zoning District

(This item was heard at 5:55 p.m.)

Chairperson McDonough recognized Nick Britton as Staff representative.

Mr. Britton noted that the request was for an accessory structure on an accessory lot. Mr. Britton stated that the accessory structure would be on a landscaped parcel, 1.6 acres in size and the proposed structure would be approximately 1404 square feet in size, to be located on the property line closest to the principal lot.

Commissioner Scott inquired if the proposed structure would affect the view for any surrounding property owner.

Mr. Britton noted that it would not as the nearest neighboring property was around 300 feet away up the canyon.

Vice Chairperson Wirthlin noted that the only condition of approval listed in the staff report was for special exception approval of additional height, and inquired what the process for that approval entailed.

Mr. Britton noted that the approval can be handled through the applicant's submittal of a Routine and Uncontested Matter Application which the Board of Adjustment would handle and could request the Planning Commission to review.

Commissioner Chambless asked if there were any other gazebos in this area.

Mr. Britton indicated that there were not any that he was aware of.

Vice Chairperson Wirthlin inquired if there were any size limitations with a gazebo and what it may become deemed if it exceeded those requirements.

Mr. Britton noted that if the gazebo exceeded those requirements it would still be considered an accessory structure as it would be on an accessory lot and would not be a principal dwelling.

Commissioner Scott stated her concern that the structure may have smaller set back requirements as an accessory building.

Mr. Britton noted that if it were on the principal lot it would have certain setback requirements; however, as it was on an accessory lot there were no setback requirements.

Commissioner Scott noted that Public Utilities would make a determination whether the gazebo would require a separate water meter.

Mr. Britton stated that this was true and based upon the Building Permits submitted.

Commissioner Scott inquired if this would require an additional condition be considered.

Mr. Britton noted that if Commissioner Scott felt it necessary, it may be prudent to add this condition, but that the determination would take place in the Building Permits stage. Mr. Britton noted that anything beyond irrigation purposes would require an upgrade and therefore, a separate meter would probably be required for any use such as a sink or outdoor kitchen facilities.

Commissioner Chambless noted that it would also likely be wired for lighting.

Mr. Britton stated that he assumed this was true.

Commissioner Scott noted that there could not be any cross connection between two lots.

Chairperson McDonough invited the applicant forward at 6:02 p.m.

Mark Miller, the applicant and Fred Babcock, the architect, were present to speak to the petition.

Mr. Miller noted that his intent was to build a small gazebo that was a gathering spot with a fireplace, eating area, sink and refrigerator. Mr. Miller stated that even with the proposed additional height of the structure, it would not extend above the tree line in the area.

Mr. Babcock inquired of the Commission what additional impact the application for a special exception would have on the project.

Vice Chair Wirthlin noted that the process for special exception approval would be beyond the purview of the Planning Commission.

Mr. Wheelwright noted that if it were a Routine and Uncontested issue, with all abutting property owners in agreement, it would be approved by the Zoning Administrator. Mr. Wheelwright noted that the fact that there was not a principal building on the accessory lot as defined in the Zoning Ordinance made the approval of the gazebo a conditional use.

Kevin LoPiccolo, Zoning Administrator, was present to elaborate. Mr. LoPiccolo noted that the Planning Commission would be reviewing the use of the structure under the Conditional Use process, rather than the structure itself. Mr. LoPiccolo stated that the Special Exception process would apply only to the additional increase in height which could be handled as a Routine and Uncontested Matter, provided that the owner obtained the abutting property owner's signatures.

Chairperson McDonough noted that it was the use of the structure that was the matter at hand.

Commissioner De Lay stated that the Carrigan Canyon Homeowner's Association had no objections to the proposed gazebo.

Commissioner Chambless noted that the parcel in question had never been developed.

Chairperson McDonough opened the public hearing portion to Community Council and the public at 6:12 p.m.

There were no representatives present from Community Council.

Shane Carlson, 375 'L' Street, was present, speaking as a concerned citizen. Mr. Carlson noted that he felt there were some conflicting items within the staff report. Mr. Carlson stated that the requested action on the first page of the staff report referred to a "conditional use request for an accessory structure", and on the second page project description it was referred to as, "the proposed accessory use"- rather than a structure. Mr. Carlson noted that there were several other instances within the staff report which referred to the request as an accessory use when the requested action on the first page referred to the request as for an accessory structure.

Mr. Carlson also handed out to the Commission a packet including the Zoning Ordinance's definitions of an accessory building and an accessory use. Mr. Carlson noted that the definitions were very distinct and in walking through the ordinance he stated that a subordinate structure could not be constructed on a different lot.

Mr. Carlson noted that use limitations were not included in the staff report, quoting section 21A.40.050 of the Salt Lake City Zoning Ordinance.

Mr. Carlson noted that he felt this project to be setting a precedent. Mr. Carlson noted that this precedent would allow accessory lots to be used to construct accessory structures, which would circumvent the December, 2005 City Council Ordinance limiting maximum lot size to 1.5 times the minimum lot size for an area. Mr. Carlson noted that this would allow the builder to create much larger structures with less area.

Commissioner Woodhead inquired of Mr. Carlson what his suggested action would be.

Mr. Carlson noted that in his opinion, there is nothing in the Ordinance which would permit an accessory structure on an accessory lot, therefore, it is not allowed.

Chairperson McDonough requested clarification from Staff.

Mr. Pace noted that he felt this was a case of definitions not being as clear as they could be. He stated that he did not quarrel with the definition which said that an accessory building or structure means a subordinate building or structure located on the same lot. However, Mr. Pace noted, that if the Commission were to look at Section 21A.40.052 of the Zoning Ordinance, there is a section which defines when you can have an accessory use on an accessory lot.

Mr. Carlson noted that there was not a single mention of an accessory structure on that list.

Mr. Pace stated that in looking at Table 21A.24.190, there is mention of what accessory uses are allowable on accessory lots. Mr. Pace noted that there were also a number of places in the code in which the conditional use is really a structure, citing the example of the Smith's grocery store at 900 East and 2100 South. He noted that the grocery store is a permitted use, however, because of the size of the building it was a conditional use. Mr. Pace noted that in the same way here, it appeared that when someone wants to place an accessory structure on an accessory lot, it is considered allowable as a conditional use.

Mr. Carlson noted that this would be an accessory use, not a conditional use and in looking at 21A.40.040B, it was stated that unless expressly authorized, the accessory use would not be permissible. Mr. Carlson then gave a number of examples of accessory uses: drive through service windows, outdoor dining and fuel pumps.

Commissioner De Lay noted that Mr. Carlson's contention seemed to be that this proposal was completely illegal and therefore should never have come before the Planning Commission. She then deferred to counsel for a response.

Mr. Pace noted that if the Commission were to regard the Table of Permitted and Conditional Uses on Accessory lots, and note what was allowed as a conditional use, that this request was on an accessory lot and was allowed as a conditional use.

Kevin LoPiccolo stated that there was a separate section within the Ordinance which identified allowable accessory uses on an accessory lot provided that it was under the same ownership. Mr. LoPiccolo noted that when reviewing the definition of what an accessory use was, one might want to read into it that these uses would be what is customarily found in a residential neighborhood; i.e. deck, cabana, swimming pool, and so forth. He also stated that in looking at the Ordinance it becomes even more specific with lighting and fencing which are viewed as structures. Mr. LoPiccolo noted that Mr. Carlson was saying that no structures are allowed as an accessory use.

Mr. Carlson noted that his issue with the petition was that it was a circumnavigation of lot size limits, in direct contradiction to the City Council's Infill Ordinances 90 and 91 of December, 2005.

Mr. LoPiccolo noted that he would agree with Mr. Carlson if this was the case, however, in Chapter 40 of the Zoning Ordinance there was a section that dealt specifically with this type of use.

Mr. Carlson stated that this was a structure and the section which Mr. LoPiccolo referred to did not reference structures.

Chairperson McDonough noted that it was often the case that structure and use were one and the same.

Commissioner De Lay noted a wish to table the item until more information was available to clarify the issue at hand.

Chairperson McDonough stated that the Commission should wait until the public hearing was complete.

There was no one else present wishing to speak, therefore, Chairperson McDonough closed the public hearing at 6:25 p.m.

Chairperson McDonough invited Mr. Miller back to respond.

Mr. Miller noted that when he and his architect applied for a building permit, they were told that they needed to go through this process. He noted that after a three hour meeting with his Community Council, the only question from the Council was why they were there before the Council, when it seemed such a simple request. Mr. Miller noted that an allowed accessory use would be a dining facility and that the gazebo could easily be defined as a dining facility.

Commissioner Chambless noted that there was no opposition at all from the Arcadia Heights Community Council regarding the petition.

Mr. Miller noted that this was true and as far as he knew, it was the Community Council's understanding that the petition would have no impact upon them, as the affected parcel was part of a gated community.

Commissioner Woodhead noted her concern that constituents were coming before the Commission with legal arguments regarding what the Ordinance said. She noted that this was very difficult to make sense of, particularly at the last minute, and that there may be some benefit to read Mr. Carlson's submission and give Staff and the Attorney's office a chance to respond. Commissioner Woodhead stated that it may need to be tabled until the next meeting.

Commissioner De Lay asked if the Commission could move to table this item.

Chairperson McDonough stated her desire for further clarification from staff, adding that she would like to attempt to understand the issue as well, but did not wish to get into the issue of the Ordinance definitions at this time.

Mr. Wheelwright noted that this was not a unique or new type of request. He noted that prior to 1995 all of these cases went before the Board of Adjustment. Mr. Wheelwright noted that the City had a long practice where these types of approvals for a more intense use of a commonly owned adjoining parcel went through a review process.

Mr. Wheelwright stated Mr. Carlson had said that this was not a permitted use, and noted that Staff agreed it was not a permitted use, but was a conditional use. Mr. Wheelwright noted that in the case of such requests, there was a special review process specifically to assess impact. He also addressed Mr. Carlson's comment that this was a way to get around the Compatible Infill Ordinances, reminding the Commission that the maximum lot size provision related to subdivision approvals only, meaning that when a subdivision was created or amended, that was when the standard referenced by Mr. Carlson would apply. Mr. Wheelwright noted that there would be no new lots created in this case, and no property lines were being amended either, rather, the property owner was maintaining his right to future development that wouldn't depend on the relationship between the two parcels.

Commissioner Scott requested clarification regarding the lot sizes for FR-1, FR-2 and FR-3 zoning districts.

Mr. Wheelwright noted that the minimum lot sizes were as follows: 1 acre for FR-1, 1/2 acre for FR-2 and 1/3 acre or 12,000 square feet for FR-3.

Mr. LoPiccolo noted that the Commission seemed to be confusing the definitions of use with structure, pointing out that the definition stated that an accessory use must be subordinate, and a structure in relationship to the primary use.

Mr. Miller noted that as the applicant, he was in a catch-22, and if they had been permitted to combine the two lots, they wouldn't be before the Commission because it would be allowed as an accessory structure on one lot.

Mr. Wheelwright noted that according to the Compatible Infill Review Process, the lots were part of a Planned Unit Development and therefore, this would not be allowed.

Mr. LoPiccolo noted that if the applicant wished to circumnavigate the Ordinance as it reads, they could possibly apply for a lot line adjustment and incorporate that abutting land that would be necessary to build the gazebo and still have enough land to maintain a second lot. Mr. LoPiccolo then noted that what they were doing however, was applying the Ordinance as it reads in that an accessory use is a use that is customarily found in a district.

Mr. Shaw noted that it was not unusual to find these types of conflicts within Zoning Ordinances, as they had been band-aided and changed over time, and therefore conflicts within separate sections would arise. Mr. Shaw stated that some of the issues raised should be looked at; however, this particular petition was a conditional use process which could be reviewed and the impacts analyzed. He then noted that Planning Staff could certainly go back and look at this and other ordinances that had seemingly grey areas that needed to be clarified.

Commissioner Algarin noted that the Commission was here to make a decision regarding the item as a conditional use on an individual case basis.

Vice Chairperson Wirthlin noted that this was correct and that there was no such thing as precedent, noting that precedent would be for the Supreme Court to decide, not the Planning Commission.

Vice Chairperson Wirthlin also noted that he appreciated the confusion; however, he was strongly persuaded by the Zoning Ordinance that the use was legal and allowable within the ordinance and the conditional use tables.

Commissioner Woodhead concurred that the Ordinance needed to be regarded as a whole.

Lynn Pace, City Attorney, noted that the Commission was dealing with what was defined as an accessory use versus an accessory structure. Mr. Pace noted that Staff seemed to interpret the gazebo as an accessory use as well as a structure, as it would be hard to imagine that the structure did not have an intended use. Mr. Pace noted that these definitions were not all drafted at the same time and that there was grey area and of course could be addressed in the future, however it should not be an issue in this instance.

Regarding petition 410-07-12, based upon findings B,F,G,H and I outlined in the staff report and the discussion held as well as information received during the course of the public hearing, Commissioner Chambless made a motion to approve the conditional use request for an accessory use on an accessory lot, including approval of the proposed site plan located at 3145 East Carrigan Canyon Drive with the following condition:

1. Special exception approval will be required for the additional accessory structure height.

The motion was seconded by Commissioner Algarin. Commissioners Algarin, Chambless, Scott, McHugh, Wirthlin and Woodhead voted "Aye", and Commissioner De Lay voted against the motion. The motion carries 6-1.

Petitions 480-07-07, 480-07-08, and 480-07-09— a request by MLRE, LLC to convert three existing apartment buildings generally found at 800 East 300 South into condominiums. The

approximate addresses are as follows: 319 South 800 East, 310 South 800 East, 320 South 800 East, 804 East 300 South, 808 East 300 South, and 818 East 300 South. The proposed conversion would take place in three phases. The properties are zoned RMF-35 (Moderate Density Multi-Family Residential) Zoning District. These petitions were forwarded to the Planning Commission by the administrative hearing officer.

(This item was heard at 6:48 p.m.)

Chairperson McDonough recognized Nick Britton as Staff Representative.

Mr. Britton reviewed the request. Mr. Britton noted that a number of questions were raised at the administrative hearing including the integrity of Phase I, particularly about the building's foundation and concerns about crime at the location. He added that he had contacted the Police Department and received in return a report regarding the number of incidences involving the Police at the address of 319 South 800 East in the past, part of Exhibit B in the staff report.

Commissioner Scott noted that the number of units would total thirty-five.

Mr. Britton stated that this was true.

Chairperson McDonough invited the applicant forward to comment at 6:50 p.m.

Chris Parker, with MLRE, and Glen Parker, representing MLRE, were present to speak to the petition. Mr. Chris Parker noted that the project was divided into three phases due to there being three separate apartment complexes. Mr. Parker noted that the first, Phase 1 was a six-plex built in the late 1970's, Phase two and three were built in the late 1940's or early 50's and were actually four buildings, respectively. Mr. Parker noted that there were concerns from citizens during the administrative hearing regarding possible methamphetamine production at the property in 2002. Mr. Parker noted that a tenant who lived in one of the units at the time did notice a suspect traffic pattern, but Police reports indicated only minor activity.

Mr. Parker also indicated that he did a canvass of apartment units within his neighborhood, noting that within a four block radius of the subject property there were 65 apartment complexes, and of the ones he was able to contact, eighty percent had current vacancies, more than thirty-two vacancies all together. Mr. Parker also noted that the average rent for these units was \$571 per month, whereas his rent averaged \$525 per month for a one bedroom and \$625 for a two bedroom unit. Mr. Parker felt that there was therefore already a wealth of affordable housing in the Central City Community.

Chairperson McDonough invited Community Council and public residents forward to speak to the petition at 6:54 p.m.

Community Council was not present to speak to the petition.

Cindy Cromer, 816 East 100 South, was present to speak to the petition. Ms. Cromer noted that she felt her concern was not with the condominium process itself, but with the Phase I portion in particular itself due to the condition of the building.

Ms. Cromer referred to a checklist that the Planning Department used in the past to determine a building's worthiness for the condominium conversion process, and wished to add two things, attention to overall quality of the construction and require drug testing of all buildings to be converted. Ms. Cromer noted that she would look through the archives to try and obtain a copy of the checklist for Staff. Ms. Cromer stated that if it were up to her, she would approve Phases II, III and not I, or approve Phase I under a separate homeowner's association to prevent future friction.

Chairperson McDonough invited the applicant back to respond at 7:01 p.m.

Mr. Parker noted that there is a State statute that would already require that each building be ruled by its own homeowner's association. Mr. Parker noted that on closer examination the structure to be converted in Phase I was not of inferior quality and that a review of the engineering report filed with the City would reflect that.

Commissioner Scott inquired what the timeline would be for all three Phases.

Mr. Parker noted that Phase I and II would be completed in tandem, as soon as all permits could be obtained. He then stated that Phase III would begin shortly thereafter.

Mr. Glen Parker noted that there was no Methamphetamine production reported by the Police Department, only one case of petty possession of marijuana was reported.

Commissioner De Lay stated that the buildings in this condominium conversion would be rehabbed completely due to code regulations and that the higher the quality of rehabilitation, the better the price would be when selling the units; however, she added that just because Methamphetamine production wasn't reported didn't mean that it wasn't happening. Commissioner De Lay also stated that while it would be favorable to move in the direction of drug testing for all condominium conversions, it took about twenty-five years to get lead based paint federal disclosures through the system to the point that they are required in buying and selling contracts today.

Regarding petitions 480-07-07, 480-07-08, 480-07-09, Commissioner De Lay made a motion to grant preliminary approval of the request for minor subdivision, and the condominium conversion project entitled City Haven at approximately 800 East and 300 South, based upon the comments, analysis and three findings of fact noted on page 6 in the staff report, along with the testimony heard this night and subject to the following conditions:

1. Approval is conditioned upon compliance with departmental comments as outlined in the staff report. Any improvements required by the Building Official based on the property report must be completed prior to the recordation of the condominium plat.
2. Any necessary public improvements or modifications to the water supply and sewage disposal must be made prior to the recording of the final condominium plat.
3. The submittal of a final condominium plat is required and shall conform to the requirements of Chapter 21A.56 – Condominium Approval Procedure and the Utah Condominium Ownership Act of 1975.
4. Proof of notice to occupants, as outlined in section 21A.56.040A (5) of the Zoning Ordinance, shall be provided by the applicant.
5. The bylaws for the condominium must state that each unit only has one off-street parking space and residents must be notified on the parking restriction.
6. Any future redevelopment activity associated with the properties will require that all inadequate or absent public improvements be installed in accordance with the departmental comments noted in this staff report. Additionally, any future redevelopment will be subject to the requirements of the zoning ordinance.

The motion was seconded by Commissioner McHugh. All voted "Aye", the motion carries unanimously.

Petition 410-07-08—a request by Scott Dee (agent for the developer) for Planned Development/Conditional Use approval for more than one principal building on the property located at approximately 250 West 600 South. The building on the west portion of the subject property is to be a Starbucks Coffee store (1,800 square feet) with drive-through facilities. The other proposed building (7,000 square feet) on the east portion of the property is to be used for commercial purposes.

(This item was heard at 7:07 p.m.)

Chairperson McDonough recognized Lex Traugher as Staff Representative.

Mr. Traugher reviewed the request for the Commission. He stated that principal buildings were often allowed in multiple quantities on a single parcel in several zoning districts within Salt Lake City, zones similar to the Downtown Districts, such as the Commercial Zones: Community Business (CB), Community Shopping (CS), Corridor Commercial (CC), Sugar House Business District (CSHBD), General Commercial (CG), as well as some residential zones such as Residential Multi-Family (RMF) and Residential Office (RO).

Mr. Traugher noted that he had contacted the People's Freeway Community Council by mail, email and phone and had not received any response regarding the petition.

Commissioner Scott stated that the petition indicated that there would be no more curb cuts installed according to the preliminary drawings.

Mr. Traugher noted that this was correct; the existing curb cut on 600 South would be shared with the Hilton Garden Inn, and the access off of 200 West would also remain.

Scott Dee of S-Devcorp was present to speak for the petition. Mr. Dee had no comments to add to the Staff Report and agreed with all of the conditions..

Commissioner Woodhead noted her concern over the drive-thru and asked if the applicant had considered alternate options.

Mr. Dee noted that they had not and that the drive-through was a request from Starbucks.

Commissioner Scott inquired of the applicant's representative if motorists would have to drive around the building in order to exit the property.

Mr. Dee indicated that this was not necessarily so. He noted that motorists would be able to exit onto 600 South if taking a left turn, or they would have to circle the building to exit onto 200 West.

Commissioner Scott was concerned regarding the secondary retail space and what that use would be.

Mr. Dee noted that they had originally had a tenant interested in opening a restaurant in the retail space; however, that tenant was no longer interested and they were currently looking for a new tenant.

Chairperson McDonough noted that she did not see any pedestrian accommodations in the plans during the subcommittee meeting.

Mr. Dee noted that there was plenty of pedestrian access from the nearby hotel, but it may be that the drive-thru would need to be sufficiently marked for pedestrian safety.

Chairperson McDonough opened the floor to Community Council and public at 7:16 p.m.

There was no one present from Community Council or the public to speak to this petition.

Chairperson McDonough closed the Public Hearing portion of the petition at 7:17 p.m.

Commissioner Scott noted that a condition could be added to address and accommodate pedestrian traffic, also requiring that any accommodation such as a marked and raised crosswalk to have final design approval of the Planning Director.

Regarding Petition 410-07-08, a request by Scott Dee for Planned Development/Conditional Use approval for more than one principal building on the property located at approximately 250 West and 600 South, Commissioner Scott made a motion to approve the request based upon the comments heard during the hearing, the analysis and findings of fact within the staff report and subject to the following conditions:

1. The applicant shall satisfy and adhere to all the requirements as noted by the various City Departments/Divisions as listed in the staff report.
2. The applicant shall satisfy the appropriate landscape requirements for the proposed development in conformance with Chapter 21A.48 of the Salt Lake City Ordinance.
3. The applicant shall provide access from both the surrounding hotel and street for pedestrian traffic, with final design approval to be granted by the Planning Director.

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

Petitions 400-07-06 and 400-07-07—a request by Elizabeth Trujillo and Jeanette Trujillo to amend the West Salt Lake Community Master Plan and Zoning Map for properties located at approximately 376 South 900 West, 366 South, 900 West, 364 South 900 West, 362 South 900 West, and 360 South 900 West. The Master Plan Amendment proposes changing the future land use map from low density residential to medium density mixed use for the subject properties. The Zoning Map Amendment proposes rezoning the subject properties from RMF-35 Moderate Density Multi-Family Residential District to RMU-45 Residential/Mixed Use District.

(This item was heard at 7:29 p.m.)

Chairperson McDonough recognized Michael Maloy as Staff Representative.

Mr. Maloy reviewed the Master Plan Amendment Request. Mr. Maloy noted that the applicants went under contract to purchase the Tongan Church and turn the property into a Salon and possibly a Beauty School in the future. Mr. Maloy noted that the use was not allowed according to the current Zoning Map.

Mr. Maloy stated that the proposal received one comment in opposition to the proposal and that there was some concern regarding adjacent property values.

Chairperson McDonough invited the applicants forward to speak to the petition.

Elizabeth and Jeanette Trujillo, the applicants were present. Ms. Trujillo stated that they had nothing to add to the staff report.

Commissioner Woodhead noted that on the North side of the subject property there was an area of landscaping and inquired of the applicants if they intended to keep that intact.

Ms. Trujillo indicated that they would be maintaining the landscaping.

Chairperson McDonough opened the public hearing at 7:36 to Community Council representatives and the public.

There were no Community Council Representatives or members of the public present to speak to the petition.

Chairperson McDonough noted that there were no further questions from the Commission either.

Regarding petitions 400-07-06 and 400-07-07, a request to amend the West Salt Lake Community Master Plan and Zoning Map for properties located at approximately 376 South 900 West, 366 South, 900 West, 364 South 900 West, 362 South 900 West, and 360 South 900 West, Commissioner DeLay made a motion based upon the findings of facts listed in the staff report and testimony heard this evening, to forward a positive recommendation to the City Council, subject to the following findings as listed in the staff report:

400-07-07 (Master Plan Amendment):

1. The proposal does not detract from the single-family character of adjacent low-density residential neighborhoods.
2. The proposal does not frustrate the strategies identified for low density single-family residential neighborhoods identified within the 1995 West Salt Lake Community Master Plan.
3. The proposal encourages neighborhood commercial development as identified within the 1995 West Salt Lake Community Master Plan.
4. The proposal is consistent with the March 2006 draft of the West Salt Lake Community Master Plan which was recommended by the Planning Commission to the City Council for adoption.

400-07-06 (Zoning Map Amendment):

1. The proposed amendment is consistent with the purposes, goals, objectives and policies of the proposed West Salt Lake Community Master Plan amendment.
2. The proposed amendment is harmonious with the overall character of the existing development in the immediate vicinity of the subject property.
3. The proposed amendment does not adversely affect adjacent properties.

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

Petitions 410-07-10—a request by Steven Lowe to construct a 378 square foot accessory structure as an accessory use on an accessory lot located at approximately 324 A Street. The property is zoned SR-1A Special Development Pattern Residential District.
(This item was heard at 7:38 p.m.)

Chairperson McDonough recognized Michael Maloy as Staff representative.

Mr. Maloy reviewed the request and noted that there were some issues unique to the request. Mr. Maloy stated that there was a slight change in the site plan based upon some initial staff review after the application had been submitted. Mr. Maloy noted that these changes were slight and involved the size of the covered portion of the structure, stating that the structure could more

closely be defined under the ordinance as a patio rather than a cabana. Mr. Maloy also noted that the original site plan indicated a smaller second structure, a tool shed, which was no longer included in this request and should be removed from the site plan altogether in the future.

Mr. Maloy noted that there was a fair amount of discussion regarding this petition during a meeting with the Greater Avenues Community Council. He stated that most of the comments were concerned with the demolition of the existing home. Mr. Maloy noted that the demolition process was part of a separate review process within the City; it had already been approved by the Housing Advisory and Appeals Board (HAAB) and was not part of the petition before the Planning Commission. He stated that the issue before the Commission was that of an accessory use on an accessory lot.

Steven Lowe, the applicant, was invited forward to comment.

Mr. Lowe noted that he approved of the staff report and applauded Michael Maloy for his efforts. Mr. Lowe stated that the request would add some open space to the block, alleviate parking issues, and the proposal was intended to improve the entire block face, giving it a sense of symmetry.

Chairperson McDonough opened the public hearing to Community Council representatives and the public at 7:44 p.m.

Shane Carlson, representative of the Greater Avenues Community Council (GACC), spoke in opposition to the request.

Mr. Carlson asked that any individual concerned with his primary arguments regarding this petition reference the minutes, and particularly his comments, from a previous petition heard on this date, 410-07-12.

Mr. Carlson noted that his primary concern regarding this petition dealt once again with creating a precedent. Mr. Carlson stated that this use was not permitted in this title, as the definitions of an accessory use and an accessory structure were clearly discussing two different things.

Mr. Carlson gave a package of information to the Commission addressing some of these issues. (A copy of this packet can be obtained by viewing the file for this meeting.) Mr. Carlson noted his concern that Salt Lake City Planning Staff was interpreting the ordinance in the absolute, most positive light for the applicant and found this indefensible.

Mr. Carlson noted that the GACC Board had been in discussion regarding the project and had sought legal advice. He stated that the legal advice they had received was absolutely contrary to the legal advice the Commission had been given and that the GACC was prepared to move forward with legal action in order to ensure that the correct interpretation of the ordinance occurred.

Mr. Carlson stated that the requested action for the petition was approval of an accessory structure which Mr. Carlson said was expressly not allowed. He also stated that the Commission had before them portions of the Avenues Master Plan, and that every portion there was centered upon the preservation of buildings.

Mr. Carlson stated that the home was in a Historic District and that there was no mention made by Planning Staff to the applicant of tax credits or any alternate incentives.

Commissioner Scott noted that the immediate neighbors were all in support of the petition and inquired of Mr. Carlson why then the Community Council was in opposition and how to account for the difference.

Mr. Carlson stated that oftentimes an applicant may be well liked by their neighbor and in this particular case the neighbors simply may have liked the idea of having more room. Mr. Carlson stated that the Avenues were not a neighborhood characterized by more room, but rather characterized by several homes in close proximity with one another.

Commissioner Scott also noted that in the materials that Mr. Carlson had given to the Commission, particularly Section 21A.40.052 of the Salt Lake City Ordinance regarding accessory uses, Section 21A.40.052 A stated:

- A. The accessory use is located on an accessory lot adjoining the principal residence and shall function and be regulated as an accessory structure and use.

Commissioner Scott then inquired of Mr. Carlson how he could interpret this proposed use then, as illegal.

Mr. Carlson noted that if the Commission were to look at the definition of an accessory use that there was no mention whatsoever within the use definition of an accessory building.

Commissioner De Lay stated that it seemed the GACC was always in favor of preservation.

Mr. Carlson noted that this was not necessarily true and noted the example of 675 Eighth Avenue, which was a 900 square foot building and all of the neighbors were in favor of its demolition, and that there were other structures within the Avenues that were beyond rehabilitation.

Commissioner De Lay then wondered what the GACC's concern was if the immediate neighbors approved of the request.

Mr. Carlson noted that yes, the immediate surrounding neighbors may have been in support of the request, however, the Community at large was very concerned about the request.

Commissioner Chambless noted his concerns that Mr. Carlson seemed to be making sweeping generalizations in assuming to speak for everyone.

Mr. Carlson stated that he felt there were a significant number of people concerned, and as far as the GACC Board was involved, about 17 out of 20 members were opposed.

Commissioner Chambless noted that Mr. Carlson had mentioned the Board of Adjustments earlier in the evening and stated that on the Board of Adjustments, requests were handled on a case by case basis and on occasion the Board would be criticized by individuals such as Mr. Carlson who would make the assertion that the Board was opposed to any development at all, and then the Board would be criticized on another occasion to the opposite extent. Commissioner Chambless suggested that Mr. Carlson took his arguments on a case by case basis and apply the relative sections of the ordinance rather than making sweeping generalizations and undercutting his persuasiveness with the Commission.

Mr. Carlson stated that in August of 2006, the GACC was present for a Planning Commission meeting in support of 1455 E. Perry Avenue, against the neighbors who were clearly in opposition to the request. Mr. Carlson noted that this was because it was his right under the ordinance to develop the property. Mr. Carlson noted that Mr. Lowe's case was of concern to the GACC because of its perceived historic value.

Chairperson McDonough noted that there certainly were some Ordinance issues which required review in this matter, and felt that Mr. Carlson should try and meet with Planning Staff ahead of time, and not give this issue to the Planning Commission right at the moment of the hearing. Chairperson McDonough stated that this caused the Commission to divert focus from the matter

at hand, because it could have been a conversation which Mr. Carlson could have had with Staff prior to the meeting and Staff could have responded appropriately.

Mr. Carlson noted that he had not had time to approach Staff previously with this issue, and that while it was apparent through emails and discussion that the GACC Board was concerned; there had not been any official vote or recordation of the matter.

Chairperson McDonough noted that there were no other members of the public present to speak regarding the petition.

Chairperson McDonough invited the applicant back to the table to comment at 8:01 p.m.

Mr. Lowe stated that he was very well aware of what tax incentives and benefits existed to rehabilitate a structure, noting that he used many such incentives to remodel his own home. Mr. Lowe noted that the home at 324 'A' Street was uninhabitable, with a rotted out kitchen floor and nothing up to code, including the plumbing or electrical systems. Mr. Lowe stated that he felt the purchase of the lot to be a defensive one. Mr. Lowe invited anyone interested in the state of the property to come and visit it, noting that he did originally look at the prospect of rehabilitating the home but found the cost to be about two and a half times the purchase price of the property. Mr. Lowe noted that his wish was to gain some green space, and create a structure which would benefit the entire neighborhood.

Mr. Wheelwright noted that the structure in question was not in a City Historic District, but adjacent to the district boundary, the South property line being on the boundary itself.

Mr. Carlson noted that it was in a federal historic district.

Chairperson McDonough noted that tax incentives would apply in that case.

Mr. Wheelwright stated that only the City's Historic Districts had demolition conditions and regulations.

Mr. Pace asked that the Commission decide if this was an accessory use and then to grant or deny the request.

Commissioner De Lay noted that as a property owner, she felt that the applicant had the right to develop his property as he saw fit within the bounds of the ordinance. Commissioner De Lay also stated that sometimes the federal tax incentives were a wonderful program and sometimes not. She noted that none of the neighbors seemed to have an issue with the request, and stated that she had no problem with the request either.

Commissioner De Lay stated that the issue which the Commission seemed to be struggling with was that of the accessory structure and accessory use definitions. She stated that the best avenue for any Ordinance issues the public might have would be to start with the Community Council and then move on to meetings with the proper officials and so forth, rather than attacking it at a Commission meeting.

Commissioner De Lay noted her concern that people interested in the preservation of these historic buildings should look into creating a conservancy, in order to purchase some of these properties which might be in danger of demolition.

Michael Maloy noted that the handout which Mr. Carlson gave to the Commission included the first paragraph of the Land Use section of the Avenues Master Plan. Mr. Maloy stated that this was applicable, however; the discussion of this petition began by noting that the demolition of the home had already been decided by HAAB, the petition before the Commission had been reviewed as if the home were never there and the applicant would have every right to continue

with the demolition of the property, even if this petition was denied. Mr. Maloy noted that Staff would rather see some sort of structure in place that maintains the rhythm of the street, and arguably, Planning Staff would state that this was an interim land use and the lot would probably be redeveloped eventually as a single family home.

Regarding Petition 410-07-10, a request to construct a 378 square foot accessory use on an accessory lot located at approximately 324 A Street, Commissioner Algarin made a motion to approve the Conditional Use based on recommendations by staff and the discussion and information received during the public hearing, subject to the following conditions:

1. The petition shall comply with all applicable City regulations and departmental comments contained within the Planning Commission Staff Report.
2. The accessory structure shall comply with the 14 foot maximum height requirement specified by City Ordinance.

The motion was seconded by Commissioner Scott. All voted "Aye". The motion passed unanimously.

Petition 410-07-11—a request by Michael Druce for Planned Development/Conditional Use approval to extend a reduced width right-of-way for a proposed two lot residential subdivision located at approximately 1492 South 900 West and 1487 South 1000 West.
(This item was heard at 8:11 p.m.)

Chairperson McDonough recognized Michael Maloy as staff representative.

Mr. Maloy reviewed the request and noted that the only purpose of the application was to extend a reduced width right-of-way for a proposed two-lot subdivision, which was not a part of the applicant's original request. Mr. Maloy stated that the approval would be conditioned upon the extension of the right-of-way to the North boundary of the property, to include the creation of a hammerhead or turn around for fire safety access. Mr. Maloy noted that this extension would be fully improved and because of that improvement, the fire department would require the additional turn-around, which could be achieved through a hammerhead, modified hammerhead or the hammerhead itself could be achieved on an easement which could expire if the road were to extend northward with an additional point of egress out of the subdivision.

Chairperson McDonough invited the applicant forward to speak.

Michael Druce, the applicant, noted that he would like the Planning Commission to reconsider Condition number three as listed in the Staff Report, which required the turnaround, and amend it to the compromise that the road would be developed to the limit currently indicated and the applicant would still install all utilities to the north but not pave the full road with a turnaround itself, only the first 150 feet of that road.

Chairperson McDonough noted that this would mean the inclusion of the easement and everything subsurface, but that the applicant would only complete curb, gutter and asphalt for the portion indicated in the drawing, before a turnaround was required.

Commissioner Algarin inquired if this option had already been proposed to Staff.

Mr. Druce noted that it had and that the Staff position held that it was good planning to prepare for development to the north of the subject property. Mr. Druce noted that he agreed with this, however, extending that right-of-way to the northern boundary created a fire hazard, and it seemed silly to the applicant to have to create the turnaround.

Mr. Wheelwright noted that the Fire Department Development Reviewer absolutely insisted that this development would require a turn around, and that it was necessary for the developer extend the road to the property line, therefore it wasn't an option up for discussion, it was a requirement.

Mr. Wheelwright stated that the zoning ordinance didn't require that the applicant extend utilities and streets to property lines, but that the City's site development regulations, Title 18.28, specifically stated that every developer of the subdivision would extend streets and utilities through their property line so that the next property owner could continue development in the future and extend the street.

Vice Chair Wirthlin inquired if the Planning Commission could trump the Fire Department's request.

Mr. Wheelwright noted that the request could be approved, but it would be denied everywhere else; Permits, the Fire Department and other departments would not approve of the subdivision.

Mr. Druce noted that as they had applied with their proposal for the extension it would be approved.

Commissioner Woodhead stated that it was her understanding the applicant was asking the Commission to override the ordinance as the ordinance required the extension of the road and improvements and inquired if the Commission was allowed to do this.

Mr. Wheelwright noted that, as far as he knew, the only way to override or modify the ordinance was through the Planned Development process.

Mr. Wheelwright stated that Staff had discussed with the Fire Department the combining the hammerhead with the residence driveways and possibly accepting an easement over those driveways. Mr. Wheelwright noted that the driveways might then be somewhat wider than they would otherwise be, but it would not be a 100 percent loss.

Mr. Wheelwright noted that he did not want to argue with the applicant, but they went to the Fire Department and advocated his position to not extend the right of way, and it was rejected. Mr. Wheelwright noted that the fire department was looking at the project as black and white, and the Planning Department was looking at it as the extension and dedication as required by the site development regulations.

Chairperson McDonough requested clarification from staff regarding why it would not be feasible for the asphalt to be extended at a later date in time.

Mr. Wheelwright noted that leaving the road undeveloped would leave the question of who pays for it unanswered; it would remain unresolved who would pay for the curb, gutter, sidewalk, the park strip improvements and asphalt to the north of this property.

Chairperson McDonough noted that the financial obligation could be attached to the deed of the current property owner.

Vice Chairperson Wirthlin noted that this possibility did not seem practical as it could burden a future property owner with phenomenal costs for the installation of these requirements, and he felt it was the duty of the Planning Department to attempt to get the developer to carry such costs.

Mr. Druce noted that the developers were willing to bear those costs, however, would like to install the utilities, and keep as much asphalt as possible off of the lots to the north.

Chairperson McDonough opened the public hearing portion to Community Council and residents at 8:33 p.m.

James Wayman, 1484 South 1000 West, was present to speak in opposition of the request. Mr. Wayman noted that this neighborhood had been family-oriented for a long time and there was already quite a wide range of uses within the neighborhood, but that the proposed use would be against the general character of the neighborhood as it would divide the lots into even smaller parcels than normal.

Commissioner De Lay noted that the area was part of a very historic neighborhood and that she felt it would unfortunately be one of the most developed neighborhoods in the future based upon its projected proximity to the Transportation Department's Intermodal Hub and current proximity to the Salt Lake City Peace Gardens.

Lorraine Wayman, 1484 South 1000 West, was present to speak in opposition to the request. Mrs. Wayman noted that she didn't feel the back yards of the current lots were underutilized as suggested by Mr. Maloy in the staff report, but felt that the lots should stay the size they currently were.

Nephi Wayman, 1450 South 1000 West, was present to speak in opposition to the request. Mr. Wayman noted his concern that it would be extremely difficult to turn around a right-hand truck on any narrow street such as the proposed extension of this street. Mr. Wayman also felt that the subdivision of lots such as these was contributing to the destruction of the last vestiges of farmable land within the Salt Lake City community.

Chairperson McDonough thanked the public for their comments and stated that it seemed the public, while making very compelling arguments, was speaking more about a desired zoning change for the area regarding lot sizes and not about the request before the Commission at this time, which was to extend the public right-of-way.

Jim Webster, former Chair of the Yalecrest Community Council, noted that he felt the applicant had a very prudent proposal.

Chairperson McDonough closed the public hearing at 8:50 p.m. and invited the applicant forward to respond.

Mr. Druce thanked the Waymans for their comments and noted that the request was not of a transitory offering and would bring families to stay in the neighborhood on lots around 1/3 of an acre in size. He also noted that the lot located on 900 West had been used as a dump for other people's debris in the past and felt that the future subdivision proposal would be an improvement over this. Mr. Druce stated that he attended the Glendale Community Council meeting and the response seemed to be very favorable.

Commissioner Scott noted that she was an open space advocate but that the proposal before the Commission was to approve the extension of a reduced right-of-way, and that now was the time to alleviate the need to put in major amounts of asphalt.

Commissioner Scott put a motion on the table to approve the requested Planned Development/Conditional Use approval to extend the reduced width right-of-way.

Discussion of the Motion:

Chairperson McDonough wished to make a suggestion that the material overlap at the top of the hammerhead and that it be concrete rather than asphalt.

Mr. Maloy noted that he would agree with the choice of material, however, was concerned that the applicant have the chance to respond to that standard or option.

Chairperson McDonough noted that the Commission was able to require such materials or conditions and requested of Mr. Druce if he would be willing to use concrete.

Mr. Druce noted that the 'T' option for a turnaround would require that the houses be set back on the lots, 60 feet from the center of the road on each side, and the requirement would not conform well to the aesthetic of the neighborhood. Mr. Druce stated that he also felt that concrete would be a huge financial burden for a two lot subdivision when so much paving would be required.

Chairperson McDonough withdrew her amendment.

Commissioner Scott noted that you wouldn't want a fire engine trapped in a neighborhood where there was no easy way of turning around.

Commissioner Woodhead noted that the City made a policy decision that developers would be required to finish streets to the edge of the property and that she hadn't heard anything that indicated the Commission needed to override that policy, and it would be safer for the residents who lived in that development and it would also be in the interest of the neighborhood to have the street finished. Commissioner Woodhead suggested that when the Commission returned to the motion, perhaps an additional condition could be added; that the design and materials of the turnaround be approved by the Planning Director.

Vice Chairperson Wirthlin noted his concern that it would be inevitable that the homes have to meet the 60 foot setback as indicated previously by Mr. Druce.

Mr. Maloy noted that a side-loading garage could be incorporated or a detached garage with a widened driveway could be incorporated to lessen the length requirement for the turnaround, however, the applicant's difficulty was that a floor plan had already been chosen, modeled to some extent, and incorporated into the subdivision cost, and therefore, the developer would have to find a new design solution.

Regarding Petition 410-07-11, a request Planned Development/Conditional Use approval to extend a reduced width right-of-way for a proposed two lot residential subdivision located at approximately 1492 South 900 West and 1487 South 1000 West, Commissioner Scott made a motion to approve the Planned Development/Conditional Use based upon the findings noted within the staff report and subject to the following conditions:

1. Applicant shall amend associated subdivision engineering plans to extend construction of the public street (i.e. Cannon Oaks Place) and required utilities to the northern most property lines.
2. Approval of planned development application shall be contingent upon compliance with all applicable departmental comments and development policies included within the staff report.
3. Planned development shall contain an emergency vehicle turnaround that is compliant with City development regulations and policies.
4. Applicant shall include sidewalk along the east side of the proposed road extension, consistent with adjacent planned development (i.e. Cannon Place Subdivision).
5. Street lighting shall be consistent with decorative light poles and fixtures installed within adjacent planned development (i.e. Cannon Place Subdivision).

6. Planned development approval shall be contingent upon recordation of a subdivision plat compliant with all applicable City Ordinances and approved by the City.
7. The design and materials of the turnaround shall be approved by the Planning Director.

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

ISSUES-ONLY HEARING

Petition 410-07-04 – a request by Trolley Square Associates, LLC, for a planned development at Trolley Square located at approximately 602 E. 500 South, in the Central City Historic District. The property is located in the CS Community Shopping District Zone. The proposed planned development includes adding multiple new buildings totaling approximately 90,000 square feet of commercial space.

(This item was heard at 9:03 p.m.)

Vice Chairperson Wirthlin recused himself from this item.

Chairperson McDonough recognized Nick Norris as staff representative.

Mr. Norris reviewed the Planned Development Request using a Power Point presentation, a copy of which is available in the Planning Office, filed with these minutes.

Mr. Norris stated that the Historic Landmarks Commission had preliminarily approved the relocation of several structures, pending the final approval of the Planning Commission. Mr. Norris noted that the proposal was coming before the Planning Commission because it consisted of new construction of principal buildings and additions that would increase the floor area by more than twenty-five percent, which triggered the Planned Development Process through Zoning Ordinance requirements.

Mr. Norris reviewed the site plan, noting that the development process would modify or create new vehicular access points. These additions were reviewed by Mr. Norris as well as several alternate views of the buildings as existing and proposed. Mr. Norris indicated that the applicant had also hired an arborist to assess the health of the on-site trees.

Mr. Norris stated that this item would eventually come back to the Planning Commission for approval; however, at this time the item would go back to Planning Staff to attempt to address some of the issues raised tonight as well as issues raised previously by the Historic Landmarks Commission.

Chairperson McDonough opened the floor to questions from the Commission.

Commissioner Scott requested if parking for the proposed Whole Foods structure was to be built above the structure, below, or both.

Mr. Norris indicated that the parking would be built above the store level, and the only height added would be a parapet wall to screen the vehicles from below and for safety reasons. Mr. Norris noted that the total building height was projected to be 35'.

Commissioner Chambless inquired how much open space there would be on the West side of the development.

Mr. Norris stated that the existing sidewalk and parking structure would remain the same dimensions but an existing driveway would be reclaimed. Mr. Norris noted that Staff felt that the proposed pedestrian access would contribute a much more open feel to the development.

Commissioner Chambless noted his concern about the encroaching sidewalk around two large existing trees on the West side of the development.

Mr. Norris noted that these trees have caused fairly significant damage to the sidewalks. Mr. Norris noted that one possible option in that case is to re-engineer the curve of the sidewalk at that junction to accommodate the trees and pedestrians amicably.

Commissioner Scott noted that the new pedestrian access from the below grade parking area would be a series of steps.

Mr. Norris noted that he wasn't one hundred percent positive whether it was steps or a sloped sidewalk, and stated that was a question which could be asked of the applicant.

Commissioner Scott inquired which side of the development would be the "ugly side"; the loading docks.

Mr. Norris noted that the loading area would be off of 500 South, and one of the issues raised in the HLC meeting was how to address the screening of that location, and he noted that another issue was raised in what the HLC felt were significant traffic issues at that access point.

Mr. Norris noted that the Transportation Division had reviewed the request and a submitted traffic study for the overall impacts on surrounding streets. He noted that they had acknowledged that there will be an increase of vehicular traffic; however, it is an acceptable level when incorporating some interchange upgrades on 700 East and 500 South such as protected left turns for north and south bound traffic.

Mr. Norris noted that one issue discussed with the developers and architects was the potential screening of the loading areas to minimize visual impact, perhaps by taking traditional openings and replicating those openings with roll-up doors.

Chairperson McDonough invited the applicants forward to present to the Commission.

Mark Blancarte, representative for the development, was present to give a Power Point presentation to the Commission regarding some of the feedback that they had received from various public meetings.

Mr. Blancarte noted that one of the objectives of the Trolley Square projects was to create a walkable development, enlivening the site in a number of ways.

Mr. Blancarte noted that one of the propositions for screening the loading area was a 75' long screen wall, and the only view into the area would be when heading east on 500 South.

Chairperson McDonough inquired how tall the proposed wall would be.

Mr. Blancarte indicated that it would be approximately 26' in height.

Commissioner De Lay noted the sky bridge and asked the applicant if it was there intention to keep it.

Mr. Blancarte noted that the sky bridge would stay, although it would be cleaned up.

Commissioner Chambless inquired why the sky bridge would be saved.

Mr. Blancarte stated that the sky bridge provided pedestrians safe passage over 600 South as well as access to the parcel to the south where patrons parked.

Commissioner De Lay noted that the sky bridge at Trolley Square was also a historic structure.

Mr. Blancarte said that one of the first things he was confronted by when approaching the Trolley Square development was the above ground parking structure, which was one of the items that they wished to address. Mr. Blancarte noted that they proposed to address this by recreating those parking spaces underground and introducing structures above ground that would compliment the architectural character of the existing site and provide better pedestrian access points to promote walkability.

Mr. Blancarte reviewed a potential scenario for a pedestrian entrance on the northwest corner of the site as well as a screening scenario for the Whole Foods parking structure.

Chairperson McDonough opened up the floor to public comment at 9:43 p.m.

Luke Garrott, 634 South 500 East, was present to speak in opposition to the development. Mr. Garrott noted that significant views of historic buildings would be compromised and the value of the site degraded, especially by the amount of parking required by the applicant, 900 spaces as opposed to 600 required by the City.

Norris noted that two stalls per 1,000 sq ft. of retail space was the minimum Ordinance requirement and the square footage footprint would be approximately 320,000 sq ft., indicating that the development would require around 640 parking stalls.

Commissioner Chambless inquired of Mr. Garrott what he would believe to be the correct number of stalls.

Mr. Garrott stated that he was not an engineer but that the proposed overabundance of spaces was a drawback to what had been intended in the Master Plan for the Central City Community.

Commissioner McHugh noted that Trolley Square was a regional draw.

Cindy Cromer, 816 East 100 South, noted that there was a significant focus on residential development as a portion of the development and thanked the developers for that. She also thanked the developers for their rapid responses to suggestions from the public and for hiring an arborist instead of simply deferring to the Urban Forester. Ms. Cromer noted that she owns three structures on 600 South between these structures.

Ms. Cromer noted that the development had to be reviewed under the Planned Unit Development Process which put a significant duty upon the Planning Commission, noting that this process for review was outlined in title 21A.54.150, through eight specific objectives.

Jim Webster, 933 Military Drive, wished to note his concern regarding the parking. Mr. Webster stated that in order to better understand the parking needs for Trolley Square the applicant might wish to do a parking study of Foothill Village, where there was a seeming overabundance of spaces. Mr. Webster also expressed concern that the development's architectural renderings seemed to indicate that the Whole Foods structure would look like a warehouse and suggested that the architect incorporate more of the parapet elements of the primary historic buildings into their design.

John Fife, 159 North Broadway, #606, noted that he felt the Achilles heel with this development would be in the service loading area which would create trucks turning into pedestrian traffic as well as an undesirable increase in vehicular traffic.

Chairperson McDonough asked for summation from Mr. Blancarte.

Mr. Blancarte noted that Trolley Square will try and incorporate many modes of mass transit including pedestrians, motorists, commuters, bicyclists. Mr. Blancarte stated that the applicant felt they had a comprehensive parking plan with a total of 600 spaces on site. Mr. Blancarte noted that the intention for the current parking lot to the south of Trolley Square was to create residential units.

Commissioner Scott noted her interest in why there could not be more underground parking.

Mr. Blancarte indicated that there were water and contaminant issues, as well as the cost perspective and the other challenge was shoring. Mr. Blancarte noted that in digging, they would come perilously close to the existing historical structures.

Commissioner Scott stated that she felt the parapet motif of the roofline was a Trolley Square signature.

Mr. Blancarte stated that originally they had a drawing that imitated that line, and it was stated that the style was completely disrespectful to the historical nature of the buildings, which is why other design concepts were proposed.

Chairperson McDonough suggested that the meeting stop until further information was available regarding the site plan.

Mr. Norris noted that the process would probably continue along the lines of the Planned Development issues first, in terms of approving the site plan, and if they were approved, then the development would move on to the HLC for approval of the design of the structures.

Chairperson McDonough noted that this seemed sound.

UNFINISHED BUSINESS

There was no further business.

The meeting adjourned at 10:09 p.m.



Cecily Zuck, Senior Secretary

6. ORIGINAL PETITION



Zoning Amendment

OFFICE USE ONLY	
Petition No.	400-07-06
Receipt No.	216300531 Amount: 1599.97
Date Received:	3/28/07
Reviewed By:	J. Lew
Project Planner:	

PLANNING COMMISSION

Address of Subject Property: 376 SO 900 West

Name of Applicant: Elizabeth Trujillo-Jeanette Trujillo Phone: 322-1322

Address of Applicant: 1787 N Cavallo Dr. Salt Lake City, UT 84116

E-mail Address of Applicant: Jeanette-homeinteriors@hotmail.com Cell/Fax: /759-5138

Applicant's Interest in Subject Property: Purchasing Property for business use.

Name of Property Owner: United Mormon Methodist Church Phone: 604-2176

Address of Property Owner:

Email Address of Property Owner: Cell/Fax:

Existing Use of Property: Zoning:

County Tax ("Sidwell #"): 15024020320000 / 15024020310000 / 15024020300000 / 15024020280000 / 15024020290000

- Amend the text of the Zoning Ordinance by amending Section: (attach map or legal description).
- Amend the Zoning Map by reclassifying the above property from an {RMF-35} zone to a {RMU-35-4B} zone.

Please include with the application:

1. A statement of the text amendment or map amendment describing the purpose for the amendment and the exact language, boundaries and zoning district.
2. A complete description of the proposed use of the property where appropriate.
3. Reasons why the present zoning may not be appropriate for the area.
4. The names and addresses of all property owners within four-hundred fifty (450) feet of the subject parcel. The name, address and Sidwell number of each property owner must be typed or clearly printed on gummed mailing labels. Please include yourself and the appropriate Community Council Chair. **The cost of first class postage for each address is due at time of application. Please do not provide postage stamps.**
5. Legal description of the property.
6. Six (6) copies of site plans drawn to scale.
7. Related materials or data supporting the application as may be determined by the Zoning Administrator.
8. If applicable, a signed, notarized statement of consent from property owner authorizing applicant to act as an agent.
9. **Filing fee of \$800.00 plus \$100 for each acre over one acre is due at the time of application.**

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

Sidwell maps & names of property owners are available at:

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

File the complete application at:

Salt Lake City Planning
 451 South State Street, Room 406
 Salt Lake City, UT 84111
 Telephone: (801) 535-7757

Signature of Property Owner Elizabeth Trujillo TRUSTEE
 Or authorized agent

Zoning Amendment

PROPERTY ADDRESSES

376 SOUTH 900 WEST, 366 SOUTH 900 WEST,
364 SOUTH 900 WEST, 362 SOUTH 900 WEST, 360 SOUTH 900 WEST
Salt Lake City, Utah 84104

Poplar Grove

1. The building we acquired at 376 south 900 west is not zoned for our intended use. We are proposing to change the zone on the property addresses: 376 south 900 west is only found in the county records as 380 south 900 west, 366 south 900 west, 364 south 900 west, 362 south 900 west, 360 south 900 west. Which is located in the Poplar Grove area. The current zone is RMF - 35 and we are proposing the zone to be changed to RMU - 35 or RMU - 45 to establish a retail outlet. Our plan is to relocate our salon, to a larger more accommodating space. The building we have acquired exceeds the space for a salon.

Our goal is to expand our growing business and to begin a new business venture.

Open a Cosmetology Academy that I am licensed to teach. This building will meet all the necessary state requirements for schools of cosmetology. The building has ample space inside, restrooms for male and female, space for teaching an already established curriculum, sufficient parking for students and patrons, the space is also accessible for persons with disabilities. The goal is to have a School that will work two-fold, provide an important beauty and hair service that's affordable to the community and be culturally sensitive to all who want to attend to earn a professional career. Twin Shears has been established and serving the West Side community for over 20 years. This is a great opportunity for Twin Shears and the West Side community.

2. Our plan is to keep the existing building as it is and use it for a Salon and eventually as a Cosmetology Academy, as it meets our needs in all areas of requirements for a school. Our plan is to reopen our salon and provide to our clients beauty services which include; all hair services from all types of cutting to all and any chemical services on hair that are available through salon professionals. Facial and body waxings, Electrolysis, Esthetics including; permanent cosmetics. Piercings of all types, Cosmetics, Massage and all types of nail care and cosmetic services for Hand and foot. We will have a retail area for the sale of salon products and any other beauty or cosmetic product available to clientele. We will offer training of all these services to our students in our courses to train for 2000 hours. The training will involve classroom time and hands on experience for students. The student will, after some coursework begin a practicum and will begin working directly with the customer. During the training they will be provided with the necessary curriculum to prepare them to take the State test and become licensed cosmetologists.

3. The present zoning is RMF-35- and does not permit for a Salon or Cosmetology Academy to operate business. The adjacent corners are commercial properties with retail businesses so it would make sense to change the current zone to RMU - 35 or RMU - 45. We are in a contract to purchase the properties and we cannot open to operate our business with the current zone. We desperately need to change the proposed zone as soon as possible, Our business is our only source of income and our business expenses are still accumulating. I read about the West Salt Lake Community Master Plan and they were already proposing to redevelop the corner parcels at 400 South 900 West into a mixed-use neighborhood center.

The Following Paragraph is the exact paragraph taken from the proposal from the master plan.

New Neighborhood Commercial Opportunity at 400 South 900 West

Although this community is limited in available land for development of new neighborhood commercial areas, one prospect exists at the intersection of 400 South and 900 West. In 2000, the Tongan United Methodist Church on the northeast corner of 400 South and 900 West was destroyed by fire. The lot is currently vacant. As a result, there is an opportunity to create a development project with three to four phases, which would establish mixed use residential / retail projects on each corner. The initial phase of the project would be to develop the vacant lot as a mixed-use project with uses on the ground floor such as a café, fabric/craft shop, bakery, gift and card shop, local deli, bookstore or fresh fruit and vegetable market with residential units above. Currently, the southern corners are zoned for small-scale commercial development. However, the northern corners are zoned for medium density residential uses. As plans to redevelop this intersection are explored, it will be necessary to rezone the four corners and adjacent properties for mixed-use development. Ultimately, this type of project could spark redevelopment of the other three corners, creating an attractive, vibrant entrance to the Poplar Grove neighborhood.

It is our intention to improve the cosmetic look of the property, to create an attractive building in this community, from all the other businesses located adjacent to us. Our plan is to have a professional look and a well maintained landscape.

We have discussed our projected plan with several nearby property owners and people that were curious have stopped by to see what was going on with the building, everyone's responses were positive.



Master Plan Amendment

OFFICE USE ONLY	
Petition No.	400-07-07
Receipt No.	062005531 Amount: \$1599.97
Date Received:	3/28/07
Reviewed By:	J. Lew
Project Planner:	

SALT LAKE CITY PLANNING

376 S 900W

Date:

Name of Applicant: Elizabeth Trujillo - Jeanette Trujillo Phone: 322-1322 / 359-7720

Address of Applicant: 376 S 900W Salt Lake City, UT 84116

E-mail Address of Applicant: Jeanette-homeinteriors@hotmail.com Cell/Fax: 759-5138

Applicant's Interest in Subject Property: purchasing property for business use.

Name of Property Owner: United Tongan Methodist Church Phone: 604-2176

Address of Subject Property:

General description of the proposed Master Plan Amendment:

Please include with the application:

Use back or additional sheets, if necessary

1. A statement declaring the purpose for the amendment and the exact language. Include proposed boundaries, master plan area, and /or zoning district changes.
2. Declare why the present Master Plan required amending.
3. A copy of the Sidwell Map or Maps.
4. Depending upon the request, the names and addresses of all property owners within four-hundred fifty (450) feet of the subject amendment area (exclusive of streets and alleys) may need to be provided. The name, address and Sidwell number of each property owner must be typed or clearly printed on gummed mailing labels. Please include yourself and the appropriate Community Council Chair(s). **The cost of first class postage for each address is due at time of application. Please do not provide postage stamps.**
5. A signed statement that the petitioner has met with and explained the proposal to the appropriate Community Council(s).
6. Related materials or data supporting the application as may be determined by the Zoning Administrator.
7. **Filing fee of 750.00 plus \$100.00 per acre in excess of one acre, due at the time of application.**

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

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Signature of Property Owner E. Maapu
Or authorized agent

TRUSTEE
Title of agent

Master Plan Amendment

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REMARKS

Master Plan Amendment Application
also submitted.

See Petition 400-07-07

Petition No. 400-07-06

By Elizabeth Trujillo &
Jeanette Trujillo

Zoning Amendment

Date Filed 03/28/2007

Address 376 South 900 West

REMARKS

Zoning Amendment Application also submitted.

See Petition 400-07-06

Petition No. 400-07-07

By Elizabeth Trujillo &
Jeanette Trujillo

Master Plan Amendment

Date Filed 03/28/2007

Address 376 South 900 West

PETITION CHECKLIST

Date	Planner Initials	Sup. Initials	Dep. Initials	Dir. Initials	Action Required
3/29 2007	MM			GS	Petition Delivered to Planning
4/3/07	MM			GS	Petition Assigned to <u>Mike Maloy</u>
6/13/07	MM			GS	Planning Staff or Planning Commission Action Date
8/2/07	MM	MP	DFW	GS	Transmittal Cover Letter Followed Template (margins, headings, returns etc)
8/2/07	MM	MP	DFW	GS	Table of Contents
8/2/07	MM	MP	DFW	GS	Chronology
8/1/07	MM	MP	DFW	GS	Ordinance Prepared by the Attorney's Office Include general purpose statement of petition (top of ordinance) Include Strike and Bold -(Legislative Copy) (where applicable) Include Clean Copy (Ensure stamped by Attorney) Include Sidwell Numbers (where applicable) Include Legal Description-review, date and initial (where applicable) Ensure most recent ordinance used Ensure Exhibits (tables etc) are attached
8/2/07	MM	MP	DFW	GS	Council Hearing Notice Include Purpose of Request Include zones affected (where applicable) Include address of property (where applicable) Include TDD Language
8/2/07	MM	MP	DFW	GS	Mailing List of Petition and Labels, (include appropriate Community Councils, applicant and project planner) (include photocopy of labels)
8/2/07	MM	MP	DFW	GS	Planning Commission Notice Mailing Postmark Date Verification (on agenda) Newspaper Notice for Rezoning and Master Plan Amendments (proof of publication or actual publication)
6/6/07	MM	MP	DFW	GS	Planning Commission Staff Report
6/27/07	MM	MP	DFW	GS	Planning Commission Minutes and Agenda
8/23/07	MM	MP	DFW	GS	Yellow Petition Cover and Paperwork Initiating Petition (Include application, Legislative Intent memo from Council, PC memo and minutes or Mayor's Letter initiating petition.)
					Date Set for City Council Action: _____ Petition filed with City Recorder's Office

PETITION CHECKLIST

Date	Planner Initials	Sup. Initials	Dep. Initials	Dir. Initials	Action Required
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8/2/07	MM	IP	DFW	GS	Table of Contents
8/2/07	MM	IP	DFW	GS	Chronology
8/1/07	MM	IP	DFW	GS	Ordinance Prepared by the Attorney's Office Include general purpose statement of petition (top of ordinance) Include Strike and Bold -(Legislative Copy) (where applicable) Include Clean Copy (Ensure stamped by Attorney) Include Sidwell Numbers (where applicable) Include Legal Description-review, date and initial (where applicable) Ensure most recent ordinance used Ensure Exhibits (tables etc) are attached
8/2/07	MM	IP	DFW	GS	Council Hearing Notice Include Purpose of Request Include zones affected (where applicable) Include address of property (where applicable) Include TDD Language
8/2/07	MM	IP	DFW	GS	Mailing List of Petition and Labels, (include appropriate Community Councils, applicant and project planner) (include photocopy of labels)
8/2/07	MM	IP	DFW	GS	Planning Commission Notice Mailing Postmark Date Verification (on agenda) Newspaper Notice for Rezoning and Master Plan Amendments (proof of publication or actual publication)
6/6/07	MM	IP	DFW	GS	Planning Commission Staff Report
6/27/07	MM	IP	DFW	GS	Planning Commission Minutes and Agenda
3/29/07	MM	IP	DFW	GS	Yellow Petition Cover and Paperwork Initiating Petition (Include application, Legislative Intent memo from Council, PC memo and minutes or Mayor's Letter initiating petition.)
					Date Set for City Council Action: _____ Petition filed with City Recorder's Office