
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: November 9, 2007

SUBJECT: Petition No.400-06-36: Zoning text amendment – Planning Commission request to modify the height regulations in the Light Manufacturing (M-1) Zoning District

STAFF REPORT BY: Janice Jardine
Land Use Policy Analyst

AFFECTED COUNCIL DISTRICTS: If the ordinance is adopted the zoning text amendment will affect Council Districts citywide

**ADMINISTRATIVE DEPT:
AND CONTACT PERSON:** Community and Economic Development
Nick Britton, 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** amending the Zoning Ordinance to allow an exception to the maximum building height in the Light manufacturing District M-1
2. ["I move that the Council"] **Not adopt the proposed ordinance** amending the Zoning Ordinance to allow an exception to the maximum building height in the Light manufacturing District M-1

The following information was provided previously for the Council Work Session on October 16, 2007. It is provided again for your reference.

KEY ELEMENTS:

- A. An ordinance has been prepared for Council consideration that would amend the Zoning Ordinance Light Manufacturing M-1 Zoning District height regulations to allow an exception for emissions-free distillation column structures to be erected up to 120 feet or the most restrictive Federal Aviation Administration (FAA) imposed minimal approach surface elevation, whichever is less. Any development within the Airport Flight Path Protection (AFPP) Overlay District that takes advantage of the height exception would require Department of Airports approval prior to issuance of a building permit. All proposed development within the AFPP Overlay District that exceeds 50 feet in height would require site-specific approval from the FAA.
- B. The proposed text amendment would facilitate development of an air separation facility by Air Liquide Industrial U.S. LP to be located at 5048 West 700 South. The company provides oxygen, nitrogen, argon and other gasses and services to industries such as aerospace, chemicals, electronics, food-processing, glass, healthcare, metallurgy, paper, oil refining and steel.

- C. The Administration's transmittal and Planning staff report note:
 - 1. The Planning Division requested that the Planning Commission initiate a petition to review the potential for increasing the maximum height limit in the Light Manufacturing (M-1) Zoning District.
 - 2. The petition stems from requests from several industries trying to locate in the M-1 Zoning District but unable to due to the restrictions on smokestacks and similar structures.
 - 3. The text amendment will only impact the Light Manufacturing M-1 Zoning District.
 - 4. The current 65 foot maximum building height regulation will remain in place.
 - 5. The Department of Airports opposed the original proposal drafted by the Planning Division.
 - 6. As a result, the Planning Commission tabled this matter and the Planning Division, Department of Airports, and Economic Development discussed potential changes.
 - 7. The resulting language was decided upon by Planning Division and the Department of Airports has no additional comments or suggestions regarding the latest revision.

- D. The Planning staff report provides an analysis and findings for the Zoning Ordinance Standards for General Amendments. The standards were evaluated in the Planning staff report and considered by the Planning Commission. (Discussion and findings for the standards are found in the April 5, 2007 Planning staff report on pages 3-5.)

- E. The purpose of the M-1 Light Manufacturing District is to provide an environment for light industrial uses that produce no appreciable impact on adjacent properties and desire a clean attractive industrial setting.

- F. The purpose of the Airport A District is to provide a suitable environment for the Salt Lake City International Airport and private uses that function in support of the airport facility.

- G. The purpose of the AFPP Airport Flight Path Protection Overlay District is to ensure the health, safety and welfare of property or occupants of land in Salt Lake City International Airport vicinity. If the hazard is an obstruction or incompatible use, such hazard effectively reduces the size of the area available for landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the Salt Lake City International Airport and the public investment. Accordingly, it is declared
 - 1. That the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Salt Lake City International Airport;
 - 2. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and
 - 3. That the prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

- H. The public process included two Planning Division sponsored Open Houses and written notification of the Planning Commission hearing. The Administration's transmittal indicates:
 - 1. On September 25, 2006, a Planning Open House was held. No members of the community attended.
 - 2. On August 2, 2007, a second Planning Open House was held. Three members of the Glendale Community Council attended and left comments opposing the proposed text amendment. The August 22, 2007 Planning staff report notes the following concerns expressed at the Open House.
 - 1. Allowing this exception would set a precedent for other industrial uses to locate in the M-1 zone that are over the current height restrictions.
 - 2. The community members would prefer industrial uses to locate past 5600 West where there is no residential development.
 - 3. The Glendale Community Council submitted a letter to the Salt Lake City Planning Commission on April 6, 2007 stating that they do not agree with the proposed text amendment. Concern was expressed relating to industrial businesses that would affect air quality and the quality of life for residents in the area. The letter notes negative impacts caused by the existing Tire Recycling

business, chemical businesses and trucking facilities. (Please see Attachment 1 for details – April 6, 2007 letter from the Glendale Community Council)

- I. On April 11, 2007, the Planning Commission held its first public hearing. The Planning Commission tabled action on the petition due to concerns expressed by the Department of Airports staff and to allow City staff an opportunity to develop language that would address the Airport’s safety concerns.
- J. On August 22, 2007, the Planning Commission held a second public hearing. The Planning Commission voted (five in favor, four opposed) to forward a positive recommendation to the City Council for the proposed text amendment. (Please see the Planning Commission minutes for details.)
 - 1. Issues discussed at the Planning Commission hearing included:
 - 1. Clarity of the definitions within the proposed zoning text amendment.
 - 2. Potential ambiguity of the meaning of “emissions free” rather than using a specific percentage or number designation that would better define the term.
 - 3. The energy intensive nature of the proposed use.
 - 4. The community’s concerns relating to emissions adding to the City’s inversion problems, potential pollutants from the use, permitted uses in the M-1 Zoning district and the potential for industrial-type businesses creating additional negative impacts near the residential areas of the community.
 - 2. In addition, the Planning Commission requested that staff review (within the next two months) the proposed zoning text amendment language and definitions to provide recommendations to improve clarity based on the Commission’s discussion.
- K. All applicable City Departments and Divisions were provided the proposed text changes. Development proposals will be required to comply with City standards and regulations and demonstrate that there are adequate services to meet the needs of the project. The Planning staff report notes the only comments were from the Department of Airports expressing safety concerns. (Please see the following Matters at Issues section of this staff report and Attachment 2 for additional details – letters from the Airport staff to the Planning Division and the Mayor’s Economic Development Advisor – letter from Air Liquide regarding compliance with the Airports conditions)

MATTERS AT ISSUE:

- A. Council Members may wish to request that the City Attorney’s office prepare a new ordinance that would include the following changes. The intent would be to provide consistency and additional notice of the exception and requirement for Airport and FAA approvals.
 - 1. Sec.21A.28.050 Summary Table of Yard and Bulk Requirements - Manufacturing Districts - add reference to the exception in the Building Height column or a footnote to cross-reference the exception. (This would be consistent with exceptions or special conditions noted in other Zoning District yard and bulk tables.)
 - 2. Add to the Airport A Zoning District and the Airport Flight Path Protection AFPP Overlay District the proposed language noting that height exceptions require Airport and FAA approvals.
- B. Council Members may wish to be aware of the following summary of the Airport’s concerns relating to the proposed text amendment and the actions taken to address the concerns or issues. (Please see Attachment 2 for additional details)
 - 1. In a letter dated April 3, 2007, the Department of Airports noted:
 - a. Land south the Airport’s three main runways is predominately zoned M-1 and a smaller area of M-2.

- b. The proposed zoning language does not require development with this zone to be reviewed by the Airport.
 - c. The Airport is concerned that the proposed text amendment will allow heights that may potentially obstruct the safe and efficient use of the navigable airspace surrounding SLCIA.
 - d. Potential visual obstructions may be caused by smokestack or chimney emissions or lights on tall structures that may affect the safety of aircraft operations.
2. In a letter dated September 14, 2007, the Department of Airports noted:
- a. The Airport met with representatives from the City's Economic Development Division, Planning Division and Air Liquide on July 13, 2007 to discuss issues and concerns with the proposed distillation column potential of penetrating the FAA's One Engine Inoperative OEI surfaces.
 - b. The Denver Airports District Office of the FAA was also consulted regarding the proposed projection in relation to the OEI surface.
 - c. The FAA does not support variances to the present zoning in the approach and departure area that would allow structures to penetrate the OEI surface.
 - d. To date Air Liquide engineers have provided height data suggesting the proposed distillation column will be less than 1 foot under the most restrictive FAA OEI surface.
 - e. If the City chooses to allow the proposed facility at this location, the Airport recommends the following.
 - Air Liquide should submit the Notice of Proposed Construction, Form 7460-1 to the FAA and would receive a response regarding any objections to the project.
 - All structure heights would be required to remain under the most restrictive FAA surfaces, which to date is the OEI surface.
 - The distillation column would be survey accurate on the plans submitted to the City and would show that the height remains under this OEI surface.
 - The distillation column height would be verified with survey following construction.
 - No visible emissions would be present at any time of the year from the distillation column.
 - An aviation easement would be prepared and recorded by the Airport, the City and the landowner.
 - f. With compliance to and verification of the issues above, this project meets the required FAA airspace regulations.
3. A letter submitted by Air Liquide Industrial US LP indicates compliance with the conditions specified in the Airport's September 14th letter noting:
- a. Air Liquide has worked diligently to re-design and re-structure its' plant designs, at considerable cost, to ensure it is compliant with all City ordinances and FAA regulations.
 - b. Air Liquide submitted a Form 7460-1 to the FAA on August 9, 2007.
 - c. The FAA approved the application with a determination of *no hazard to air navigation* on September 18, 2007.
 - d. All structures will also be survey accurate on the plans submitted to the City and will indicate, as well as physically be, under the OEI surface.
 - e. Air Liquide's distillation column will have no visible emissions.
 - f. The column is captive of the air and its' components inside, with no emissions hole at the top.
 - g. As required by FAA rules, an aviation easement will be prepared and recorded by the Airport, the City and Air Liquide.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Administration's transmittal notes
1. Generally, M-1 Zoning Districts are found only in the Capitol Hill, Northwest, and West Salt Lake planning communities.
 2. The *Capitol Hill Master Plan*, adopted on November 9, 1999, contains a planning goal that states there should be provisions for "appropriate industrial uses which are clean, quiet and attractively developed, buffered from surrounding residential areas."
 3. The *Northwest Jordan River/Airport Master Plan*, adopted in January of 1992, does not address industrial development or height regulations.
 4. The *West Salt Lake Master Plan*, adopted on March 21, 1995, recommends buffers for existing and new industrial development that is near residential development, but does not specify recommendations for height regulations.
 5. The *Salt Lake City Vision and Strategic Plan* calls for development of "'business friendly' licensing and regulatory practices" to promote economic vitality.
- B. The 1995 West Salt Lake Community Plan includes the following additional applicable policies, goals and strategies.
1. Land Use Plan
Goals (p.2)
 - Encourage properly regulated new growth in areas of anticipated development, especially in the West Salt Lake Industrial District [bounded by Interstate 80, Redwood Road, 2100 South Expressway, and Bangerter Highway (4000 West)].
 - Propose a future land use plan that will minimize and eventually eliminate land use conflicts in developed areas.
 2. Industrial Land Use
Overview (p.5)
 - The land use plan designates the area west of Redwood Road, the West Salt Lake Industrial District, to be devoted exclusively to industrial development and related uses.
 - One of the goals of this plan is to encourage high quality industrial park type of planned development wherever possible in the undeveloped portion of the Community.*Development Policies for Undeveloped Areas (p.5)*
 - Although there are opportunities for industrial development in other parts of the West Salt Lake Community, the primary focus for future growth will be to the west of Redwood Road.
 3. Urban Design Element
Gateways (p.11)
 - Develop and preserve Salt Lake City's gateways to provide a good first impression of the city, including all Interstate 80 interchanges (I-80 and 5600 West).
 - Develop gateways in a fashion which strengthens the identity of the city; gateway streets should be visually uncluttered, their view unobstructed.*Strategies: City Gateways in Industrial Districts (p.12)*
 - Implement site and building design standards in industrial areas.
- C. The City Transportation Master Plan contains policy statements that include support of alternative forms of transportation, considering impacts on neighborhoods on at least an equal basis with impacts on transportation systems and giving all neighborhoods equal consideration in transportation decisions.
- D. 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.

- E. 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.

- F. 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.

- September 25, 2006 First Planning Open House
- September 27, 2006 Petition initiated by Planning Commission
- March 19, 2007 Petition assigned to planner
- April 11, 2007 Planning Commission Public Hearing (action tabled due to concerns expressed by the Department of Airports staff and to allow City staff and opportunity to develop language that would address the Airport's safety concerns.)

- August 2, 2007 Second Planning Open House
- August 22, 2007 Planning Commission Public Hearing
- August 23, 2007 Ordinance requested from the City Attorney's Office
- August 27, 2007 Ordinance received from the City Attorney's Office
- October 4, 2007 Transmittal received in City Council Office

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

File Location: Community Development Dept., Planning Division, Zoning Text Amendment, Light Manufacturing M-1 height regulations

ATTN:
 Nick Britton
 would you please
 put this in the
 petition 400-06-36
 case file

ATTACHMENT 1

Glendale Community Council

Randy Sorensen	Jay Ingleby
Chairman	First-Vice Chair
Ross Andra	Marlene Little
Second-Vice Chair	Secretary

April 6, 2007

To: The Salt Lake City Planning Commission.

This letter is in response to petition 400-06-36. We feel this petition should be totally done away with.

As you know we have been before you, to make our thoughts known about any types of hazard or hazardous creating businesses coming into our community.

We have a Tire Recycling business, two and soon to be three Truck Stops, and Chemical businesses that have had spills. All of these could be harmful to our Community-Death being one of those. We were told in October 2006 by Mayor Rocky Anderson, that he would stop and not allow any business that would affect our air quality and quality of life in our area, and now Petition 400-06-36 comes along to do exactly the opposite.

If the Planning Commission would review our Master Plan, which the City has, you would find that we have asked that no hazardous businesses be allowed in our Community.

The residents in our community, are tired of seeing the City try to make us a DUMPING GROUND, forgetting that these businesses should not be anywhere near a residential community let alone within the SLC area.

Our guess that one of these businesses Downtown or on the Eastside would be in business about one(1) day or not be approved at all. We would hope that you take a more active approach to see that these businesses, be located, as far out of the community aspect of this City-Like on the other side of the Great Salt Lake or in more Rural areas such as West of 7200 West.

We ask you to look at this Petition as something that is harmful, and should not even be considered for amending or approval. I might add, the Salt Lake City Airport is against this Petition, as it conflicts with their Air space and Flight plans. We do not need an aircraft crashing into a smokestack killing innocent people. Please do not approve this Petition!!!!

Thank You
 Glendale Community Council

ATTACHMENT 2

April 3, 2007

Nick Britton
Principal Planner
Planning Division
451 South State Street, Room 406
Salt Lake City, Utah 84118

RE: Proposed M-1 and M-2 light manufacturing district height changes

Dear Nick,

A proposal has been made to allow smokestacks, chimneys, and distillation columns up to one hundred twenty feet (120') in height in the M-1 and M-2 zoning districts. Land south of Salt Lake City International Airport's (SLCIA) three main runways is predominately zoned M-1, and a smaller area of M-2. The airport is concerned that the proposed text amendment will allow heights that may potentially obstruct the safe and efficient use of the navigable airspace surrounding SLCIA. The airport must continue to protect these airspaces near the airport.

The existing Airport Flight Path Protection (AFPP) Overlay District provides the city and airport the necessary tools to restrict uses and heights that may interfere with the safe and efficient use of navigable airspace surrounding SLCIA. Avigation Easements are required by the city in the AFPP Overlay District. However, current zoning language does not require development within this zone to be reviewed by the airport if the property has an existing Avigation Easement. The Avigation Easement provides the airport with the assurance that height restrictions in navigable airspace will be met but they do not protect the airspace from the potential visual obstructions that may be caused by smokestack or chimney emissions, Lighting on tall structures may also affect the safety of aircraft operations.

The airport has been working with Salt Lake City Planning to develop wording to be placed in the M-1 and M-2 zoning districts that will continue to help protect the airport's airspace. The proposed wording addition requires all chimneys, smokestacks, and distillation columns within the AFPP overlay zone to be approved by the Department of Airports. This approval will continue to provide assurance that the airport's navigable airspace will remain clear of height and visual obstructions.

Thank you for the opportunity to review this proposed text amendment.

Sincerely,

Allen McCandless, Acting Director
Planning and Capital Programming



September 14, 2007

Ed Butterfield, Acting Senior Advisor
Salt Lake City Economic Development
Office of Mayor
451 South State Street, Room 306
Salt Lake City, Utah 84111

Ed,

You requested a review the Airport's current position of the proposed Air Liquide project site at 5048 West 700 South.

To accommodate Air Liquide's facility proposal, a text amendment to the Salt Lake City's M-1 and M-2 manufacturing districts was proposed to allow additional heights of chimneys, smokestacks, and distillation columns up to 120 feet in height in order to allow a distillation column. The proposed text amendment would also add distillation columns to the list of structures that could exceed the height limit. The proposed text amendment was scheduled on the Planning Commission agenda April 11, 2007. Based on Federal Aviation Administration (FAA) airspace regulations, the Airport had concerns that this new text amendment would allow increased heights of any structure located on the approaches to the airport's runways in the manufacturing zoning districts. The proposed Air Liquide distillation column height was originally shown to penetrate the FAA's One Engine Inoperative (OEI) surface. The Airport met with representatives from the City's Economic Development division, Planning Division, and Air Liquide on July 13, 2007 to discuss issues and concerns with the proposed distillation column's potential of penetrating the FAA's OEI surfaces.

The Denver Airports District Office of the FAA was also consulted regarding the proposed project in relation to the OEI surface. The FAA does not support variances to the present zoning in the approach and departure area that would allow structures to penetrate the OEI surface.

"

To date Air Liquide engineers have provided height data suggesting the proposed distillation column will be less than 1 foot under the most restrictive FAA OEI surface. If the City chooses to allow the proposed facility at this location, the Airport recommends the following.

- Air Liquide should submit the Notice of Proposed Construction, Form 7460-1 to the FAA and would receive a response regarding any objections to the project.
- All structure heights would be required to remain under the most restrictive FAA surfaces, which to date is the OEI surface. The distillation column would be survey accurate on the plans submitted to the City and would show that the height remains under this OEI surface. The distillation column height would be verified with survey following construction.
- No visible emissions would be present at any time of the year from the distillation column.
- An aviation easement would be prepared and recorded by the Airport, the City, and the landowner.

With compliance to and verification of the above issues, this project meets the required FAA airspace regulations.

Sincerely,



Maureen Riley,
Executive Director

c.c. Mayor Rocky Anderson
Lynne Creswell
Sam Guevara



AIR LIQUIDE

January 26, 2007

Mr. Ed Butterfield
Acting Senior Advisor
Office of Mayor - Salt Lake City Economic Development
32451 South State Street, Room 306
Salt Lake City, UT 84111

RE: Salt Lake City Department of Airports dated September 14, 2007

Dear Mr. Butterfield,

Thank you for the opportunity to respond to the SLC Dept. of Airports letter dated September 14, 2007. Air Liquide intends to, and believes it is, in full compliance with the FAA regulations regarding structure heights on the approaches to the SLC airport's runways. Air Liquide has worked diligently to re-design and re-structure its plant designs, at considerable cost, to ensure it is compliant with all city ordinances and FAA regulations. It is important to note also, that the current text amendment proposed to Salt Lake City's M-1 and M-2 manufacturing districts is specifically worded to not allow any structures to penetrate the most restrictive protected surfaces of the FAA. Please see below an answer to each of the recommendations listed by the Salt Lake City airport in its' letter:

- Air Liquide submitted a Form 7460-1 to the FAA on August 9th, 2007 and was assigned case # 2007-ANM-2419-OE. The FAA approved our application with a determination of *no hazard to air navigation* on Sept. 18, 2007.
- All structures of the plant will be under the most restrictive FAA surface, which is the OEI surface. All structures will also be survey accurate on the plans submitted to the city and will indicate, as well as physically be, under the OEI surface.
- Air Liquide's distillation column will have no visible emissions. The column is captive of the air and its' components inside, with no emissions hole at the top.
- As required by FAA rules, an aviation easement will be prepared and recorded by the Airport, the City and Air Liquide.

Air Liquide has worked, and will continue to work with Salt Lake City, the Salt Lake City Airport, and the FAA to ensure it is compliant with all regulations and ordinances regarding its' project in Salt Lake City. We look forward to a successful project and relationship with the City of Salt Lake and the state of Utah as we move forward.

Sincerely,

Andrew Garnett
Business Manager, Atmospheric Gases
Air Liquide Industrial US LP

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
TRANSMITTED

OCT 04 2007

CITY COUNCIL TRANSMITTAL

TO CITY COUNCIL

Stew Smith for Lyn Creswell

TO: Lyn Creswell, Chief Administrative Officer **DATE:** October 2, 2007

FROM: Louis Zunguze, Community Development Director

RE: Petition 400-06-36: Zoning Text Amendment by the Salt Lake City Planning Commission to modify the height regulations in the Light Manufacturing (M-1) Zoning District to allow emissions-free distillation column structures to exceed the 65 foot height limit

STAFF CONTACTS: Nick Britton, Principal Planner, at 535-7932 or nick.britton@slcgov.com

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

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: At the September 27, 2006, Planning Commission meeting, the Planning Division requested that the Planning Commission initiate a petition to review potential changes to the height regulations in the Light Manufacturing (M-1) Zoning District. The matter was taken to the Planning Commission on April 11, 2007, but the Department of Airports objected to the language of that proposal and it was tabled. After discussions with the Economic Development Office, the Community Development Department, and the Department of Airports, Planning staff drafted new language to address the concerns of the Department of Airports. The new language was heard by the Planning Commission and given a positive recommendation at its August 22, 2007, meeting.

Analysis: This text amendment will only impact the M-1 Zoning District. The current 65 foot building height regulation will remain in place. However, under the proposed text amendment, there is an exception that will allow emissions-free distillation column structures, necessary for manufacturing processing purposes, to be erected up to 120 feet or the most restrictive Federal Aviation Administration (FAA) imposed minimal approach surface elevation, whichever is less. Also, any development taking place within the Airport Flight Path Protection (AFPP) Overlay District that takes advantage of the height exception would require Department of Airports

approval prior to the issuance of building permits. Furthermore, all proposed development within the AFPP Overlay District that exceeds 50 feet in height will also require site-specific approval from the FAA.

Information regarding these proposed changes was routed to all applicable City Departments. The only response was from the Department of Airports, and Planning staff worked with them to find a proposal that suited their needs, which is represented in the proposed zoning text amendment.

Master Plan Considerations: Generally, M-1 Zoning Districts are found only in the Capitol Hill, Northwest, and West Salt Lake planning communities. The *Capitol Hill Master Plan*, adopted on November 9, 1999, contains a planning goal that states there should be provisions for “appropriate industrial uses which are clean, quiet and attractively developed, buffered from surrounding residential areas.” The *Northwest Jordan River/Airport Master Plan*, adopted in January of 1992, does not address industrial development or height regulations. The *West Salt Lake Master Plan*, adopted on March 21, 1995, recommends buffers for existing and new industrial development that is near residential development, but does not specify recommendations for height regulations. The *Salt Lake City Vision and Strategic Plan* calls for development of “‘business friendly’ licensing and regulatory practices” to promote economic vitality.

PUBLIC PROCESS:

An Open House was held on September 25, 2006, to gather community input. Notice was sent to Community Council Chairpersons and other interested organizations and individuals. No members of the community attended. A second Open House was held on August 2, 2007. Notice was again sent to the Community Council Chairpersons and other interested parties. Three members of the Glendale Community Council attended and left comments opposing the proposed text amendment.

The Planning Commission held a public hearing on the petition on April 11, 2007, but the item was tabled at the request of the Department of Airports. A second public hearing on the issue was held on August 22, 2007. There were issues regarding the definition of a distillation column and potential ambiguity with the phrase “emissions free,” but the Planning Commission voted to forward a positive recommendation to the City Council regarding the proposed zoning text amendment as presented in the staff report. The vote was five in favor, four opposed.

RELEVANT ORDINANCES:

Salt Lake City Zoning Ordinance

- Section 21A.10.010.D: Amendments To The Zoning Map Or The Text Of This Title
- Section 21A.50.050: Standards for General Amendments
- Section 21A.28.020F: Maximum Height for the M-1 Light Manufacturing Zoning District

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 - c. Minutes: August 22, 2007
 - d. Additional Material Submitted by Air Liquide: September 12, 2007
6. Planning Commission Hearing: April 11, 2007
 - a. Original Notice and Postmark: April 11, 2007
 - b. Staff Report: April 11, 2007
 - c. Minutes: April 11, 2007
7. Original Petition

Exhibit 1
Chronology

Petition #400-06-36
Chronology

September 11, 2006: Open House notice mailed.

September 25, 2006: Open House held.

September 27, 2006: Petition initiated by the Salt Lake City Planning Commission.

March 19, 2007: Petition assigned to Nick Britton.

March 27, 2007: Notice of Planning Commission public hearing mailed.

April 11, 2007: Petition was tabled at Planning Commission at the request of the Department of Airports.

July 19, 2007: Open House notice mailed.

August 2, 2007: Second Open House held.

August 22, 2007: Planning Commission voted to forward a positive recommendation to the City Council.

August 23, 2007: The resolution was requested from the City Attorney's Office.

August 27, 2007: The final stamped resolution was received from the City Attorney's Office.

SALT LAKE CITY ORDINANCE
No. _____ of 2007

(Amending Maximum Building Height in M-1 Light Manufacturing District)

AN ORDINANCE AMENDING SECTION 21A.28.020, *SALT LAKE CITY CODE*,
PERTAINING TO M-1 LIGHT MANUFACTURING DISTRICT, PURSUANT TO PETITION
NO. 400-06-36.

WHEREAS, the Planning Commission and the City Council of Salt Lake City, Utah, have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and the local master plan as part of their deliberation. Pursuant to these deliberations, the City Council has concluded that the proposed amendments are in the best interest of the City.

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

SECTION 1. **Amending Maximum Building Height in M-1 Light Manufacturing**

District. That Section 21A.28.020 of the *Salt Lake City Code*, pertaining to M-1 Light Manufacturing District be, and hereby is, amended to read as follows:

21A.28.020 M-1 Light Manufacturing District:

A. **Purpose Statement:** The purpose of the M-1 light manufacturing district is to provide an environment for light industrial uses that produce no appreciable impact on adjacent properties and desire a clean attractive industrial setting.

B. **Uses:** Uses in the M-1 light manufacturing district as specified in section 21A.28.040, "Table Of Permitted And Conditional Uses For Manufacturing Districts", of this chapter are permitted subject to the general provisions set forth in section 21A.28.010 of this chapter.

C. **Minimum Lot Size:**

1. Minimum Lot Area: Twenty thousand (20,000) square feet.
2. Minimum Lot Width: Eighty feet (80').
3. Existing Lots: Lots legally existing as of April 12, 1995, shall be considered legal conforming lots.

D. **Minimum Yard Requirements:**

1. Front Yard: Fifteen feet (15').
2. Corner Side Yard: Fifteen feet (15').
3. Interior Side Yard: None required.
4. Rear Yard: None required.
5. Accessory Uses, Buildings And Structures In Yards: Accessory uses, buildings and structures may be located in a required yard area subject to table 21A.36.020B of this title.

E. Landscape Yard Requirements:

1. Front And Corner Side Yards: All required front and corner side yards shall be maintained as landscape yards in conformance with the requirements of part IV, chapter 21A.48 of this title.
2. Buffer Yards: All lots abutting a lot in a residential district shall conform to the buffer yard requirements of part IV, chapter 21A.48 of this title.

F. Maximum Height: No building shall exceed sixty five feet (65') except that emission free distillation column structures, necessary for manufacture processing purposes, shall be permitted up to the most restrictive Federal Aviation Administration imposed minimal approach surface elevations, or one hundred twenty feet (120') maximum, whichever is less. Said approach surface elevation will be determined by the Salt Lake City Department of Airports at the proposed locations of the distillation column structure. Any proposed development in the Airport Flight Path Protection (AFPP) Overlay District, as outlined in Section 21A.34.040 of this Title, will require approval of the Department of Airports prior to issuance of a building permit. All proposed development within the AFPP Overlay District which exceeds fifty feet (50') will also require site specific approval from the Federal Aviation Administration .

SECTION 2. Amending AFPP Airport Flight Path Protection Overlay District.

That Section 21A.34.040 (6) of the *Salt Lake City Code*, pertaining to AFPP Airport Flight Path Protection Overlay District be, and hereby is, amended to read as follows:

6. Height Limitations in Airport Zones. Except as otherwise provided in this section, no structure or tree shall be erected, altered, allowed to grow or be maintained in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Additionally, structures within the M-1 Light Manufacturing zoning district must conform to the height regulations outlined in Section 21A.28.020 regarding maximum heights and site-specific airport and FAA approvals.

SECTION 3. Amending Summary Table of Yard and Bulk Requirements. That

Section 21A.28.050 of the *Salt Lake City Code*, pertaining to Summary Table of Yard and Bulk Requirements be, and hereby is, amended to read as set forth in Exhibit “A” attached hereto.

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:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2007.
Published: _____.

Exhibit “A”

21A.28.050 Summary Table Of Yard And Bulk Requirements—Manufacturing Districts:

District Symbol	District Name	YARD AND BULK REQUIREMENTS						
		Minimum Lot Area	Minimum Lot Width	Minimum Front And Corner Yard	Minimum Interior Side Yard	Minimum Rear Yard	Maximum Landscape Yard	
M-1	Light manufacturing	20,000 sf	80'	15'	None	None	All required front and corner side yards	
M-2	Heavy manufacturing	20,000 sf	80'	35'	20'	35'	The first 15' of all required front and corner side yards	Except ch smokesta

Footnotes:

1. See Chapter 21A.48 of this title.

2. Emission free distillation column structures, necessary for manufacture processing purposes, shall be permitted up to the most restrictive Federal Aviation Administration imposed minimal approach surface elevations, or one hundred twenty (120') feet maximum, whichever is less. Said approach surface elevation will be determined by the Salt Lake City Department of Airports at the proposed locations of the distillation column structure. Any proposed development in the Airport Flight Path Protection (AFPP) Overlay District, as outlined in Section 21A.34.040 of this title, will require approval from the Department of Airports prior to issuance of a building permit. All proposed development within the AFPP Overlay District which exceeds fifty feet (50') will also require site specific approval from the Federal Aviation Administration.

Exhibit 2
Proposed Ordinance

Exhibit 3
City Council Public Hearing Notice

NOTICE OF PUBLIC HEARING

The Salt Lake City Council will hold a public hearing and consider adopting an ordinance to amend the Salt Lake City Zoning Ordinance regarding height regulations in the Light Manufacturing (M-1) Zoning District. The proposal would allow emissions-free distillation column structures up to 120 feet or the most restrictive Federal Aviation Administration (FAA) imposed minimal approach surface elevation, whichever is less. Any development taking place within the Airport Flight Path Protection (AFPP) Overlay District that takes advantage of the height exception would require Department of Airports approval prior to the issuance of building permits. Furthermore, all proposed development within the AFPP Overlay District that exceeds 50 feet in height will also require site-specific approval from the FAA.

The City Council hearing will be held:

Date:

Time: 7:00 PM

Place: Room 315 (City Council Chambers)
Salt Lake City and County Building
451 South State Street
Salt Lake City, UT 84111

You are invited to attend this hearing, ask questions, or provide input concerning the topic listed above. If you have any questions, contact Nick Britton at 535-7932 between the hours of 8:00 AM and 5:00 PM, or send an e-mail to nick.britton@slcgov.com.

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact (801) 535-7971; TDD (801) 535-6021.

Exhibit 4
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ANN LANGE
1468 REDONDO AVE.
SALT LAKE CITY, UT 84105

KAREN ANTHONY
1999 VIEW
SALT LAKE CITY, UT 84105

LEEANN DIAMOND
1401 HOLLYWOOD AVE.
SALT LAKE CITY, UT 84105

MELISSA CLYNE
1760 E. HOLLYWOOD AVE.
SALT LAKE CITY, UT 84108

ERIC STRAIN
1984 VIEW STREET
SALT LAKE CITY, UT 84105

LESLIE REYNOLDS-BENNS, PHD
WESTPOINTE CHAIR
1402 MIAMI ROAD
SALT LAKE CITY UT 84116

KENNETH L NEAL
ROSE PARK CHAIR
1071 NORTH TOPAZ
SALT LAKE CITY UT 84116

ANGIE VORHER
JORDAN MEADOWS CHAIR
1988 SIR JAMES DRIVE
SALT LAKE CITY UT 84116

VICKY ORME
FAIRPARK CHAIR
159 NORTH 1320 WEST
SALT LAKE CITY UT 84116

MIKE HARMAN
POPLAR GROVE CHAIR
1044 WEST 300 SOUTH
SALT LAKE CITY UT 84104

RANDY SORENSON
GLENDALE CHAIR
1184 SOUTH REDWOOD DR
SLAT LAKE CITY UT 84104

POLLY HART
CAPITOL HILL CHAIR
355 NORTH QUINCE STREET
SALT LAKE CITY UT 84103

MICHAEL HUGHES
GREATER AVENUES CHAIR
704 5TH AVENUE
SALT LAKE CITY UT 84103

CHRIS VIVANT
DOWNTOWN CHAIR
404 SOUTH 400 WEST
SALT LAKE CITY UT 84111

DELBERT RUSHTON
PEOPLE'S FREEWAY CHAIR
18 WEST HARTWELL AVE
SALT LAKE CITY UT 84115

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

JOEL BRISCOE
EAST CENTRAL CHAIR
PO BOX 58902
SALT LAKE CITY UT 84158

JIM FISHER
LIBERTY WELLS CHAIR
PO BOX 522318
SALT LAKE CITY, UT 84152

JON DEWEY
YALECREST CHAIR
1724 PRINCETON AVE
SALT LAKE CITY UT 84108

DANIEL JENSEN
WASATCH HOLLOW CHAIR
1670 EAST EMERSON AVE
SALT LAKE CITY UT 84105

ELIOT BRINTON
SUNNYSIDE EAST CHAIR
849 SOUTH CONNOR STREET
SALT LAKE CITY UT 84108

ELLEN REDDICK
BONNEVILLE HILLS CHAIR
2177 ROOSEVELT AVENUE
SALT LAKE CITY UT 84108

MICHAEL AKERLOW
FOOTHILL/SUNNYSIDE CHAIR
1940 HUBBARD AVE
SALT LAKE CITY UT 84108

SHAWN MCMILLEN
H. ROCK CHAIR
1855 SOUTH 2600 EAST
SALT LAKE CITY UT 84108

DAVE MORTENSEN
ARCADIA HEIGHTS/BENCHMARK
CHAIR
2278 SIGNAL POINT CIRCLE
SALT LAKE CITY UT 84109

PHILIP CARLSON
SUGAR HOUSE CHAIR
1917 EAST 2700 SOUTH
SALT LAKE CITY UT 84106

PAUL TAYLOR
OAK HILLS CHAIR
1165 OAKHILLS WAY
SALT LAKE CITY UT 84108

BRUCE COHNE
EAST BENCH CHAIR
2384 SOUTH SUMMIT CIRCLE
SLAT LAKE CITY, UT 84109

PAM PEDERSEN
EAST LIBERTY PARK CHAIR
PO BOX 520123
SALT LAKE CITY, UT 84152

TIM DEE
SUNSET OAKS CHAIR
1575 DEVONSHIRE DRIVE
SALT LAKE CITY UT 84108

INDIAN HILLS CHAIR
Vacant

ST. MARY'S CHAIR
Vacant

Downtown Alliance
Bob Farrington, Director
175 East 400 South #100
Salt Lake City, UT 84111

S.L. Chamber of Commerce
175 East 400 South, Suite #100
Salt Lake City, UT 84111

Attn: Carol Dibblee
Downtown Merchants Assn.
10 W. Broadway, Ste #420
P.O. Box
Salt Lake City, UT 84101

Sugar House Merchant's Assn.
C/o Barbara Green
Smith-Crown
2000 South 1100 East
Salt Lake City, UT 84106

Hispanic Chamber of Commerce
P.O. Box 1805
Salt Lake City, UT 84110

Vest Pocket Business Coalition
P.O. Box 521357
Salt Lake City, UT 85125-1357

Westside Alliance
C/o Neighborhood Housing Svs.
Maria Garcia
622 West 500 North
Salt Lake City, UT 84116

NICK BRITTON
Planning Division
451 S. State St. Rm 406
Salt Lake City, UT 84111

Andrew Garnett
Air Liquide
2700 Post Oak Blvd. Ste 1800
Houston, TX 77056-8229

Exhibit 5-a
Planning Commission Hearing
Original Notice and Postmark

Note: Field Trip is Scheduled to leave at 4:00 p.m.

AMENDED
AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, April 11, 2007 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, March 28, 2007.
2. REPORT OF THE CHAIR AND VICE CHAIR
3. REPORT OF THE DIRECTOR
4. PRESENTATIONS
 - a. Natalie Gochnour of the Salt Lake Area Chamber of Commerce will provide an overview of the recently completed Downtown Rising planning process. The Downtown Rising project is a joint process between the Chamber of Commerce, Salt Lake City and numerous other sponsors. The process provides public input towards the revision of the Downtown Master Plan.
 - b. Tim Harpst and Alice Steiner will present the findings of the Downtown in Motion plan (Downtown Transportation Master Plan). The plan is a joint project of Salt Lake City, UTA, Salt Lake Area Chamber of Commerce, the Downtown Alliance and UDOT. The process provides public input towards the revision of the Downtown Master Plan.
5. PUBLIC HEARINGS
 - a. **Petition No. 410-06-28** —A request by Robert Bunnel for Conditional Use approval for a Rooming House located at approximately 149 South 900 East, in an RMF-30 (Low Density Multi-Family Residential) Zoning District. The applicant proposes to convert an existing single family residence into a Rooming House for seven tenants. The Planning Commission took action to deny this case on September 13, 2006. The Salt Lake City Land Use Appeals Board has remanded the case back to the Planning Commission to reconsider and identify that either the anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated with the imposition of reasonable conditions or to approve the request with or without conditions of approval.
(Staff— Kevin LoPiccolo at 535-6003 or email at kevin.lopiccolo@slcgov.com).
 - b. Overview of development plans for Trolley Square located at approximately 602 East 500 South, in the Central City Historic District. The property owner, Trolley Square Associates, LLC, represented by Mark Blancarte, will provide an overview of proposed development at Trolley Square.
 1. **Petition No. 410-07-05**— A request by Trolley Square Associates, LLC, to construct an exterior staircase on the South Façade of the main building at Trolley Square (southern building) located at approximately 602 East 500 South, in a Commercial Shopping CS zone, and also in the Central City Historic District. (Staff—Nick Norris at 535-6173 or nick.norris@slcgov.com)
 - c. **Petition 400-06-36**—A request by the Salt Lake City Planning Commission to amend the Salt Lake City Zoning Ordinance text regarding height limits in the M-1(Light Manufacturing) Zoning District. The proposed text amendment would permit chimneys, smokestacks, and distillation columns up to one hundred and twenty feet (120') in height in the M-1 Zoning District. The proposed text amendment would also add distillation columns to the list of structures that can exceed the height limit in the M-2 (Heavy Manufacturing) Zoning District. (Staff—Nick Britton at 535-7932 or email at nick.britton@slcgov.com)

*

Exhibit 5-b
Planning Commission Hearing
Staff Report: August 22, 2007

PLANNING COMMISSION STAFF REPORT



Petition #400-06-36
Zoning Text Amendment for Maximum Heights in
the Light Manufacturing (M-1) Zoning District
August 22, 2007

Planning and Zoning Division
Department of Community
Development

Applicant:

Salt Lake City Planning
Commission

Staff:

Nick Britton, Principal Planner
535-7932
nick.britton@slcgov.com

Tax IDs:

N/A

Current Zone:

M-1

Master Plan Designation:

N/A

Council District:

Citywide

Acreage:

N/A

Current Use:

N/A

Applicable Land Use

Regulations:

- 21A.28.020F

Attachments:

- Petition Request
- Proposed Zoning Ordinance Text Amendment
- Current Zoning Ordinance Language
- Open House Notice
- Public Comments

REQUEST

At the September 27, 2006 Planning Commission meeting, the Planning Division requested that the Planning Commission initiate a petition to review the potential for increasing the maximum height limit in the Light Manufacturing (M-1) Zoning District. The petition stems from request from various industries trying to locate in the M-1 Zoning District but unable to due to the restrictions on smokestacks and similar structures.

Planning staff has proposed an exception to the 65 foot height limit for structures in the M-1 Zoning District for emissions-free distillation columns. The proposed maximum heights for distillation columns is the most restrictive Federal Aviation Administration (FAA) imposed minimal approach surface elevations or 120 feet, whichever is less. All proposed development in the M-1 Zoning District and within the Airport Flight Path Protection (AFPP) Overlay District will require review and approval from the Department of Airports and any proposal exceeding 50 feet in height will require additional site-specific review and approval the FAA.

PUBLIC NOTICE

An Open House was held on August 2, 2007 at the City & County Building. Three members of the public showed up and did not support the proposed text amendment.

STAFF RECOMMENDATION:

1. The Planning Division recommends that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed text amendment, as reflected in this Staff Report.

Comments

Public Comments

At an Open House on August 2, 2007, three members of the Glendale Community Council came to share their disapproval of the proposed text amendment. Generally, their concerns were that allowing this exception would set a precedent for other industrial uses that are over the height restrictions to locate in the M-1 zone. The community members wanted industrial uses to locate past 5600 West where there was no residential development.

City Department/Division Comments

The Department of Airports opposed the original proposal drafted by the Planning Division. As a result, the Planning Commission tabled this matter and the Planning Division, Department of Airports, and Economic Development discussed potential changes. The resulting language was decided upon by Planning Division and the Department of Airports has no comments or suggestions regarding the latest revision.

Staff Analysis and Findings

Project History

The Planning Commission tabled this item at the April 11, 2007 Planning Commission at the request of the Department of Airports. It has undergone significant revisions since that date.

Master Plan Discussion

No specific adopted master plan applies to the M-1 Zoning District. In order to promote economic vitality, the *Salt Lake City Vision and Strategic Plan* calls for the development of “business friendly” licensing and regulatory practices.”

General Standards of Review

Currently, all buildings and structures in the M-1 Zoning District are limited to 65 feet in height. The only exception to this is in the Light Manufacturing Height Overlay District (M-1H) which allows buildings up to 85 feet but does not provide allowance for additional height above 85 feet for smokestacks or similar structures. This text amendment would not increase the maximum height allowed in the M-1 Zoning District for all buildings. It will only allow a certain type of structures—an emissions-free distillation column—above that height limit up to 120 feet *or* the most restrictive FAA-imposed minimal approach surface elevation, whichever is less. It will also require Department of Airports review and approval for any proposed development in the AFPP Overlay District. Furthermore, any development in the AFPP Overlay District exceeding 50 feet will require site-specific approval from the FAA.

Since the proposed text amendment is a modification of the text of the Zoning Ordinance, the Planning Commission shall review the proposed text change and forward a recommendation to the City Council. The Planning Commission shall use the standards outlined in Section 21A.50.050:

21A.50.05: Standards for General Amendments

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

- D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.
- E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

Staff has concluded that the proposed zoning text amendment for the M-1 Zoning District meets all of the standards for a general amendment. All development would still be reviewed for appropriateness and compliance with the M-1 Zoning District. Any additional height over 65 feet would only be allowed for emissions-free distillation columns, pending Department of Airports approval and FAA approval (if over 50 feet) if the development falls within the AFPP Overlay District.

2. Request for a petition initiation regarding utility installations.

Mr. Ikefuna stated that utility installations require conditional use review; however, staff is requesting that all utility installations be reviewed as a routine and uncontested matter to allow administrative approval. The approval shall only be given if the affected property owners are notified and consent to the utility installation request.

3. Request to amend the original Planning Commission initiated petition relating to a text amendment for the height increase in the Light Manufacturing (M-1) Zoning District.

Mr. Ikefuna stated that the request is a site-based petition for the M-1 District and Overlay, and after further evaluation, staff concluded that it would be best to expand the petition to include the M-1 Zoning District. Mr. Ikefuna stated that the driving force of the petition is due to the requests of industries trying to locate in the M-1 Zoning District, but are limited by the restrictions on smokestacks. He added that there is no evidence to support the restriction of limiting the height in the area, and therefore the City has termed it appropriate to re-visit the area and make the appropriate changes.

400-06-36

Commissioner De Lay made a motion to initiate two petitions and amend the existing petition request. All voted "Aye". The motion passed.

PUBLIC NOTICE AGENDA

(There were no items to be reviewed.)

PUBLIC HEARINGS

Petition 490-06-23 – A request by Pilot Travel Centers requesting preliminary subdivision amendment approval to consolidate several meets and bounds parcels and portions of the Charles S. Desky Third Addition Subdivision into a single 6.73 acre parcel of land located at approximately 25 North Redwood Road in a Corridor Commercial (CC) and Light Manufacturing (M-1) Zoning District.

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

Chairperson McDonough recognized Mr. McCandless as staff representative. Mr. McCandless provided a brief background to the request. He stated that the request before the Planning Commission is to determine whether or not the preliminary subdivision should be approved; provided that the request meets the lot area width and frontage requirements for the applicable zoning districts. Mr. McCandless stated that the request is before the Planning Commission because there was a dispute between the property owners concerning the location of the south property line (Diamond Parking) and Pilot Travel Centers; therefore, an Administrative Hearing was not held because of the opposition. However, Mr. McCandless stated the City is of the understanding that the dispute has been resolved. Staff recommends approval with the following conditions:

1. Approval is conditional upon compliance with departmental comments as outlined in the staff report.
2. Approval from the Utah Department of Transportation (UDOT) be obtained for any future driveway connections or utilities on Redwood Road.
3. Final subdivision platting is required.

Commissioner De Lay requested clarification regarding the letter from Lynn Pace, City Attorney, noting that there is no road existing on South Temple.

Mr. McCandless stated that the reference in the letter is in regards to the South Temple alignment and whether or not the street exists at the location; as it was originally dedicated in the subdivision plats. After completing additional research, Staff found that there was no street, right-of-way, or utilities in the corridor west of Redwood Road; therefore, eliminating the ownership issue.

Chairperson McDonough recognized the applicants, Steve Christensen, Local Counsel for Pilot Travel Centers, and Bill Mulligan, Representative of Pilot Travel.

21A.28.020 M-1 Light Manufacturing District:

- A. Purpose Statement: The purpose of the M-1 light manufacturing district is to provide an environment for light industrial uses that produce no appreciable impact on adjacent properties and desire a clean attractive industrial setting.
- B. Uses: Uses in the M-1 light manufacturing district as specified in section 21A.28.040, "Table Of Permitted And Conditional Uses For Manufacturing Districts", of this chapter are permitted subject to the general provisions set forth in section 21A.28.010 of this chapter.
- C. Minimum Lot Size:
 - 1. Minimum Lot Area: Twenty thousand (20,000) square feet.
 - 2. Minimum Lot Width: Eighty feet (80').
 - 3. Existing Lots: Lots legally existing as of April 12, 1995, shall be considered legal conforming lots.
- D. Minimum Yard Requirements:
 - 1. Front Yard: Fifteen feet (15').
 - 2. Corner Side Yard: Fifteen feet (15').
 - 3. Interior Side Yard: None required.
 - 4. Rear Yard: None required.
 - 5. Accessory Uses, Buildings And Structures In Yards: Accessory uses, buildings and structures may be located in a required yard area subject to table 21A.36.020B of this title.
- E. Landscape Yard Requirements:
 - 1. Front And Corner Side Yards: All required front and corner side yards shall be maintained as landscape yards in conformance with the requirements of part IV, chapter 21A.48 of this title.
 - 2. Buffer Yards: All lots abutting a lot in a residential district shall conform to the buffer yard requirements of part IV, chapter 21A.48 of this title.
- F. Maximum Height: No building shall exceed sixty five feet (65') **except that emission free distillation column structures, necessary for manufacture processing purposes, shall be permitted up to the most restrictive Federal Aviation Administration imposed minimal approach surface elevations, or one hundred twenty (120') feet maximum, whichever is less. Said approach surface elevation will be determined by the Salt Lake City Department of Airports at the proposed locations of the distillation column structure. Any proposed development in the Airport Flight Path Protection (AFPP) Overlay District, as outlined in Section 21A.34.040 of this title, will require approval from the Department of Airports prior to issuance of a building permit. All proposed development within the AFPP Overlay District which exceeds fifty feet (50') will also require site specific approval from the Federal Aviation Administration.**

Draft 7-18-07

within separate accessory buildings and structures. Storage of flammable liquids that are accessory to a principal use shall be permitted subject to fire department approval. The requirements of part IV, chapter 21A.40 of this title shall also apply.

F. Off Street Parking And Loading: All uses in the manufacturing districts shall comply with the provisions governing off street parking and loading in part IV, chapter 21A.44 of this title.

G. Landscaping And Buffering: All uses in the manufacturing districts shall comply with the provisions governing landscaping and buffering in part IV, chapter 21A.48 of this title, including section 21A.48.110 of this title.

H. Signs: Signs shall be allowed in the manufacturing districts in accordance with provisions of part IV, chapter 21A.46 of this title.

I. Environmental Performance Standards: All uses in the manufacturing districts shall conform to the environmental performance standards in section 21A.36.180 of this title. (Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(14-0), 1995)

21A.28.020 M-1 Light Manufacturing District:

A. Purpose Statement: The purpose of the M-1 light manufacturing district is to provide an environment for light industrial uses that produce no appreciable impact on adjacent properties and desire a clean attractive industrial setting.

B. Uses: Uses in the M-1 light manufacturing district as specified in section 21A.28.040, "Table Of Permitted And Conditional Uses For Manufacturing Districts", of this chapter are permitted subject to the general provisions set forth in section 21A.28.010 of this chapter.

C. Minimum Lot Size:

1. **Minimum Lot Area:** Twenty thousand (20,000) square feet.

2. **Minimum Lot Width:** Eighty feet (80').

3. **Existing Lots:** Lots legally existing as of April 12, 1995, shall be considered legal conforming lots.

D. Minimum Yard Requirements:

1. **Front Yard:** Fifteen feet (15').

2. **Corner Side Yard:** Fifteen feet (15').

3. **Interior Side Yard:** None required.

4. **Rear Yard:** None required.

5. **Accessory Uses, Buildings And Structures In Yards:** Accessory uses, buildings and structures may be located in a required yard area subject to table 21A.36.020B of this title.

E. Landscape Yard Requirements:

1. **Front And Corner Side Yards:** All required front and corner side yards shall be maintained as landscape yards in conformance with the requirements of part IV, chapter 21A.48 of this title.

2. **Buffer Yards:** All lots abutting a lot in a residential district shall conform to the buffer yard requirements of part IV, chapter 21A.48 of this title.

21A.28.030 M-2 Heavy Manufacturing District:

A. Purpose Statement: The purpose of the M-2 heavy manufacturing district is to provide an environment for larger and more intensive industrial uses that do not require, and may not be appropriate for, a nuisance free environment.

B. Uses: Uses in the M-2 heavy manufacturing district as specified in the section 21A.28.040, "Table Of Permitted And Conditional Uses For Manufacturing Districts", of this chapter are permitted subject to the general provisions set forth in section 21A.28.010 of this chapter.

C. Minimum Lot Size:

1. **Minimum Lot Area:** Twenty thousand (20,000) square feet.

2. **Minimum Lot Width:** Eighty feet (80').

3. **Existing Lots:** Lots established prior to April 12, 1995, shall be considered legal conforming lots.

D. Minimum Yard Requirements:

1. **Front Yard:** Twenty five feet (25').

2. **Corner Side Yard:** Fifteen feet (15').

3. **Interior Side Yard:** Twenty feet (20').

4. **Rear Yard:** Thirty five feet (35').

5. **Accessory Uses, Buildings And Structures In Yards:** Accessory uses, buildings and structures may be located in a required yard area subject to table 21A.36.020B of this title.

July 19, 2007

NOTICE OF OPEN HOUSE
Salt Lake City Planning Division

The Salt Lake City Planning Commission has initiated a petition to consider modifying the Salt Lake City Zoning Ordinance, Section 21A.28.020(F), to allow emission-free distillation column structures in the M-1 Light Manufacturing Zoning District. Under this proposal, any development using the height exception in the Airport Flight Path Protection (AFPP) Overlay District would be subject to approval from the Salt Lake City Department of Airports and the Federal Aviation Administration.

The Planning Staff would like to receive your input regarding this proposal and invites you to a public open house:

Thursday, August 2, 2007
Salt Lake City & County Building
451 South State Street
Room 126 Conference Room
Between the hours of 5:00 and 6:00 PM

Since it is very difficult for us to inform all interested parties about this request, we would appreciate you discussing this matter with your neighbors and informing them of the open house. If you have any questions or would like to submit comments prior to the Open House, please contact Nick Britton at 535-7932 or at nick.britton@slc.gov.

Thank you.

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. This is an accessible facility. For more information, please contact Nick Britton at 535-7932; TDD 535-6220.

ATTN:
 Nick Britton
 would you please
 put this in the
 Petition 400-06-36
 case file

Glendale Community Council

Randy Sorensen	Jay Ingleby
Chairman	First-Vice Chair
Ross Andra	Marlene Little
Second-Vice Chair	Secretary

April 6, 2007

To: The Salt Lake City Planning Commission.

This letter is in response to petition 400-06-36. We feel this petition should be totally done away with.

As you know we have been before you, to make our thoughts known about any types of hazard or hazardous creating businesses coming into our community.

We have a Tire Recycling business, two and soon to be three Truck Stops, and Chemical businesses that have had spills. All of these could be harmful to our Community-Death being one of those. We were told in October 2006 by Mayor Rocky Anderson, that he would stop and not allow any business that would affect our air quality and quality of life in our area, and now Petition 400-06-36 comes along to do exactly the opposite.

If the Planning Commission would review our Master Plan, which the City has, you would find that we have asked that no hazardous businesses be allowed in our Community.

The residents in our community, are tired of seeing the City try to make us a DUMPING GROUND, forgetting that these businesses should not be anywhere near a residential community let alone within the SLC area.

Our guess that one of these businesses Downtown or on the Eastside would be in business about one(1) day or not be approved at all. We would hope that you take a more active approach to see that these businesses, be located, as far out of the community aspect of this City-Like on the other side of the Great Salt Lake or in more Rural areas such as West of 7200 West.

We ask you to look at this Petition as something that is harmful, and should not even be considered for amending or approval. I might add, the Salt Lake City Airport is against this Petition, as it conflicts with their Air space and Flight plans. We do not need an aircraft crashing into a smokestack killing innocent people. Please do not approve this Petition!!!!

Thank You
 Glendale Community Council

Marlene Little

I don't think exceptions in a flight zone is ~~scary~~ scary. You can never know if a plane has a problem.

I think planes need as much space as possible.

Public Comments

NAME: Jay Ingleby

We DON'T want this petition to go through - it will open the floodgates to Allow Hazardous and ENVIRONMENT businesses to come in. It would also resurrect the Recycle zone issue to come up again. If we let Air Liquide in to do this other businesses will claim we are discriminating against them, and will file lawsuits to get in also. We have enough polluting businesses now, we DON'T need anymore. The City should follow our Master Plan, where we said these KINDS OF businesses should be put out or beyond 5600 W. Remember Utah is already over the Federal percentage of Air Quality

Public Comments

NAME: ROSS ANDRA

Air Liquide should be denied location EAST of 5600 West in Salt Lake City because they might set precedence to the entrance of hazardous companies. Their presence might open up the recycling zone again.

We of the Glendale Community wish to have a sanitized Air community for quality of life.

Would anyone ask less of their community?

Exhibit 5-c
Planning Commission Hearing
Minutes: August 22, 2007

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, August 22, 2007**

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

Present from the Planning Division were George Shaw, Planning Director; Doug Wheelwright, Deputy Planning Director; Nick Norris, Principal Planner, Nick Britton, Principal Planner, Casey Stewart, Principal Planner, and Tami Hansen, Senior Secretary. Also present were: City Staff members Lynn Pace, City Attorney; John Naser, Deputy Director of Engineering and Kevin Young, Transportation Planning Engineer.

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

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless, Susie McHugh, Kathy Scott, and Mathew Wirthlin. Planning Staff present were: George Shaw, Doug Wheelwright, Nick Norris, Casey Stewart, and Nick Britton.

APPROVAL OF THE MINUTES from Wednesday, August 8, 2007.

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

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

REPORT OF THE CHAIR AND VICE CHAIR

(This item was heard at 5:51p.m.)

Chair McDonough noted that on the September 12, 2007, the Commission would be voting for a new Chair and Vice Chair and she had spoken with City Council Member Van Turner about a City Council meeting with the Chair and Vice Chair of the Commission, which would probably take place within the month of September.

REPORT OF THE DIRECTOR

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

George Shaw; Planning Director, noted that the Planning Division was currently undergoing some changes and gave the Commissioners an organization chart showing the structure of the Division for a quick reference of these changes for future use.

Chair McDonough noted that Petition d. would be switched with Petition e. and moved to the end of the meeting to allow for the applicant to make a second presentation under Other Business.

BRIEFING

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

Chair McDonough noted that the Utah Transit Authority (UTA) would be continuing a presentation from the August 8, 2007 briefing regarding options for development, including track alignment and station locations, of the proposed Airport Light Rail Transit line. She noted that no final recommendations would be made on this project at this meeting, nor would the Commission be taking public comment at this time.

Mr. Norris noted that to transform this building into a type of use of which Mrs. Olsen spoke of, would require ongoing resources from the city in terms of budgeting, staffing, and maintaining the building. He noted that the City felt that disposing of the property was the best solution.

Mr. Shaw stated that regardless of who eventually owned this property, the Historic aspects would be preserved.

Commissioner Scott inquired if there was any discussion with O.C. Tanner on setting up a little museum to house memorabilia.

Mr. Norris noted that a discussion of that nature had not taken place.

Commissioner De Lay noted that ideally it would be wonderful to see these types of buildings saved, but unfortunately the City had no budget to turn the building into an ongoing museum. She noted that the Utah Heritage Foundation would protect the building in the future, and noted that she felt they were good at enforcing their historic easements.

Commissioner De Lay made a motion regarding Petition 400-07-17, and moved that the Planning Commission declare the property surplus and forward a recommendation to the City Administration to dispose of the property located at 15 South State Street, Tax ID 16-06-102-008, as required in Section 2.58 of City Code and the property transaction is consistent with the Request for Proposal, RFP No. 0103RFP070019 including the recording of a preservation easement.

Commissioner Scott seconded the motion. All in favor voted, "Aye" the motion passed unanimously.

(This item was heard at 6:54 p.m.)

Petition 400-06-36— a request by the Salt Lake City Planning Commission to amend the Salt Lake City Zoning Ordinance text regarding height limits in the M-1 (Light Manufacturing) Zoning District. The proposed text amendment would allow emission-free distillation columns up to 120' or the most restrictive Federal Aviation Administration (FAA) imposed approach surface elevation, whichever is less. Any proposed development in the Airport Flight Path Protection (AFPP) Overlay District would require approval from the Department of Airports prior to building permit issuance. Any proposed development in the AFPP Overlay District and exceeding 50' (feet) in height would require site specific approval from the FAA.

*

Chair McDonough recognized Nick Britton as staff representative.

Mr. Britton noted that on September 27, 2006 the Commission requested of staff to review the height regulations of the M-1 Zoning District. On April 11, 2007 the Planning Commission tabled the petition at the request of the Airport because they stated that their interests were not covered in their area, since this zoning district is mainly south of the airport. Mr. Britton noted that since then there have been ongoing discussions and new language was determined that the airport supported.

Mr. Britton stated that currently in the M-1 Zone the maximum height was 65 feet regardless of the type of structure. The new language proposal would allow emission free distillation towers, which could exceed the height restriction up to 120 feet or whatever FAA imposed surface regulation existed at that site, which would never exceed the 120 feet.

Mr. Britton noted that if a company was interested in a piece of property that was within the Airport Overlay District, the plans would need to be reviewed by the airport first regardless of the height, and reviewed secondly by the FAA if it was over 50 feet via a site specific review process—both of which would have to approve it. Mr. Britton stated that the only structures that could be waived through this process would be the emissions free distillation columns.

Commissioner Forbis inquired about the technicality of the word emissions free. He inquired if there was a distillation column, would there not be some type of emission.

Mr. Britton noted that all of the process of taking in and separating atmospheric air and the byproducts were stored in tanks and not released into the environment.

Commissioner Forbis inquired what these products were used for.

Mr. Britton noted that the oxygen and nitrogen that was separated were used for medical and industrial purposes that required these pure products.

Commissioner Forbis inquired about specific industrial uses.

Mr. Wheelwright noted that liquid oxygen was used in hospitals and liquid nitrogen was used in electronic industry, and would be used by the local market. He noted that the distillations towers compress atmospheric air and separated the particles out by atomic weight in the distillation column.

Commissioner De Lay noted that the airport was against this petition as of April 2007, and neighbors in the area were afraid that this petition would open the flood gates to allow hazardous and non-friendly environmental businesses to come in and set precedence for these hazardous companies.

Mr. Britton noted that they were against only the language at that time. He noted that only companies that use distillation columns could take advantage of this petition.

Mr. Wheelwright noted that this petition was not changing the permitted and conditional uses, except for adding a provision that closed system distillation columns could be allowed on a site specific basis, subject to airport approval. He noted that there was prior confusion in the community when staff approached this petition due to the use of language they borrowed from the current M-2 zoning district, to allow additional height for chimneys and smoke stacks.

Commissioner Forbis inquired where the definition came from when talking about emissions free distillation columns.

Mr. Wheelwright noted that air distillation column was the name submitted by the company for a chemical manufacturing process, and staff decided on emission free to help distinguish the process from that of a smoke stack. Mr. Wheelwright noted there was no vent at the top of the column and nothing would be released from it.

Chair McDonough inquired if in the proposed ordinance zoning text the definition was clear enough.

Commissioner Scott inquired if in the future this column could be used for something other than manufacturing purposes, is it too confining to have *for manufacturing processes* in the language.

Mr. Wheelwright stated that staff added that language with the thought of having it not be primary, but secondary.

Commissioner Woodhead inquired where the facility was located.

Mr. Wheelwright noted that it was at approximately 700 south and 4500 west.

Commissioner Scott noted that just proximate to this property there was a Utah Power facility that had power poles that exceed the 120 foot height by about 20 feet, so these distillation columns would not be the tallest structures in the area.

Chair McDonough opened the public portion of the hearing.

Jay Ingleby (1148 Redwood Drive) Vice Chair of the Glendale Community Council stated he was against this petition and was concerned that this would only add to the city's inversion problems. He stated that there would be some pollutants from this new building and he would not like the master plan changed due to the nature of the area being part residential.

Commissioner Chambless inquired if Mr. Ingleby was aware of similar businesses located near other airports or in areas where there were similar inversion problems around the country.

Mr. Ingleby noted he was not sure of those figures.

Randy Sorensen (1184 South Redwood Road) Chairman of the Glendale Community Council stated that he agreed Mr. Ingleby, and was concerned about the air quality for a new school being built in the area.

Ross Andra (1570 West 1300 South) stated he was in opposition to this petition.

Commissioner Woodhead inquired if the real concern of the public was not the distillation tower, but the M-1 Zoning and usage on the west side. She noted that this particular project was not the problem, but where the M-1 Manufacturing Zone was located and some of the other uses that were being carried out within that zone.

Mr. Andra noted yes, that was the problem, but he was afraid that ordinances would be changed in the future to allow more hazardous waste companies into that area and further ruin the quality of life.

Ed Butterfield (Salt Lake City Department of Economic Development) stated that the reason that this project could not be moved to 7200 west was because of the power requirements. To create this process the distillation tower must be located to a substation, the company after months of reviewing found and settled on this site.

Commissioner Chambless stated he would like additional clarification on this.

Mr. Butterfield stated that it was a very power intensive process to compress air and distilled it into oxygen and nitrogen, and was both economically and physically undoable.

Commissioner De Lay noted this was a power intensive facility, and therefore would have some type of emissions.

Mr. Butterfield agreed, but the process itself was emissions free and would not pollute Salt Lake City.

Commissioner Scott noted that a business of this caliber could not technically be compared to a diesel truck based business.

Maria Noble (Member of the Glendale Community Council) noted she was concerned with the already high incidents of asthma in the neighborhood.

Chair McDonough closed the public portion of the hearing.

Mr. Wheelwright stated that staff apologized in the manner that this petition was originally delivered to the public and the Commission; because it seemed there was a lot of confusion. He stated that this use would be allowed in the M-1 Zone, but the tower as was written before, was not allowed to be higher than 65 feet, stating that without the modification to the language this use would not be allowed anywhere in the City. Mr. Wheelwright stated that the State Economic Development Office was committed to this site and the relocation of this company.

Commissioner Forbis stated that his concern was that there was no defined, quantifiable, ambient air quality that helped to define what emission free stood for.

Vice Chair Wirthlin stated that emission free meant zero emissions.

Chair McDonough noted that there needed to be a definition in the ordinance to support this type of process.

Vice Chair Wirthlin stated there seem to be no ambiguity about the definition.

Commissioner Forbis noted that zero was a distinct number, while emissions free was left for interpretation.

Mr. Shaw noted that if this was a pollution emitting business, staff would not be recommending this change. He noted that staff has met with the Glendale Community council and have discussed some of the valid concerns that they have. He said there is also a conditional use residential moratorium in the city and staff felt that it should be more comprehensive and decided to look at all of the conditional uses citywide and if some of the conditional uses on the west side that are pollution oriented could be restricted. Mr. Shaw noted that the ordinance is actually being re-written to be more restrictive in some respects.

Chair McDonough inquired when the Commission would see the master plan for the West Salt Lake City area.

Mr. Shaw noted that it was close to being completed within the next few months.

Commissioner De Lay stated that she felt there was an obligation by staff to specifically look at this neighborhood and stop polluting businesses by working on a greener plan for the future. She inquired if the City had required this company to be a green business, and noted that there is never a green recommendation from any city department for new structures coming into the city.

Commissioner Scott made a motion regarding Petition 400-06-36, that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed text amendment, as reflected in the staff report.

Commissioner Algarin seconded the motion.

Commissioner Forbis stated that this process was called pollution free, but the nature of the process was power intensive, so even if it was not a pollution process locally it was by default relying on a polluting process.

Chair McDonough inquired if any of the Commissioners would like to request a definition be added as an amendment to the motion.

Commissioner Woodhead stated that the use of the word 'free' in regulations does not always mean nothing.

Vice Chair Wirthlin noted that he disagreed with that, and that within the context the meaning was clear.

Commissioner Scott noted that she would not accept additional language as part of the motion and would stay with the original wording of the motion.

All in favor voted, "Aye", which included Vice Chair Wirthlin, Commissioners Scott, Algarin, McHugh, and Muir and those opposed voted, "Nay" which included Commissioners De Lay, Forbis, Chambless, and Woodhead. The motion passed.

Commissioner De Lay stated she would like staff to review the language and make it clearer. She suggested a review of the definitions within the next two months.

Vice Chair Wirthlin stated that he felt that was a valid idea, and that he felt that the battle the residence and Glendale Community Council was fighting was valid and important, and it was unfortunate that the pollution situation on the west side existed and needed to be addressed.

Commissioner De Lay stated that the residents do need to be aware that the Commission does want to look into this situation and address it.

Lynn Pace (City Attorney) inquired if the Commissioners were inquiring of staff to review all of the definitions or just the definition for emission free distillation columns.

Commissioner De Lay stated that definitions for the distillation columns as well as appropriate relating definitions of this process would be appreciated by the Commission.

Chair McDonough noted that the Commission would take a five minute break at 7:43 p.m.

Chair McDonough resumed the meeting at 7:54 p.m.

POSTPONED: Petition 410-07-18— a request by Ken Milo at 341 S. Rio Grande Street for conditional use approval to exceed the 75' maximum building height in the D-3 (Downtown Residential) Zoning District. The proposal consists of a 90' tall building with retail uses on the first floor, office space on the second, third, and fourth floors, and residential on the fifth through ninth floors (Staff— Nick Britton at 535-7932 or nick.britton@slcgov.com).

(This item was heard at 7:54 p.m.)

Chair McDonough recognized Casey Stewart as staff representative.

Petitions 410-07-16 (Simmons Place Planned Development) & 480-07-23 (Simmons Place Residential Condominiums)— requests by Bruce Manka for approval of a conditional use application for a planned development consisting of two residential condominium buildings for a total of 26 units on property zoned Neighborhood Commercial (CN) and located at 450 south 900 east. The proposal involves converting the existing office building to residential condominiums and adding residential condominium units to the parking structure. The planned development application is for approval of two principal buildings on one property, and to modify the rear yard requirements for the second building in the rear.

Mr. Stewart noted there were two applications to be reviewed by the Commission, for the condominiums themselves and a conditional use for a planned development. He noted that the applicant would be adding one level to the existing parking structure, the middle level would contain two living units and the top level would contain six living units and would be approximately 25 feet in height. Mr. Stewart noted the front building was 35 feet currently and would be refaced and kept at that height.

Mr. Stewart noted that currently the property consisted of seven lots, which would need to be combined into one lot, resulting in two principal buildings on one lot. The planned development was the process by which multiple principal buildings on a single lot, and modified setbacks were reviewed and approved. He noted that the height of the existing front building, which exceeded 25 feet, and the resultant size of seven-lot combinations, which would exceed the maximum limit of 16,500 square feet, were previously addressed by the planning division via determinations. They were not part of the planned development approval, but have already been addressed appropriately. He noted that staff recommended that these petitions be approved with the conditions that were found in the staff report.

Commissioner Chambless asked if the parking structure was compliant with seismic activity codes.

Mr. Wesley Stonehocker (Architect with Ridgeline Design Architects) stated that in the staff report it stated that a seismic analysis would be required on the main structure and the parking structure during the reconstruction process.

Mr. Bruce Manka (applicant) noted that it was fully expected that the structure would have to be updated to fit current standards and codes.

Exhibit 5-d
Additional Material Submitted by Air Liquide
September 12, 2007



September 12, 2007

**Presentation to:
Salt Lake City Council**

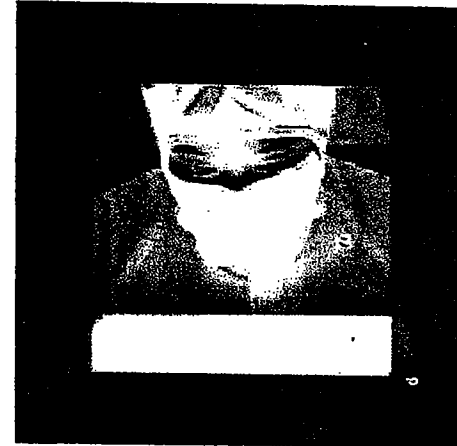
**By Air Liquide: Andrew Garnett
Mike Hayward**



Air Liquide in Brief



Founded in 1902, Air Liquide is a world leader in industrial and medical gases.



Present in more than 70 countries, Air Liquide combines the resources and expertise of a global group with a powerful local presence.



The world leader in industrial and medical gases

Air Liquide in Brief



We supply oxygen, nitrogen, argon and many other gases and services to most industries

- ✓ Steel
- ✓ Oil refining
- ✓ Chemicals
- ✓ Glass
- ✓ Electronics
- ✓ Paper
- ✓ Metallurgy
- ✓ Food-processing
- ✓ Healthcare
- ✓ Aerospace



Our innovative solutions allow customers to manufacture many indispensable everyday products.



The world leader in industrial and medical gases

Air Liquide in 2005



- 10.4 billion euros total sales
 - 80% outside France
- 1 million customers
- 2,601 protected inventions
- 35,900 employees
- 350,000 shareholders



A Successful Year

- Financial stability
- Steady growth

We are committed to the principles of sustainable development which is exemplified by our dedication to customers, shareholders and the environment.

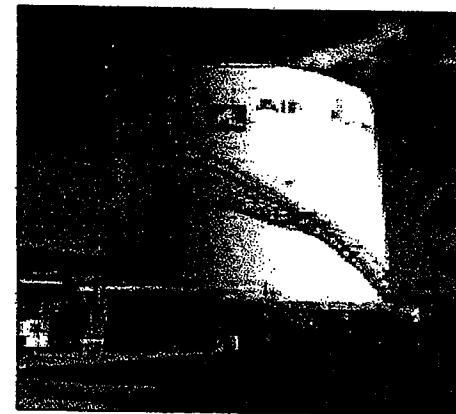


The world leader in industrial and medical gases

Protecting the environment: a commitment from all of us



A clean business whose main raw material is air.
Nearly 80% of the large manufacturing units of the Group are air separation plants, which only consume electric power.
No combustion takes place in these units: they are factories "without-chimneys".
Gas production technologies that consume less and less energy and research into more environmentally friendly alternative energies such as syngases and fuel cells.



Nearly 35% of Gas and the Service sales of the Group relate to applications or services which preserve the environment and life.

Solutions that enable cleaner production processes (for example, replacing air with pure oxygen in combustion processes).

Limiting truck transportation by installing production units on customer sites (3,000 currently in service worldwide).

Cogeneration (simultaneous production of steam and electricity) offered to certain customers.

Waste reduction: selective sorting of waste, recycling of manufacturing by-products.

65% of the Group's sales meet ISO 9001 standards and about 14% ISO 14001.

How Air Liquide makes Oxygen, Nitrogen, and Argon

- ASU 101 – Air Separation Unit
- Air is composed of 78% Nitrogen, 20.9% Oxygen, 0.9% Argon and 0.2% trace components and contaminants (CO₂, H₂O, etc.)
- Air is compressed with an air compressor and cleaned through mole sieve beds.
- The air is then cooled through heat exchangers (using expansion), and distilled in the distillation column.
- At this point the products are pure, and can be further cooled into liquids for storage and transport to customers.
- See attached diagram



Typical Air Separation Unit

Distillation Columns are inside this box
(also known as "the Cold Box").

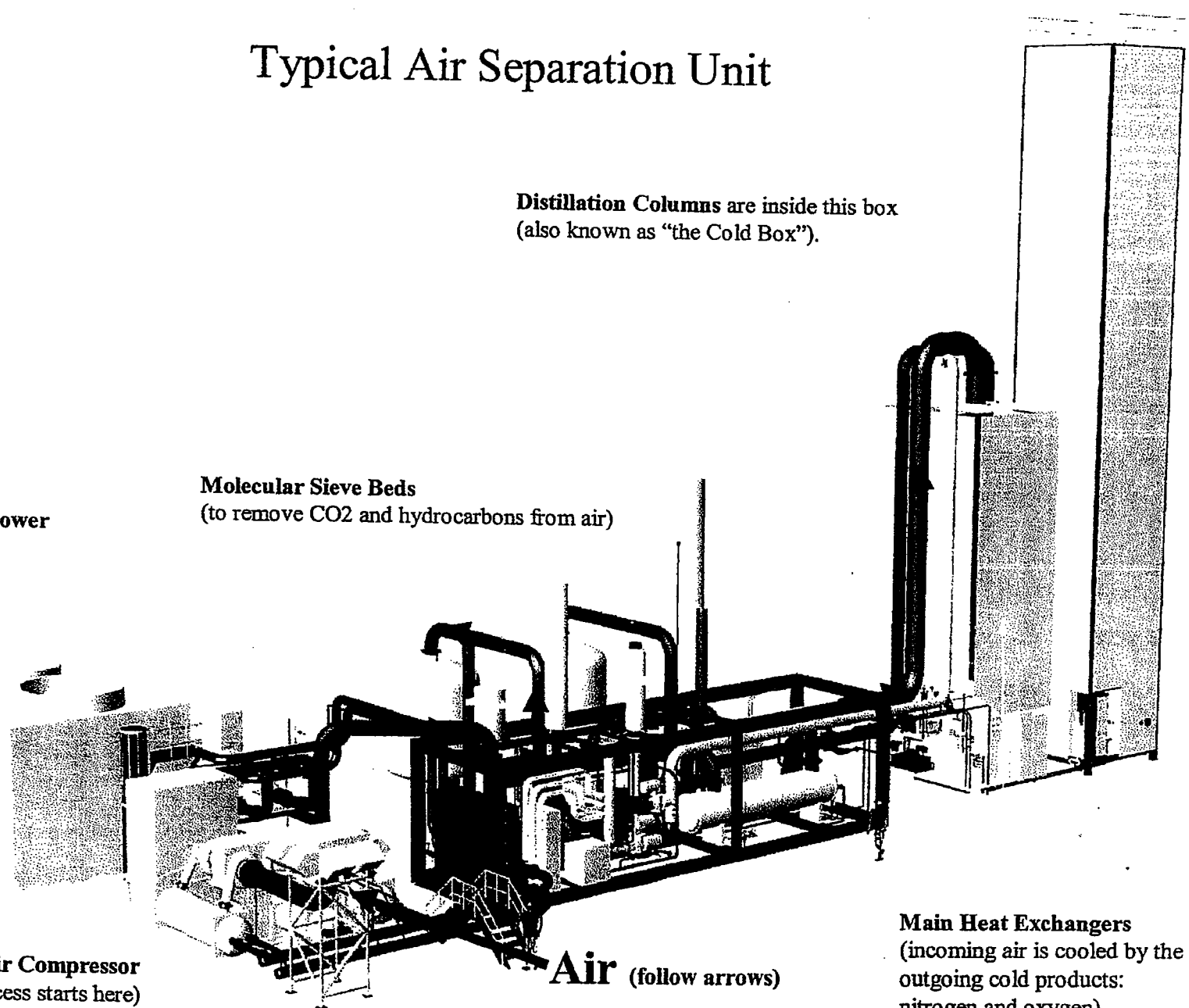
Cooling tower

Molecular Sieve Beds
(to remove CO₂ and hydrocarbons from air)

Main Air Compressor
(the process starts here)

Air (follow arrows)

Main Heat Exchangers
(incoming air is cooled by the
outgoing cold products:
nitrogen and oxygen)



Air Liquide in Utah



Part 1

■ Air Liquide presence for last 42 years

- ✓ Provo based Air Separation Plant for oxygen supply to steel mill
- ✓ Liquid Oxygen, Nitrogen, and Argon supply to:
 - manufact., medical, oil, and food industry (*sales approx. \$6 million*)
- ✓ Geneva Steel bankruptcy caused Air Liquide to transition to Lehi



Part 2

■ Air Liquide transitioned from Provo to Lehi (Micron)

- ✓ New Air Separation Plant located at Micron
- ✓ 3 full time plant operating jobs (*avg. salary \$65,000*)
- ✓ 50+ full time jobs for total gas management (*avg. salary \$55,000*)



Part 3

■ New Air Separation Plant in Salt Lake City



Air Liquide Salt Lake City Project



Provides Utah with a platform for growth

■ Competitor Accelerator for Utah

- ✓ Air Liquide provides basic building blocks for a broad spectrum of industries that could locate to Utah:

• Food Industry:	Liquid Nitrogen (for freezing)
• Manufacturing Industry:	Oxygen, Argon
• Electronics and Aerospace:	Nitrogen
• Medical:	Oxygen
• Refinery:	Oxygen, Nitrogen
• Power:	Oxygen

■ What industry might want to locate or expand in Salt Lake City due to an available supply of Oxygen, Nitrogen and Argon?

- ✓ Northrop
- ✓ Varian
- ✓ Micron
- ✓ Autoliv
- ✓ West Liberty Foods



Air Liquide Salt Lake City Project



Economic Impact to Salt Lake City

■ CAPEX

✓ Salt Lake City Project: \$26,000,000

■ Annual Spend

✓ Repair and Maintenance: \$500,000

✓ Power: \$2,000,000

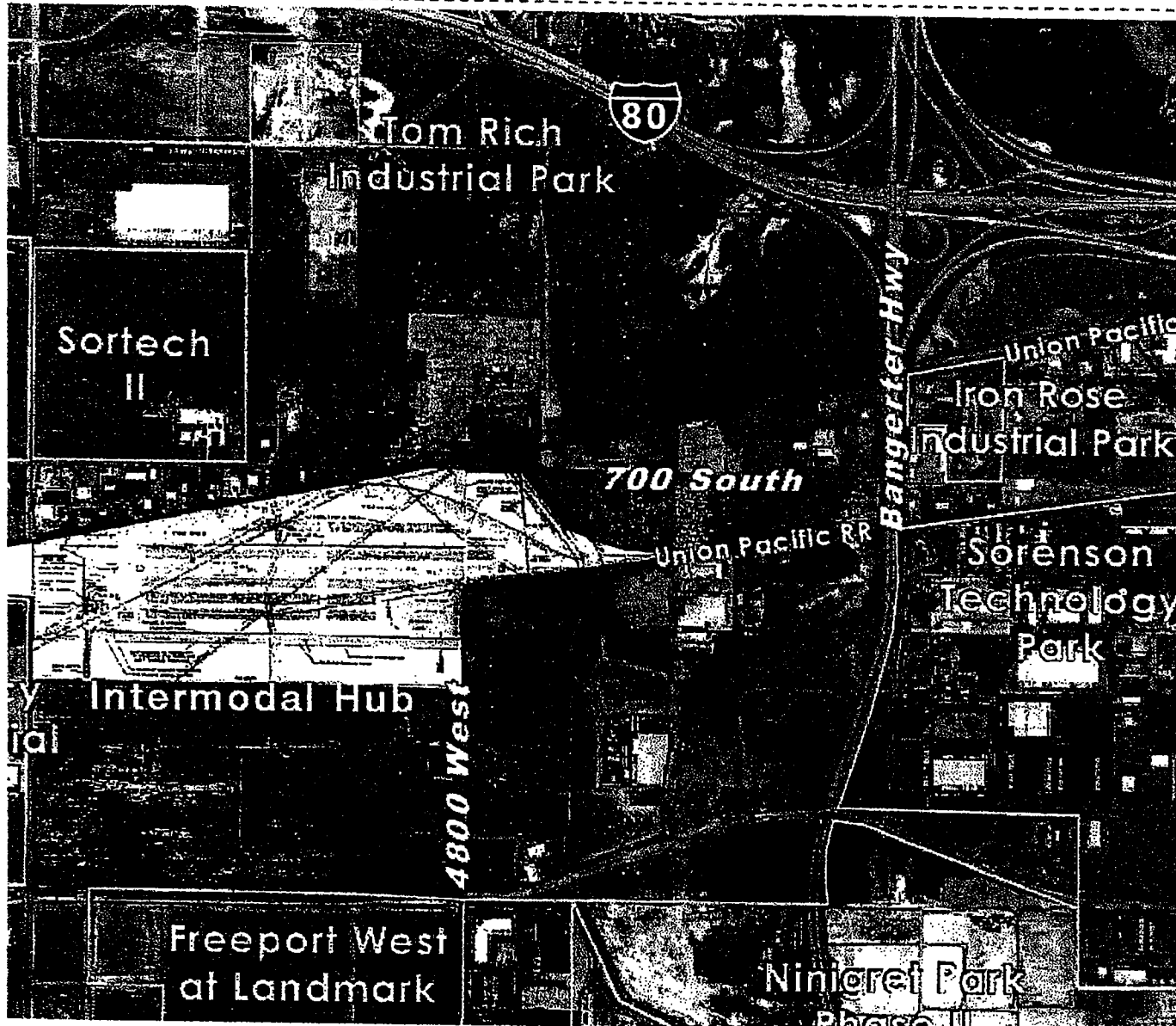
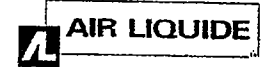
■ Economic Impact

✓ Construction Jobs: 60 jobs (*12 month period*)

✓ Full Time Jobs: 20 jobs (*average salary \$60,000*)



Air Liquide Site





September 14, 2007

Ed Butterfield, Acting Senior Advisor
Salt Lake City Economic Development
Office of Mayor
451 South State Street, Room 306
Salt Lake City, Utah 84111

Ed,

You requested a review the Airport's current position of the proposed Air Liquide project site at 5048 West 700 South.

To accommodate Air Liquide's facility proposal, a text amendment to the Salt Lake City's M-1 and M-2 manufacturing districts was proposed to allow additional heights of chimneys, smokestacks, and distillation columns up to 120 feet in height in order to allow a distillation column. The proposed text amendment would also add distillation columns to the list of structures that could exceed the height limit. The proposed text amendment was scheduled on the Planning Commission agenda April 11, 2007. Based on Federal Aviation Administration (FAA) airspace regulations, the Airport had concerns that this new text amendment would allow increased heights of any structure located on the approaches to the airport's runways in the manufacturing zoning districts. The proposed Air Liquide distillation column height was originally shown to penetrate the FAA's One Engine Inoperative (OEI) surface. The Airport met with representatives from the City's Economic Development division, Planning Division, and Air Liquide on July 13, 2007 to discuss issues and concerns with the proposed distillation column's potential of penetrating the FAA's OEI surfaces.

The Denver Airports District Office of the FAA was also consulted regarding the proposed project in relation to the OEI surface. The FAA does not support variances to the present zoning in the approach and departure area that would allow structures to penetrate the OEI surface.

To date Air Liquide engineers have provided height data suggesting the proposed distillation column will be less than 1 foot under the most restrictive FAA OEI surface. If the City chooses to allow the proposed facility at this location, the Airport recommends the following.

- Air Liquide should submit the Notice of Proposed Construction, Form 7460-1 to the FAA and would receive a response regarding any objections to the project.
- All structure heights would be required to remain under the most restrictive FAA surfaces, which to date is the OEI surface. The distillation column would be survey accurate on the plans submitted to the City and would show that the height remains under this OEI surface. The distillation column height would be verified with survey following construction.
- No visible emissions would be present at any time of the year from the distillation column.
- An aviation easement would be prepared and recorded by the Airport, the City, and the landowner.

With compliance to and verification of the above issues, this project meets the required FAA airspace regulations.

Sincerely,



Maureen Riley,
Executive Director

c.c. Mayor Rocky Anderson
Lynn Creswell
Sam Guevara



AIR LIQUIDE

January 26, 2007

Mr. Ed Butterfield
Acting Senior Advisor
Office of Mayor – Salt Lake City Economic Development
32451 South State Street, Room 306
Salt Lake City, UT 84111

RE: Salt Lake City Department of Airports dated September 14, 2007

Dear Mr. Butterfield,

Thank you for the opportunity to respond to the SLC Dept. of Airports letter dated September 14, 2007. Air Liquide intends to, and believes it is, in full compliance with the FAA regulations regarding structure heights on the approaches to the SLC airport's runways. Air Liquide has worked diligently to re-design and re-structure its' plant designs, at considerable cost, to ensure it is compliant with all city ordinances and FAA regulations. It is important to note also, that the current text amendment proposed to Salt Lake City's M-1 and M-2 manufacturing districts is specifically worded to not allow any structures to penetrate the most restrictive protected surfaces of the FAA. Please see below an answer to each of the recommendations listed by the Salt Lake City airport in its' letter:

- Air Liquide submitted a Form 7460-1 to the FAA on August 9th, 2007 and was assigned case # 2007-ANM-2419-OE. The FAA approved our application with a determination of *no hazard to air navigation* on Sept. 18, 2007.
- All structures of the plant will be under the most restrictive FAA surface, which is the OEI surface. All structures will also be survey accurate on the plans submitted to the city and will indicate, as well as physically be, under the OEI surface.
- Air Liquide's distillation column will have no visible emissions. The column is captive of the air and its' components inside, with no emissions hole at the top.
- As required by FAA rules, an avigation easement will be prepared and recorded by the Airport, the City and Air Liquide.

Air Liquide has worked, and will continue to work with Salt Lake City, the Salt Lake City Airport, and the FAA to ensure it is compliant with all regulations and ordinances regarding its' project in Salt Lake City. We look forward to a successful project and relationship with the City of Salt Lake and the state of Utah as we move forward.

Sincerely,

Andrew Garnett
Business Manager, Atmospheric Gases
Air Liquide Industrial US LP

Exhibit 6-a
Planning Commission Hearing
Original Notice and Postmark: April 11, 2007

Note: Field Trip is Scheduled to leave at 4:00 p.m.

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, April 11, 2007 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, March 28, 2007.**
2. **REPORT OF THE CHAIR AND VICE CHAIR**
3. **REPORT OF THE DIRECTOR**
4. **PRESENTATIONS**
 - a. Natalie Gochmour of the Salt Lake Area Chamber of Commerce will provide an overview of the recently completed Downtown Rising planning process. The Downtown Rising project is a joint process between the Chamber of Commerce, Salt Lake City and numerous other sponsors. The process provides public input towards the revision of the Downtown Master Plan.
 - b. Tim Harpst and Alice Steiner will present the findings of the Downtown in Motion plan (Downtown Transportation Master Plan). The plan is a joint project of Salt Lake City, UTA, Salt Lake Area Chamber of Commerce, the Downtown Alliance and UDOT. The process provides public input towards the revision of the Downtown Master Plan.
5. **PUBLIC HEARINGS**
 - a. **Petition No. 410-06-28**—A request by Robert Bunnel for Conditional Use approval for a Rooming House located at approximately 149 South 900 East, in an RMF-30 (Low Density Multi-Family Residential) Zoning District. The applicant proposes to convert an existing single family residence into a Rooming House for seven tenants. The Planning Commission took action to deny this case on September 13, 2006. The Salt Lake City Land Use Appeals Board has remanded the case back to the Planning Commission to reconsider and identify that either the anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated with the imposition of reasonable conditions or to approve the request with or without conditions of approval. (Staff— Kevin LoPiccolo at 535-6003 or email at kevin.lopiccolo@slcgov.com).
 - b. **Petition No. 470-07-08**— A request by Trolley Square Associates, LLC, to construct an exterior staircase on the South Façade of the main building at Trolley Square (southern building) located at approximately 602 East 500 South, in a Commercial Shopping CN zone, and also in the Central City Historic District. (Staff—Nick Norris at 535-6173 or nick.norris@slcgov.com)
 - c. **Petition 400-06-36**—A request by the Salt Lake City Planning Commission to amend the Salt Lake City Zoning Ordinance text regarding height limits in the M-1(Light Manufacturing) Zoning District. The proposed text amendment would permit chimneys, smokestacks, and distillation columns up to one hundred and twenty feet (120') in height in the M-1 Zoning District. The proposed text amendment would also add distillation columns to the list of structures that can exceed the height limit in the M-2 (Heavy Manufacturing) Zoning District. (Staff—Nick Britton at 535-7932 or email at nick.britton@slcgov.com)

Exhibit 6-b
Planning Commission Hearing
Staff Report: April 11, 2007

DATE: April 5, 2007
TO: Salt Lake City Planning Commission
FROM: Nick Britton, Principal Planner
RE: Staff Report for the April 11, 2007 Planning Commission Meeting

PETITION #: 400-06-36, a text amendment request to the Salt Lake City Zoning Ordinance regarding maximum heights in the Light Manufacturing (M-1) Zoning District.

APPLICANT: Salt Lake City Planning Commission

REQUESTED ACTION: The Salt Lake City Planning Commission's role in this process is to determine if the proposed zoning text amendments meet the standards set forth in Section 21A.50.050: Standards for General Amendments, and forward a recommendation to the Salt Lake City Council.

PROJECT LOCATION: Citywide

COUNCIL DISTRICT: All Council Districts

PROJECT DESCRIPTION:

At the September 27, 2006 Planning Commission meeting, the Planning Division requested that the Planning Commission initiate a petition to review the potential for increasing the maximum height limit in the Light Manufacturing (M-1) Zoning District. The petition stems from request from various industries trying to locate in the M-1 Zoning District but unable to due to the restrictions on smokestacks and similar structures.

Currently, the M-1 Zoning District limits the height of buildings to 65 feet and does not allow for additional height for chimneys or smokestacks, nor does it offer an avenue for increasing the height through a process such as the conditional use process. The Heavy Manufacturing (M-2) Zoning District allows buildings up to 80 feet and allows chimneys or smokestacks up to 120 feet.

PROPOSED ZONING TEXT AMENDMENT:

The text amendment as developed by Planning Staff, involves revisions to both manufacturing zoning districts regarding maximum height allowances. The proposed changes are as follows:

1. Smokestacks, chimneys and distillation columns (see #2 below) would be permitted to exceed the 65 foot maximum up to a height of 120 feet in the M-1 Zoning District.
2. "Distillation columns" would be listed as structures that can exceed the maximum building height limit in both the M-1 and the M-2 Zoning Districts.
3. Any new development in either the M-1 or the M-2 Zoning District that also falls within the Airport Flight Path Protection (AFPP) Overlay District would require review and approval from the Department of Airports to ensure that the proposed structure will not interfere with airport operations.

APPLICABLE LAND USE REGULATIONS:

The proposed text amendment affects the following sections of the Salt Lake City Zoning Ordinance:

- 21A.28.020(F): Maximum Height, M-1 Light Manufacturing District
- 21A.28.030(F): Maximum Height, M-2 Heavy Manufacturing District

MASTER PLAN SPECIFICATIONS:

No specific adopted master plan applies to the M-1 and M-2 Zoning Districts. In order to promote economic vitality, the *Salt Lake City Vision and Strategic Plan* calls for the development of "'business friendly' licensing and regulatory practices".

COMMENTS:

The comments received from pertinent City Departments/Divisions are attached to this staff report for review. An Open House was held but no members of the public were in attendance. The following is a summary of the comment and concerns received:

City Department/Division Comments

A. Department of Airports

On March 27, 2007, Staff met with Allen McCandless and Brady Fredrickson of the Department of Airports regarding the proposed text amendment. They noted that much of the land south of Salt Lake City International Airport was zoned M-1 and allowing structures up to 120 feet in height may impact airport operations. They asked that it be written into the ordinance that any development that occurs in the Airport Flight Path Protection (AFPP) Overlay District be reviewed by the Department of Airports prior to approval or issuance of a building permit.

B. Building Services Division

No comments were received from the Building Services Division.

C. Engineering

No comments were received from Engineering.

D. Fire Department

No comments were received from the Fire Department.

E. Police Department

No comments were received from the Police Department.

F. Property Management

No comments were received from Property Management.

G. Public Services

No comments were received from Public Services.

H. Public Utilities Department

No comments were received from Public Utilities.

I. Transportation Division

No comments were received from the Transportation Division.

Open House Comments

A. Salt Lake City Planning Division Open House

An open house was held on September 25, 2006 for the public to comment on the proposal and to offer their opinions. No comments were received from the public.

ANALYSIS AND FINDINGS:

Currently, all buildings and structures in the M-1 Zoning District are limited to 65 feet in height. The only exception to this is in the Light Manufacturing Height Overlay District (M-1H) which allows buildings up to 85 feet but does not provide allowance for additional height above 85 feet for smokestacks or similar structures. This text amendment would not increase the maximum height allowed in the M-1 Zoning District for all buildings. It will only allow certain types of structures (smokestacks, chimneys, and distillation towers) above that height limit up to 120 feet. Therefore, this will not impact the M-1H Overlay Zoning District in regard to its maximum height, but it will allow those structures up to 120 feet. This text amendment will also ensure that the Department of Airports has a chance to review all potential development in the AFPP Overlay District to ensure that the new height allowance in the M-1 Zoning District will not negatively impact airport operations.

Since the proposed text amendment is a modification of the text of the Zoning Ordinance, the Planning Commission shall review the proposed text change and forward a recommendation to the City Council. The Planning Commission shall use the following standards:

21A.50.05: Standards for General Amendments

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

Discussion: The proposed text amendment is consistent with the *Salt Lake City Vision and Strategic Plan* which calls for “‘business friendly’ licensing and regulatory practices”. Because this petition arose from acknowledgement that industries wishing to locate or expand in the Salt Lake City M-1 Zoning District have been limited by the maximum height regulation, that strategy would apply to this proposed text amendment.

Findings: The proposed text change is consistent with applicable city purposes, goals, objectives, and policies.

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

Discussion: The M-2 Zoning District currently allows smokestacks and chimneys to exceed the height limit up to 120 feet. The M-1 Zoning District does not have a similar exception. Planning Staff believes that the intensity of use is the major difference between industries located in the M-1 Zoning District and industries in the M-2 Zoning District. Further, Staff believes that allowing smokestacks, chimneys, and distillation towers up to 120 feet in height in the M-1 Zoning District will not change the purpose of the district: “to provide an environment for light industrial uses that produce no appreciable impact on adjacent properties and desire a clean attractive industrial setting.” The Department of Airports will also have the opportunity to review all development in the M-1 and M-2 Zoning Districts that may impact airport operations.

Findings: The proposed text amendment meets this standard.

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

Discussion: This proposed text amendment impacts all sites zoned M-1. All future proposed projects in the M-1 Zoning District will be analyzed for the intensity of their use and their potential impact. Furthermore, any development will still have to meet standards for emissions, airport regulations, and the remainder of the regulations for the M-1 Zoning District.

Findings: The proposed text amendment will not adversely impact adjacent properties and will still have to meet all other requirements of the M-1 Zoning District.

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

Discussion: The proposed text amendment will not impact the M-1H Overlay Zoning District which allows buildings up to 85 feet in a certain portion of the M-1 Zoning District (limited to an area generally between 1730 South and 2100 South and 5200 West to 5500 West). With this text amendment, smokestacks, chimneys, and distillation towers would be allowed in the M-1H Overlay Zoning District just as they would be in the rest of the M-1 Zoning District. It would not impact the intent of the M-1H Overly Zoning District.

The text amendment references the AFPP Overlay District (in which a significant portion of the parcels are zoned either M-1 or M-2) by requiring review and approval from the Department of Airports of all proposed development in AFPP Overlay District.

Findings: The proposed text amendment meets this standard.

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

Discussion: The proposal is not site specific. All requests will be reviewed through the Building Services Division to ensure the public facilities and services are adequate for the subject site.

Findings: All future proposals in the M-1 Zoning District will be reviewed upon application for building permits. The proposed text amendment meets this standard.

RECOMMENDATION:

The Planning Division recommends that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed text amendment, as reflected in this Staff Report.

Nick Britton, Principal Planner
April 4, 2007

Attachments: Exhibit A – Planning Division Petition Request
Exhibit B – Proposed Zoning Ordinance Text Amendments
Exhibit C – Current Zoning Ordinance Language
Exhibit D – Open House Notice
Exhibit E – Department/Division Comments

Exhibit A
Planning Division Petition Request

2. Request for a petition initiation regarding utility installations.

Mr. Ikefuna stated that utility installations require conditional use review; however, staff is requesting that all utility installations be reviewed as a routine and uncontested matter to allow administrative approval. The approval shall only be given if the affected property owners are notified and consent to the utility installation request.

3. Request to amend the original Planning Commission initiated petition relating to a text amendment for the height increase in the Light Manufacturing (M-1) Zoning District.

Mr. Ikefuna stated that the request is a site-based petition for the M-1 District and Overlay, and after further evaluation, staff concluded that it would be best to expand the petition to include the M-1 Zoning District. Mr. Ikefuna stated that the driving force of the petition is due to the requests of industries trying to locate in the M-1 Zoning District, but are limited by the restrictions on smokestacks. He added that there is no evidence to support the restriction of limiting the height in the area, and therefore the City has termed it appropriate to re-zon the area and make the appropriate changes.

400-06-36

Commissioner De Lay made a motion to initiate two petitions and amend the existing petition request. All voted "Aye". The motion passed.

PUBLIC NOTICE AGENDA

(There were no items to be reviewed.)

PUBLIC HEARINGS

Petition 490-06-23 – A request by Pilot Travel Centers requesting preliminary subdivision amendment approval to consolidate several meets and bounds parcels and portions of the Charles S. Desky Third Addition Subdivision into a single 6.73 acre parcel of land located at approximately 25 North Redwood Road in a Corridor Commercial (CC) and Light Manufacturing (M-1) Zoning District.

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

Chairperson McDonough recognized Mr. McCandless as staff representative. Mr. McCandless provided a brief background to the request. He stated that the request before the Planning Commission is to determine whether or not the preliminary subdivision should be approved; provided that the request meets the lot area width and frontage requirements for the applicable zoning districts. Mr. McCandless stated that the request is before the Planning Commission because there was a dispute between the property owners concerning the location of the south property line (Diamond Parking) and Pilot Travel Centers; therefore, an Administrative Hearing was not held because of the opposition. However, Mr. McCandless stated the basis of the understanding that the dispute has been resolved. Staff recommends approval with the following conditions:

1. Approval is conditional upon compliance with departmental comments as outlined in the staff report.
2. Approval from the Utah Department of Transportation (UDOT) be obtained for any future driveway connections or utilities on Redwood Road.
3. Final subdivision platting is required.

Commissioner De Lay requested clarification regarding the letter from Lynn Pace, City Attorney, noting that there is no road existing on South Temple.

Mr. McCandless stated that the reference in the letter is in regards to the South Temple alignment and whether or not the street exists at the location; as it was originally dedicated in the subdivision plats. After completing additional research, Staff found that there was no street, right-of-way, or utilities in the corridor west of Redwood Road; therefore, eliminating the ownership issue.

Chairperson McDonough recognized the applicants, Steve Christensen, Local Counsel for Pilot Travel Centers, and Bill Mulligan, Representative of Pilot Travel.

Exhibit B
Proposed Zoning Ordinance
Text Amendments

21A.28.020 M-1 Light Manufacturing District:

- A. Purpose Statement: The purpose of the M-1 light manufacturing district is to provide an environment for light industrial uses that produce no appreciable impact on adjacent properties and desire a clean attractive industrial setting.
- B. Uses: Uses in the M-1 light manufacturing district as specified in section 21A.28.040, "Table Of Permitted And Conditional Uses For Manufacturing Districts", of this chapter are permitted subject to the general provisions set forth in section 21A.28.010 of this chapter.
- C. Minimum Lot Size:
 - 1. Minimum Lot Area: Twenty thousand (20,000) square feet.
 - 2. Minimum Lot Width: Eighty feet (80').
 - 3. Existing Lots: Lots legally existing as of April 12, 1995, shall be considered legal conforming lots.
- D. Minimum Yard Requirements:
 - 1. Front Yard: Fifteen feet (15').
 - 2. Corner Side Yard: Fifteen feet (15').
 - 3. Interior Side Yard: None required.
 - 4. Rear Yard: None required.
 - 5. Accessory Uses, Buildings And Structures In Yards: Accessory uses, buildings and structures may be located in a required yard area subject to table 21A.36.020B of this title.
- E. Landscape Yard Requirements:
 - 1. Front And Corner Side Yards: All required front and corner side yards shall be maintained as landscape yards in conformance with the requirements of part IV, chapter 21A.48 of this title.
 - 2. Buffer Yards: All lots abutting a lot in a residential district shall conform to the buffer yard requirements of part IV, chapter 21A.48 of this title.
- F. Maximum Height: No building shall exceed sixty five feet (65') **except that chimneys, smokestacks and distillation columns shall be permitted up to one hundred twenty feet (120') in height. Any proposed development in the Airport Flight Path Protection (AFPP) Overlay District, as outlined in Section 21A.34.040 of this title, will require approval from the Department of Airports prior to issuance of a building permit.**

Exhibit C
Current Zoning Ordinance Language

within separate accessory buildings and structures. Storage of flammable liquids that are accessory to a principal use shall be permitted subject to fire department approval. The requirements of part IV, chapter 21A.40 of this title shall also apply.

F. Off Street Parking And Loading: All uses in the manufacturing districts shall comply with the provisions governing off street parking and loading in part IV, chapter 21A.44 of this title.

G. Landscaping And Buffering: All uses in the manufacturing districts shall comply with the provisions governing landscaping and buffering in part IV, chapter 21A.48 of this title, including section 21A.48.110 of this title.

H. Signs: Signs shall be allowed in the manufacturing districts in accordance with provisions of part IV, chapter 21A.46 of this title.

I. Environmental Performance Standards: All uses in the manufacturing districts shall conform to the environmental performance standards in section 21A.36.180 of this title. (Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(14-0), 1995)

21A.28.020 M-1 Light Manufacturing District:

A. Purpose Statement: The purpose of the M-1 light manufacturing district is to provide an environment for light industrial uses that produce no appreciable impact on adjacent properties and desire a clean attractive industrial setting.

B. Uses: Uses in the M-1 light manufacturing district as specified in section 21A.28.040, "Table Of Permitted And Conditional Uses For Manufacturing Districts", of this chapter are permitted subject to the general provisions set forth in section 21A.28.010 of this chapter.

C. Minimum Lot Size:

1. **Minimum Lot Area:** Twenty thousand (20,000) square feet.

2. **Minimum Lot Width:** Eighty feet (80').

3. **Existing Lots:** Lots legally existing as of April 12, 1995, shall be considered legal conforming lots.

D. Minimum Yard Requirements:

1. **Front Yard:** Fifteen feet (15').

2. **Corner Side Yard:** Fifteen feet (15').

3. **Interior Side Yard:** None required.

4. **Rear Yard:** None required.

5. Accessory Uses, Buildings And Structures In Yards: Accessory uses, buildings and structures may be located in a required yard area subject to table 21A.36.020B of this title.

E. Landscape Yard Requirements:

1. **Front And Corner Side Yards:** All required front and corner side yards shall be maintained as landscape yards in conformance with the requirements of part IV, chapter 21A.48 of this title.

2. **Buffer Yards:** All lots abutting a lot in a residential district shall conform to the buffer yard requirements of part IV, chapter 21A.48 of this title.

21A.28.030 M-2 Heavy Manufacturing District:

A. Purpose Statement: The purpose of the M-2 heavy manufacturing district is to provide an environment for larger and more intensive industrial uses that do not require, and may not be appropriate for, a nuisance free environment.

B. Uses: Uses in the M-2 heavy manufacturing district as specified in the section 21A.28.040, "Table Of Permitted And Conditional Uses For Manufacturing Districts", of this chapter are permitted subject to the general provisions set forth in section 21A.28.010 of this chapter.

C. Minimum Lot Size:

1. **Minimum Lot Area:** Twenty thousand (20,000) square feet.

2. **Minimum Lot Width:** Eighty feet (80').

3. **Existing Lots:** Lots established prior to April 12, 1995, shall be considered legal conforming lots.

D. Minimum Yard Requirements:

1. **Front Yard:** Twenty five feet (25').

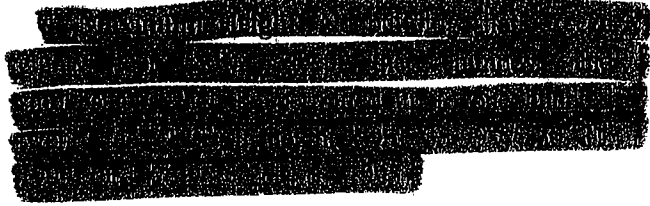
2. **Corner Side Yard:** Fifteen feet (15').

3. **Interior Side Yard:** Twenty feet (20').

4. **Rear Yard:** Thirty five feet (35').

5. Accessory Uses, Buildings And Structures In Yards: Accessory uses, buildings and structures may be located in a required yard area subject to table 21A.36.020B of this title.

E. Landscape Yard Requirements: The first twenty five feet (25') of all required front yards and the first fifteen feet (15') of all required corner side yards shall be maintained as landscape yards in conformance with the requirements of part IV, chapter 21A.48 of this title, including section 21A.48.110 of this title.



21A.28.040 Table Of Permitted And Conditional Uses For Manufacturing Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT	
	MANUFACTURING DISTRICTS	
C = Conditional Use P = Permitted Use		
USE	M-1	M-2
Office And Related Uses		
Financial institutions, with or without drive-through facilities	P	
Offices, medical and nonmedical	P	
Retail Sales And Services		
Automobile and truck repair	P	P
Automobile and truck sales and rental (including large truck)	P	P
Automobile parts sales	P	P
Building materials distribution	P	P
Communication services	P	P
Convenience store	P	P
Electronic repair shop	P	
Equipment rental	P	P
Furniture repair shop	P	P
Laundry, dry cleaning and dyeing	P	P
Liquor store	C	P
Package delivery facility	P	P
Recreational vehicle sales and service	P	P
Restaurants, with or without drive-through facilities	P	
Retail goods establishments with or without drive-through facilities	P	P
Tire distribution retail/wholesale	P	P
Truck repair, large	P	P
Upholstery shop	P	P

Exhibit D
Open House Notice

**NOTICE OF OPEN HOUSE
SALT LAKE CITY PLANNING**

The Salt Lake City Planning Commission has initiated a petition to consider modifying Salt Lake City Zoning Ordinance, Section 21A.28.020(F), to allow no building height above sixty five feet (65'), except that chimneys, smokestacks and distillation columns shall be permitted up to one hundred twenty feet (120') in height.

The Planning Division is requesting your input at this informal information session on the proposed text amendment to the Salt Lake City Zoning Ordinance. As part of our review regarding this petition, Planning Staff will hold a public open house to describe the proposal and take your comments. Your comments will be analyzed by staff and included in our report to the Planning Commission. You are invited to the public open house to be held:

MONDAY SEPTEMBER 25, 2006

FROM 5:00 to 6:00 P.M.

**ROOM 126
SALT LAKE CITY AND COUNTY BUILDING
451 SOUTH STATE STREET
SALT LAKE CITY, UTAH**

Since it is very difficult for us to inform all interested parties about this request, we would appreciate you discussing this matter with your neighbors and informing them of the meeting.

Salt Lake City complies with all ADA guidelines. Assistive listening devices and interpretive services will be provided upon request 24 hours advance. If you have any questions on this issue, please call Kevin LoPiccolo at 535-6003, or by e-mail kevin.lopiccolo@slcgov.com
Written comments will be accepted until September 29, 2006.

Thank you.

Exhibit E
Department/Division Comments

April 3, 2007

Nick Britton
Principal Planner
Planning Division
451 South State Street, Room 406
Salt Lake City, Utah 84118

RE: Proposed M-1 and M-2 light manufacturing district height changes

Dear Nick,

A proposal has been made to allow smokestacks, chimneys, and distillation columns up to one hundred twenty feet (120') in height in the M-1 and M-2 zoning districts. Land south of Salt Lake City International Airport's (SLCIA) three main runways is predominately zoned M-1, and a smaller area of M-2. The airport is concerned that the proposed text amendment will allow heights that may potentially obstruct the safe and efficient use of the navigable airspace surrounding SLCIA. The airport must continue to protect these airspaces near the airport.

The existing Airport Flight Path Protection (AFPP) Overlay District provides the city and airport the necessary tools to restrict uses and heights that may interfere with the safe and efficient use of navigable airspace surrounding SLCIA. Avigation Easements are required by the city in the AFPP Overlay District. However, current zoning language does not require development within this zone to be reviewed by the airport if the property has an existing Avigation Easement. The Avigation Easement provides the airport with the assurance that height restrictions in navigable airspace will be met but they do not protect the airspace from the potential visual obstructions that may be caused by smokestack or chimney emissions, Lighting on tall structures may also affect the safety of aircraft operations.

The airport has been working with Salt Lake City Planning to develop wording to be placed in the M-1 and M-2 zoning districts that will continue to help protect the airport's airspace. The proposed wording addition requires all chimneys, smokestacks, and distillation columns within the AFPP overlay zone to be approved by the Department of Airports. This approval will continue to provide assurance that the airport's navigable airspace will remain clear of height and visual obstructions.

Thank you for the opportunity to review this proposed text amendment.

Sincerely,

Allen McCandless, Acting Director
Planning and Capital Programming

Exhibit 6-c
Planning Commission Hearing
Minutes: April 11, 2007

Chairperson McDonough stated that she would like to know the exact dimensions of the proposed staircase.

Mr. Larson stated that the staircase is a masonry enclosed staircase three and a half feet wide rising twelve feet in height from the sidewalk and with the main building the total encroachment would be twenty-six and a half feet into the required corner side yard setback.

Commissioner Woodhead inquired if the proposed staircase would encroach onto the sidewalk.

Mr. Larson noted that it would not. Mr. Larson stated that after the curb and the sidewalk there was 6'6" of green space between the building and the sidewalk, and the stairway encroachment would be in that area.

Cheri Coffey noted that one of the conditions of approval was final design approval of the staircase by the Planning Director and compliance with the design regulations of the Historic Landmarks Commission.

Chairperson McDonough opened and closed the public hearing to Community Council representatives and members of the public at 10:14, noting that there was no one present to speak to the petition.

Regarding Petition 410-07-05, a request by Trolley Square Associates, LLC, for a Planned Development located at 602 East 500 South, Phase I: allow exterior staircase to encroach approximately twenty six and one-half feet into the corner side yard setback, Commissioner De Lay made a motion to approve the request based on the findings of fact and analysis by staff and subject to the conditions in the staff report:

1. That the required corner side yard setback be reduced from thirty (30) feet to three and one-half (3 ½) feet. The staircase will encroach twenty six and one-half (26 ½) feet into the required setback.
2. That the proposed staircase meets all applicable city ordinances and regulations;
3. That the approval of the design of the stairs be delegated to the Planning Director and be consistent with the approval of the Historic Landmarks Commission and applies to the regulations of the Historic Landmarks Commission;
4. That the area where the existing staircases that are to be removed be reclaimed as landscaping.

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

Cheri Coffey inquired if the Planned Subcommittee for this Planned Development was fine as is with Chairperson McDonough and Commissioners De Lay and Muir.

The Commission agreed it was.

Petition 400-06-36- A request by the Salt Lake City Planning Commission to amend the Salt Lake City Zoning Ordinance text regarding height limits in the M-1(Light Manufacturing) Zoning District. The proposed text amendment would permit chimneys, smokestacks, and distillation columns up to one hundred and twenty feet (120') in height in the M-1 Zoning District. The proposed text amendment would also add distillation columns to the list of structures that can exceed the height limit in the M-2 (Heavy Manufacturing) Zoning District.

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

Chairperson McDonough recognized Nick Britton as Staff Representative. Mr. Britton gave an overview of the project, noting that the 65 foot (65') building height limit would remain, however, smokestacks, chimneys and distillation columns would be allowed up to a height of 120 feet (120'). Mr. Britton noted that the only condition would be that the Airport has the authority to review these developments in the M-1 and M-2 Districts which are also within the Airport Overlay District. Mr. Britton noted that the Airport would like to table the motion in order to allow more time to conduct research on this issue.

Chairperson McDonough opened and closed the public hearing portion of this item at 10:20p.m, noting that no one from the Community Councils or the general public was present to comment to this petition.

Regarding Petition 400-06-36, a request by the Salt Lake City Planning Commission to amend the Salt Lake City Zoning Ordinance text regarding height limits in the M-1(Light Manufacturing) Zoning District which would permit chimneys, smokestacks, and distillation columns up to one hundred and twenty feet (120') in height in the M-1 Zoning District, Commissioner De Lay made a motion to table the Petition until May 9, 2007. Commissioner Muir seconded the motion. All voted "Aye", the motion passed unanimously.

UNFINISHED BUSINESS

There was no unfinished business.

(The meeting adjourned at 10:21 p.m.)

Cecily Zuck, Senior Secretary

Exhibit 7
Original Petition

2. Request for a petition initiation regarding utility installations.

Mr. Ikefuna stated that utility installations require conditional use review; however, staff is requesting that all utility installations be reviewed as a routine and uncontested matter to allow administrative approval. The approval shall only be given if the affected property owners are notified and consent to the utility installation request.

3. Request to amend the original Planning Commission initiated petition relating to a text amendment for the height increase in the Light Manufacturing (M-1) Zoning District.

Mr. Ikefuna stated that the request is a site-based petition for the M-1 District and Overlay, and after further evaluation, staff concluded that it would be best to expand the petition to include the M-1 Zoning District. Mr. Ikefuna stated that the driving force of the petition is due to the requests of industries trying to locate in the M-1 Zoning District, but are limited by the restrictions on smokestacks. He added that there is no evidence to support the restriction of limiting the height in the area, and therefore the City has termed it appropriate to re-zone the area and make the appropriate changes.

400-06-36

Commissioner De Lay made a motion to initiate two petitions and amend an existing petition request. All voted "Aye". The motion passed.

PUBLIC NOTICE AGENDA

(There were no items to be reviewed.)

PUBLIC HEARINGS

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Chairperson McDonough recognized Mr. McCandless as staff representative. Mr. McCandless provided a brief background to the request. He stated that the request before the Planning Commission is to determine whether or not the preliminary subdivision should be approved; provided that the request meets the lot area width and frontage requirements for the applicable zoning districts. Mr. McCandless stated that the request is before the Planning Commission because there was a dispute between the property owners concerning the location of the south property line (Diamond Parking) and Pilot Travel Centers; therefore, an Administrative Hearing was not held because of the opposition. However, Mr. McCandless stated the basis of the understanding that the dispute has been resolved. Staff recommends approval with the following conditions:

1. Approval is conditional upon compliance with departmental comments as outlined in the staff report.
2. Approval from the Utah Department of Transportation (UDOT) be obtained for any future driveway connections or utilities on Redwood Road.
3. Final subdivision platting is required.

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Chairperson McDonough recognized the applicants, Steve Christensen, Local Counsel for Pilot Travel Centers, and Bill Mulligan, Representative of Pilot Travel.

Petition No. 400-06-36

By SLC Planning Division

Text amendment to increase the height in the M-1 zoning districts.

Date Filed 09/27/2006

Address N/A

PETITION CHECKLIST

Date	Planner Initials	Sup. Initials	Dep. Initials	Dir. Initials	Action Required
10/6/06	inb	KL			Petition Delivered to Planning
3/19/07	inb	KL			Petition Assigned to <u>Nick Britton</u>
8/22/07	inb	KL			Planning Staff or Planning Commission Action Date
8/24/07	inb	KL	DAW		Transmittal Cover Letter Followed Template (margins, headings, returns etc)
8/24/07	inb	KL	DAW		Table of Contents
8/24/07	inb	KL	DAW		Chronology
8/27/07	inb	KL	DAW		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
8/24/07 inb	inb	KL	DAW		Council Hearing Notice Include Purpose of Request Include zones affected (where applicable) Include address of property (where applicable) Include TDD Language
8/27/07	inb	KL	DAW		Mailing List of Petition and Labels, (include appropriate Community Councils, applicant and project planner) (include photocopy of labels)
8/24/07 inb	inb	KL	DAW		Planning Commission Notice Mailing Postmark Date Verification (on agenda) Newspaper Notice for Rezoning and Master Plan Amendments (proof of publication or actual publication)
8/24/07 inb	inb	KL	DAW		Planning Commission Staff Report
9/14/07	inb	KL	DAW		Planning Commission Minutes and Agenda
8/24/07	inb	KL	DAW		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