



Recognized Organization Input Notification Special Exception

TO: Dave Alderman, Chair, Greater Avenues Community Council
(gaccchair@slc-avenues.org; davealderman@hotmail.com)
FROM: Linda Mitchell, Principal Planner, Salt Lake City Planning Division
(linda.mitchell@slcgov.com or 385-386-2763)
DATE: July 15, 2021
RE: PLNPCM2021-00372 – *Special Exception for Additional Building Height and Grade Change*

The Planning Division has received the request below and is notifying your organization to solicit comments on the proposal:

Request Type: Special Exception
Location: 1484 E Tomahawk Drive
Zone: FR-3/12,000 Foothills Residential
Project Request: Mitchell Peterson, property owner, has initiated the above-mentioned Planning petition to construct a new single-family home that exceeds the maximum permitted building height of 28 feet and maximum allowable grade changes of 4 feet in the required yards and 6 feet in the buildable area. The subject property is currently undeveloped.

The FR-3/12,000 Foothills Residential zoning district permits a building height of 28 feet measured from established grade. The zoning district permits grade changes up to 6 feet in the buildable area and 4 feet in the front, side, and rear yard areas. The applicant is requesting additional building height ranging between 1 and 6 feet along the east building façade. In addition, the request includes exceeding the maximum 6-foot grade change in the front buildable area and maximum 4-foot grade change within the required front and rear yard areas. The Planning Commission has final decision-making authority for requested special exceptions.

A public hearing with the Planning Commission has not been scheduled. You will be notified of the public hearing at a later date.

Attached is the plan set submitted by the applicant relating to the project to facilitate your review as well as an information sheet that outlines the project area.

Request for Input from Your Recognized Organization

As part of this process, the applicant is required to solicit comments from Recognized Organizations. The purpose of the Recognized Organization review is to inform the community of the project and solicit comments/concerns they have with the project. The Recognized Organization may also take a vote to determine whether there is support for the project, but this is not required.

Per City Code 2.60.050 - The recognized community organization chair(s) have **forty-five (45) days** to provide comments, from the date the notice was sent. A public hearing will not be held, nor will a final decision be made about the project within the forty-five (45) day notice period. This notice period ends on the following day:

August 30, 2021

Please contact Linda Mitchell to let the City know if you would like the applicant to attend and present their proposal at one of your meetings within this 45-day period. Please indicate the day and time of your meeting and staff will coordinate with the applicant to attend your meeting. Planning staff will be available at the meeting to answer any questions related to decision standards or the decision-making process.

Comment Guidance

Public comments will be received up to the date of the Planning Commission public hearing. However, you should submit your organization's comments within 45 days of receiving this notice in order for those comments to be included in the staff report.

As a Recognized Organization, we ask that you address the following questions in your comments:

- What issues were raised at the meeting and whether any suggestions were made to address the issues.
- The number of persons that attended the meeting (not including those with the applicant or City Staff).
- Whether a vote was taken on the matter and if so, the vote tally.

For your reference, the following are criteria that the Planning Commission will use to make its decision. The City's technical staff will review the project to ensure it complies with adopted policies and regulations. Input from your organization may be more general in nature, but we recommend that you also consider the following approval criteria:

Approval Criteria for the Special Exception Requests

21A.52.060: GENERAL STANDARDS AND CONSIDERATIONS FOR SPECIAL EXCEPTIONS

No application for a special exception shall be approved unless the planning commission, historic landmark commission, or the planning director determines that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below and, where applicable, the specific conditions for certain special exceptions.

- Compliance With Zoning Ordinance And District Purposes:** The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.
- No Substantial Impairment Of Property Value:** The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.
- No Undue Adverse Impact:** The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.
- Compatible With Surrounding Development:** The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.
- No Destruction Of Significant Features:** The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.
- No Material Pollution Of Environment:** The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.
- Compliance With Standards:** The proposed use and development complies with all additional standards imposed on it pursuant to this chapter. (Ord. 10-16, 2016)

Approval Criteria for Additional Building Height in the Foothills Residential Districts

21A.24.010P: SPECIAL FOOTHILLS REGULATIONS

2. Height Special Exception: The Planning Commission, as a special exception to the height regulations of the applicable district, may approve a permit to exceed the maximum building height but shall not have the authority to grant additional stories. To grant a height special exception the Planning Commission must find the proposed plan:

- a. Is a design better suited to the site than can be achieved by strict compliance to these regulations; and
- b. Satisfies the following criteria:
 - (1) The topography of the lot presents difficulties for construction when the foothill height limitations are applied,
 - (2) The structure has been designed for the topographic conditions existing on the particular lot, and
 - (3) The impact of additional height on neighboring properties has been identified and reasonably mitigated.
- c. In making these considerations the Planning Commission can consider the size of the lot upon which the structure is proposed.
- d. The burden of proof is upon the applicant to submit sufficient data to persuade the Planning Commission that the criteria have been satisfied.
- e. The Planning Commission may deny an application for a height special exception if:
 - (1) The architectural plans submitted are designed for structures on level, or nearly level, ground, and the design is transposed to hillside lots requiring support foundations such that the structure exceeds the height limits of these regulations;
 - (2) The additional height can be reduced by modifying the design of the structure through the use of stepping or terracing or by altering the placement of the structure on the lot;
 - (3) The additional height will substantially impair the views from adjacent lots, and the impairment can be avoided by modification; or
 - (4) The proposal is not in keeping with the character of the neighborhood.

Comment Submission Address

You may submit written comments via e-mail to linda.mitchell@slcgov.com.

If you have any questions, please contact Linda Mitchell at 385-386-2763 or via e-mail.