

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, February 22, 2006**

Present for the Planning Commission were Laurie Noda (Chairperson), Tim Chambless, Babs De Lay, John Diamond, Robert Forbis Jr., Peggy McDonough (Vice Chairperson), Kathy Scott, Craig Galli, and Prescott Muir. Jennifer Seelig was excused from the meeting.

Present from the Planning Division were Alexander Ikefuna, Planning Director; Cheri Coffey, Deputy Planning Director; Doug Wheelwright, Deputy Planning Director; Kevin LoPiccolo, Zoning Administrator; Doug Dansie, Principal Planner; Sarah Carroll, Associate Planner; and Cindy Rockwood, Senior Planning Secretary.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Noda called the meeting to order at 5:46 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. 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, Peggy McDonough, Laurie Noda, Kathy Scott and Robert Forbis Jr. Planning Division Staff present were Doug Wheelwright, Doug Dansie and Sarah Carroll.

APPROVAL OF MINUTES from Wednesday, February 8, 2006.

(This item was heard at 5:47 p.m.)

Commissioner McDonough requested additional information regarding the discussion that occurred regarding the Planned Unit Development Process on page seven of the minutes. The changes will read as follows:

Commissioner McDonough addressed the concern that in the future this same scenario might be presented as a Planned Unit Development and possibly be approved. (This would occur only if the Planned Unit Development process was amended.) She raised concern in relation to the manner in which the project is being approved. Given future development, her concern was that approval of this petition could set an unwanted precedent for spot rezoning, rather than using the more effective tool of the Planned Development Process for unique sites within larger overall zones.

Commissioner De Lay noted that although the approval could occur, the deed restriction placed on the property, limits and restricts the property uses.

Commissioner Scott moved to approve the February 8, 2006, minutes with the noted inclusion. Commissioner De Lay seconded the motion. All voted "Aye". The motion passed.

REPORT OF THE CHAIR AND VICE CHAIR

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

Chairperson Noda stated that there was nothing to report.

REPORT OF THE PLANNING DIRECTOR

(This item was heard at 6:11 p.m.)

2006 Strategic Goals of the Redevelopment Agency by Dave Oka, Redevelopment Agency Director— Mr. Oka reported that the Redevelopment Agency (RDA) was moving forward with numerous goals for the year 2006. A copy of these goals was included in the Commissioners' packets. Questions were presented by the Commissioners and the following points were discussed:

- Soccer Stadium: No potential or present projects were affected by the financing of the stadium. The stadium has now been transferred and is no longer applicable for RDA financing.
- Ballet West/Wilmington Avenue: Ballet West has extended their present lease in Sugar House for 180 days, while discussion continues about moving to the downtown area.
- Quiet Zones: The RDA has established funds to improve the quiet zones in the 200 South-900 South areas at the railroad crossing. A projected estimate of two years would allow adequate time for the RDA to coordinate with the railroad on requirements.
- Utah Power & Light—Burying electrical transmission lines on 500 West: RDA has enough funds to begin this project during the year of 2006, as it would be a valuable amenity for the continued development of 500 West.
- Living Planet Aquarium: In June 2007 the lease with RDA expires. The Aquarium has begun seeking funding from the state.
- Developers and local business of the Granite block: New ownership was recently obtained on the Granite block parcel, increasing the opportunity for future development. Local businesses have agreed to progress with the new development, although rent costs may increase. The RDA is willing to accommodate these costs of local businesses by offering business loans at a low interest rate.
- Sugar House Monument: Street improvement costs may be shared by surrounding developers if progress in the Granite block begins; therefore, the RDA will not move forward until further information regarding the possible development on the Granite block is confirmed.
- Residential development in the Downtown area: The RDA is responsible for 200-250 residential units already built and is seeking opportunities for further high-density residential developments.
- Walkable Community: The progress of a walkable community between Downtown and the Gateway area is moving forward. Mr. Oka suggested at least five years before this goal is fully attained.

Commissioner Diamond thanked Mr. Oka for attending the meeting and updating the Commissioners on the projects of the RDA. He recommended that progress reports be considered as another opportunity to maintain effective communication between the Commissioners and the RDA. Commissioner De Lay suggested Commissioner attendance at the monthly RDA meetings on a rotation basis.

Transportation report on Handicapped Accessible Parking by Scott Vaterlaus, City Traffic Engineer— Mr. Vaterlaus requested questions from the Commissioners regarding the Americans with Disabilities Act (ADA) and parking accommodations.

The first concern raised was whether or not the City had handicapped parking meters. Mr. Vaterlaus stated that according to City Ordinance any parking meter is established as handicapped accessible for up to two hours if the handicapped placard is visible. Meter parking for those with disabilities is also allowed in loading and/or freight loading zones for free (up to two hours).

Commissioner Diamond noted that this information might not be well known and should be relayed to the public. Commissioner De Lay also requested that the handicapped signs be more readily visible to create more awareness within the City.

Another concern regarding the requirements for private parking lots was addressed. Mr. Vaterlaus confirmed that private parking lots are required to have a specific number of parking stalls handicap accessible. The number required varies on the size of the parking lot, but generally it begins at one per twenty-five. This same number is suggested and utilized for on-street parking. Transportation does recognize that the Downtown area has a shortage of handicap parking and is working towards solving this concern. Mr. Vaterlaus agreed to return in six months time to update the Commission on the progress.

Ordinance review of the definition of solid fencing/screening by Kevin LoPiccolo, Zoning Administrator — Mr. LoPiccolo addressed a specific question about the definition of “junk” in the City Ordinance due to an enforcement case of 2003. Mr. LoPiccolo requested the Commission determine whether outdoor storage of stacked cardboard bales must be screened, as it could be constituted as junk.

The Commissioners held a discussion regarding the definition of “junk” and the difference between finished and unfinished product. If it is a finished product, it is not required to be screened; although, an unfinished product is required to be screened. Commissioner Chambless noted that requiring a fence to be erected might create a location for graffiti. Mr. LoPiccolo stated that the graffiti situation would be of a different concern.

Commissioner De Lay made a motion for Planning Staff to affirm the definition of “junk” as presently stated in the City Ordinance. Commissioner Scott seconded the motion. All voted “Aye”. The motion passed.

It is noted that Commissioner De Lay had earlier moved for the Planning Commission to request Planning Staff to further research the definition of “junk” and the motion was seconded by Commissioner Scott. Later in the meeting Mr. Ikefuna requested the Commissioners to clarify the motion as not requiring further research, but affirming the present definition. No further research regarding the definition of “junk” will be required by Planning Staff.

Distinction of definitions regarding petition #400-05-32 by Sarah Carroll, Associate Planner — Ms. Carroll presented the clarification of the Tables of Permitted and Conditional Uses for Commercial, Residential, Special Purpose, and the Downtown Districts in reference to mixed-use development. The City Council had reviewed the tables and found the verbiage to be confusing because of the language reading, “residential to be allowed above, below or behind”. With the consideration of residential as a permitted use, there is no restriction to the placement of residential. Residential could be placed side-by-side to the non-residential, although building requirements do not support residential accommodations.

Commissioner De Lay made a motion to recommend the suggested distinctions on the Tables of Permitted and Conditional Uses for Commercial, Residential, Special Purpose and the Downtown Districts. Commissioner Scott seconded the motion. All voted “Aye”. The motion passed.

PUBLIC NOTICE AGENDA

(This item was heard at 6:50 p.m.)

Salt Lake City Property Conveyance Matters — (Doug Wheelwright at 535-6178 or doug.wheelwright@slcgov.com):

Mr. Richard Shiemberg and the Salt Lake City Public Utilities Department — Mr. Shiemberg is requesting to relocate a portion of a 12" water main that bisects the property located at approximately 400 East Capitol Park Avenue. A new easement will be dedicated to the City in place of the old easement which is an equal value property trade. This proposal is to facilitate a remodel/new building on the site. This transaction was submitted to the Planning Commission for appropriate public review pursuant to Section 10-8-2(4) of the Utah Code. The Public Utilities Department intends to approve the request.

Chairperson Noda noted that there were no comments or questions from the public or Commissioners. The matter was approved.

PUBLIC HEARINGS

Petition # 400-05-41 — A request by Romney/Carson to annex approximately 405.59 acres of land into the corporate limits of Salt Lake City. The area proposed for annexation is located in the vicinity of 2982 East Benchmark Drive (east of approximately 3000 East and from approximately 2100 to 2600 South). The Planning Commission considered an amendment to the *East Bench Master Plan* to incorporate the property into the East Bench Community and amend the *Arcadia Heights, Benchmark & H Rock Small Area Plan* relating to the future land use map as well as make a recommendation on the appropriate zoning and amend the East Bench Community zoning map.

(This item was heard at 6:52 p.m.)

Commissioner Chambless disclosed that he has been a long time resident of the area adjacent to the proposed annexation property and a neighbor for a period of time to one of the applicants. He did not feel that either relationship would hinder his ability to be objective in this matter. The Commission concurred.

Chairperson Noda recognized Doug Wheelwright and Sarah Carroll as representatives of the Planning Staff. At 5:48 p.m., Lynn Pace, City Attorney, made comments to this petition. The comments are included in the Public Hearing portion of these minutes.

Mr. Pace stated that the property proposed for annexation has a legal history and a recent settlement agreement was reached. This agreement was reached by the property owners and the City to address the approval of some aspects of the plan, in particular the roads and subdivision design. Also, with the annexation into the City the development would comply with the City Zoning Ordinance. Another result of the annexation is that the development of the lots would be on the City water and sewer lines, rather than using septic tanks.

Planning Staff is requesting a recommendation on the annexation of the property, the amendments to the Master Plan and the Zoning Maps. Several aspects of the proposal have been addressed in the settlement agreement, including: size and number of lots and the roadway configuration. Mr. Pace stated that if concern is raised regarding the proposed design, the Commission may voice the concern, but changes may result in more litigation.

Commissioner McDonough asked Mr. Pace if the Planning Commission should have concern regarding the subject property.

Mr. Pace stated that the Commission has the right to a recommendation, but given a favorable or unfavorable recommendation, the proposal will be submitted to the City Council because of the long litigation history. Mr. Pace stated that the two conditions required in the agreement are 1) the County will approve the subdivision and the roadway; and 2) the City will provide water and sewer lines. Prior to the agreement, and the proposed annexation, the County would be held accountable for the determination of density and lot size. By annexing the property into the City, fewer homes are permitted. Lots 14a, 14b, and 15 will be notably larger than the others, but will not be built upon. The lots will be platted by the County, but the agreement provides that upon approval of the subdivision the land will be donated. Public trails will also be dedicated to complete the Shoreline Trail through that corridor. There will also be a donation of approximately 260 acres of Open Space. The area will be gated with free pedestrian and bicycle access.

Mr. Pace stated that some areas will be zoned as Open Space. The City will not be held accountable for the maintenance of those properties, but a conservation easement would be in place to prevent any development on the properties. The properties will be the responsibility of the Home Owners Association.

Mr. Wheelwright noted that no planting or augmentation of plant materials would be allowed on locations where the easement is applicable. Open Space parcels intended to be donated for Open Space Preservation are perpetual Open Space parcels A, B, and C (totaling 260 acres). The Open space parcels within the subdivisions will be included in the FR-2 zoning area. The public access easement will be granted through the plat.

Mr. Pace noted that a buildable area will be designated on each lot once the property is platted. The remainder of the lot will be Open Space.

Commissioner Chambless asked if any of the dwellings would be visible from Interstate 80.

Mr. Pace stated the possibility of seven of the seventeen properties being visible was very probable. Mr. Pace noted that the first ten lots were divided in half to cluster the homes and will force smaller homes to be developed. Just beyond the ridgeline three larger lots will most likely accommodate larger homes.

Commissioner Diamond requested information about the slope requirement of the subject properties.

Mr. Wheelwright confirmed that the plat will be approved through the County regulations, leaving the decision of slope requirements to the County. The City Planning Division will be responsible for the Zoning distinctions. The City Permits Division will be responsible for approval of building material, height, and the amount of development accomplished within the buildable area. The buildable area will be fixed by the County's process of plat approval.

Mr. Pace added that the lots would be considered "grandfathered" into the City as buildable areas as delineated in the County plat approval. The contour maps have illustrated that the 30 percent slope requirement has been met.

Mr. Wheelwright noted that seven additional properties would be included in the annexation, including some along Lakeline Drive. These owners have acquired approximately one acre parcels adjacent to the rear of their lots and because the state law prohibits the creation of islands, the properties will be "forced into annexation".

The properties not owned by Romney Lumber Company will be zoned as Open Space instead of Natural Open Space. Open Space zoning does not allow for residential development.

At 6:52 p.m., Ms. Carroll presented a brief synopsis of the proposal referring to exhibit three of the staff report. The exhibit included a color-coded map of the proposed zoning for the annexation area. The proposed subdivisions will be platted at the County prior to the annexation. FR-2 zoning would be consistent with the abutting neighborhood and consistent with the proposed lots, which range in size from .42 acres to larger than one acre. The property that will be conveyed for Open Space protection will be zoned Natural Open Space to prohibit any further development.

Ms. Carroll stated that the Master Plan and the Zoning Map would be required to be amended to include this area. She also confirmed that the Jack Jensen property would be annexed into the proposed annexation boundary.

Chairperson Noda noted that there were no members of the public or community councils who desired to speak. The Planning Commission went into Executive Session.

Commissioner Chambless noted that being a resident of the area, he would appreciate the improvement proposed by the annexation. Commissioner Diamond asked Commissioner Chambless if there was much public input in the area in relation to this property. Commissioner Chambless stated that the H Rock Community is an active, concerned community, while the Arcadia Heights community struggles to obtain a quorum for their meeting.

Ms. Carroll stated that Staff attended the combined H Rock and Arcadia Heights & Benchmark Community Council meetings and held an open house, at which Planning Staff presented the proposed annexation, the proposed subdivisions and zoning, and the terms of the settlement agreement. The meetings were well attended and the presentation helped to describe the impact of less development and provided many attendees with consolation regarding the proposed annexation. Being included in the City water and sewer systems were very important and noted factors at the meetings.

Motion for Petition 400-05-41

Based on the analysis and findings in the Staff Report and the recommended conditions, Commissioner Galli made a motion to transmit a favorable recommendation to the City Council. The motion was seconded by Commissioner Forbis. All voted "Aye". The motion passed.

Petition # 410-739 — The Boyer Company requests a planned development approval to construct an office building (approximately five stories in height), located between Rio Grande and 500 West Streets along the north side of 200 South Street, in a GMU zoning district. The site is presently vacant. This petition was previously heard on August 10, 2005. The petition is being reopened with a revised design.

(This item was heard at 7:00 p.m.)

Chairperson Noda recognized Staff member Doug Dansie and Jake Boyer as a representative of the petitioner. Mr. Dansie noted that the Planned Development has already been approved, but the design has been altered and is being brought before the Commission for design approval. The site is between Rio Grande and 500 West on 200 South. When originally proposed, the layout of the building was on Rio Grande. The Planning Commission approved an office building at this location and also approved waiving the housing requirement, and modified the materials requirement. The Boyer Company has returned with a revised plan to address the conditions given by the Planning Commission upon approval of the planned development. The majority of the building is on 500 West and inline with the apartment buildings and the homeless shelter. It maintains the original vision of 500 West, and supplies parking off of the private street. The staff report includes each response of the Boyer Company relating to the conditions placed by the Commission. The rendering of the final building is the design presented.

Staff has noted that Boyer has responded to all of the criteria noted by the Planning Commission; although the building is over 75' tall. The building is just barely over 75' and the Boyer Company will work to modify and meet the requirement.

Commissioner Scott asked about the location of the parking entrance to the building.

Mr. Dansie stated that the parking is off of Rio Grande and with the light rail on 200 South, there will be some limitations. The Boyer Company is providing underground parking beneath the entire site, and an underground tunnel will be constructed between the Gateway Shopping Area parking lots and the Office building parking lot. The entrance of the parking level is through the existing entrances.

Commissioner De Lay asked regarding the design of the drive-through retail option in the corner of the building; as in subcommittee the police strongly opposed the drive-through option.

Mr. Dansie noted that a tenant does not exist presently for the retail location, but a drive-through option is still present. Mr. Boyer agreed that the entrance of the drive-through would be located off of the Rio Grande street.

Commissioner De Lay noted the changes that had been made to the design and requested more information regarding the parking.

Mr. Boyer stated that although the majority of the parking will not be accommodated by the underground parking, some pressure will be relieved in the existing parking area.

Commissioner Scott stated that the plan presented tonight addresses the concern the Commission had regarding parking and the encroachment onto the parkway. The other concern was the percentage of the building that would be used for retail and had heard discussion of a grocery store. She asked Mr. Boyer to speak on this concern.

Mr. Boyer stated that the proposed 11,000 square foot space could be a grocery store, allowing access from 500 West and Rio Grande. Some parking will be located directly in front of the retail area. Mr. Dansie noted that the intersection will be reconstructed to be widened on the north and south side by the UTA and the City to better accommodate the anticipated traffic.

Commissioner McDonough noted that the concept view from above indicates that trellis element and a street entry element to be built off of Rio Grande to place pedestrians off the street and enter through a plaza.

Mr. Boyer stated that they are committed to the changes suggested by the Planning Commission. He also spoke on some of the proposed entrance designs, stating the critical need to have a smaller building as an architectural feature and placing an architectural edge on Rio Grande to create a pedestrian-oriented street. The main office entrance would be in the main courtyard area. The development will extend up to the viaduct, but will not be completed immediately.

Commissioner McDonough requested the information regarding the roof treatment percentage, as the design seems to incorporate an upper level trellis on the roof edge.

Mr. Boyer noted that the company was working towards meeting the code for flat roof requirements. Mr. Dansie noted that there was some room for discretion.

Commissioner Chambless requested further information about the possible grocery store.

Mr. Boyer noted that they have been working with numerous boutique (deli, prepared foods, and essentials) retailers, but due to the size of the property, locating a grocer to commit could be difficult. The Boyer Company has hired an outside consultant to research and determine the need of a grocery store. The Boyer Company anticipates good, effective results in order to further promote the desires of the Administration. The property shall be maintained as its use of a grocery store and not alter into a department store.

Commissioner Scott asked that if the study does not return with strong results what the commitment level of the Boyer company would be to establish a grocery store.

Mr. Boyer stated that the Administration has noted the development of a grocery store would be a condition upon the sale of the property. The only thing hindering the commitment level is the possibility of a tenant. Mr. Boyer stated that enough housing exists in the surrounding area to establish a need for a grocery store.

Commissioner Chambless asked to what extent this building will help to bring about a more walkable community between Downtown and the Gateway area.

Mr. Boyer stated that the integration of Main Street and the walking areas established has created a connection. The development would allow for the removal of drug trafficking and crime that occurs in the area, as well as provide adequate lighting for this area of the Gateway. The demand of the area could accommodate a grocery store. Mr. Boyer and the Commissioners agreed that prepared foods would be an ideal component of the grocery store.

Commissioner Muir requested information about placing angled parking on 500 West and discussing the option with City Transportation and Engineering Divisions. Mr. Boyer stated that they would be in favor of the suggestion, considering that if the accessibility is easier, there will be a higher chance of success.

Commissioner Scott noted that there was underground parking covered by the building, in addition to the parking on the ground level.

Chairperson Noda noted that there were no members of the public or community councils who desired to speak. The Planning Commission went into Executive Session.

Commissioner Diamond addressed concern in relation to the grocery store condition placed by the Administration and the lack of that condition in the recommendation. It appears that the Administration has stated the development of a grocery store is the only way the sale of the property will occur, and it should be listed as a recommendation to the Planning Commission.

Mr. Dansie noted that the development agreement is ongoing. Mr. Ikefuna stated that the agreement is geared towards the land sale, and the primary concern of the Planning Commission is the site plan approval. The agreement, though related to the site plan, is not a part of the Planning Commission's responsibilities. Mr. Ikefuna indicated that the agreement is currently being drafted.

Commissioner De Lay recognized that the approval or disapproval of the site plan is irrelevant if the Administration and the Boyer Company do not reach an agreement.

Commissioner Diamond stated that it appears that the development is predicated on the terms set by the Administration and that information should be included as a condition.

Commissioner Galli stated that the approval of the proposal can be based upon the understanding that a condition precedent to the purchase of the property will be a successful interim agreement that will

include the grocery store. The approval of the Commission is subject to the successful completion of the development agreement.

Commissioner Diamond requested that in the future, when an event occurs that would only occur given prior conditions, the Commission should maintain a focus that is relevant to the decisions possible, rather than carry a concern over the issue that is not within the jurisdiction of the Commission.

Commissioner Galli stated appreciation and acknowledgement for the Boyer Company in accommodating the changes that had been suggested by the Planning Commission in the previous approval.

Motion for Petition 410-739

Commissioner Galli made a motion to approve the revised design plan given the preceding condition and conditions of the Commission listed below. Commissioner Chambless seconded the motion. Conditions include:

- 1) **The pedestrian element along Rio Grande Street entry remains part of the design.**
- 2) **City Transportation and Engineering Divisions consider the accommodation of angled parking along 500 West and possible bicycle paths.**
- 3) **The roof design to be accepted as rendered in the design, as meeting the requirement for height above 75'.**

All voted "Aye". The motion passed.

UNFINISHED BUSINESS

(This item was heard at 7:47 p.m.)

Commissioner Scott addressed a concern regarding the update on the Planned Development petition process.

Mr. Ikefuna stated that Doug Wheelwright will be the staff member responsible for researching the topic. City Council has expressed interest in the process and an update on progress will be presented to the Commission.

Commissioner Scott also requested an update on the Transit Oriented Development petition to be held at the City Council.

Mr. Ikefuna noted that the owners of Chase Hotel have expressed interest in replacing the hotel with mixed-use development. They have also expressed interest in meeting with the Community Councils. The design will be presented to a subcommittee, considering the genuine interest the owners have exhibited. The ordinance will not be altered on 400 South between 700 and 900 East, until the design is submitted.

As a quorum was no longer present, the meeting adjourned at 7:54 p.m.

Cindy Rockwood, Senior Planning Secretary