

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, January 11, 2006**

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

Present from the Planning Division were Alexander Ikefuna (Planning Director), Cheri Coffey (Deputy Planning Director), Douglas Wheelwright (Deputy Planning Director), Doug Dansie (Principal Planner), Ray McCandless (Principal Planner), Jackie Gasparik (Principal Planner), Kati Weiler (Acting Planning Commission Secretary), and Deborah Martin (Senior Planning Secretary).

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Noda called the meeting to order at 5:45 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, Prescott Muir, Kathy Scott, and Jennifer Seelig. Planning Division Staff present were Doug Wheelwright and Ray McCandless.

APPROVAL OF MINUTES from Wednesday, December 14, 2005.

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

Commissioner Scott moved for the Planning Commission to approve the minutes as presented. Commissioner De Lay seconded the motion. Commissioner Chambless, Commissioner De Lay, Commissioner Diamond, Commissioner Galli, Commissioner Muir, and Commissioner Scott voted "Aye", Commissioner Seelig, and Commissioner McDonough abstained from voting; the motion passed.

REPORT OF THE CHAIR AND VICE CHAIR

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

Chairperson Noda noted that a meeting will be scheduled with the new Chair and Vice Chair for the City Council at the end of January.

REPORT OF THE PLANNING DIRECTOR

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

Update by Al Camp (GSA) and Ross Wentworth regarding the Moss Courthouse project (Item c).

Al Camp (Project Manager) and Ross Wentworth were present to review the conceptual design of the Salt Lake City Federal courthouse project known as the Moss Courthouse.

Mr. Camp explained that they anticipate construction to begin in January 2008. At this time, they are in the process of soliciting public input including workshops to generate design ideas. They are striving for a building that will support the activity for which it is meant, as well as appeal to the community. They are hoping that the building will reach a silver rating in LEED certification.

Mr. Wentworth explained that they are anticipating completion of the design process in about 1 ½ years. The site is a ½-block site to the west of the existing Frank E. Moss Courthouse bounded by Main Street and West Temple, and 400 South and Market Street. The existing Oddfellow Building on the site would be moved to the north side of Market Street and the existing Shubrick Building will be demolished.

Commissioner De Lay questioned the demolition of the Shubrick Building.

Mr. Camp stated that legislation had been passed for GSA to acquire the building and demolish it. The formal taking of the building was given to GSA although they disagreed with the suggestion. Politics were a driving force.

The proposed building would be located in the center of the site with 50-foot security buffers. The biggest challenge is to design a public facility with security requirements that allow the building to appear open and approachable. Collapsible concrete has been considered for the buffers which would serve as an invisible barrier to keep vehicles away from the building.

The building is proposed to be 12 stories high featuring 4 courtrooms per floor and 2 levels of underground parking. The underground parking would be dedicated to secured parking for judges and courthouse employees. Public parking is not planned for the site. West Temple entry to the building has been widely supported, and a mid-block pedestrian connection is being considered. Noting the steep north-to-south grade change on the site, Mr. Camp explained that the 400 South elevation will be carefully considered because the building will “float” above sidewalk level. They want a pedestrian friendly transition that would keep stride with the Market Street streetscape. He noted that the primary pedestrian access would be West Temple and 400 South with Market Street as secondary. Mr. Camp added that GSA has acquired sufficient land to accommodate a 30 year expansion. Any future expansion will take place to the east between the new courthouse and the existing Moss Building.

Mr. Wentworth added that they should have final schematics design shortly and they would be willing to come back to the Planning Commission to keep them apprised of the project.

Central Community Master Plan Amendment (Item a.i.)

Mr. Ikefuna explained that on November 1, 2005, the City Council approved the Central Community Master Plan. However, there are some conflicts with the Plan and requested that the Planning Commission initiate a petition for Staff to identify conflicts and prepare recommendations to address them.

Commissioner De Lay moved for the Planning Commission to initiate the petition. Commissioner Scott seconded the motion. All voted “Aye”. The motion passed.

Update on the Northwest Quadrant (Item b.)

Noting the copy of the memo to the Mayor and City Council that was sent to the Planning Commission Members, Mr. Ikefuna explained that it outlines the phases of the project and timelines for completion. Mr. Ikefuna said that the Planning Staff will work with a consultant to be hired, and is expecting to complete the project in the summer of 2008. Mr. Ikefuna added that, the aerial field trip revealed that the project has environmental and transportation challenges, including linking the Northwest to the Downtown area and surrounding neighborhoods. Planning Staff will be initiating the planning process for the project in March or April 2006, and is requesting that two Planning Commission Members serve on the Citizens Advisory Board and the Technical Advisory Committee. Meetings will be scheduled accordingly upon formation of the committees and meanwhile.

Commissioners Jennifer Seelig and Babs De Lay volunteered to serve.

Request by Greg Larsen, representing The Bungalows of Sugar House, LLC (Conditional Use Planned Development project 410-700 – approved October 27, 2004) located at approximately 1850 East 1700 South, asking that the Planning Commission allow 4 modifications to the Approved Final Development Plan by interpreting the requested changes as “Minor Modifications” under Salt Lake City Zoning Code Section 21A.54.150(S)(2) as follows:

- 1. Realigning one driveway by removing its connection to 1700 South Street and connecting it to the private road known as Sugar House Lane.**
- 2. Expanding the rear yards of two lots (Lots 2 and 3) to the east approximately 27 feet to add additional back yard area.**
- 3. Adjusting the south side yard setback area from the Planning Commission Staff Report and minutes required 12.5 feet to 12 feet, consistent with the recorded plat for lot 3.**
- 4. Interpreting that the approved building elevation for two of the proposed dwelling units is consistent with the Planning Commission imposed limit on overall building height requiring development of project with “one and one-half story dwellings”, which by staff interpretation of the International Building Code, a portion of one elevation is a two-story design.**

Greg Larsen (Owner/Developer) was present.

Mr. Ikefuna explained that the petitioner is requesting the Planning Commission to approve minor modifications to their previous approval of a petition that was made on October 27, 2004.

Mr. Wheelwright explained that Mr. Larsen is requesting four modifications to the site development plan for the planned development. The first modification is to realign the driveway for lot 7, originally a joint driveway and extended to 1700 South. The detached garage will remain at the same location, but the driveway access will be reoriented to connect with the private street known as Sugar House Lane to the east.

Mr. McCandless added that the realignment of the driveway is an improvement in that vehicles will not have to back into traffic or interrupt the pedestrian flow on 1700 South.

The second modification is to expand the rear yards of lots two and three located on the east portion of the development site. Two of the 3 abutting property owners to the east have offered to sell portions of their rear yards for the expansion. Mr. McCandless explained that the expansion would require formal subdivision approval in order to address zoning issues. Any subdivision amendment must meet current zoning regulations.

Mr. Larsen added that he would need to approach the third property owner to the southeast corner and determine whether or not that property owner would agree to sell.

Mr. McCandless stated that any approval granted by Planning Staff in an Administrative Hearing would have to comply with current zoning, lot areas, and rear yard setbacks.

Commissioner Muir asked if the purchase would render the rear yard of the house to the South nonconforming because of the compatibility and the 40 percent coverage requirement.

Mr. Wheelwright said that two parts would have to be examined regarding this portion of the petition:

- 1) Would the additional area granted to lots 2 and 3 make a significant difference in the original planned development approval?
- 2) Could the subdivision be approved and still meet the zoning requirements?

He explained that the Commissioners had the authority to make the decision on item one, but the second part would go through a formal subdivision process to make a determination.

In response to a question posed by Commissioner De Lay regarding the value of making the change, Mr. Larsen explained that it would give property owners a larger rear yard. The parcel to the east of lot 2 consists of about ½ acre and he is of the opinion that enlarging lots 2 and 3 may not cause the abutting lots on 1900 East to become substandard. The garage would take up a large portion of the rear yard. Mr. Larsen said that he wished to obtain an opinion from the Planning Commission before he will pursue the subdivision process. It was noted that the expansion would increase the rear yards of lots 2 and 3 from 25 feet to 45 feet.

As to adjusting the south side yard setback for lot 3, Mr. Wheelwright explained that the Staff Report presented to the Planning Commission in October 2004 stated that the south yard area was to be 12.5 feet. However, the subdivision plat was recorded at 12 feet. It is uncertain how the discrepancy occurred. The house that was constructed on lot 4 (to the west of lot 3) maintains a south side yard setback of 13 feet which would be compliant with either the 12.5 or 12 feet standard. It was noted that the house proposed for lot 3 is wider than the home on lot 4 and occupies most of the buildable area from north to south.

Noting the preliminary plat that was submitted to the Planning Commission at the time of the original approval, Mr. Larsen said that he believes the discrepancy is a conflict in language. The original plat that was presented to the Planning Commission in 2004 shows 12 feet for the south side yard setback on lot 3 and the plans have not been changed. Footprints and designs of the homes were specifically fashioned to the

buildable areas of each lot, and it would be costly to redesign the homes. Mr. Larsen asked the Planning Commission to determine that the yard may be 12 feet, consistent with the recorded plat that was presented and approved by them. It was noted that Planning Staff found no substantial difference should the Planning Commission approve this modification.

Mr. Wheelwright then explained that the building official interpreted a side elevation on one of the two house plans as technically having two stories. The proposed elevation is not a problem under building or zoning regulations in that elevations are limited to 30 feet measured to the mid-point or 2 ½ stories. The highest ridge of the originally proposed design is 29 feet and does not change under either interpretation; however, the building official's interpretation conflicts with the limitation of 1 ½ story buildings placed on the project by the Planning Commission. The City required the developer to modify the design of the home on lot 4 to meet the technical definition of 1 ½ stories. Mr. Larsen does not wish to modify the elevations on the other three homes on lots 5, 6, and 7 with the same elevation modifications.

Mr. Larsen reiterated that the plans submitted and approved by the Planning Commission have not changed. The changes in elevations are caused by the interpretation of Building Permit Staff. He explained that he was required to modify the home on lot 4 because construction was underway at the framing stage and was red tagged. The roof ridge was brought down to the eave line in order to meet the definition so that construction could continue. Mr. Larsen said that he does not wish to change the design of the other homes. The proposed building design is more architecturally interesting and pleasing with exposed rafter tails and the original roof line as a whole. He further wanted a mix by having specific designs for the different lots. The four lots on the west portion of the development are narrow and deep. Lots 2 and 3 on the east portion are wider and shallower, and the homes on those lots were designed with elongated gables. Mr. Larsen requested that the Planning Commission reaffirm their approval.

Commission Muir noted that the original elevation designs allow a certain amount of light and air into the tight side yards, and more evenly distributes drainage from snow and ice melt. He believed that the originally proposed elevations are better from a technical perspective. The consensus of the Planning Commission was that the elevation and setback issues were inadvertent mistakes, but the expansion of the rear yards should be a separate petition. The expansion would change the pattern of the block behind the project, and should be reviewed under the formal subdivision review process.

Commissioner De Lay moved for the Planning Commission to approve modifications 1, 3 and 4 as requested. The request to expand the rear yards of lots 2 and 3 to the east must be reviewed and determined through the formal subdivision review process. Commissioner Muir seconded the motion. All voted "Aye"; the motion passed.

Addressing Commissioner Scott's concerns regarding the conflict in building story interpretations, Mr. Ikefuna explained that it is an issue to be discussed between Building Services and Permits and Planning Staff. Staff will discuss the issue with the Permit Office and report back to the Planning Commission.

Tandem Parking in Required Yards in Residential Zones (Item a.ii.)

Mr. Ikefuna requested that the Planning Commission initiate a petition to amend the Zoning Ordinance to allow tandem parking in required yards in residential zones. Currently the Zoning Ordinance does not allow tandem parking in residential areas. He explained that tandem parking should be allowed in order to accommodate future infill and or residential development. Mr. Ikefuna noted that Bonnie Mangold, Avenues Neighborhood Advocate, opposed the initiation of such a petition in an email of which copies were presented to Planning Commission Members.

Commissioner McDonough moved for the Planning Commission to initiate the petition. Commissioner Chambless seconded the motion, all voted aye; the motion passed.

Responding to questions from Commissioner Seelig regarding the retreat and briefings with Redevelopment Agency, Mr. Ikefuna explained that briefings will be scheduled. The retreat scheduled for December 13, 2005, has been postponed until further notice. Professor Kelly was unable to make the engagement, and Planning Staff is seeking another facilitator.

PUBLIC NOTICE AGENDA — Salt Lake City Property Conveyance Matters

- a) **Gabriel Noelle Rosa, LLC and Salt Lake City Property Management Division – The existing apartments located at approximately 201-211 East 3rd Avenue are being converted into the White Lane Condominiums. As part of the conversion approval process, it was noted that there are three stairway and stair rail encroachments into the public right-of-way. The applicants are requesting that the encroachments be allowed to remain as is and have submitted a lease agreement to cover these encroachments. This property is located in Salt Lake City. The Property Management Division intends to approve the requested lease agreement for the encroachment.**

- b) **2148 Enterprises, LLC and Salt Lake City Property Management Division – 2148 Enterprises, LLC is in the process of selling their property which is located at 2148 South 900 East. During a due diligence survey, it was discovered that a brick façade along 900 East encroaches into the public right-of-way. The buyer is requiring the current property owner to enter a lease agreement with the City to deal with the encroachment issue. It is contemplated that the encroachment will be removed in a future remodeling process in 2006. The initial term of the lease agreement is 5 years with terms of renewal. Issuing a lease for this purpose is consistent with City policy regarding public-way encroachments. The Property Management Division intends to approve the requested lease agreement for the encroachment.**

(These items were heard at 6:37 p.m.)

Chairperson Noda noted that there were no public comments or questions from the Commissioners.

PUBLIC HEARING

Petition #490-0-48 A Request initiated by Clayton Wolf to amend lots 9, 10, and the north 10 feet of lot 11 of the J.H. Whalon's Addition Subdivision located in an R-1/5000 zoning district at 809 South Emery Street. The proposal is to create a new two lot subdivision. Lot #1 is for a future single family home to be constructed in the future and lot #2 is for the existing home that will remain

(This item was heard at 6:45 p.m.)

Ms. Gasparik assured the Commissioners that the proposal does meet all conditions of administrative approval and explained that the petitioner had previously submitted his project for an Administrative Hearing on November 15, 2005. As a result of public comment with indicated opposition the project has been brought before the Planning Commission.

A full description of the proposal is found in the Staff Report. The proposal is briefly described as:

Mr. Wolf is requesting subdivision amendment approval to amend one lot into two new lots. Lot #1 is proposed for a new single family home to be constructed in the future which will front onto 800 South (Johnson Street). It would be 68 feet wide and 82 feet deep resulting in approximately 5,564 square feet. Lot #2 is for the existing home that will remain, which fronts Emery Street. It would be the corner lot, and the dimensions will be 77 feet wide and 82 feet deep, totaling 6,326. Both lots exceed the 5,000 square feet minimum for the zone R-1/5000 Zoning District.

The property is zoned R-1/5000 and is located in the West Salt Lake Community Master Plan area. The plan identifies the subject property as suitable for low density residential land uses. The proposal is in compliance with the master plan and meets Salt Lake City Zoning regulations.

The property has access from the two existing City streets, Emery and 800 South Streets; both publicly dedicated. The Salt Lake City Planning, Transportation, and Engineering Divisions have reviewed and approved the petition subject to minor repair of existing public improvements (departmental review letters are included in the Staff Report).

There were several neighbors in attendance at the Administrative Hearing who did not want another house built in the area. They stated that there were many community and social problems in the area and they believe that a higher density in the neighborhood would increase the likelihood of a growing crime problem.

As a result of a question from Commissioner Chambless, Ms. Gasparik agreed that the lack of street lighting was a problem for the neighborhood. She further stated that the responsibility of adding street lighting should not be a condition for approving the two-lot subdivision, because it is a problem for the entire neighborhood.

Property owner, Clayton Wolf, stated that he had invested thousands of dollars in clean-up of the property. He stated that he does not live in the neighborhood and that the existing house is uninhabitable and should be demolished at a future date by the future owner. He does not plan to further develop the property after it is subdivided and a desire is to subdivide the property and then sell it. He agreed that the lack of lighting

does exist, but its absence had not resulted in crime. Several of the neighbors are in the process of rehabilitating their properties.

Chairperson Noda opened the hearing for public comment. Three members of the neighborhood spoke:

Rex Whealdon, a property owner and resident for forty-five years at 808 South Glendale Street, spoke first. He objected to the subdivision on the basis that it would increase the population in the neighborhood, which would have a negative impact. He recommended that if the subdivision was approved, each lot be fenced, and each house have a garage, and no parking allowed on the City streets. He expressed the opinion that there would be a need for an additional fire hydrant in the area. He explained that there is a high proportion of illegal drug sale and use in the area, but, despite frequent calls to the police, there had been poor police enforcement. The house on Mr. Wolf's parcel is not up to code. There have been large parties in the house and a shooting on the property.

He agreed that lack of lighting was a neighborhood wide problem, but he was more worried about families moving into the derelict house and the possibility of a new home built on the second lot if the subdivision was approved. He expressed the opinion that an increase of two families would lead to higher density and more crime.

Scott Peterson, a neighbor who lives at 1162 West Indiana Avenue, objected to two smaller lot sizes and stated that smaller houses would be built on the smaller lots and young families would grow and move out into larger homes, decreasing the stability of the neighborhood and the emotional investment into its future. Community problems include a drug house across the street and shootings in the neighborhood.

Chuck Packard, a neighbor, objected to the petition. He said he would like to see a bigger house with a higher value to discourage families with teenagers. In the past his property has been damaged by night pedestrian traffic. There is an existing issue of pedestrian traffic all hours of night despite frequent calls to the police. Bodies have been discovered in the park across the street. Even though there was a street light on his corner, a car ran into his fence and left the scene. His trailer was stolen while it sat directly under the street light.

Neighbors expressed frustration with an inactive community council and the master plan. Neither Mr. Whealdon nor Mr. Peterson had attended the community council meetings.

Commissioner Chambless suggested that lighting would solve the pedestrian traffic issue.

In response to questions posed by Commissioner Scott, Dale Bennett of Benchmark Engineering and Landscaping, stated that he was acting as the engineer for Mr. Wolf. Mr. Bennett stated that the planned subdivision conforms to the neighborhood and denied that a new house built on either parcel would be "shoe horned" into the block. He further stated that a lot of five to six thousand square feet is typical of the neighborhood.

Mr. Wolf rebutted the community comments, stating his goal was to improve the neighborhood rather than degrade it. The existing house is in bad shape and future demolition is the only practical option. He did not state that he planned to demolish the house, but to sell the property without further improvements if the subdivision was

approved. He went on to comment that the community concerns are community related and will not be changed by the subdivision. In response to a question posed by Commissioner De Lay, he stated that a completed house value would be approximately \$130,000.

In response to a question posed by Commissioner Seelig, Mr. Wolf and Ms. Gasparik further discussed the project. The developer is proposing a new driveway at the South boundary. The Transportation Division will require on site parking to meet zoning regulations. This required parking can only be located in the corner side yard setback area north of the existing building.

Ms. Coffey stated that the area was part of the West Salt Lake Master Plan and an update had been started. The community council will be given a draft in March to review.

Commissioner Diamond expressed the opinion that the subdivision lot shape, would result in two lots being almost square shape, not in keeping with the original subdivision pattern; as the other lots are in a predominantly rectangular shape. He suggested that the configuration of the lot be changed to accommodate the established rectangular pattern in the block.

Ms. Gasparik responded by stating that the lot is an unusually large lot for the area and due to the position of the existing house, and width of the parcel, the lots cannot be subdivided in any other way while remaining in compliance with the existing zoning code.

After the Commissioners asked several questions to discover if the proposed change was indeed legally conforming, most agreed that the change would allow affordable housing and promote infill.

Commissioners Scott and Seelig recommended Staff follow up with Community Affairs to help deal with the neighborhood crime issue. They formally asked that Community Affairs be brought to consider the issues from a neighborhood perspective rather than individual residents calling the police and not finding effective long term solutions.

Chairperson Noda, Commissioners De Lay, and Chambless said that the neighbors who have expressed objections to the project have not been involved with the community council and as a result, the community council has not taken the step to represent the neighborhood at this meeting. They encouraged the neighbors to get more involved in their community council and to work with the organization to get the adequate lighting and address the crime issue along with any other planning issues.

Mr. Ikefuna, Planning Director, explained the process for acquiring street lights for the neighborhood.

Motion for Petition 400-05-25

Based on the comments heard, the analysis and findings in the Staff Report, and Staff recommendation, Commissioner Scott moved for the Planning Commission to approve the amendment subject to the following conditions:

1. **Approval is conditioned upon compliance with departmental comments as outlined in the staff report.**
2. **Any future redevelopment will be subject to the requirements of the zoning ordinance.**
3. **Final subdivision amendment platting is required, including provisions for the abutting site public infrastructure improvements installation.**

The motion was seconded by Commissioner Seelig. Chairperson Noda, Vice-Chairperson McDonough, Commissioners Chambless, De Lay, Galli, Muir, Scott, and Seelig voted “Aye”; Commissioner Diamond opposed the motion.

The motion passed in an 8-1 vote.

UNFINISHED BUSINESS

(This item was heard at 7:32 p.m.)

Mr. Ikefuna informed the Planning Commission that the Mayor is concerned with creating a sky bridge in the downtown area and is soliciting comments. An article regarding sky bridges has been included in Commissioner Packets and there is a possibility that the issue will come before the Planning Commission.

Commissioner Muir expressed concern that an article which references private property had been sent to the Planning Commission by the Mayor. The property owner should have received a copy of that article.

Alex reminded Planning Commission Subcommittee Members that there was an internal Subcommittee Meeting tomorrow regarding the Boyer Planned Development.

Several members of the Subcommittee stated they were frustrated that the Subcommittee Meeting would be the fourth time the Boyer Planned Development had been brought before them.

Commissioner Seelig and Chairperson Noda voiced their displeasure with the lack of communication with the Salt Lake City Redevelopment Agency. They asked Staff to do something to address the issue of lack of coordination with the agency.

Meeting was adjourned at 7:43 p.m.

Kati Weiler (Acting Planning Commission Secretary)