

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, July 12, 2006**

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

Present from the Planning Division were Alexander Ikefuna, Planning Director; Cheri Coffey, Deputy Planning Director; Kevin LoPiccolo, Planning Programs Supervisor; Sarah Carroll, Principal Planner; and Cindy Rockwood, Planning Commission Secretary.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Noda called the meeting to order at 5:47 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 and Kathy Scott. Planning Division Staff present were Cheri Coffey and Sarah Carroll

APPROVAL OF MINUTES from Wednesday, June 28, 2006.

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

Commissioner De Lay moved to approve the June 28, 2006 minutes. Commissioner Chambless seconded the motion. All voted "Aye". The motion passed. Commissioner De Lay abstained from the portion of the minutes of the meeting where she was not present.

REPORT OF THE CHAIR AND VICE CHAIR

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

Chairperson Noda requested that the minutes from the Retreat be brought before the Commission for approval. Mr. Ikefuna stated that they would be brought to the next meeting for recordation.

Chairperson Noda stated that a number of requests to initiate petitions were received via email the day of the meeting, and didn't allow much time for review. She requested that the information be included in the packet sent prior to the meeting.

REPORT OF THE DIRECTOR

(This item was heard at 5:49 p.m.)

Mr. Ikefuna stated that some of the petition initiation requests were last-minute requests from the Planning Division, but are a result of some deficiencies in the Zoning Ordinance.

Initiate Petition – Music Conservatories

(5:50 p.m.)

Mr. Ikefuna stated that an applicant has requested to obtain a permit for a music conservatory in a zone that does not presently have a designation of its use. He stated that in reviewing the ordinance, it was discovered that conservatories had been left out of the revised version. He also clarified the definition of a conservatory as a location for training and classes in music. Mr. Ikefuna added that a substantial fine tuning is being worked on to correct additional deficiencies in the ordinance.

Commissioner Wirthlin made a motion that the Planning Commission initiate a petition to allow music conservatories in the Neighborhood Commercial and General Commercial Districts as a permitted use in Section 21A.26.080 of the Salt Lake City Zoning Ordinance. The motion was seconded by Commissioner McDonough. All voted "Aye". The motion passed.

Initiate Petition – Airport District Sign Regulations & Zoning District*(5:53 p.m.)*

Mr. Ikefuna stated that substantial development is occurring near the airport area, requiring consideration for sign standards. He stated that the Airport Authority is in favor of reviewing the regulations in order to obtain uniformity and that perhaps ease the process for obtaining signs in the area.

Commissioner Scott made a motion that the Planning Commission initiate a petition to research the Airport District sign regulations, and also to initiate a petition to research the Airport District Zoning. Commissioner McDonough seconded the motion. All voted “Aye”. The motion passed.

(The motion included two separate petitions and purposes)

Initiate Petition – RMU Zoning Text*(5:55 p.m.)*

Mr. Ikefuna raised the attention of the Commission to a reference in the RMU Zoning text to the East Downtown Master Plan and the potential issues it could raise. The Planning Division requests the Planning Commission initiate a petition to eliminate the reference to the East Downtown Master Plan as the only place where the RMU District can be applied.

Ms. Coffey added that the request to eliminate the reference is related to the allowance of a conditional use process for increasing height for properties zoned RMU. She stated that as the zoning ordinance text reads, the height in an RMU District is restricted to 75 feet, with an exception to the height only being allowed within the height zone of the East Downtown Neighborhood Plan. She added that by eliminating the verbiage that relates to the East Downtown Master Plan, the allowance of obtaining a conditional use request for additional height within the RMU zone would be provided through the review of the Planning Commission.

Discussion commenced between the Commissioners and Staff regarding the reason for the request and the broader purpose and scope of including the language in the RMU zoning text. The Commissioners expressed concern with removing the reference, due to the extent of research and consideration placed into the master plan and zoning ordinance text when it was originally developed.

Mr. Ikefuna reiterated that the request to remove the language is to allow flexibility in the RMU zone with relation to height and development. He also stated that last year the reference to the East Downtown Master Plan found in the purpose statement of the text was removed, with the intention of removing it throughout the RMU zoning text but was not removed due to error.

Chairperson Noda stated that the minutes should be reviewed if the concern was ministerial, but that the request seems to potentially allow higher height requests to be made.

The Commission was not comfortable with a petition to remove the language, but was comfortable with initiating a petition to study whether the language should be removed.

Commissioner De Lay made a motion that the Planning Commission initiate a petition to study the potential elimination of references to the East Downtown Master Plan in the RMU Zoning Text. The motion was seconded by Commissioner Chambless. All voted “Aye”. The motion passed.

Mr. Ikefuna addressed a concern of the Commission regarding an article published on June 30, 2006, in the Salt Lake Tribune related to the Boyer project on 500 West, and the decision to eliminate a grocery store from the proposed development. He added that the understanding of the Planning Commission was that a grocery store would be a part of the development that was approved; however, a market study provided by the Boyer Company proved unfavorable for the development of a grocery store, and demonstrated a lack of commitment from grocers. As a result, the City determined that a deli is an acceptable component. Mr. Ikefuna added that the news was published quickly, and expressed apologies that the Planning Commission did not receive the information directly. Mr. Ikefuna included that the Boyer

Company does not plan to revise the approved, proposed plan; therefore, is not required to return to the Planning Commission. He added that Jake Boyer was present to discuss concerns of the Commissioners.

Mr. Boyer expressed concern regarding the Commissioner's irritation and added that the intent was neither to mislead the Commission, nor the City, of the plans and that he would place a grocery store in the development. He stated that the market study related to the need for additional growth before the option of a grocery store was feasible; therefore, a deli component was the next best option. Mr. Boyer included that the changes are being adjusted into the approved plan.

Commissioner McDonough and Commissioner Diamond stated that the concern was not necessarily related to the Boyer Company, but was due to the request for land use change and a lack of communication. It was noted by the Commission that their decisions are based on the issues and concerns of the request, and when a significant use is altered, the issues and concerns may change, perhaps altering the decision.

Chairperson Noda stated additional concern regarding the parking allowance given for the development of a grocery store. She suggested that, although the grocery store will be altered to a deli, the parking (and the second curb cut) might not be needed and the opportunity for green space could be pursued.

Mr. Boyer addressed the concern and added that the addition of a second building onto the corner of Rio Grande Street and 200 South provided a buffer on the 500 West and 200 South sides of the proposed parking lot to curtail the effect of the parking lot. He added that a trellis system on Rio Grande had been agreed on in order to additionally buffer the parking lot.

Commissioner Chambless requested additional information regarding the market study, and the extent of Mr. Boyer's understanding of the grocery store condition.

Mr. Boyer responded that a reliable market study had been completed, and functions as a second or a third market study to some companies who internally complete their own market studies. Mr. Boyer added that he had reached an understanding with the Commission that the company's best efforts would be demonstrated to develop a grocery store, with additional research to be conducted and a final decision determined by the Mayor's Office.

Commissioner Scott requested that the plan be reviewed again by the Planning Commission, since the original plan of the development is no longer being pursued, and asked whether Mr. Boyer would be willing to work with Staff to provide the appropriate information.

Mr. Boyer respectfully noted that the condition of a grocery store was placed and lifted by the Mayor's Office; although the Planning Commission desired the grocery store to move forward, market commitment is a problem and was addressed with the office that placed the condition. He expressed apologies to the Commission if they felt that they were misinformed. Mr. Boyer added optimism regarding the grocery store, and stated that he would rather place a grocery store in the location, but due to uncontrollable circumstances he is working towards the best possible solution.

Commissioner Muir expressed that the decision was based upon the prospect of land use; however, the markets cannot be forced. He added that more residential units are being proposed in the area, and that ultimately the demand for a grocery store will occur, but if the Planning Commission requests the removal of some of the designs proposed, it would eliminate the potential of a grocery store.

Mr. Ikefuna stated that the sale of the property was conditioned upon grocery store construction by the Mayor's Office, but as Commissioner Galli stated at the meeting the night the petition was heard, the requirement for a grocery store is not within the purview of the Commission. Mr. Ikefuna added that the final decision rests with the Mayor, the Boyer Company, and the Attorney's office.

Chairperson Noda stated that the Mayor's Office should be working in conjunction with the Planning Commission, specifically when it relates to land use issues. She expressed the need for communication

between the Commission, the Mayor's Office and City Council. She stated that a legal opinion might be needed in order to consider if the petition can return to the Planning Commission for review.

Mr. Ikefuna stated appreciation for the points made by Chairperson Noda, and stated that coordination for action and notice to the Planning Commission will be made.

Commissioner Diamond expressed appreciation to Mr. Boyer for appearing before the Commission and noted that the Mayor's Office was not represented. He requested a change with regards to the communication efforts between the City Divisions. He also suggested that if certain divisions require contingencies on a petition, they should be represented at the Planning Commission meetings.

Chairperson Noda expressed appreciation for Mr. Boyer and closed the discussion.

Mr. Ikefuna gave a report on two additional issues that the Planning Commissioners requested at the previous meeting; a phone call to Mr. Charles Evans regarding the disgruntled feelings of the Commission relating to his uncooperative attitude towards the Commission, and a discussion with the Urban Forester to prepare a presentation to the Planning Commission.

Mr. Ikefuna stated that he had spoken with Mr. Evans and expressed the feelings of the Commission regarding his lack of cooperation. He stated that Mr. Evans indicated that the reason behind the conditional use request was to make the facility a bit more attractive. Mr. Ikefuna also stated that he was working towards inviting Mr. Evans to a Planning Commission meeting for a discussion.

Mr. Ikefuna stated that a meeting with Staff had been held with the City's Urban Forester, and that in August the Urban Forester will appear at a Commission meeting for dialogue and cooperative discussion.

Commissioner Chambless asked if Mr. Evans had stated that essentially, bigger is better. He also asked if Mr. Evans expressed an understanding that ordinances apply.

Mr. Ikefuna stated that Mr. Evans had stated that if the height had not been approved, the building would have looked ugly. He also added that he had spoken with Mr. Evans about the regulations and the concerns of the Commission relating to his consideration to the impact in the surrounding area.

Chairperson Noda requested that the Chair and Vice Chair of the Planning Commission have a meeting scheduled with the Chair and Vice Chair of the City Council in the near future, perhaps by August.

Chairperson Noda also added that she had contacted Tim Hunter, legal counsel of Utah Power and Light, to discuss the concerns of the Commission and the letter that was sent regarding installation of new poles to accommodate cellular equipment prior to Planning Commission approval. She added that a meeting be scheduled with an agreement made between the parties. Chairperson Noda stated that Mr. Ikefuna will be invited to the meeting. Mr. Ikefuna suggested that the Planning Division arrange the meeting.

Chairperson Noda stated that Jennifer Seelig had raised concern with respect to the Banner Subcommittee and the recommendation of the Planning Commission regarding the proximity location issue. Chairperson Noda stated that Ms. Seelig had stated that some conveyance was made to the City Council regarding the proximity issue; although the Planning Commission might have requested the language be removed. Chairperson Noda requested the minutes from the discussion of the Commission for review.

Mr. Ikefuna stated that the City Council had also received a letter from Jennifer Seelig, and that the City Council had voted four-two in favor of withdrawing the proximity language from the Banner Ordinance. He added that slight changes had been made by the City Attorney's office, and will return to the City Council for public hearing on August 8.

PUBLIC NOTICE AGENDA*(This item was heard at 6:43 p.m.)*

- a. Junior's Tavern and Salt Lake City Property Management Division—Request for Salt Lake City Property Management to approve a lease to authorize the use of a portion of the public right-of-way of 300 South Street for an outdoor dining plaza use. The requested lease area is located adjacent to the property located at 30 East 300 South, which is zoned D-1 (Central Business District). Property Management staff intends to approve the lease request.

Chairperson Noda requested comments from the public or Commission regarding the public notice items. No comments were made and the items were approved.

PUBLIC HEARINGS

Revisions to Petition Numbers 410-06-09 (planned development), 480-06-04 (preliminary condominium) and 490-06-09 (preliminary subdivision), a request by Howa Capital to consider revisions to the planned development site plan, preliminary subdivision and preliminary condominium plans that were approved by the Planning Commission on April 26, 2006, for property located generally on the east and west sides of 300 West Street, between 500 and 600 North Streets.

(This item was heard at 6:43 p.m.)

Commissioner De Lay and Commissioner Muir recused themselves from the petition. Commissioner De Lay left the meeting and Commissioner Muir attended in the back. Commissioner Wirthlin raised potential conflict by adding that his employer represents various Howa entities; however Commissioner Wirthlin has not performed any services for the client to date. The Commission agreed that no significant conflict was apparent.

Chairperson Noda recognized Sarah Carroll as staff representative. Ms. Carroll raised the attention of the Commission to the following changes:

- The building on 300 West and 600 North (retail/residential mixed use building) will be reoriented with parking being altered from a two-story, underground parking to a one-and-one-half stories above ground, and oriented behind the building, with a two-story parking garage and a residential plaza on top. She added that the parking changes apply to the building on the northeast corner of 300 West and 500 North.
- The townhomes were reduced from eleven units to nine units and will be accessed from Arctic Court.
- The grocery store space was reduced from 15,000 square feet to 11,000 square feet. Ms. Carroll added that if a grocery is not obtained for the space it will be developed as a two-story, office/retail space with 11,000 square feet on the main floor with 8,800 square feet above.
- The west side of the plan has not been altered.

Ms. Carroll referenced a memorandum that had been presented to the Commission prior to the meeting regarding some miscalculations stated in the Staff Report. Ms. Carroll also provided additional information for the first floor glazing. *(The information has been added to the Staff Report and is contained in the record.)*

Ms. Carroll stated that the recommendation of Staff is to approve the requests, subject to the following conditions:

A. Conditional Use/ Planned Development approval subject to:

1. Granting the following waivers to the Zoning Ordinance with the direction to Staff to modify other provisions of the zoning ordinance if necessary to implement the development plans as approved by the Planning Commission:

Proposed Lot 1 - Buildings H, J and K

1. Reduction in the required landscaped setback for the interior side yard setback from 30 feet to approximately 6 feet on the east side of the lots between the buildings.
2. Reduction of the required 10 foot landscaped buffer from 10 feet to approximately 4 feet along a portion of the west property line.
3. Reduction of the required perimeter landscaping from 7 feet to approximately zero feet along the south property line.

Proposed Lot 2 - Building A and some parking for Building B

1. Reduction in the required landscaped setback for the interior side yard setback from 30 feet to approximately 14 feet on the south side of the lot, between buildings A and B.
2. Modifying the rear yard buffer from 10 feet to the varying dimensions shown on the proposed site plan, including a reduction to approximately 6 feet at the dumpster location, along the east property line.
3. Reducing the perimeter landscaping requirement around the parking lot to the varying dimensions shown on the proposed site plan.
4. Reducing the required setback for a parking structure in a corner side yard from 45 feet to zero feet along the north property line.

Proposed Lot 3 - Grocery Store and Retail Space OR Retail and Office Space

1. Reducing the perimeter landscaping requirement around the parking lot to the varying dimensions shown on the proposed site plan.
2. Granting approval for either a one story grocery/retail store OR a two story retail/office space.

Proposed Lot 4 - Building D

1. Reducing the required rear yard setback from 30 feet to approximately 18 feet.
2. Reducing the 20 percent open space requirement to approximately 18 percent.
3. Reduction in the first floor glass requirement along 500 North from 40 percent to approximately 30 percent.
4. Reducing the required setback for a parking structure in a corner side yard from 45 feet to zero feet along the south property line.

Proposed Lot 5 - Townhouses (9 Units)

1. Reducing the required rear yard setback from 30 feet to approximately 25 feet.
2. Reducing the required 10 foot yard buffer on the east property line to zero feet.
3. Reducing the required 40 percent first floor glass requirement to 23 percent along 500 North and to 7 percent along Arctic Court.
2. Conditional use approval of the proposed off-site parking.
3. Deferral of the architectural review of buildings on the east side of 300 West Street to the Salt Lake City Historic Landmarks Commission.
4. All outdoor lighting should be directed downward and designed to not adversely affect any adjoining property.
5. The proposed development must meet all applicable City, County, State and Federal requirements.
6. Any encroachments into the public way will need to be approved by the Salt Lake City Property Management Division.
7. Providing landscaping screening and/or a fence along the west side of proposed lot 1 to buffer the SR-1 zoned property to the west, as approved by the Planning Director.
8. Approval of the tree selection and planting plans in the public way by the City Urban Forester.
9. Planning Director approval of the final landscaping plans and number of parking spaces.
10. Approval of the proposed rezoning and master plan amendment (Petition 400-05-40) by the City Council.

B. Preliminary Condominium approval of Building D on lot 2 and the townhouses on lot 5 subject to:

1. Recordation of the necessary condominium plats and supporting documentation.
2. Meeting all applicable City departmental and State Code requirements specific to condominium approval.

C. Preliminary Subdivision approval subject to the following conditions:

1. Consolidation of the twenty-five lots into five parcels
2. Cross-access easements must be provided
3. Recordation of the final plat, following administrative review and approval.

Commissioner Scott requested additional information regarding the north elevation at 600 North, the glazing requirement, the definition of a residential roof-top plaza, and the east elevation of Building A. She also confirmed that the height of the townhomes was two-stories.

Ms. Carroll requested the questions regarding the design be addressed by the applicant and added that the east elevation of Building A was not submitted.

At 6:54 p.m., Chairperson Noda recognized the applicant, Dru Damico, Howa Capital, and Aaron Hansen, Architect. In response to Commissioner Scott's question about glazing, Mr. Hansen stated that the elevations provided illustrate the 40 percent glazing. In response to the residential rooftop plaza question, he provided photographs of the conceptual plan, including pavers and planters for the rooftop plaza. Mr. Hansen added that the units on the level with the rooftop plaza will have access to gardens; however, a portion of the plaza will be common area for other residents in the building, and not the general public.

Commissioner Scott asked for additional information regarding the access to the townhomes, and the safety of the parking structures. Commissioner Scott raised concern regarding the request to adjust the setback for the dumpster location.

Mr. Damico stated that Arctic Court will serve seven of the townhomes as a primary access drive, and two will be accessed from the 500 North entrance. Mr. Hansen added that a change in elevation will be between the 500 North entrance and Arctic Court, therefore two units cannot be accessed from Arctic Court. Mr. Hansen also stated that a landscape area (with a walkway) has been placed between the townhomes. He also addressed the parking structure safety, and added that the garage will be enclosed with masonry infill and will be for resident use only. In response to the dumpster setback request, Mr. Hansen stated the grade change is significant to prevent the visual imagery of the dumpster, along with the addition of landscaping to the area, with the possibility of moving the dumpster closer to the commercial parking lot.

Due to the history of high crime in the area, Commissioner Chambless asked about the security lighting within the development.

Mr. Hansen stated that the specifics had not been completely defined, but that the site would be lit throughout, in and out of the parking lots, and in the private streets. He added that consideration would be made to deflect the lighting from the surrounding property owner areas. Mr. Hansen also stated that solid doors have been discussed for the garage doors; however, security cameras have not been confirmed.

Mr. Damico stated that the retail component should add value to the security component, and added that security is being taken seriously. He stated that since the building will be LEED certified, there will not be any lighting upwardly or outwardly affecting surrounding properties.

Commissioner Diamond expressed concern for the lack of sunlight exposure on the east side of the townhomes, because of the mass of the building on the south. He requested that when the design be completed, consideration of sunlight should be given. He also requested a broad-brush timeline of the proposed project.

Mr. Damico appreciated the comment about sunlight, and added that it would be considered. He stated that solidifying processes with other City agencies is anticipated for completion by September, with six to eight weeks for the site work permit. Mr. Damico added that Phase One and Phase Two are anticipated to occur simultaneously and be completed in eighteen months

Commissioner Scott and Mr. Damico briefly discussed the cost of the parking stalls prior to the adjustment for the adverse conditions. Commissioner Scott also requested information regarding the on-street parking being requested and whether or not the property would have enough parking if the on-street parking does not get approved.

Mr. Damico stated that without a parking credit for on-street parking on 300 West, 500 North, and 600 North, they would not meet the parking requirement.

Ms. Carroll responded that if the request for 68 stalls of on-street parking is not approved, the proposed development would be in deficit of 24 required parking stalls, or 35 if Building B is developed as office/retail.

Commissioner Scott expressed concern regarding the number of parking stalls required for the proposed development, given the number of proposed units. She also requested a confirmation for the number of units in Building A and Building D.

Mr. Hansen stated that Building A has (12) one-bedroom units and (20) two-bedroom units; Building D has (18) one-bedroom units and (31) two-bedroom units.

Ms. Coffey added that in the RMU Zoning District, if the on-street parking is not approved, the applicant may pursue the process of a conditional use; or the applicant may reduce the square footage of the proposed development to meet the parking requirements.

At 7:17 p.m., Chairperson Noda requested comments from the Community Council Chairs and the public.

Nephi Kemmethmueller, 328 West 600 North, related a fable to the Commission and expressed strong support for the project.

Hearing or seeing no further requests for comment, Chairperson Noda closed the public hearing.

(Commissioner Scott made the following motions for all three petitions)

Regarding Case 410-06-09, Commissioner Scott made a motion that the Planning Commission approve the Conditional Use/Planned Development request subject to the following conditions:

- 1. Granting the following waivers to the Zoning Ordinance with the direction to Staff to modify other provisions of the zoning ordinance if necessary to implement the development plans as approved by the Planning Commission:**

Proposed Lot 1 - Buildings H, J and K

- 1. Reduction in the required landscaped setback for the interior side yard setback from 30 feet to approximately 6 feet on the east side of the lots between the buildings.**
- 2. Reduction of the required 10 foot landscaped buffer from 10 feet to approximately 4 feet along a portion of the west property line.**
- 3. Reduction of the required perimeter landscaping from 7 feet to approximately zero feet along the south property line.**

Proposed Lot 2 - Building A and some parking for Building B

- 1. Reduction in the required landscaped setback for the interior side yard setback from 30 feet to approximately 14 feet on the south side of the lot, between buildings A and B.**
- 2. Modifying the rear yard buffer from 10 feet to the varying dimensions shown on the proposed site plan, ~~including~~ excluding a reduction to approximately six feet at the dumpster location, along the east property line.**
- 3. Reducing the perimeter landscaping requirement around the parking lot to the varying dimensions shown on the proposed site plan.**

4. Reducing the required setback for a parking structure in a corner side yard from 45 feet to zero feet along the north property line.

Proposed Lot 3 - Grocery Store and Retail Space OR Retail and Office Space

1. Reducing the perimeter landscaping requirement around the parking lot to the varying dimensions shown on the proposed site plan.
2. Granting approval for either a one story grocery/retail store OR a two story retail/office space.

Proposed Lot 4 - Building D

1. Reducing the required rear yard setback from 30 feet to approximately 18 feet.
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3. Reduction in the first floor glass requirement along 500 North from 40 percent to approximately 30 percent.
4. Reducing the required setback for a parking structure in a corner side yard from 45 feet to zero feet along the south property line.

Proposed Lot 5 - Townhouses (9 Units)

1. Reducing the required rear yard setback from 30 feet to approximately 25 feet.
2. Reducing the required 10 foot yard buffer on the east property line to zero feet.
3. Reducing the required 40 percent first floor glass requirement to 23 percent along 500 North and to 7 percent along Arctic Court.
2. Conditional use approval of the proposed off-site parking.
3. Deferral of the architectural review of buildings on the east side of 300 West Street to the Salt Lake City Historic Landmark Commission.
4. All outdoor lighting should be directed downward and designed to not adversely affect any adjoining property.
5. The proposed development must meet all applicable City, County, State and Federal requirements.
6. Any encroachments into the public way will need to be approved by the Salt Lake City Property Management Division.
7. Providing landscaping screening and/or a fence along the west side of proposed lot 1 to buffer the SR-1 zoned property to the west, as approved by the Planning Director.
8. Approval of the tree selection and planting plans in the public way by the City Urban Forester.
9. Planning Director approval of the final landscaping plans and number of parking spaces.
10. Approval of the proposed rezoning and master plan amendment (Petition 400-05-40) by the City Council.

Regarding Petition 480-06-04, a motion was made for the Planning Commission to approve the preliminary condominium of Building D on lot two and the townhouses on lot five subject to the following:

1. Recordation of the necessary condominium plats and supporting documentation.
2. Meeting all applicable City departmental and State Code requirements specific to condominium approval.

Regarding Petition 490-06-19, a motion was made for the Planning Commission to approve the preliminary subdivision subject to the following conditions:

1. Consolidation of the twenty-five lots into five parcels
2. Cross-access easements must be provided
3. Recordation of the final plat, following administrative review and approval.

Commissioner Chambless seconded the motion. All voted "Aye". The motion passed.

Commissioners De Lay and Muir returned to the meeting.

Commissioner Diamond was excused for the remainder of the meeting.

Petition 410-06-18 and 490-06-28 — A request by Jake Boyer and Cowboy Partners for a planned development for the construction of a housing complex and surface parking located on the west side of 500 West between South Temple and 100 South, in the Gateway Mixed-Use (G-MU) Zoning District. All new construction is a planned development in the G-MU District. The applicant is also requesting conditional use approval to modify the exterior building material requirement and to approve a surface parking lot. Petition 490-06-28 is a request for preliminary subdivision approval.
(This item was heard at 7:29 p.m.)

Chairperson Noda recognized Cheri Coffey as Staff Representative. Ms. Coffey provided a brief introduction to the proposal. She noted that South Temple Street is not an improved street at this time; requiring the applicant to sign an SID waiver or provide infrastructure improvements along South Temple and 600 West Streets. Ms. Coffey stated that due to the potential impact of commuter rail, the applicant is requesting the 75 foot landscape requirement be modified. She added that the design of the building will be compatible and similar to the Gateway Development to the east.

Ms. Coffey stated that the Planning Commission Planned Development Subcommittee reviewed the request and raised concern regarding the elevated access to the units and the pedestrian orientation. She added that the subdivision meets all of the requirements, with the condition that the infrastructure requirements be completed by the applicant, or an SID waiver be signed. Staff recommends that the Planning Commission approve the proposal with the following conditions:

1. The Planning Commission approve a conditional use for a surface parking lot in the proposed configuration,
2. The public way improvements must be constructed, or SID waiver signed, on 600 West and South Temple,
3. The Planning Commission allow the modification of the material requirements, as long as the final design is consistent with adjacent building. The final plan is to be approved by the Planning Director.
4. The Planning Commission modify the 75 foot landscaped setback requirement on the corner of South Temple and 600 West.
5. The petitioners meet all other code requirements, including the provisions for on-site staging and refuse collection.

Staff also recommends that the Planning Commission grant preliminary approval of the Minor Subdivision conditioned upon the public way improvements must be constructed, or SID waiver signed, on 600 West and South Temple.

Commissioner Wirthlin requested information regarding the 75 foot waiver from the corner area of an intersection, and whether or not there was a suggested number to which it should be altered.

Ms. Coffey stated that the applicant is requesting a waiver from the requirement, because it is not visible and the future of the corner is unknown. Ms. Coffey clarified that the request for modification is to allow a 15 foot setback instead of a 75 foot setback in the 600 West/South Temple corner area of the property.

Mr. Boyer stated that Utah Transit Authority (UTA) had contacted him to potentially acquire a small portion of the corner of 600 West and proposed South Temple for commuter rail.

Commissioner Scott asked if the company Bad Dog would remain on the property. She expressed concern with the requested subdivision, as the parking lot will be a separately owned parcel, and the reasoning behind placing the requests together.

Mr. Boyer stated that Bad Dogs has been housed in a building owned by the Boyer Company and will be removed. He added that the building is now vacant.

Ms. Coffey stated that the subdivision request is because of the self-contained uses; as the residential use and required parking will be on one lot with the parking lot west of the building being used as a separate entity.

Commissioner McDonough stated that some suggestions from the subcommittee should be considered, in order to ensure the building would meet grade in a more sympathetic way for the pedestrians. She added that the elevations provided at the meeting are conceptual drawings and requested additional information from the applicant, based on the discussion held in subcommittee.

Chairperson Noda recognized the applicants, Jake Boyer and Dan Lofgren. Mr. Lofgren referenced numerous drawings in response to the pedestrian traffic question, and illustrated that the residential buildings will be enhanced due to the center court area of the development. He stated that in the center courts, the glazing would be brought to the ground to create an inviting presence on the street.

Mr. Lofgren responded to the question of parking by citing the Northgate apartments and the success of public transportation use in the area. He stated that guests could utilize the parking to the west; however, it would be mainly used by employees of the Fidelity building.

Mr. Boyer added that the proposed parking lot would consist of approximately 600 stalls and be a paid, monthly commercial lot. He stated that on weekends or special events, the parking lot could be used for public, paid parking. Mr. Boyer added that adequate parking per code is available at the Gateway for the Fidelity Employees, but the building is densely populated.

Commissioner De Lay added to the record that no community council representation was present at the meeting, nor in the Staff Report.

Commissioner McDonough requested additional information about the glazing and elevation of the buildings.

Mr. Lofgren stated that the residential units will approach the street and surround the courtyard. He added that a small area has been committed to a commercial use to animate the street during after hours. Mr. Lofgren added that an area of the development would house a club room and a pool room adjacent to the management office. He stated that the pool would be separated and elevated from street level and will have a landscape buffer. Discussion commenced regarding the potential price of the buildings, and the length of time of use. Mr. Lofgren stated that a six-month lease would be the shortest term, given that residential long-term use is desirable.

Commissioner Chambless asked a visionary question regarding a potential pedestrian mall connecting the Gateway and the Main Street/Downtown area.

Mr. Lofgren stated that it would be good to connect the areas, but that there are too many unknown variables to forecast the future.

Ms. Coffey added that the lease price of the unit or units is not within the purview of the Planning Commission; however, the question of the length of lease is appropriate because Planning does define different housing situations by that information. Also, she added that because the subject property is within the legal notification requirements of two community councils, an open house was held for individuals to attend and provide feedback. Ms. Coffey added that sometimes community councils attend open houses, but that it depends on the current activity level of the community council and their interest in the project.

Hearing no further requests for comments from the public, Chairperson Noda closed the public hearing.

Commissioner Scott asked the Commissioners who attended the subcommittee meeting about the notes that had been made. She referenced some of the notes and asked why a planner would ask a question requesting support of the parking lot.

Ms. Coffey stated that it was possibly because of potential confusion of recommendations from the subcommittee. She added that the subcommittee was not reviewing the conditional use, but was trying to clarify comments from the Commissioners.

Commissioner Scott added concern relating to the master plan and the discouragement of surface parking lots in the area.

Commissioner McDonough stated that the wording from the subcommittee notes was strong, and that Mr. Dansie was soliciting the input of the Commissioners with regards to the potential issues that could be raised with the parking lot.

Commissioner Muir added that he had mentioned that the Holdings parking lot was approved years ago because of a demonstrated need, and if Boyer could demonstrate the need, the request could be approved.

Chairperson Noda agreed with Commissioner Scott and stated that she does not agree with surface parking in the area, as it is not supported in the Gateway Master Plan.

Commissioner Scott asked if there was a project for a surface parking lot on its own, would it be handled differently and whether or not the issues could be separated.

Mr. Ikefuna stated that the parking lot is designed to serve a particular purpose for the Fidelity building. He added that the parking lot is being addressed with the development because it is designed to support the development.

Commissioner Scott added that the staff report reads that the surface parking lot will be commercially operated and asked how transit is to be encouraged, if surface parking is allowed.

Commissioner Wirthlin stated that he is generally not a proponent of additional asphalt, but that he doesn't believe that the developer would allow it to remain on the property forever. He added that the parking lot should be considered as a temporary request, and is mitigated by the fact that it will be mostly hidden from view.

Commissioner De Lay added that commuter rail is approaching and will require parking for individuals in the area. She added that the property will morph, but that the request should be considered transitional.

Mr. Ikefuna added that the surface parking is allowed in the zone, with conditional use approval; however, the Commission may add conditions.

Commissioner Scott stated that the proposal indicates that the residents will be more transit oriented, and wouldn't need additional parking.

Discussion commenced among the Commissioners regarding the Trax stations and the development of the North Temple rail line. Commissioner De Lay requested that consideration for long-term planning be considered with the request. Chairperson Noda added that the master plan is the guideline for planning direction, and the approval of a surface parking lot could result in vested tenants.

Commissioner Wirthlin added that once the higher density development occurs the parking could remain an option, but could be replaced by structured parking..

Commissioner Muir stated that a conditional use should be taken seriously, with consideration of the issues in a broader context. He added that the request is on the periphery of the density of downtown, and is located in an area that challenges residential development because of the rail line. He asked about the building on 600 West and its significance.

Commissioner Scott stated that a precedent was set the night that the Planning Commission approved the Holdings parking lot, and that the precedent discounts the research and consideration for master plan development. She added that surface parking lots cause gaps in the City streetscape.

Commissioner Chambless agreed with the comments of Commissioner Scott. He stated that given the expense and the priority of buildings, a walkable city should be the goal; however, it is a long-range and incremental process.

Regarding Petition 410-06-18, in light of the comments, analysis and findings noted in the Staff Report, Commissioner Muir made a motion to approve the request subject to the following conditions:

1. **The Planning Commission approve a conditional use for a surface parking lot in the proposed configuration,**
2. **The public way improvements must be constructed, or SID waiver signed, on 600 West and South Temple,**
3. **The Planning Commission allow the modification of the material requirements, as long as the final design is consistent with adjacent building. The final plan is to be approved by the Planning Director.**
4. **The Planning Commission modify the 75 foot landscaped setback requirement on the corner of South Temple and 600 West.**
5. **The petitioner meet all other code requirements, including the provisions for on-site staging and refuse collection.**

Additional Condition

6. **The building on 600 West be excluded from the parking lot and be maintained as a commercial project.**

Discussion of the motion

Commissioner De Lay seconded the motion for discussion purposes and requested information about the building on 600 West.

Ms. Coffey clarified that the purpose of keeping the building was to maintain the streetscape. She added that the building may or may not have historic significance, but has housed Bad Dogs, an art and film society, for a few years.

Commissioner Wirthlin asked if a proposed amendment could be made to add more landscaping to make the area more appealing, or to buffer the parking lot from the streetscape.

Commissioner Wirthlin made an amendment to the motion to increase the landscape buffer to 20 feet as well as keeping the building.

Commissioner De Lay had additional questions about the building, and requested that Mr. Boyer inform the Commission of its significance.

Chairperson Noda recognized Mr. Boyer.

Mr. Boyer stated that the building is a one level, cinder block building that did house a scaffolding company. He added that the building is old, and does not have any historic significance. Mr. Boyer further added that they are a company that progresses with the market, and would consider this a transitional phase for the property. He stated that the development would meet city landscape requirements and that a five percent increase for the landscape requirement would be feasible.

Commissioner McDonough asked about sidewalk in the perimeter of the block and whether or not it would be required along South Temple with the improvement requests. Ms. Coffey stated that the appropriateness of sidewalk placement at the purview of the Transportation Division. She wasn't sure about the commuter rail line and the sidewalk requirement. Mr. Boyer stated that the curb and gutter will be installed in conjunction of the Grant Tower project.

Commissioner Scott asked about the 75 feet configuration requirement in condition #2. Ms. Coffey stated that it's both streets and is in the corner of 600 West and South Temple, namely the 75 feet from that corner.

Commissioner Muir withdrew his motion and the additional condition and requested that a motion be made to retain the street frontage for the parking lot for landscaping and drought-tolerant vegetation.

Mr. Boyer clarified that the corner of 600 West and South Temple is the area that UTA is requesting for commuter rail and is why the request for a condition is being sought.

Regarding Petition 410-06-18, in light of the comments, analysis, and findings in the Staff Report and the recommendations of Staff, Commissioner Scott made a motion that the Planning Commission approve the petition with the following conditions:

1. **To not approve the surface parking lot as a conditional use.**
2. **The public way improvements must be constructed, or SID waiver signed, on 600 West and South Temple,**
3. **The Planning Commission allows the modification of the material requirements, as long as the final design is consistent with adjacent building. The final plan is to be approved by the Planning Director.**
4. **The petitioner met all other code requirements, including the provisions for on-site staging and refuse collection.**

Commissioner Chambless seconded the motion.

Discussion of the motion

The Commissioners confirmed that the motion removed the parking lot, but maintained the housing project modifications required and the SID waivers. Commissioner Wirthlin stated that the motion seems to progress the Commission further than the direction they were headed.

Commissioner Scott and Commissioner Chambless voted "Aye". Commissioner De Lay, Commissioner McDonough, Commissioner Muir, and Commissioner Wirthlin were opposed. The motion failed.

Regarding Petition 410-06-18, based upon the findings of fact in the Staff Report, Commissioner Muir made a motion to approve the request with the following conditions:

1. **The Planning Commission approve a conditional use for a surface parking lot in the proposed configuration,**
2. **The public way improvements must be constructed, or SID waiver signed, on 600 West and South Temple,**
3. **The Planning Commission allows the modification of the material requirements, as long as the final design is consistent with adjacent building. The final plan is to be approved by the Planning Director.**
4. **The Planning Commission modifies the 75 foot landscaped setback requirement on the corner of South Temple and 600 West.**
5. **The petitioner meets all other code requirements, including the provisions for on-site staging and refuse collection.**

With the following additional conditions:

6. **The landscape setback requirement along 600 West be 75 feet with the landscape setback along South Temple be 15 feet, and additional requirements for the landscape to be comprised of drought tolerant vegetation.**
7. **The public way improvements included in Condition #2 shall include a pedestrian connection along the future South Temple Street, per the review and recommendations of the City Transportation Division.**

Commissioner Muir added Petition 490-06-28 to the motion, that the Planning Commission approve the request conditioned upon construction of public way improvements, or a signed SID waiver, on 600 West and South Temple. Commissioner McDonough seconded the motion with amendments, including the second petition. Commissioner Chambless, Commissioner De Lay, Commissioner McDonough, Commissioner Muir, and Commissioner Wirthlin voted "Aye". Commissioner Scott was opposed. The motion passed.

OTHER BUSINESS

Commissioner De Lay was excused from the remainder of the meeting.

Commissioner Scott raised the attention of the Commissioners to the Gateway Town Storage petition that was approved at a previous meeting. She added that while on the Commission field trip, the building was under construction to remove the stucco fronts where windows became visible. She mentioned that Mr. Dansie should be informed that windows do exist in the front of the building and should be utilized to allow the development to meet the 40 percent glazing requirement.

Commissioner Muir brought up the specialty housing petition that was discussed at the last meeting. He asked the Planning Commission if the request for information would be enough to undo the various master plans that call for dispersing the use, or if more information was needed. . He stated that just inventorying the existing number and locations of those properties in the East Central Neighborhood would bring the data forward, but might not allow for a credible decision. He stated that he would like to further understand the practices of other cities and the co-location of the facilities.

Ms. Coffey clarified that the petition deals with specialty housing and that the housing master plan is the master plan that addresses specialty housing carefully. She added that they would research the information requested and would invite community council representatives. She stated that some people who live or have businesses near the facilities will be contacted in order to obtain their input. Clarification was made that examples of other city's approach to specialty housing would be helpful in determining a decision. Ms. Coffey stated that the request would move the project back a little further, but that the petition would eventually return to the Commission.

Chairperson Noda mentioned that the second meeting in July had been cancelled.

Commissioner Scott asked if individuals who were interested in the Downtown Master Plan Updating process could attend or participate in the subcommittee, or if there was an abundance of Commissioner input. Mr. Ikefuna stated that all are welcome, and volunteers are encouraged to attend if they are interested. He added that subcommittees are near completion of their assignment, but that they will be combined.

The meeting adjourned at 8:58 p.m.

Cindy Rockwood, Planning Commission Secretary