

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, March 8, 2006**

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

Present from the Planning Division were Alexander Ikefuna, Planning Director; Doug Wheelwright, Deputy Planning Director; Doug Dansie, Principal Planner; Wayne Mills, Senior 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, Kathy Scott, Prescott Muir, and Robert Forbis Jr. Planning Division Staff present was Doug Dansie.

APPROVAL OF MINUTES from Wednesday, February 22, 2006.

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

Commissioner Scott moved to approve the February 22, 2006, minutes. Commissioner Chambless seconded the motion. All voted "Aye". Commissioner Seelig abstained. 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. She noted that a meeting including the Chair and Vice Chair of the City Council will be scheduled for April.

REPORT OF THE PLANNING DIRECTOR

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

Mr. Ikefuna called the attention of the Commission to a petition they initiated relating to ambulance services in the M-1 District. The division is requesting that the petition be expanded to include the possibility of allowing ambulance services in commercial and special purpose districts also. The Commission supported the request.

Mr. Ikefuna noted that a Planning Commission retreat date needed to be determined and could be discussed at the end of the Public Hearing portion of the meeting. Mr. Ikefuna also stated that it has been the policy to send the Chair of the Planning Commission to the national planning conference annually, depending on fund availability. He requested the Chair to submit the appropriate applications for the San Antonio conference for this year.

PUBLIC NOTICE AGENDA

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

Salt Lake City Property Conveyance Matters — (Karryn Greenleaf at 483-6769 or karryn.greenleaf@slcgov.com or Doug Wheelwright at 535-6178 or doug.wheelwright@slcgov.com):

UTOPIA, DBA Murray City and Salt Lake City Public Utilities Department—Murray City, as part of the UTOPIA project is requesting that Public Utilities grant a standard utility permit to allow the installation of

aerial fiber-optic telecommunications cables to cross the Salt Lake City Public Utilities Department owned Jordan and Salt Lake City Canal property located at approximately 700 East and 6700 South in Murray City. The Public Utilities Department Staff intends to approve the standard utility permit.

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

PUBLIC HEARINGS

Petition 400-05-17 — A request by the Salt Lake City Planning Commission to amend/update the Major Street Plan and Transit maps. The maps are components of and are amendments to the Salt Lake City Transportation Master Plan adopted in 1996. These maps cover the entire City boundary.

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

Chairperson Noda recognized Wayne Mills from the Planning Staff and Kevin Young from the Transportation Division to represent the petition.

Mr. Mills stated that the request is to amend the Major Street Plan and Transit Corridor maps, which are companion documents to the Salt Lake City Transportation Master Plan adopted in 1996. The Master Plan stated that the maps should be updated on a regular basis as alterations are made to the transportation system.

The proposed amendments to the Major Street Plan reflect completed street projects, proposed changes to street classifications, and proposed new streets and highways.

The proposed amendments to the Major Transit Corridor Plan will include the expansion of transit study areas and transit projects completed (and planned) since 1996. The proposed maps have numerous changes and can be seen on the maps found in the Staff Report. Spreadsheets have also been included in the Staff Report to easily identify the proposed amendments.

Commissioner Seelig requested more information relating to the Rose Park Small Area Plan and the I-15 reconstruction.

Mr. Young responded that the previous on/off ramps were partial interchanges, but upon the rebuild of 600 North on/off ramp a full interchange was created. When UDOT discusses eliminating the 1000 North on ramp, they are proposing the connection of 1000 North to Warm Spring Road to create a full interchange option.

Commissioner Seelig requested a timeline for the proposed I-15 North construction.

Mr. Wheelwright stated that the I-15 North project was scheduled to occur immediately after the Olympics, given that the Legacy Highway in Davis County was to have been completed before the Olympics. Due to the incompleteness of those projects, the I-15 North project has been delayed until at least the year 2010 for further consideration.

Commissioner Scott requested further understanding regarding the flexibility of defining a road to be a particular classification. In particular, she referred to 900 East at 400 South going southbound and its classification as an arterial road.

Mr. Young stated that classification can vary at each location because of the differing uses. At one point in time, the view of an arterial road was to mean that the road was planned for widening. By classifying 900 East as an arterial road, the City did not presume the widening of the street at a specific point in time; rather, the arterial road of 900 East has been redefined to allow full-time parking on the street and alter the road to one lane in each direction to allow a lessened highway effect. This redefined view of 900 East is an example of the flexibility the Transportation Division utilizes to best define the use of roads.

Commissioner Chambless requested information about the light rail possibilities to the airport and in the east area of the City.

Mr. Young stated that the future extension of a light rail line to the airport is of high consideration and is included on the Transit Map. He also agreed that a light rail line is being considered in the area of Foothill Boulevard and 2100 South. The proposal has not yet been studied and is not presently a priority.

Commissioner Chambless requested further information regarding future annexation of the City and if it was considered in the map amendments as well as growth in the area west of the International Center.

Mr. Wheelwright stated that annexation is anticipated to the northern area of I-215 and 2200 West at 2100 North, as the City's water services are requested. Annexation to the south of the City is nearly impossible due to the recent township legislation. He also noted that the Northwest Quadrant Master Plan will include a framework of arterial and collector streets for the area west of the International Center.

Mr. Young noted that the Major Street Plan map illustrates the potential for an arterial street to be located on 7200 West and a possible continuation of 800 North. As development occurs, more concrete plans will be made for street placement.

At 6:01 p.m., Chairperson Noda opened the Public Hearing and requested any comments from Community Council or public. There were no comments.

At 6:01 p.m., Chairperson Noda closed the Public Hearing and the Commission went into Executive Session.

Motion for Petition 400-05-14 — Based on the public comments, analysis, and findings in the Staff Report, Commissioner Muir made a motion to transmit a positive recommendation to the City Council. Commissioner Chambless seconded the motion. All voted "Aye". The motion passed.

Petition 400-05-43 —A request by Blake Henderson to amend the zoning map to change the parcels of land located at approximately 857 East 100 South, 70 South 900 East and 58 South 900 East from RMF-35 to RMF-45 to build a new multi-family housing development. This proposal will require an amendment to the Central Community Master Plan to identify the properties as medium-high density residential rather than medium density residential.

(This item was heard at 6:02 p.m.)

Chairperson Noda recognized Staff member Doug Dansie presenting the petition.

Mr. Dansie introduced the petition as a rezone of the area generally located on the northwest corner of 900 East and 100 South. The property is south of the Sunset Tower Apartments and east of the Market Street Condominiums. The site is presently zoned RMF-35 and is presently occupied by a non-conforming medical office building. The property slopes to the south. Two homes are located on each side of the medical building. The applicant is proposing to demolish all three structures and build a condominium complex.

The complex would be three- and four-stories tall. The taller portions will be located towards the northeastern portion of the site, with the three-story on the southwestern portion. The new building meets all criteria of the RMF-45 zoning requirements. Mr. Dansie stated that the Planning Commission is considering the request for a zoning change. If the zoning is approved, a permit would be issued for the building as there are no conditional or planned development requirements for the proposed building. All parking for the development will be underground. If RMF-45 zoning is approved, the site plan found in the Staff Report meets all ordinance requirements. It was noted that the proposed development would be lower than the existing Market Street Condominiums.

The ground units in the proposed development would have street access and are responsive to the street. The subject property is located in a National Historic District, but not the City Historic District. At present, the medical office building is not eligible for the register; although the homes are. The proposal has been routed to all applicable City departments and no objections were raised regarding the zoning change. Mr. Dansie mentioned that the site plan has been recently altered due to request from the fire department and its requirement for accessibility to all areas of the building; therefore, the driveway has been realigned to enter on the side of the proposed development.

The zoning change proposed would require an amendment to the Central Community Master Plan. The Land Use and the Zoning Map coincide with another, but carry some varying characteristics. There is not always a direct correlation between the exact zone and the land use; therefore, more than one Zoning classification can fit into a Land Use category. The Land Use surrounding the proposed property is a mixture of high, medium-high, medium, and low-medium density. Mr. Dansie noted that previous Land Use maps for other master plans had been completed with a broad-brush, generalized style, not defining exact parcels of Land Use. The Central City Master Plan was completed with a computer and is parcel based, therefore providing distinction. The subject property is identified as medium-density housing.

Staff recommends the Planning Commission amend the Central Community Master Plan regarding the properties at 857 East 100 South, 70 South 900 East, and 58 South 900 East from a Land Use classification of medium density to medium-high density housing classification and change the zoning from RMF-35 to RMF-45.

Commissioner McDonough requested information regarding the elevation of the properties and the variation presented on the maps. Commissioner McDonough noted a significant grade change on the 900 East elevation map illustrating a retaining effect on the north of the property, resulting in a lower sidewalk and landscape.

Mr. Dansie stated that the elevation maps are the same, but due to the superimposition of the photographs, the trees are actually concealing the design. Mr. Dansie agreed that there is a grade change in the northern area of the property resulting in a flattened sidewalk and landscape.

Commissioner Scott noted two corrections in the Staff Report on page 5 with regards to the specific location of the subject property to the neighboring properties. Mr. Dansie agreed and stated that the subject property is not immediately adjacent to a high-density property.

At 6:18 p.m., Chairperson Noda recognized the applicant, Mr. Blake Henderson.

Mr. Blake Henderson introduced himself and Mr. Neil Henderson (senior) as a partner in the project. The applicant distributed a handout to the Commissioners reflecting the proposed project and the necessity of a rezone. Mr. Henderson stated that the project is not financially viable within an RMF-35 zone and the renovation of the existing buildings is also not financially viable, resulting in a rezone as the only option.

Mr. Henderson stated that the subject property is bordered by an RMF-45, and is one lot removed from an RMF-75. The building presently on the subject property is a non-conforming medical office building. The proposed project is a full residential condominium project for purchase and would provide a more pleasing view to the area. Mr. Henderson stated that he has met with the East Central Community Council numerous times and has felt support and cooperation in working with the community to provide a feasible structure for the area. The Community Council has expressed concern regarding the size of the building; although, the design and concept of the building has been supported. One of the major concerns of the Community Council is the possibility of a precedent being set by the proposed rezone, but it is required to place the structure on the site and to provide a benefit to the community.

In response to Commissioner McDonough's questions regarding the elevation and the grade change, Mr. Henderson stated that the building has been lowered in order to maintain a lower height. The building will remain a forty-four foot high building on the 900 East side, but the existing grade will be altered.

Commissioner McDonough requested clarification on the actual grade change creating a steeper slope to the building. Commissioner McDonough noted concern for the difference between the sidewalk and the first level of the building in the northeast area of the building. Commissioner McDonough noted that the first-level site plan does not detail the entry doors from below grade and the connection to the sidewalk.

Guillaume Belgique, Project Architect, stated that the grade change would be approximately five to six feet given the proposed site plan, but that alterations may occur once the project has reached the finalizing stages. He noted that the property will have twenty-five feet from the property line for the landscaping to slope to the appropriate level.

Mr. Henderson noted that the reasoning in lowering the building height was to create a greater visual aspect from the 900 East view and was in response to a request from the community council. It was also noted that parking is below grade with accessible entry above the parking level as well as from the interior.

Commissioner Diamond requested the limitations of "cut and fill" on the site. Mr. Wheelwright stated that there are implications, but a grade change may be conducted for up to two feet on the property. If it is outside of the two-foot range, the proposal must appear before the Board of Adjustment.

Commissioner Chambless asked a few questions regarding the period of time the Hendersons have owned the property, the age of the medical building, and the proposed plan of the square footage and pricing of the property. Commissioner Chambless also noted that the units would not likely be used by students of the university or the elderly commuting to the downtown area.

Mr. Henderson stated that the property had been obtained in December 2005 and the medical office building was built approximately in the 1940s or 1950s. He stated that the square footage of the units will range between 1500-1800 sq. ft., with a penthouse on the fourth level with approximately 3700 sq. ft. The price projected is in the high \$300,000 to \$500,000 range and would be owned, not rented.

Commissioner Diamond requested further information relating to the financial inability to provide 46 units in a duplex manner. He noted that the applicant is given the right to appear before the Planning Commission and present a plan that will bring a greater return to a property, but consideration should be given to engage the ground-level units. Commissioner Diamond asked if the applicant had been given the option to complete this project as a Planned Unit Development (PUD) and if they had reached the requirements.

Mr. Henderson stated that the Salt Lake City code would not allow the density requested in an RMF-35 zone. In an RMF-35 zone the density could have reached 32 units, but would not be allowed more than 33 units because of the size and height requirements.

Mr. Dansie responded to the question regarding the PUD option, by stating that the site does not contain multiple buildings. By definition, a Planned Development process cannot be used to increase the density above the base zone.

Commissioner Muir clarified that the petition placed before the Commission is for a rezone. Mr. Ikefuna agreed and stated that the Planning Commission can recommend conditions wherein the property could comply in building the proposed design.

At 6:44 p.m., Chairperson Noda opened the Public Hearing and requested any comments from Community Council Chairs or public.

Chris Johnson, Chair of the East Central Community Council Chair spoke. Ms. Johnson noted her concerns about the project (as listed below). She was representing a 10 of 11 vote in opposition to the proposed development. Ms. Johnson also stated that the Hendersons have been respectful and cooperative to the requests and concerns of the community. The Community Council would be supportive of the development if it was feasible in an RMF-35 zone. Ms. Johnson also requested a possible form of better communication between the Planning Division and the Community Councils.

The following members of the public spoke in opposition to the petition: Arla Funk, Cindy Cromer, Ester Hunter; Chair of the University Neighborhood Council, Michael Molteni, and Wendell Duncan. (Handouts were distributed to the Commissioners by some of the representatives.)

The opposition points made by the East Central Community Council Chair and members of the public are listed as follows:

- Zoning the property an RMF-45 is a spot zoning technique and could result in further upzoning
- Setting a precedent for allowable zone changes
- Inconsistency with the recently adopted Central Community Master Plan
- Financial viability is perceived differently by each individual and should not be considered as an appropriate reason for a zone change
- Inconsistency in the City's Master Plan
- RMF-45 zoning can be found in the 400 South area and should be considered by the developer
- A home zoned R-2 is located ½ block to the east of the subject property
- One- to three and one-half story buildings are in the vicinity; not larger buildings that do not fit.
- The continuous mass of the proposed property will change the character of a key intersection
- Demolishing of two historic homes
- After-hour noise becoming amplified
- Placement of HVAC and AC units
- Amplification of crime in the underground parking area
- Location of entrance/exit
- Insufficient number of parking spaces for owners and visitors

Ms. Cromer noted that density is not as great of concern as character compatibility. She also noted that the neighborhood is anticipating the addition of two group homes within the former Bryner Clinic building (RMF-45) and has not had any complaints regarding the change of use.

Ms. Cromer also stated that the City Ordinance Code should be reviewed because of the considerable changes in the recent history and the density. A suggestion was to consider density bonuses be included within the City code.

At a point during the comments from the public, Mr. Ikefuna clarified that the Central Community Master Plan encouraged the elimination of non-conforming buildings if the area is replaced with a residential use.

At 7:28 p.m., Mr. Henderson was given the opportunity to respond to some of the concerns that were stated. Some of the concerns noted were building code concerns and will be addressed as progression is made with the project. Density is not the strongest concern among the opposition, but rather the precedent this rezone could establish in the area. Developers will continue to come and request for a rezone but this project is a benefit to the community and will reduce crime. The project is an upscale addition to the community, but an addition of this type cannot be completed in a RMF-35. Perhaps another type of building could be developed, but it will not be as complimentary to the community. The base is to rezone the property to an RMF-45 in order to complement the property. Mr. Henderson Sr., stated that excellent dialogue has been conducted between community council and the developers. In his view, the community councils are highly concerned with the possibility of setting a precedent, when in fact the planning staff is not trusted to make decisions when considering the best interest of the City.

Mr. Dansie was given some time to respond to any further questions of the Commissioners.

Commissioner McDonough requested the height of the RMF-35 apartment building on 100 South and 900 East on the south side of the street.

Mr. Dansie stated that the first floor was slightly elevated and could be 33-35 feet, but he was unable to give the exact height.

Commissioner Muir requested information on the advisement an applicant receives in relation to the presentation given to the Community Councils. Commissioner Muir noted that the proposed project either carried an approval or disapproval for the Planning Commission unless a development agreement was to be developed. He was also concerned that the possibility of a Planned Unit Development (PUD) should have been considered for this applicant, rather than a complete rezone request.

Mr. Dansie stated that the City Ordinance requires the applicant to present the petition to the Community Council. Legally, the applicants are only required to present the proposed project to the council and utilize the time spent with the community council as an information gathering situation. The attorney's have discouraged the use of development agreements with the issue of a rezone because of the possible bias for specific projects. The attorney's have requested that the Land Use be considered as the main guideline. Mr. Dansie also noted that this specific project could not be a PUD because of the requirements of a PUD.

Commissioner Muir stated concern about the lack of ability the Division has to allow a mechanism to find greater compatibility between the 29- and 46-unit development, rather than the option of a rezone.

Mr. Wheelwright stated that in October of 2005 a petition was initiated by the Planning Commission to review the requirements of density for a Planned Unit Development. The City Council seconded the petition initiation and passed a Legislative Initiative on March 7, 2006, requesting the Planning Staff review the same item of concern. The petition will be given new priority by the Planning Staff.

Mr. Ikefuna stated that comments and concerns have been noted that the decision regarding this proposed development might set a precedent in the area. He stated that this thought was not entirely supported because of the location of the subject property located near to an RMF-45 and an RMF-75.

At 7:44 p.m., Chairperson Noda closed the Public Hearing and the Commission went into Executive Session.

Commissioner Scott stated in response to Mr. Ikefuna's comment that the area surrounding the subject property includes various zones; although there is an RMF-45, it was an existing zone when the master plan was created. She noted the Land Use for the area is medium density and would not recommend the alteration of a recently adopted master plan. Commissioner Scott also stated that the proposed rezone is a spot zone request, and other properties near to the proposed location are zoned RMF-45 and that those properties should be considered for the development requested.

Chairperson Noda stated that the surrounding area of the subject property is a various point of zoning, but RMF-45 should be located along the 700 East corridor. She agreed with the statement of spot zoning and expressed concern with the surrounding vicinity of two-story buildings. Chairperson Noda stated that the option of demolishing the medical building would be beneficial to the surrounding neighborhoods, and noted appreciation to the developer and the cooperation exhibited with the community council.

Commissioner McDonough stated that a relevant point of opposition was that RMF-45 zoning is available further west on 700 East. She stated that her points made regarding the slope were in relation to the awkward site of the property and not the massing and scale, rather the massing and scale provide a compatible building for the area. The overall question lies in spot zoning and future opportunities.

Commissioner Muir noted that the entire area is in a unique situation and should be considered individually. He stated that the demolition of the medical office building could be a problem for developers. Commissioner Muir continued to state that the RMF-45, if issued, should be shifted to the corner area of the block. He also noted that his participation in the development of the East Central Community Master Plan will lead to his vote against the proposed development.

Motion for Petition 400-05-43 — Based on the comments, analysis and findings, Commissioner Scott made a motion to deny the request to amend the Central City Master Plan to City Council and to also forward a recommendation to City Council to deny the rezoning at the subject property. The motion was seconded by Commissioner Chambless. All voted “Aye”. The motion passed.

Commissioner Seelig requested information on how the public receives information when it is requested at a Planning Commission meeting.

Mr. Ikefuna responded that Staff will ensure to send the appropriate material to the member of the public.

UNFINISHED BUSINESS

(This item was heard at 7:59 p.m.)

Petition Number 410-571 - Applicants: Van Cott, Bagley, Conwall & McCartney Profit Sharing Trust, request an additional six-month extension of the approval period for the Conditional Use, changing the expiration date from March 16, 2006, to September 16, 2006. The project is a six-unit Residential Planned Unit Development located at 910 South Donner Way.

Commissioner Diamond disclosed an existing relationship with Van Cott, Bagley on projects unrelated to the particular case and the profit sharing trust within the organization. The Commission recognized the statement and conceded to include Commissioner Diamond in the discussion.

Mr. Ikefuna introduced the petition as a case which led to litigation, allowing the applicant an extension on the petition. The extension originally granted to the applicant will expire on March 16, 2006. The applicant is appearing at the meeting to request an additional extension.

Mr. Wheelwright noted that an extensive report was distributed to the Commissioners in relation to this request. He also stated that the decision to extend the effective period of the approval is determined by the Planning Commission. Staff has recommended that the Commission not extend the effective period of approval based on the fact that they have received the extension previously requested and did not obtain any building permits.

Commissioner Muir noted that if the extension was not approved, the applicant would be required to return to the Planning Commission with the original application.

Mr. Wheelwright noted that although the applicants could return to the Commission with a renewed petition, the value of the property is highly contingent upon the approval of the Planning Commission. He also stated that the Planning Commission has changed within the time period of approval. Mr. Wheelwright also stated that no ordinance changes to immediately affect the property have occurred during the time period.

Chairperson Noda recognized the representative from Van Cott, Bagley; Steve Swindle and Art Ralph. The representatives are trustees of the Van Cott, Bagley profit sharing trust and provided a brief background on the project. The project began in 2002 and continued into litigation until 2005. The six-month extension is set to expire, but the result of the litigation has been a loss of interested developers and many other changes.

Commissioner McDonough noted that there were five people from the existing Commission that were on the original Commission who approved the petition. She stated her support of the petition.

Commissioner Diamond requested to know if the extension period could be prolonged beyond the six-month effective approval period.

Mr. Wheelwright stated that the ordinance reads “upon approval of a conditional use the approval is applicable for one year”. An extension can be granted by the Planning Commission without a specific required timeframe.

Commissioner Scott requested to know more relating to the situation requiring an extension.

Mr. Swindle stated that in 2002, there were at least two developers interested in co-developing the property. In 2005, the litigation ended abruptly, but not before losing the architect and interested developers. To obtain interested individuals is a time-consuming process, heavily due to the cost of the project and is the biggest reason for continued delay.

Commissioner Scott stated that she was not a member of the Planning Commission upon first approval of the project. She also noted that there is reason behind the timeline for effective period of approval.

Commissioner Muir requested from the applicant a timeframe needed to complete the project.

Mr. Swindle stated that the project could take up to twelve months to re-gain a co-developer, design the project and apply for a building permit.

Motion for Petition 410-571- Based on the prior approval of the Planning Commission, Commissioner Muir made a motion to extend the effective period of approval for an additional eighteen months (September 16, 2007). Commissioner Diamond seconded the motion. Commissioner Forbis, Commissioner McDonough, Commissioner Seelig, and Commissioner Muir voted "Aye". Commissioner Scott and Commissioner Chambless voted "Nay". The motion passed.

At 8:18 p.m., Commissioner Muir requested the initiation of a petition to review the process of extension of an approval period. If quantifiable changes have been noted during the period of approval the review of the Planning Commission could be necessary, but if changes do not affect the approval it could be an administrative approval.

Mr. Ikefuna stated that the ordinance already states the powers of the Commission and initiating a petition to review the process will not be necessary..

A petition was not initiated.

REPORT OF THE DIRECTOR

Mr. Ikefuna requested that three dates be determined for the Planning Commission retreat. Discussion commenced regarding the material that would be discussed at the retreat. Many Commissioners requested the opportunity to hold an open, communicative discussion with members of the City, including two members of City Council, a member of the Mayor's Staff, a representative from the Redevelopment Agency and possibly a representative from UTA.

A date was determined of Wednesday, June 7, 2006 and Staff will research the opportunity of an open, communicative discussion with members of City Staff.

Meeting was adjourned at 8:29 p.m.

Cindy Rockwood, Senior Planning Secretary