

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, May 24, 2006**

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

Present from the Planning Division were Alexander Ikefuna, Planning Director; Cheri Coffey, Deputy Planning Director; Doug Wheelwright, Deputy Planning Director; Doug Dansie, Principal Planner; Nick Britton, Associate 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 5:54 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, Prescott Muir, Kathy Scott, and Matthew Wirthlin. Planning Division Staff present were Doug Dansie and Nick Britton.

APPROVAL OF MINUTES from Wednesday, May 10, 2006.

(This item was heard at 5:55 p.m.)

Commissioner De Lay moved to approve the May 10, 2006 minutes. Commissioner Diamond seconded the motion. Commissioner De Lay, Commissioner Diamond, Commissioner Forbis, Commissioner McDonough, Commissioner Muir and Commissioner Wirthlin voted "Aye". Commissioner Chambless and Commissioner Scott abstained. The motion passed.

REPORT OF THE CHAIR AND VICE CHAIR

(This item was heard at 5:55 p.m.)

Chairperson Noda updated the Commission on the Downtown Transportation Committee Meeting which she, Commissioner Muir, and Commissioner McDonough attended. She stated that input is being submitted by the public at this time, with a potential for publishing by 2007. Chairperson Noda noted that information from the Transportation Committee will need to be coordinated with the further development of the Downtown Master Plan. She requested an update on the Downtown Master Plan, to which Mr. Ikefuna stated that an update would be provided following the scheduled presentation.

REPORT OF THE PLANNING DIRECTOR

(This item was heard at 5:56 p.m.)

Mr. Ikefuna requested clarification from the Commissioners regarding their previous request for budget information and for the year they were interested in. The Commission agreed that they had requested budget information for the upcoming year. Mr. Ikefuna stated that an email will be sent to the Commission with the proposed budget, as City Council is working through the approval process.

Mr. Ikefuna recognized Mr. Wheelwright as Staff representative for a situation regarding subdivision recognition and the slope requirements. He stated that the request from Planning Staff is to initiate a petition to amend the Zoning Ordinance in order to address the situation. A property on Kennedy Drive had requested a building permit, but Staff was not certain if the lot was legally subdivided. Mr. Wheelwright stated that upon researching further it was found that the Planning Commission approved a subdivision in April 1976 for the four parcels located above the condominium in the area. Mr. Wheelwright stated that the conflict occurs due to the 1995 Zoning Ordinance rewrite and the slope regulations. On

November 4, 1994, the City altered the buildable area on a slope from 40 percent to 30 percent, with the ordinance language being very specific to the Foothill Residential and Foothill Preservation Districts. Mr. Wheelwright requested the Planning Commission initiate a petition in order for Staff to research and clarify the Zoning Ordinance, to completely reflect the various categories of land based on the various regulations that existed at certain times. Additionally, as part of the Romney Annexation petition, the City Council has asked Planning Staff to research the zoning of the buffer parcels and the potential fencing differences between the Foothill Preservation and Open Space Zones.

Commissioner Chambless noted that the approval for the Kennedy Drive subdivision had been granted in April 1976, over 30 years ago and requested if a time approval period was in place.

Mr. Wheelwright stated that research has been conducted, but the approval had been given for a minor subdivision at that time, not requiring the subdivision to be platted. He noted that the property is south of the mouth of Emigration Canyon and the Mountain Bell Utility Facility. Mr. Wheelwright clarified that a statute of limitations is not set on some of the events that occurred early in the planning stages of the City's development.

Commissioner De Lay stated that the potential developer for the Kennedy property had appeared in her office recently, requiring her to recuse herself from the vote.

Chairperson Noda agreed to her comments, and noted that Commissioner De Lay would not be voting on the matter.

At 6:04 p.m., Commissioner Chambless made a motion to initiate a petition to study revisions to the text of the Zoning Ordinance relative to: (1) clarifying the application of steep slope restrictions, as part of any subdivision or building permit process, in the Foothill Residential (FR-1, FR-2, and FR-3) and Foothill Protection (FP) Zoning Districts, and (2) adding specific foothills restrictions and Special Fencing Restrictions to the Open Space (OS) Zoning District. The motion was seconded by Commissioner Forbis. Commissioner Chambless, Commissioner Diamond, Commissioner Forbis, Commissioner McDonough, Commissioner Muir, Commissioner Scott, and Commissioner Wirthlin voted "Aye". Commissioner De Lay was recused from the vote. The motion passed.

Mr. Ikefuna introduced Doug Dansie as the presenter for the update regarding the Downtown Master Plan. He also noted that the Downtown Master Plan is one of the most successful master plans, due to the project driven goals and programs; of which, most of the recommended projects have been completed since its adoption in 1995. He stated that the presentation has already been given to the City Council, who instructed Planning Staff to coordinate with the Chamber of Commerce regarding further updates for the master plan.

Mr. Dansie presented a PowerPoint presentation to the Commission, which has been included with the minutes. He noted that three major planning endeavors that have been pursued for the Downtown Area include: (1) Sponsored by the Downtown Planning Association and the American Institute of Architects, a plan formed in 1962 supporting the development of ten major projects. He stated that the projects have been completed, (2) Regional Urban Design Assistance Team (R/UDAT) created an impact on downtown thinking with the recognition of projects, and (3) 1995 Downtown Master Plan was adopted by the City Council. Mr. Dansie noted that the first two plans had not officially been adopted, but were completed.

Mr. Dansie stated that the request to the City Council at this time is the direction for the update of the Downtown Master Plan. The City Council has requested that the Chamber of Commerce and the City join together to coordinate the new vision of the Downtown area in the proposed new planning process of "Downtown Rising". Mr. Dansie noted that the Chamber of Commerce has a goal to create and fulfill a long-range vision, while the City would like to maintain a closer vision of what can happen for development in the Downtown Area.

Mr. Dansie proceeded to present the following eleven major projects that were completed or are still in process guided by the principles of the Downtown Master Plan.

- People-Oriented Amenities
- Balanced Transportation System
- Salt Palace Extension/Update
- Consolidated Courts Complex and Civic Center
- Town Square/Block 57 (Gallivan Center)
- Memory Grove Extension
- Downtown Zoning Modifications
- Theme Monument
- Gateway Redevelopment Area
- Sports Park/Stadium
- Housing

Mr. Dansie stated that some of the projects are still in process, providing an opportunity for the vision of the Downtown Plan to be updated rather than completely reworked. Staff's recommendation to City Council was to update and work with the Chamber of Commerce.

Commissioner McDonough requested information regarding Staff resources and the requirements of Staff for completion.

Mr. Dansie stated that staff will be completing the process, beginning with the timeframe coordination with the Chamber of Commerce. Mr. Ikefuna stated that reorganizing priorities and Staff member responsibilities might be the situation, but that the Planning Division is considering only the "soft" cost at this time. Mr. Dansie stated that with the timelines coordinated, some of the cost may be shared with the Chamber of Commerce. Mr. Ikefuna clarified that Open Houses will be held to discuss the community input of the Downtown area. He stated that there will be a vision group, sponsored by Envision Utah with representatives from the City and Chamber, with integration of the vision statement. Mr. Ikefuna also stated that the final plan will be reviewed by the Planning Commission and the City Council. Mr. Dansie included that the Chamber of Commerce has great access to the commercial focus of the Downtown area, while the City is maintaining a strong focus on the residential as well.

Commissioner Chambless had the following questions:

Is it fair to infer that many of the changes that have occurred would not have happened if the Olympics had not come? Mr. Dansie stated that some of the projects were hurried along due to the increased timeline, but the codification of the 1995 Zoning Ordinance Rewrite also contributed to the completion of projects.

What is the plan for the Fairpark and transit relation to Downtown? Mr. Dansie stated that the Fairpark has not been part of the discussion, as the soft boundary has been North Temple to 900 South and Interstate 15 to 700 East. He stated that traffic impacts are always a concern and will be considered as part of the Chamber of Commerce's research.

Is the goal of 15,000 dwelling units, suggested by the Mayor in 2003 on track? Commissioner De Lay responded to this question with additional information from her office by stating that approximately 5,000 units are being added soon. Mr. Ikefuna also included that the Redevelopment Agency has also contributed to the goal. Mr. Dansie agreed with the answers and stated that the City is on target with the goal.

What is the possibility of a pedestrian mall, linking Main Street Downtown with the Gateway? Mr. Dansie stated that a pedestrian mall in that corridor has not been addressed, although discussions have included how to commute from one area to another.

What is the suggestion for the traffic congestion in the Foothill and University area? Mr. Dansie stated that along with the Downtown Master Plan, a Downtown Transportation Plan, and the Downtown Rising Plan are being coordinated. He stated that the concern is of a different level and will likely be discussed during the process, although it is focusing on transit more than street hierarchy. Numerous consideration is being taken for the various options for transit.

Commissioner Diamond reiterated the importance of engaging the Church of Jesus Christ of Latter Day Saints in the planning process, as they have projects that will have significant implications within the Downtown area. Mr. Dansie agreed with the comment, and stated that the BYU Downtown Campus can have a large impact on the retail aspect of Downtown. He also noted that the other major players (Sinclair Oil and the Boyer Company) will be included. Commissioner Diamond reiterated the importance of making the long-term priorities and obtaining resources and Staff to fulfill the concerns.

Chairperson Noda agreed with the comments made by Commissioner Diamond and stated her appreciation for the involvement Staff is seeking for the development of the various plans. She stated her appreciation for coordinating the efforts together.

Mr. Ikefuna stated that updates will be provided to the Commission as time progresses.

Interstate 80 Project Presentation – Utah Department of Transportation

Mr. Ikefuna introduced Ms. Kim Clark, Utah Department of Transportation (UDOT), as the representative presenting the project. He noted that the Planning and Transportation Divisions coordinated a community meeting in Sugar House, the affected area, and prepared a summary of the input, questions, and answers from the public. He stated the concerns of the Commissioners regarding this project will be forwarded to the City Council; where the City Council will determine if the suggestions for closure of 600 East and Driggs Avenue are required. The meeting and presentation will be held on May 30.

Ms. Clark stated that she is one of the consultants on the project, with Evelyn Tuddenham, Public Involvement Coordinator for UDOT Region Two, also working on the project. Ms. Clark gave a brief history of Interstate 80 and the study conducted in 1990s that noted numerous improvements along the corridor. She noted that the project suggested from that study would require about \$500 million dollars in funding to complete, and is not the project being suggested. She stated that the original study had been followed by a bridge rehabilitation study conducted from Interstate 15 to the mouth of Parley's Canyon in 2000. Initially, the project only had a \$45 million budget from I-15 to 1300 East. Since then, additional funding has been given to the project for \$104 million dollars with studies underway. Ms. Clark stated that the project and improvements are in sync with the long-range plan provided by the Wasatch Front Regional Council (WFRC). Ms. Clark presented a PowerPoint presentation which is included with the minutes. She noted that six neighborhood meetings have been conducted by the affected corridor areas, with an additional meeting on May 23. She stated that the environmental study will be finished by the fall of this year, with anticipated approval and potential construction and design beginning by fall 2007. The project area is from State Street to 1300 East. She stated that the project goal is to develop an improvement study for the correction of several deficiencies along the corridor. Existing project issues are the following: ramp lengths, pavement deterioration, median treatment, structural integrity, congestion, and traffic safety. Additional concerns from the public are: noise, schedule, utility conflicts, community cohesion, and impacts to surface streets.

Ms. Clark stated that specific areas have been discussed with the area residents including Driggs Avenue, 600 East, Elizabeth Sherman Park, and corridor-wide noise issues. The following information is a summary of the concerns noted.

Driggs Avenue: The area is a high incident area of accidents because of the right-turn necessity and the number of cars stacked into the through lanes in the freeway. Improvements to the intersection and the consideration of creating a cul-de-sac for the avenue are being pursued. These improvements would create a dedicated right-hand turn. She noted that the residents had indicated support for the improvements.

600 East: The PRATT trail passes through the underpass on 600 East. The public has expressed great concern regarding traffic pattern, traffic and crime along the area. UDOT suggested that perhaps 600 East be considered for closure to motorized vehicles, and received a negative response from the public. Ms. Clark noted that over 50 percent of the area residents are not in favor of closing the area to vehicular traffic.

Elizabeth Sherman Park: Concern has been noted regarding the five-span bridge and the considerable additional funding required for restoring. The terrain of the park has a drop down, blind area. It has been noted that some of the money could be utilized for other uses in the corridor for beautification and noise walls. Over 58 percent of the public stated they support changes to the area of Elizabeth Sherman Park that would better serve the community, while 10 percent believe it should remain as green space. The City Parks and Recreation Division has stated some concern for maintaining the green space.

Noise: A study is being conducted at this time for those affected by Interstate 80. Ms. Clark discussed the terms for building a noise wall, but that a balloting process would need to be conducted. She noted that various textures are being considered for the both noise and retaining walls

At 6:52 p.m., Ms. Clark concluded the presentation and requested comments from the Commissioners.

Commissioner Diamond extended appreciation for the presentation, and expressed concern regarding the integration of potential light rail into the I-80 project plan. He noted numerous states include the potential for light rail into project plans and suggested the topic be considered in the further development of the plan. He requested additional insight from Ms. Clark regarding the project's intentions for development of light rail within the Interstate corridors.

Ms. Clark stated that UTA and WFRC had worked with UDOT on the plan, and noted that plans to identify other modes of transportation were being considered for the long range plan. She stated that funding for the rail line would be from a different source with the potential of using the Sugar House Spur Line. In response to Commissioner Diamond's comment regarding light rail within the Interstate corridors, Ms. Clark commented that UTA has been addressing the light rail approach with the consideration of the existing line south of 2100 South. She stated that HOV lanes in the median are being considered by UDOT.

Commissioner Diamond stated that the growth of Summit County should be a concern and considered when preparing a plan for the transportation in the area. He requested UDOT to consider the light rail, or regular gauge trains, to move people more efficiently with non-private automobile means. He stated that the Planning Commission considers long-term planning, and acknowledges the budget and safety concerns for Interstate 80, but requested additional thought be taken for potential long-term action.

Ms. Clark stated that she would transmit the concerns and suggestions to WFRC, but that the funding for the proposed project is generally for safety improvements.

Commissioner Chambless agreed with the comments stated by Commissioner Diamond and included that the general purpose lanes could serve as a potential for light rail when considering long-term transit concerns.

PUBLIC NOTICE AGENDA

(This item was heard at 6:59 p.m.)

- a. Luna's Italian Ice and Salt Lake City Property Management—Luna's is requesting Property Management approve a lease agreement to allow an encroachment on the public street right-of-way to allow outdoor dining in the parking strip in front of the business located at 2126 Highland Drive, in the Sugar House Central Business District (CSHCBD-1) Zoning District. Property Management Staff intends to approve the requested lease.

- b. Johnny's on Second and Salt Lake City Property Management—Johnny's is requesting Property Management approve a lease agreement to allow an eight-foot encroachment on the public street right-of-way to allow outdoor dining including fencing and an awning, in front of the business located at 165 East 200 South Street, in the Downtown Business (D-1) Zoning District. Property Management Staff intends to approve the requested lease.
- c. Broadway Park, LLC and Salt Lake City Property Management—Broadway is requesting Property Management approve a lease agreement to allow the encroachment into the public street right-of-way to allow surface and sub-surface physical improvements as design and site improvements for the proposed Broadway Park Condominium mixed-use development, adjacent to the property located at 350 West Broadway Street (300 South), in the Downtown Business (D-3) Zoning District. Property Management Staff intends to approve the requested lease.
- d. Cannella's Restaurant and Salt Lake City Property Management—Cannella's is requesting Property Management approve a lease agreement to allow the encroachment into the public street right-of-way to allow outdoor dining to occur on a new patio and with a new fence enclosure to be located in the parking strip area between the curb and the sidewalk adjacent to the existing restaurant business located at 204 East 500 South in the Downtown Business (D-3) Zoning District. Property Management Staff intends to approve the requested lease.

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

Petition No. 490-06-21 — An Issues Only Hearing request from Chris Robinson/Armo Corporation for a proposed Preliminary Subdivision plat for a one lot subdivision located at 299 E. Oak Forest Rd. in a Foothills Residential (FR-1) Zoning District.

(This item was heard at 6:59 p.m.)

Chairperson Noda recognized Doug Wheelwright as Staff Representative, as Clark Labrum is no longer with the City. Mr. Wheelwright provided a brief background of the request to formally subdivide a parcel that has existed by itself since the mid 1990s, but has not been platted. He noted that Mr. Robinson and the City had conducted a Master Plan project for the Ensign Downs Development that resulted in numerous single-family subdivisions. North of the Ensign Downs area, subdivision plats titled Capitol Hills Subdivisions, North Cove Planned Development, and Dorchester Point Planned Development proceeded from the small area plan.

Mr. Wheelwright stated that the lot has recently been considered for development and is zoned Foothill Residential (FR-1). A Development Agreement exists between the City and Mr. Robinson, allowing the lot to be platted under the 40 percent slope restrictions instead of the 30 percent. Mr. Wheelwright noted that the Development Agreement is still binding, with a 20-year life. He concluded by stating that upon subdivision approval, the Planning Commission will delineate the buildable versus non-buildable area.

Commissioner De Lay requested clarification regarding the difference of the subject property from the others in the subdivision.

Mr. Wheelwright stated that the property is not different; rather it was just not platted.

Commissioner Diamond requested information regarding the 40 percent slope on the lot, and whether it was the average.

Mr. Wheelwright clarified that the Zoning Ordinance requires consideration of each 10-foot increment of slope on a property, classifying each increment of the slope rather than the average of the front to back distance of the lot. He stated that the 40 percent slope has been identified on the drawings submitted by the property owner, but verification has not been completed by the Planning Division. Verification will be completed prior to final submission. Mr. Wheelwright clarified that the difference between the two submitted plat drawings is not a difference of 30 percent to 40 percent slope area, but rather are two different delineations of 40 percent.

Commissioner Diamond requested access to the Development Agreement, as there might be additional exceptions. He also requested to know if the Development Agreement might overrule some of the requirements of the CC&R's.

Mr. Wheelwright stated that at the time the master plan was finalized for the area, there was discussion of stiffening the slope requirements, and one of the motivations of the property owner in completing the Development Agreement was to abide by the less restrictive slope requirements. He stated that the Commissioners will have the opportunity to review the full Development Agreement upon receiving the full Staff Report. Mr. Wheelwright stated that the intent of the developer and the City is that the subject property would merge with and abide by the existing CC&R's.

Chairperson Noda recognized the applicant.

Mr. Robinson approached the Commission and stated that the subdivision is an infill project. He noted that the subject parcel is one of the remnants of the Ensign Downs Development, and creating the requested subdivision will help tie up the loose ends. He pointed out that on the west side of the subject property there is an existing roadway to access public water tanks by the Public Utilities department. He noted that an easement through the right-of-way has been requested in order to access the subject property, allowing the prospective home builder access to the site and to avoid cutting another road. He noted that the CC&R's require a 50-foot front yard set back and a 40-foot side yard set back and will set the home away from the right-away line and suggested that a better outcome would be found if the easement was allowed to be used for driveway access. The access would be an additional or alternate access, not precluding the homeowner access from Oak Forest Road.

Chairperson Noda opened the Public Hearing and requested comments from the public.

Mr. George Fitzpatrick addressed the Commission with his concerns relating to the request. He is the homeowner of the lot east of the subject property. He stated his opposition to the request to change the no-build zone along the east property line for the following reasons:

1. Fairness – Mr. Fitzpatrick's home was built and purchased with the no-build zone understanding.
2. Logic – Along the west property line of Mr. Fitzpatrick's home there is a significant line defining the no-build zone and allowing a building to be placed there seems inappropriate, as it stops at the property line.
3. Practicality – The subject property is 300 feet in width and has more than enough area to build a home.
4. Financial – Mr. Fitzpatrick stated concern that his property value may be diminished or changed due to the alteration of the CC&R's and the Zoning Ordinance.

Mr. Fitzpatrick also stated that he had discussed his points with a few of the neighbors and they agreed with his position.

Commissioner De Lay requested clarification to Mr. Fitzpatrick's no-build zone reference. She noted that part of his lot was buildable while other areas were not.

Mr. Fitzpatrick clarified by stating that the slope of his property increases as it enters the subject property, referring to the no-build zone as slope defining areas of non-buildable area. He stated that upon purchase of his lot, the neighboring property did contain buildable and non-buildable areas, enough buildable area to build a satisfactory home. Mr. Fitzpatrick stated that his home is situated in the southeast quadrant of his lot.

Chairperson Noda requested any further comments from the public. Hearing none, she closed the Public Hearing and requested further information from Mr. Wheelwright.

Mr. Wheelwright stated that the petition could be considered by the beginning of July and noted that there lies specific importance for the Commissioners to visually understand the site. He requested their attendance on the field trip the day of the hearing or special arrangements can be made. Mr. Wheelwright stated that he would bring pros and cons regarding the differences between the Zoning Requirements and the Development Agreement to the field trip.

Petition 410-06-08 — A request by Ken Menlove for a Planned Development for the construction of additional mini-warehouse space to an existing warehouse/storage building located at 510 West 100 South in the Gateway Mixed-Use (GMU) Zoning District. All new construction is a Planned Development in the GMU District. Also a Conditional Use approval to modify the exterior building materials and for mini-warehouse use.

Petition 490-06-18 — A request by Ken Menlove for Preliminary Subdivision for a storage facility at 510 West 100 South.

(This item was heard at 7:16 p.m.)

The Commission determined to hear the petitions together, with separate motions.

Chairperson Noda recognized Doug Dansie as Staff representative. Mr. Dansie addressed the Commission by citing the Site Plan provided in the Staff Report in order to help define where the planned development rests on the property. Mr. Dansie stated that much of the land to the north of the subject property has been purchased by the Boyer Company, with the subdivision request for parcel 15-01-106-004, a small triangular parcel in lot eight due to an old rail spur. He also stated that the subdivision request could be considered a land trade, as The Boyer Company will receive the triangular parcel on the north and Ken Menlove will receive parcel 15-01-106-002, a parcel to west of the subject property.

Mr. Dansie included that the subject property does not have any frontage on 500 West. For the information of the Commission, Mr. Dansie stated that the Boyer Company has submitted a petition to construct residential units on 500 West up to South Temple Street. He stated that the standard of placing residential housing along 500 West will be achieved with the Boyer Company construction. He noted that an easement has been required by the Transportation Division from across the adjacent property on the corner of 500 West and 100 South for access to the loading dock. Mr. Dansie stated that the site plans have not been altered since the Planned Development Subcommittee review. He provided a brief summary of the design of the building.

Mr. Dansie stated that the developers met with Utah Power and Light (UP&L) regarding the additional development to the west because of the major transmission line located near the property. Due to the nature of the power line, UP&L has stated that they will not move the line, but has requested the developer move the west corner of the addition away from the power line ten feet. The developer has agreed to move a portion of the building. Mr. Dansie stated that the 40 percent glass requirement has not been measured, but windows exist on the majority of the exterior. He noted that one problematic location for additional glass is on the west corner where a stairwell would be located and the east corner that has existing shear walls.

Mr. Dansie stated that the building is presently a warehouse, with a request to convert it to mini-storage, which is a Conditional Use in the G-MU Zone. He noted that the petitioner had indicated the location of the corridors would be at the perimeter with the storage units on the interior of the building.

Mr. Dansie stated that the Subcommittee and Staff had discussed the option of housing in the building, but believes that due to the housing already involved in the area there is a market for storage at the subject location.

Staff recommends conceptual approval of the Subdivision, and the Conditional Use request with the following conditions:

Petition 410-06-08

- An access agreement over the corner property must be acquired;
- The public way improvements must be constructed on 100 South; and
- The site be restricted to single unit truck and passenger vehicles due to the site maneuvering area and proposed warehouse function.

Mr. Dansie clarified for the Commissioners that the Subdivision request will be a land swap between the Boyer Company and the property owner. He also noted that the setback requirements for the building will be met in the G-MU Zoning District.

Commissioner McDonough stated that during the Subcommittee meeting, the Commissioners had expressed concern over the lack of glass on the main floor. She stated that perhaps placing glass in the area of the stairwell could allow for more glass area on the main floor.

Mr. Dansie requested that the glass coverage be discussed with the applicants, as they will be required to redesign the area near the stairwell, considering the recent requirements of UP&L.

Commissioner Scott raised attention to the Conditional Use request for material requirements, regarding the stucco application. She requested further clarification to the location and placement of the stucco when compared to the old building.

Mr. Dansie stated that in-brick will be used on parts of the additional development, but stucco would be used on the west corner in order to provide symmetry to the building. He also noted that the Planning Commission has initiated a petition to alter the material requirements for the G-MU Zone due to the numerous exceptions that have been requested. It was noted that the building facing 500 West would not be fully stucco material.

Discussion commenced amongst the Commissioners regarding the potential loss of a housing opportunity for the area. It was noted that the building is unique in its shape, orientation, and location. Commissioner Muir stated that the proposed development was not aligned with the Zoning Ordinance, as this development along 500 West does not have a residential component. He continued to state that the present building should be considered a contributing structure to the 500 West frontage.

Mr. Dansie stated that the residential component required for buildings fronting 500 West is 50 percent of the overall structure must be residential units.

Chairperson Noda recognized the applicants and requested them to come forward.

Ken Menlove and James Glascock appeared before the Commission, stating their reasoning and design of the proposed project. Mr. Menlove responded to the question regarding the material around the perimeter by stating that the material will be block. He continued to inform the Commission that the block will be a concrete wall with a brick pattern and matching in color. Mr. Menlove stated that the windows will be replaced, and clarified that the west part of the addition to the building will be stepped eastward about 25 feet and will align to the building on the west.

Commissioner McDonough requested their comments regarding the glazing concern.

Mr. Glascock stated that the designers would be pleased to add more glass.

Commissioner Diamond requested further clarification regarding the placement of the storage. He stated that the circulation of the building had been determined to be in the interior corridor, so that the windows did not view directly into people's storage areas, but noted that the plans illustrate the storage units all along the perimeter and requested to know where the circulation for the building would be located. Commissioner Diamond also requested the developers consider the surrounding uses and incorporate those thoughts into their design.

Mr. Glascock clarified by stating that the corridors will be in the interior of the building. Mr. Menlove stated that the storage units themselves would not have lights or power directly to them, rather light illuminating from the corridor. He stated that the windows will be tinted, namely those along 100 South, to eliminate the possibility of people peering in and viewing storage items. The applicants agreed to consider creating an interior corridor along the perimeter of the 100 South face of the building. Mr. Menlove stated that the owners anticipate interior corridors along the building for safety and effective utilization reasons. He also mentioned that the users of the storage units are anticipated to be professionals and small business owners.

Commissioner Scott requested further information on accessibility and location of the dock.

Mr. Glascock stated that the "dock" is not the correct term for the location of the door. He stated that in the rear of the building a large, handicap accessible elevator and a man door exists for individuals to move material. He continued to state that during business hours, the owners of the units will have access by key and card, as well as after business hours.

Commissioner Chambless requested further information relating to the aesthetics of the roof. He requested the applicants consider placing landscaping on the rooftop for aesthetic and cooling purposes.

Mr. Menlove stated that the existing roof is a concrete structure draining onto the sidewalk. He noted that the existing and new roof will have a new taper to drain internally through roof drains into the storm drain system. Mr. Glascock stated that the roof could be a light, white colored roof. The applicants noted the suggestions and stated that they would be addressed with the property owner.

Commissioner McDonough requested an update regarding the suggestion at Subcommittee meeting for potential office/retail space on the frontage of 100 South. She requested more glazing and activity on the street, in order to meet the intent of the ordinance.

Mr. Glascock stated that the owners have not considered retail/office as a viable option. He noted that as the ground slopes towards the west, the opportunity for having accessibility could be problematic and not financially viable.

At 7:45 p.m., Chairperson Noda requested comments from Community Council chairs and the public. Hearing no requests to make comments, Chairperson Noda closed the Public Hearing.

Based on the comments, testimony, and reports, Commissioner De Lay recommended approval of Petition 410-06-08 with the following conditions:

Petition 410-06-08

- **An access agreement over the corner property must be acquired;**
- **The public way improvements must be constructed on 100 South; and**
- **The site be restricted to single unit truck and passenger vehicles due to the site maneuvering area and proposed warehouse function.**

Including an additional condition for the redesign to be approved by the Planning Staff with 40 percent glazing.

The motion was seconded by Commissioner Wirthlin.

Chairperson Noda suggested discussion to the motion and petition before calling the vote.

Commissioner Muir suggested that the inclusion of material varying from the Zoning Ordinance should be included into the motion. He suggested the motion be amended to include three additional comments: (1) the 40 percent glass is not required to be mentioned because of the requirement already stated in the ordinance, (2) to qualify the variance of alternate building materials because of previous precedence, the Commission could include a condition stating their approval for the modification to the regulations relating to materials, and (3) to approve the conditional use request with a variance from the Zoning Ordinance regarding the required residential component due to its frontage on 500 West (independent of the frontage size).

Commissioner Muir continued to state that he disagreed with the proposed use of the building.

Commissioner McDonough requested clarification regarding the parcel location and its frontage potential. She stated that the boundaries do not have contact on 500 West.

Mr. Dansie clarified that the building has no frontage on 500 West Street, although they will have an easement along the small, odd shaped parcel for access to the back door of the property.

Commissioner Muir questioned if the subject property does not qualify for the requirement because of the interpretation of frontage on 500 West.

Commissioner Diamond concluded that as a result of the easement on the area fronting 500 West, the small, odd shaped property would remain vacant, and present the 500 West façade of the storage building facing 500 West. He also asked Mr. Dansie about the proposed structures on 500 West to be presented by the Boyer Company.

Mr. Dansie stated that even if the parcel was included, the amount of frontage on 500 West would be minimal. He responded to the question regarding the Boyer Company's and Cowboy Partners housing proposal that much of the proposed development is to the north of the subject property.

Discussion amongst the Commissioners continued regarding the consideration of frontage on 500 West. It was noted that the potential for housing within the small area of land fronting 500 West at the corner of the subject property would be minimal.

Per Commissioner Muir's request, Ms. Coffey cited the following Zoning Ordinance standard relating to residential requirements for buildings fronting 500 West:

"Buildings fronting on 500 West shall be required to have residential units occupying a minimum of 50 percent of the structures gross square footage."

Discussion continued regarding the frontage of the building, the location, and the uniqueness of the building. Commissioner Muir noted that the subject property has a prominent existence in the area, and the request is for a reasonably large exception to the regulations.

Mr. Dansie stated that through the Planned Development process, the Planning Commission has the authority to waive the housing requirement on 500 West as a modification of the regulation. He stated that due to the frontage, location, and easement the potential for frontage on 500 West is a technical concern.

Commissioner Muir noted that the Boyer Company continues to develop commercial property without satisfying the residential component. Mr. Dansie clarified by stating that the Boyer Company has fulfilled the requirements for housing throughout their planned development.

At 7:55 p.m., the motion and conditions were repeated to ensure accuracy. The conditions are as follows:

Petition 410-06-08

- An access agreement over the corner property must be acquired;
- The public way improvements must be constructed on 100 South; and
- The site be restricted to single unit truck and passenger vehicles due to the site maneuvering area and proposed warehouse function.

Additional Conditions:

- The redesign to be approved by the Planning Staff with 40 percent glazing (glass/windows).

Amendments to the original motion included the following conditions:

- That the applicant modify the interior plans, such that public corridors and interior circulation be against the perimeter of each floor plate and that no interior storage units will be against exterior windows.
- Allow a modification to the regulation relating to the materials to allow the primary finish material to be brick and stucco, and more than 30 percent of the façade to be stucco (as reflected in the renderings).

The Commission discussed the technicality of the frontage on 500 West and whether or not approval would be granted to allow the requirement to be waived. It was determined that a condition relating to this concern would not be included.

With the amendments the motion was seconded by Commissioner Wirthlin. Commissioner De Lay, Commissioner Forbis, Commissioner Wirthlin voted "Aye". Commissioner Chambless, Commissioner Diamond, Commissioner McDonough, Commissioner Muir, and Commissioner Scott voted "Nay". The motion failed.

Chairperson Noda clarified to the Commission that a motion needed to be made that would pass, with the Commission stating the findings and basis for their decision.

Mr. Ikefuna stated that there is a technicality to the petition in terms of requiring housing, and in this case the deference would be to the applicant, because given the nature and orientation of the building and whether it's fronting on 100 South or 500 West, based on what we have in the ordinance is not clear that we can hold them accountable because of the orientation of the building in terms of the entrance. There is a technicality issue here and it's appropriate to vote to approve the petition before you because of the technicality we are facing right now. This has been through the subcommittee review and the applicant has addressed some of the issues, if not most, raised by the subcommittee of the Planning Commission. My recommendation is that the Planning Commission approve the petition or reconsider your vote. You may add some conditions of approval, however, given the nature of the building it is appropriate that Planning Commission consider Staff Recommendation.

Commissioner McDonough suggested that the use of the main level be reconsidered and potentially be listed as a condition, to be used as housing, commercial, or retail space.

The Commissioners requested a legal interpretation regarding whether the property has frontage on 500 West. It was suggested that the petition be tabled in order to research the issue.

Commissioner Muir made a motion to table the petition in order to obtain a legal interpretation for the potential frontage on 500 West, due to questionable primary frontage of the building (Standard 21.54.080 B) and as a result of the request for an easement providing access to the property and the relation of the subject property to the Master Plan. Commissioner Chambless seconded the motion.

A call for a vote was not requested for the above motion.

Regarding Petitions 410-06-08 and 490-06-18, Commissioner Scott made a motion that the Planning Commission table the petitions based on the standards for Conditional Use item B, “Whether the proposed development is in harmony with the general purposes and intent of this Title and is compatible with and implements the planning goals and objectives of the City, including the applicable City master plans, specifically the Gateway Master Plan that identifies that buildings fronting 500 West should have a residential component. At this time, the Planning Commission is unclear as to whether or not the building fronts on 500 West. The request is for the City Attorney to review the petition and interpretation. Commissioner Chambless seconded the motion. All voted “Aye”. The motion passed.

It was noted that the petitioner had requested to purchase the property actually fronting 500 West, but was not able to do so; although, an easement was granted. Mr. Dansie clarified to the Commissioners that a small living space would not sustain the requirement.

Petition 410-06-11 — A request by Maggie Hoff for Conditional Use for a restaurant in a former church, located at 1433 South 1100 East in a Residential Business (RB) Zoning District. The proposed restaurant may also require shared/off-site parking with the adjacent business.

(This item was heard at 8:10 p.m.)

Chairperson Noda recognized Doug Dansie as Staff representative. Mr. Dansie provided a brief background to the project. He noted that the purpose of the Residential Business (RB) Zone was to allow small or new businesses in residential structures. He noted that restaurants are a Conditional Use because of the potential impacts that should be considered. Mr. Dansie also mentioned that the property owner owns the parcels to the north and south of the subject property. He included that the restaurant to the north of the subject property (Kostas) will not be required to submit a Conditional Use application, as a restaurant was already in existence.

Mr. Dansie stated the comments from the community and Community Council has been added to the Staff Report, with additional comments submitted before the meeting. He stated that the neighborhood concerns include: (1) parking and compiled impacts on the street, (2) access to the parking, and (3) operating hours. The concerns have been addressed as follows:

- (1) The parking will be in the rear of the proposed pizza parlor, with some shared parking with the former Kostas restaurant;
- (2) A new driveway will be placed from 1100 East for future access and less alley use; and
- (3) The operating hours of the restaurant, including delivery hours, have been suggested from 8:00 a.m. – Midnight. The property owner has further indicated that the operating hours would be 11:30 a.m. – 9:00 p.m.

Mr. Dansie stated that the Transportation Division has given the opinion that the appropriate number of stalls would fit well in the suggested parking area in the rear of the building, although shared parking would be an option. He noted that a few of the hours will be overlapping between the former Kostas restaurant and the pizza parlor, but the crowds will vary.

Planning Staff recommends approval of the petition to allow a restaurant and any necessary off-site share parking, with a condition that an easement across 1429 South 1100 East (the parcel to the north) be required as part of the Conditional Use to ensure access to the parking. It is recommended that the easement be part of the Conditional Use regardless of land ownership, but not part of the deed. Staff is also recommending that the site plan be further refined to illustrate parking and landscaping for the Planning Director to review and approve.

Commissioner Diamond requested additional location information for the proposed driveway from 1100 East.

Mr. Dansie stated that it will be on the lot of 1429 South 1100 East, but north of the existing building.

Chairperson Noda recognized the applicant.

Ms. Maggie Hoff, property owner, stated that Chris Irvine would like to open a pizza parlor at the address of 1433 South 1100 East. She clarified that the pizzeria would not have delivery, take out, or be a chain-operating restaurant. Ms. Hoff stated that funding has been provided to enhance the buildings and surrounding neighborhood.

Mr. Irvine indicated that the hours of the pizzeria would include staff preparation beginning at 10:00 a.m., with serving beginning at 11:00 a.m. and closing at 10:00 p.m., with clean up until 11:00 p.m.

Commissioner Scott requested clarification regarding an outside dining request.

Ms. Hoff stated that Rumours Coffee Lounge (formerly Kostas) has approval for outside dining, but the pizzeria has not requested it. She stated that outside dining has been considered, but not pursued yet.

Commissioner De Lay requested further information from Ms. Hoff regarding the parking situation.

Ms. Hoff stated that in the front of 1433 South 1100 East, one dedicated on-street parking stall exists although parking has been approved for the back of the restaurant to meet all requirements. She stated that the entrance to the restaurant would be through the alley, which has been cleared for better lighting. Ms. Hoff included that between four and five parking spaces would be created in the rear of the restaurant, with an easement for shared parking with Rumours when necessary.

Commissioner Forbis requested additional information regarding the delivery hours for food services.

Mr. Irvine stated that the delivery hours would be primarily in the mornings between 9:00 a.m. and 11:00 a.m. He assured the Commission that he would specify the size of truck used for deliveries.

Commissioner Chambless noted some concern regarding the exterior lighting on the subject property.

Ms. Hoff stated that the lighting will be arranged to avoid the "flooding" of lights outward, but presently the building has been gutted for renovation. She addressed the concern of crime by Commissioner Chambless, by stating that security cameras and motion sensors will be heavily considered for safety provisions during business and after hours.

Commissioner Scott expressed concern regarding the number of parking stalls required and submitted for approval. She noted that the landscape buffer in the parking area could eliminate some of the potential for parking.

Ms. Hoff stated that the parking requirements have been approved by the Transportation division and only calculates the actual dining area square footage. Ms. Hoff stated that the landscape design for the parking area will be prepared and submitted to the Planning Director.

The Commissioners discussed the actual square footage of the building space and the required number of parking stalls, concluding that the dining space was the determining factor for parking requirements.

At 8:33 p.m., Chairperson Noda requested comments from Community Council chairs and the public.

Tanya Chatterton stated that she is a resident in the neighborhood and has seen great progress by Ms. Hoff to revitalize the neighborhood. She reflected on the use of the property in the past, and stated her support for the proposal.

Chairperson Noda closed the Public Hearing, as no additional members of the public desired to speak.

Regarding Petition 410-06-11, Commissioner Scott made a motion based on comments, analysis, testimony, and Staff recommendation that the Planning Commission approve the petition to allow a restaurant and off-site shared parking with the condition that an easement across 1425 South 1100 East be allowed to ensure access to the parking and that the easement be part of the Conditional Use, but not as part of the deed, regardless of land ownership. It is also recommended that the site plan be refined to include parking and landscaping for the Planning Director to review and approve, prior to the receipt of a building permit. The motion was seconded by Commissioner Forbis.

Mr. Dansie clarified that the easement will not be attached to the deed of the property. He requested that the easement be attached only to the Conditional Use for the present use.

Discussion amongst the Commission continued regarding their intent in allowing the shared parking easement. It was clarified that the motion does not encumber the title to the deed.

Chairperson Noda called for the vote. All voted "Aye". The motion passed.

UNFINISHED BUSINESS

(This item was heard at 8:39 p.m.)

Mr. Ikefuna confirmed that the Retreat will be held on June 7, 2006.

The meeting adjourned at 8:40 p.m.

Cindy Rockwood, Planning Commission Secretary