

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, August 22, 2007**

Present for the Planning Commission meeting were Chairperson Peggy McDonough, Vice Chairperson Matthew Wirthlin; Commissioners Frank Algarin, Babs De Lay, Susie McHugh, Prescott Muir, Kathy Scott, Tim Chambless, Robert Forbis, and Mary Woodhead.

Present from the Planning Division were George Shaw, Planning Director; Doug Wheelwright, Deputy Planning Director; Nick Norris, Principal Planner, Nick Britton, Principal Planner, Casey Stewart, Principal Planner, and Tami Hansen, Senior Secretary. Also present were: City Staff members Lynn Pace, City Attorney; John Naser, Deputy Director of Engineering and Kevin Young, Transportation Planning Engineer.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson McDonough called the meeting to order at 5:47 p.m. 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, Susie McHugh, Kathy Scott, and Mathew Wirthlin. Planning Staff present were: George Shaw, Doug Wheelwright, Nick Norris, Casey Stewart, and Nick Britton.

APPROVAL OF THE MINUTES from Wednesday, August 8, 2007.

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

Commissioner De Lay made a motion to approve the minutes with noted changes. Vice Chair Wirthlin seconded the motion. All in favor voted, "Aye", Commissioner Forbis and Commissioner Chambless abstained from the vote. The minutes were approved.

REPORT OF THE CHAIR AND VICE CHAIR

(This item was heard at 5:51p.m.)

Chair McDonough noted that on the September 12, 2007, the Commission would be voting for a new Chair and Vice Chair and she had spoken with City Council Member Van Turner about a City Council meeting with the Chair and Vice Chair of the Commission, which would probably take place within the month of September.

REPORT OF THE DIRECTOR

(This item was heard at 5:52 p.m.)

George Shaw; Planning Director, noted that the Planning Division was currently undergoing some changes and gave the Commissioners an organization chart showing the structure of the Division for a quick reference of these changes for future use.

Chair McDonough noted that Petition d. would be switched with Petition e. and moved to the end of the meeting to allow for the applicant to make a second presentation under Other Business.

BRIEFING

(This item was heard at 5:53 p.m.)

Chair McDonough noted that the Utah Transit Authority (UTA) would be continuing a presentation from the August 8, 2007 briefing regarding options for development, including track alignment and station locations, of the proposed Airport Light Rail Transit line. She noted that no final recommendations would be made on this project at this meeting, nor would the Commission be taking public comment at this time.

Chair McDonough invited John Naser; City Project Manager, Matt Sibble; Utah Transit Authority Staff, and Kevin Young; City Transportation Division to the table.

Mr. Naser stated that due to the size of this project, he would like as much divisional and public comment possible submitted to the Planning Commission and the City Council. Mr. Naser recommended that the public hearing be moved from the September 12th Planning Commission meeting to the September 26th meeting to allow for additional review of the project and issues. Mr. Naser suggested that they would be willing to return for an Issues Only Hearing on September 12th to hear some of the public comments.

Mr. Sibble stated that he would review the 400 west and 600 west options of transportation to and from the airport from North Temple Street. He noted there were three different alternatives and six different criteria that were used to analyze the two different alternatives, which included: cost, trip time, connectivity to the front runner commuter rail project and to future transit, community impacts, and transit and traffic operations.

Mr. Sibble noted the 400 west alternatives would cost approximately fifty percent more than the 600 west alternative, with out the transfer station on North Temple Street; and the 600 west route scored the highest in all but two of the hypothetical tests. Trip time would depend on the destination from the airport. He noted that the only difference between the three alternatives of connectivity would be that the North Temple transfer station would have a different point of connection to the commuter rail line; the other two connect at the hub location.

Mr. Young noted at the August 8, 2207 Commission meeting the question was raised of how this project would tie into the Downtown Transportation Master Plan, which was currently waiting to go through the adoption process. He noted that different options were used in conjunction with that plan in looking at different options for light rail connectivity through the city both north/south and east/west. Mr. Young noted that the streets included in this study were: 200 south, 300 south, or 400 south and 200 west, 400 west, and 700 south to 600 west that would lead to the inter modal hub. Mr. Young noted that funding for this project was not yet completed and would be part of a future discussion.

Mr. Young noted that with the 400 west option starting at the viaduct on North Temple Street the train would travel down 400 west to connect with the existing line on South Temple Street. He noted that a new structure would need to be constructed adjacent to the existing viaduct and the existing eastbound off ramp from North Temple Street would need to be eliminated. Another mitigating factor to take into consideration is the pedestrian walkway next to the off ramp.

Commissioner Woodhead stated that when work was started on that pedestrian access it would be beneficial to make it safer, because currently it is situated partially under the viaduct.

Mr. Young noted that the pedestrian access was not the most ideal for the area and they have heard many comments regarding it. New plans would most likely include ADA accessibility and a way to access the area from 600 south. Mr. Young stated that at 50 North Street into Gateway, UTA is considering buying property that would be viable to allow the trains to maintain a speed that would allow it to travel up and over the viaduct.

Mr. Young stated there would be impacts to traffic circulation from trains traveling in both directions in the area. One problem UTA was trying to mitigate was that a four car train in the area could not stop at the traffic signal at 50 north, because it would block traffic in the intersection to the east, this would also be an issue with trains coming from the west. Mr. Young noted that there is currently a study going on to find the effects of potential stops made by the trains in each direction and what it will do to the street. He noted that one option would be to have the three signals in the area be functioning in sync to accommodate an oncoming train passing through when it arrived at that point, with out delays.

Chair McDonough inquired if the corner cut was really close to the structure on the corner.

Mr. Young noted that the aerial maps were old and there currently was not a structure there.

Mr. Naser noted that the rail would impact the square parcel, by taking the corner off.

Commissioner Chambless noted that the area was dark and he would like to see an increase in sufficient lighting for pedestrians.

Mr. Young noted that it has been a challenge throughout the years to keep lighting in the area, but setting the lights higher should mitigate the problem.

Commissioner Chambless inquired how the lighting had been a challenge.

Mr. Young noted that the lights were routinely destroyed by various types of vandalism.

Commissioner Chambless inquired about the wait for vehicle traffic in the area, if the sequential lights were set for accommodating passing trains.

Mr. Young noted that the answer to that was still in the process of evaluation; however, it would be relatively close to how the trains functioned around the University of Utah with trains coming approximately every 15 minutes. He noted that it would take the train about 55 seconds to make the complete movement through the area.

Mr. Naser noted that there was also a 30 inch water main that was just relocated from 200 south to just north of South Temple Street as part of the Trax project. He noted that a connection would have to be made to that water main and it would need to be extended or relocated past North Temple, which would be a big impact to a major water feed into the Downtown area, which would have to take place in the winter months. He noted there would be some impacts to the corner at South Temple Street to build what is called a half grand union for the train to be able to move different directions, which would involve widening the street and changing the corner by the Energy Solutions Arena Center.

Mr. Naser noted that every 15 minutes a train would be traveling through each direction of that intersection, resulting in two minutes loss of travel time in both north and south directions on 400 west.

Commissioner De Lay noted that this would be even more impacted on event nights at the arena, and on top of that there are plans for apartments in the area that would house 200 residents and high-rise parking for 1,700 additional cars and an additional hotel and condominium project in the area. She noted that in the near future the additional 1,300 residents and 2,500 vehicles in the area along with everyday Gateway traffic, which is having some of their access lost, constitutes a huge impact, especially if every 15 minutes trains will impact traffic in the area for two minutes.

Commissioner Muir inquired if the City's strategy was to encourage 400 west as the primary access to the 600 north onramp. He stated that it seemed this plan would contradict the vehicle travel agenda and force people back onto 300 west.

Mr. Young noted that 400 west is one of the major arterials and provides access to freeways to the south and connecting streets. He noted there is concern about how these trains will operate so that 400 south is not degraded to the point that it is not useable, but there are also some concerns regarding the 600 west option and the impacts to the Bridges Condominium Project.

Mr. Young noted that on 400 west and 600 west there would be some traffic movements that could not occur in the area and some left turns were already going to be impacted because of current projects.

Mr. Young noted that one of the scenarios reviewed was if the rail followed 600 west, movements in the area would be preserved by right in, right out turns within the project. He noted that another option would be a driveway onto South Temple and left hand turns preserved throughout the project.

Mr. Naser noted the structure would be at road grade just to the north of the driveway that would go in and out of the Bridges project and would be about 30 feet tall.

Commissioner De Lay noted that she was especially concerned regarding how this project would impact the surrounding community and quality of life. She noted that the 400 west option with or without the transfer station far out weighed the 600 west option. Commissioner De Lay noted that there would be huge increases of people in this part of the Downtown area within the next couple of years; she stated that 400 west had the least amount of residents compared to 600 west a block away with apartment buildings and the new hotel. She noted she was not concerned about the cost of the project as much as the destructive impact for residents now and in the futures.

Vice Chair Wirthlin inquired if Commissioner De Lay was suggesting that TAB and UTA had not properly weighted the community impact from the 400 west option versus the 600 west option.

Commissioner De Lay noted that she did attend this presentation at her Community Council meeting the previous week, and an enormous amount of data supported the benefit of extending Trax in the area, but the impact on the people seemed to not have been mitigated. She suggested that the Commission receive comments from the Bridges Project, The Gateway, Cowboy Partners, and the residents in the area.

Commissioner McHugh inquired if Commissioner De Lay was against the project.

Commissioner De Lay noted she was not opposed to the project; she would just like to get more input from the residents that would be impacted in the neighborhood.

Vice Chair Wirthlin noted that it appeared that the possible Community impacts and issues were limited to only how visual elements would effect the community.

Commissioner De Lay noted she was also concerned about the data that was revealed at the last meeting that the Trax trains would bring 1, 600 people and drop them off at once for an event; however, Trax only held 300 people, so she inquired if people would have to wait for four Trax trains to come through to take them in and out of the area.

Commissioner Forbis suggested that from a research design aspect the accounts of residents within a four block radius from the project should be taken into account to properly analyze future impacts.

Vice Chair Wirthlin noted that he would like to see some time allotted at the September 12th meeting to take community input.

Mr. Naser noted that if the Commission would like they would be willing to contact property owners further away from Gateway down North Temple Street that might be impacted by this neighborhood.

Chair McDonough noted that the Commission agreed unanimously that they would like to hear from the public at the September 12th meeting.

Commissioner Woodhead suggested that as TAB and UTA looked at these different alignments it was important to consider easy east/west pedestrians walkways through the project.

Mr. Naser noted that the Grant Tower improvements to the west of this project at 600 west and South Temple Street should correct some of pedestrian barricading problems and a dedicated pedestrian sidewalk was being put in for foot traffic to cross right into Gateway and onto South Temple Street.

Commissioner De Lay inquired if the City Creek interfered with the tracks.

Mr. Naser stated a pipe was already laid that started from 600 west, down and out South Temple under the I-15 bridges, and ended at 750 west and Folsom Street. He noted that as soon as the Grant's Tower

project was completed the master plan for the City Creek Trail, from the freeway to the Jordan River, would be started.

PUBLIC HEARING

(This item was heard at 6:40 p.m.)

Petition 400-07-17— a request by Salt Lake City Corporation, Property Management Division, to declare the property located at 15 South State Street (former Hansen Planetarium Building) as surplus property. The Zoning designation for the property is D-1 Central Business District. The purpose for declaring the property surplus is to facilitate the sale of the property.

Chair McDonough recognized Nick Norris as staff representative.

Mr. Norris noted that earlier this year the City issued a request for proposals to review a use for the old Salt Lake City library/Hansen Planetarium building that had been vacant since 2003. As part of the proposal the City reviewed the submittals, and decided to proceed with OC Tanner to locate their flagship retail store in the building. Mr. Norris noted that part of the proposal would include some exterior renovations to restored with a new façade and a two level parking structure.

He noted that the front of the building would be restored back to its originally state, based on historic photographs and construction drawings. Vehicle access to the property would not change, there are two existing driveways on the north and south that would be one way in and one way out and a new ADA access would be installed.

Mr. Norris stated that there was a request that a preservation easement be recorded on the property that would preserve the outer façade of the building and prevent it from being demolished. He noted that staff recommended that the recording of a preservation easement be kept, so in the future the city administration would have flexibility in dealing with the easement and a third party.

Commissioner Chambless inquired about this building, as the Hansen Planetarium if it was regulated by the county.

Mr. Norris noted that the building was a joint venture facility, but the city owned the property.

Commissioner Chambless inquired if the city intended to have the funds from the sale of this property earmarked or would they go into the general fund.

Mr. Norris noted that he believed the money would go into a general fund.

Commissioner Chambless inquired about the reason behind that decision.

Mr. Norris noted that that matter had not come up at all.

Chair McDonough opened the public portion of the hearing.

Camille Olsen (resident) stated she would like to see the building kept by the city and used to unite the community and be protected as a hall of liberty to honor the founding fathers of the nation. She noted she would like to see documents, art, music, theatre, poetry, and 19th century ballroom dancing in this building, encouraging citizen participation and patriotism.

Chair McDonough closed the public portion of the hearing. She inquired of Mr. Norris to tell the Commission and audience of the difficulties of keeping the building city owned and transforming it into a use that was usable by the community.

Mr. Norris noted that to transform this building into a type of use of which Mrs. Olsen spoke of, would require ongoing resources from the city in terms of budgeting, staffing, and maintaining the building. He noted that the City felt that disposing of the property was the best solution.

Mr. Shaw stated that regardless of who eventually owned this property, the Historic aspects would be preserved.

Commissioner Scott inquired if there was any discussion with O.C. Tanner on setting up a little museum to house memorabilia.

Mr. Norris noted that a discussion of that nature had not taken place.

Commissioner De Lay noted that ideally it would be wonderful to see these types of buildings saved, but unfortunately the City had no budget to turn the building into an ongoing museum. She noted that the Utah Heritage Foundation would protect the building in the future, and noted that she felt they were good at enforcing their historic easements.

Commissioner De Lay made a motion regarding Petition 400-07-17, and moved that the Planning Commission declare the property surplus and forward a recommendation to the City Administration to dispose of the property located at 15 South State Street, Tax ID 16-06-102-008, as required in Section 2.58 of City Code and the property transaction is consistent with the Request for Proposal, RFP No. 0103RFP070019 including the recording of a preservation easement.

Commissioner Scott seconded the motion. All in favor voted, "Aye" the motion passed unanimously.

(This item was heard at 6:54 p.m.)

Petition 400-06-36— a request by the Salt Lake City Planning Commission to amend the Salt Lake City Zoning Ordinance text regarding height limits in the M-1 (Light Manufacturing) Zoning District. The proposed text amendment would allow emission-free distillation columns up to 120' or the most restrictive Federal Aviation Administration (FAA) imposed approach surface elevation, whichever is less. Any proposed development in the Airport Flight Path Protection (AFPP) Overlay District would require approval from the Department of Airports prior to building permit issuance. Any proposed development in the AFPP Overlay District and exceeding 50' (feet) in height would require site specific approval from the FAA.

Chair McDonough recognized Nick Britton as staff representative.

Mr. Britton noted that on September 27, 2006 the Commission requested of staff to review the height regulations of the M-1 Zoning District. On April 11, 2007 the Planning Commission tabled the petition at the request of the Airport because they stated that their interests were not covered in their area, since this zoning district is mainly south of the airport. Mr. Britton noted that since then there have been ongoing discussions and new language was determined that the airport supported.

Mr. Britton stated that currently in the M-1 Zone the maximum height was 65 feet regardless of the type of structure. The new language proposal would allow emission free distillation towers, which could exceed the height restriction up to 120 feet or whatever FAA imposed surface regulation existed at that site, which would never exceed the 120 feet.

Mr. Britton noted that if a company was interested in a piece of property that was within the Airport Overlay District, the plans would need to be reviewed by the airport first regardless of the height, and reviewed secondly by the FAA if it was over 50 feet via a site specific review process—both of which would have to approve it. Mr. Britton stated that the only structures that could be waived through this process would be the emissions free distillation columns.

Commissioner Forbis inquired about the technicality of the word emissions free. He inquired if there was a distillation column, would there not be some type of emission.

Mr. Britton noted that all of the process of taking in and separating atmospheric air and the byproducts were stored in tanks and not released into the environment.

Commissioner Forbis inquired what these products were used for.

Mr. Britton noted that the oxygen and nitrogen that was separated were used for medical and industrial purposes that required these pure products.

Commissioner Forbis inquired about specific industrial uses.

Mr. Wheelwright noted that liquid oxygen was used in hospitals and liquid nitrogen was used in electronic industry, and would be used by the local market. He noted that the distillations towers compress atmospheric air and separated the particles out by atomic weight in the distillation column.

Commissioner De Lay noted that the airport was against this petition as of April 2007, and neighbors in the area were afraid that this petition would open the flood gates to allow hazardous and non-friendly environmental businesses to come in and set precedence for these hazardous companies.

Mr. Britton noted that they were against only the language at that time. He noted that only companies that use distillation columns could take advantage of this petition.

Mr. Wheelwright noted that this petition was not changing the permitted and conditional uses, except for adding a provision that closed system distillation columns could be allowed on a site specific basis, subject to airport approval. He noted that there was prior confusion in the community when staff approached this petition due to the use of language they borrowed from the current M-2 zoning district, to allow additional height for chimneys and smoke stacks.

Commissioner Forbis inquired where the definition came from when talking about emissions free distillation columns.

Mr. Wheelwright noted that air distillation column was the name submitted by the company for a chemical manufacturing process, and staff decided on emission free to help distinguish the process from that of a smoke stack. Mr. Wheelwright noted there was no vent at the top of the column and nothing would be released from it.

Chair McDonough inquired if in the proposed ordinance zoning text the definition was clear enough.

Commissioner Scott inquired if in the future this column could be used for something other than manufacturing purposes, is it too confining to have *for manufacturing processes* in the language.

Mr. Wheelwright stated that staff added that language with the thought of having it not be primary, but secondary.

Commissioner Woodhead inquired where the facility was located.

Mr. Wheelwright noted that it was at approximately 700 south and 4500 west.

Commissioner Scott noted that just proximate to this property there was a Utah Power facility that had power poles that exceed the 120 foot height by about 20 feet, so these distillation columns would not be the tallest structures in the area.

Chair McDonough opened the public portion of the hearing.

Jay Ingleby (1148 Redwood Drive) Vice Chair of the Glendale Community Council stated he was against this petition and was concerned that this would only add to the city's inversion problems. He stated that there would be some pollutants from this new building and he would not like the master plan changed due to the nature of the area being part residential.

Commissioner Chambless inquired if Mr. Ingleby was aware of similar businesses located near other airports or in areas where there were similar inversion problems around the country.

Mr. Ingleby noted he was not sure of those figures.

Randy Sorensen (1184 South Redwood Road) Chairman of the Glendale Community Council stated that he agreed Mr. Ingleby, and was concerned about the air quality for a new school being built in the area.

Ross Andra (1570 West 1300 South) stated he was in opposition to this petition.

Commissioner Woodhead inquired if the real concern of the public was not the distillation tower, but the M-1 Zoning and usage on the west side. She noted that this particular project was not the problem, but where the M-1 Manufacturing Zone was located and some of the other uses that were being carried out within that zone.

Mr. Andra noted yes, that was the problem, but he was afraid that ordinances would be changed in the future to allow more hazardous waste companies into that area and further ruin the quality of life.

Ed Butterfield (Salt Lake City Department of Economic Development) stated that the reason that this project could not be moved to 7200 west was because of the power requirements. To create this process the distillation tower must be located to a substation, the company after months of reviewing found and settled on this site.

Commissioner Chambless stated he would like additional clarification on this.

Mr. Butterfield stated that it was a very power intensive process to compress air and distilled it into oxygen and nitrogen, and was both economically and physically undoable.

Commissioner De Lay noted this was a power intensive facility, and therefore would have some type of emissions.

Mr. Butterfield agreed, but the process itself was emissions free and would not pollute Salt Lake City.

Commissioner Scott noted that a business of this caliber could not technically be compared to a diesel truck based business.

Maria Noble (Member of the Glendale Community Council) noted she was concerned with the already high incidents of asthma in the neighborhood.

Chair McDonough closed the public portion of the hearing.

Mr. Wheelwright stated that staff apologized in the manner that this petition was originally delivered to the public and the Commission; because it seemed there was a lot of confusion. He stated that this use would be allowed in the M-1 Zone, but the tower as was written before, was not allowed to be higher than 65 feet, stating that without the modification to the language this use would not be allowed anywhere in the City. Mr. Wheelwright stated that the State Economic Development Office was committed to this site and the relocation of this company.

Commissioner Forbis stated that his concern was that there was no defined, quantifiable, ambient air quality that helped to define what emission free stood for.

Vice Chair Wirthlin stated that emission free meant zero emissions.
Chair McDonough noted that there needed to be a definition in the ordinance to support this type of process.

Vice Chair Wirthlin stated there seem to be no ambiguity about the definition.

Commissioner Forbis noted that zero was a distinct number, while emissions free was left for interpretation.

Mr. Shaw noted that if this was a pollution emitting business, staff would not be recommending this change. He noted that staff has met with the Glendale Community council and have discussed some of the valid concerns that they have. He said there is also a conditional use residential moratorium in the city and staff felt that it should be more comprehensive and decided to look at all of the conditional uses citywide and if some of the conditional uses on the west side that are pollution oriented could be restricted. Mr. Shaw noted that the ordinance is actually being re-written to be more restrictive in some respects.

Chair McDonough inquired when the Commission would see the master plan for the West Salt Lake City area.

Mr. Shaw noted that it was close to being completed within the next few months.

Commissioner De Lay stated that she felt there was an obligation by staff to specifically look at this neighborhood and stop polluting businesses by working on a greener plan for the future. She inquired if the City had required this company to be a green business, and noted that there is never a green recommendation from any city department for new structures coming into the city.

Commissioner Scott made a motion regarding Petition 400-06-36, that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed text amendment, as reflected in the staff report.

Commissioner Algarin seconded the motion.

Commissioner Forbis stated that this process was called pollution free, but the nature of the process was power intensive, so even if it was not a pollution process locally it was by default relying on a polluting process.

Chair McDonough inquired if any of the Commissioners would like to request a definition be added as an amendment to the motion.

Commissioner Woodhead stated that the use of the word 'free' in regulations does not always mean nothing.

Vice Chair Wirthlin noted that he disagreed with that, and that within the context the meaning was clear.

Commissioner Scott noted that she would not accept additional language as part of the motion and would stay with the original wording of the motion.

All in favor voted, "Aye", which included Vice Chair Wirthlin, Commissioners Scott, Algarin, McHugh, and Muir and those opposed voted, "Nay" which included Commissioners De Lay, Forbis, Chambless, and Woodhead. The motion passed.

Commissioner De Lay stated she would like staff to review the language and make it clearer. She suggested a review of the definitions within the next two months.

Vice Chair Wirthlin stated that he felt that was a valid idea, and that he felt that the battle the residence and Glendale Community Council was fighting was valid and important, and it was unfortunate that the pollution situation on the west side existed and needed to be addressed.

Commissioner De Lay stated that the residents do need to be aware that the Commission does want to look into this situation and address it.

Lynn Pace (City Attorney) inquired if the Commissioners were inquiring of staff to review all of the definitions or just the definition for emission free distillation columns.

Commissioner De Lay stated that definitions for the distillation columns as well as appropriate relating definitions of this process would be appreciated by the Commission.

Chair McDonough noted that the Commission would take a five minute break at 7:43 p.m.

Chair McDonough resumed the meeting at 7:54 p.m.

POSTPONED: Petition 410-07-18— a request by Ken Milo at 341 S. Rio Grande Street for conditional use approval to exceed the 75' maximum building height in the D-3 (Downtown Residential) Zoning District. The proposal consists of a 90' tall building with retail uses on the first floor, office space on the second, third, and fourth floors, and residential on the fifth through ninth floors (Staff— Nick Britton at 535-7932 or nick.britton@slcgov.com).

(This item was heard at 7:54 p.m.)

Chair McDonough recognized Casey Stewart as staff representative.

Petitions 410-07-16 (Simmons Place Planned Development) & 480-07-23 (Simmons Place Residential Condominiums)— requests by Bruce Manka for approval of a conditional use application for a planned development consisting of two residential condominium buildings for a total of 26 units on property zoned Neighborhood Commercial (CN) and located at 450 south 900 east. The proposal involves converting the existing office building to residential condominiums and adding residential condominium units to the parking structure. The planned development application is for approval of two principal buildings on one property, and to modify the rear yard requirements for the second building in the rear.

Mr. Stewart noted there were two applications to be reviewed by the Commission, for the condominiums themselves and a conditional use for a planned development. He noted that the applicant would be adding one level to the existing parking structure, the middle level would contain two living units and the top level would contain six living units and would be approximately 25 feet in height. Mr. Stewart noted the front building was 35 feet currently and would be refaced and kept at that height.

Mr. Stewart noted that currently the property consisted of seven lots, which would need to be combined into one lot, resulting in two principal buildings on one lot. The planned development was the process by which multiple principal buildings on a single lot, and modified setbacks were reviewed and approved. He noted that the height of the existing front building, which exceeded 25 feet, and the resultant size of seven-lot combinations, which would exceed the maximum limit of 16,500 square feet, were previously addressed by the planning division via determinations. They were not part of the planned development approval, but have already been addressed appropriately. He noted that staff recommended that these petitions be approved with the conditions that were found in the staff report.

Commissioner Chambless asked if the parking structure was compliant with seismic activity codes.

Mr. Wesley Stonehocker (Architect with Ridgeline Design Architects) stated that in the staff report it stated that a seismic analysis would be required on the main structure and the parking structure during the reconstruction process.

Mr. Bruce Manka (applicant) noted that it was fully expected that the structure would have to be updated to fit current standards and codes.

Commissioner Scott noted that she felt this project was a great reuse and would add beneficial housing to the neighborhood. She stated that if engineering reports finalized that the parking structure could not be used, then uses that were approved at this meeting for use of the back building could be changed significantly.

Mr. Manka stated that if that were the case it would be a terminal point for his interest in the project, but structural engineers have reviewed the structure and have concluded that the structure could be compliant with current earthquake standards.

Mr. Stonehocker noted that by removing the moisture on the double tees within the structure would help immensely, due to a membrane crack which was allowing water through. He noted that the structure had 12 inch thick, fully grouted walls, which helps immensely during seismic activity.

Commissioner De Lay inquired if what the Commission was viewing was final plans.

Mr. Manka noted that there were some members of the Community Council that felt the plans were too contemporary for the neighborhood; however, he was working with them to come up with a plan that was not as objectionable. He noted that the layouts of the separate units were what was intended to be built.

Commissioner De Lay inquired of the Commission if a recommendation should be added for the Commission to be able to see the final approval of the plat.

Commissioner Muir stated that the process is a little flawed, but he hoped that Staff would guide the applicant through this process, since the Community Council did not have the authority to dictate building material selections.

Mr. Manka noted that the Community Council did have a vision of where they hope the neighborhood would be in the future, which he felt was parallel to his.

Chair McDonough opened the public hearing portion of the meeting.

Esther Hunter (representing the Chair of the East Central Community Council) was in support of the project.

Edward J. Rubin (853 east 500 south; abutting property owner) stated that he was eager to see this project started, but felt it was slightly intrusive because the 25 foot wall would be invasive to his property.

Commissioner De Lay inquired if there were any trees or landscaping separating these properties.

Mr. Rubin noted there were some trees, but for the most part he would only have a view of a big wall.

Chair McDonough asked for Mr. Rubin to clarify what he felt was invasive to his property from this proposal.

Mr. Rubin noted that he was just concerned about the addition of another large wall next to his property, which he did not mind as much as the windows and additional occupants that he felt would take away his privacy.

Chair McDonough closed the public portion of the hearing.

Mr. Manka stated that the exit onto 500 south was an easement by consent and could be revoked by the owner of the land at anytime and felt it would be unfair to include this in any future plans because of this.

Commissioner Scott inquired if the city attorney's had made any comment on the twelve foot access to the parking lot.

Mr. Manka noted that the architects had reviewed that concern and determined that twelve feet was adequate. He noted that the use and traffic flow were being downsized from current use.

Commissioner Scott stated that the reason that the driveway was allowed to be twelve feet, was because it is not the primary ingress and egress access to the property.

Mr. Manka noted that Simmons Place is a platted street. He noted that the height and setback on the west side of the property did rise and would act as a barrier to Mr. Rubin's property, but there would not be traffic on the top deck that would be visible from his property.

Commissioner Scott inquired if Simmons Place was a public or private street and if the fee for the street was part of the deeds of the properties on it.

Mr. Stewart noted that it was a private, platted street and that according to the property records he reviewed, Simmons Place was not part of the property that Mr. Manka would be purchasing, it is a private right-of-way and he was not sure who owned it.

Commissioner Scott recommended that the City attorney's take a look at ownership and have the street declared surplus property or be vacated and made as part of the parcel, because if it remains as a private street with no owner, future set back issues on the north and west side could be a problem.

Mr. Pace noted that if this was a private street, the City had no ability to vacate it; it is simply a private transportation corridor that the City has no control over.

Commissioner De Lay inquired of Mr. Pace if the staff recommended approval of the conditional use for a planned development, would the City be in violation of their own moratorium with that verbiage.

Mr. Pace noted there was no violation because the ordinance specifically exempted planned developments.

Commissioner De Lay stated that she was astounded by the eighth staff recommendation, which stated, *No condominium shall have final approval or shall said units be sold until the plat has been recorded with the Salt Lake County Recorder.* She inquired about a clearer definition.

Mr. Wheelwright noted that was a state law, which prevented closure without a deed.

Commissioner Muir inquired if the CN bill required a 10-foot-rear-yard setback, which anticipates a commercial use, if it was built from scratch it would probably be an RMF 45 Zone, which would require a 20 percent rear yard set back. He inquired what the setback would be on a new project.

Mr. Stewart stated that in the CN zone the required setback would be 10 feet.

Commissioner Muir noted that he would like to require the applicant to abide by that.

Commissioner Scott inquired if the current parking structure was unusable and a new structure needed to be built, would the 10 foot setback be put into effect.

Mr. Stewart noted that if that type of change needed to happen he would suggest that staff and the Commission review it again.

Vice Chair Wirthlin clarified that the noncompliance involves the setback and not the height of the structure. He noted that the cumulative impact of the project was overall a positive one.

Mr. Wheelwright stated that staff believed there was a positive intent to balance competing interests.

Chair McDonough noted that she questioned whether or not building code issues prevented window openings directly on a property line.

Mr. Manka noted that due to that issue, the architect suggested a five foot setback on the west wall.

Chair McDonough suggested that should be a condition of the motion.

Commissioner Muir made a motion regarding Petition 410-07-16 and 480-07-23 that the Planning Commission approves the conditional use for planned development of the two petitions and preliminary approval of the proposed residential condominium conversion subject to the following conditions:

1. **All existing lots associated with the project shall be combined via the appropriate Planning Director-approval for combining lots.**
2. **This approval extends to the final development plan subject to certification by the Planning Director that the final development plan is in conformance with the preliminary development plan approved by the Planning Commission.**
3. **Approval shall not be valid for a period longer than one year unless a building permit is issued and construction is diligently pursued. However, upon written request of the applicant, the one year period may be extended by the Planning Commission for such time as it shall determine for good cause shown, without further public hearing.**
4. **The final condominium plat, which creates the lot containing the condominium project, shall be recorded with the Salt Lake County Recorder.**
5. **Compliance with the departmental comments as outlined in this staff report.**
6. **Full compliance with the Utah Condominium Act of 1975 and the Condominium Approval Procedure regulations in the Salt Lake City Zoning Ordinance (Section 21A.56).**
7. **The execution and recording of the Declaration of Covenants. The Declaration of Covenants must be approved by the Salt Lake City Attorney for compliance with State of Utah and Salt Lake City Code requirements.**
8. **No condominium shall have final approval, or shall said units be sold, until the plat has been recorded with the Salt Lake County Recorder.**

Based upon the findings of fact and the Standards of Conditional Uses in the Staff Report with one exception to Standard F: *Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts*, the Commission moves to impose on the west elevation a 10 foot setback above the existing parking structure.

Commissioner Woodhead seconded the motion.

Vice Chair Wirthlin suggested an amendment to the motion, that the impact of the setback on the entire west elevation that was proposed and he would like to mitigate that this standard apply only to where Mr. Rubin's property began as opposed to the entire west elevation, which seemed to reduced the residential square footage.

Commissioner Muir pointed out that there was the potential that a developer could build equal density on Mr. Rubin's property, whereas on the applicants property there was a 40 foot elevation between the two structures and if anything the applicant should decrease the setback between the two buildings rather than create the potential of a narrow setback for a future building on the adjacent property.

9. **A 10 foot setback would be required on the west side elevation for the duration of Edward Rubin's property.**

Commissioner Scott noted she wanted to add that the Department of Transportation did need to take another look at the project regarding the access from 500 south and the revocable right-of-way.

Mr. Wheelwright noted that Staff would take this petition back to the Department of Transportation as part of a standard review process to see if the existing 12 foot right-of-way is sufficient for two-way traffic.

All in favor voted, "Aye", Commissioner McHugh abstained from the vote. The motion passed.

(This item was heard at 8:50 p.m.)

Petition 410-06-38— a request to modify Conditional Use Approval for additional building heights for certain buildings as part of the City Creek Center project generally located on the blocks between South Temple Street and 100 south and West Temple Street and State Street. This item was originally heard by the Planning Commission on February 14, 2007.

Chair McDonough recognized George Shaw as Staff representative for Doug Dansie.

Mr. Shaw noted that the Commission originally heard this petition on February 14, 2007 and since that time Property Reserve Inc. (PRI) had looked at different options with building heights. There were four buildings PRI was requesting to have increased in height and the tallest residential tower was proposed to be lowered, changing the overall residential units. Mr. Shaw noted there was also a concern regarding the mid-block building heights along Main Street.

Mr. Shaw noted that an Open House was held and there were no objections to this change from the public or staff.

Chair McDonough invited the applicants back to the table.

Mr. Mark Gibbons (President of PRI) stated an amendment to the conditional uses approved by the Commission was being sought as a refinement process to the project. Mr. Gibbons noted the primary phasing would be changed as well.

Mr. Bill Williams noted that on South Temple Street, Tower 4 was originally approved at 185 feet, currently the design was revamped to decrease the floor to floor height to make the space more efficient and they were able to fit in an additional floor. The image of the building in terms of two nearby office buildings seemed to have a dominant presence, so the height would stay the same as well as the number of residential units.

Commissioner De Lay inquired if the surface of the copper roof would be shiny.

Mr. Williams noted that it would not because it would be real copper, opposed to painted.

Mr. Williams stated that Tower 6 and Tower 7, across from Temple Square and on either side of Richards Street, PRI had requested 125 feet height, to better fill in the space of the area they would like to increase the height on one of the buildings to 145 feet.

Mr. Williams noted that on Tower 2, located on 100 south, there were a couple off issues: first, originally the developers wanted Tower 2 to be constructed in stage 2 of the process, which would have created a pocket park at the end of Richards Street. He noted that there needed to be an activity anchor there instead of a passive park. Secondly, originally the width was approved at 40 feet, and the developers would like to extend that to 60 plus feet and they decided to drop the number of elevators from four to two. Mr. Williams noted that the height of the building would be 255 feet tall to accommodate mechanical functions on the roof, and built in phase one.

Mr. Williams noted that on Main Street, the developer noted that to keep these buildings using the 100 foot height limit the residential ceilings would be 8 feet, which is substandard compared to current residential standards. He noted that to accomplish 9 foot ceilings, there would need to be a 4 foot adjustment to the parapet, and a 9 foot adjustment to the mechanical penthouse.

Mr. Williams summed that the amendment would included a 33 foot height difference for Tower 4, Tower 2 would be lowered 160 feet, Tower 6 & Tower 7 would be increased by 20 feet, and Tower 1 would be increased 48 feet, which is within the zoning requirement of 375 feet. He noted that the residential units collectively decreased by 36 units.

Commissioner De Lay noted the changes seemed logical.

Commissioner Chambless asked why the decrease in units.

Mr. Williams noted that they did not want to flood the market with too many units.

Chair McDonough inquired about the use of the Tower 2 lobby and how it anchored Richards Street to the project.

Mr. Williams noted that at street level there was potential to put retail and a lobby and then at the plaza level there was opportunities for a restaurant.

Commissioner Muir stated he felt this was a nice adjustment to the plan.

Mr. Gibbons noted that a new entity was created that owns all of the property in Blocks 74, 75, & 76 called City Creek Reserve Inc. (CCRI), and will be referred to in the future as such, instead of Property Reserve Inc. (PRI).

Chair McDonough opened the public hearing portion of the meeting, there was no public present. Chair McDonough closed the public hearing.

Vice Chair Wirthlin made a motion regarding the modification to Petition 410-06-38 for a mid-block height conditional use including: the new height for Tower 4 to be 218 feet, Tower 2 to be 255 feet; Tower 6; to be 145 feet; Tower 7 to be 145 feet; and the Main Street elevation apartments to be 104 feet high.

Mr. Shaw stated that the February 14, 2007 minutes made It clear that if there were significant adjustments to the height of the building, it would come back to be reviewed by the Planning Commission.

Vice Chair Wirthlin noted that if any future changes to the height were within 10 feet of the height approved by the Commission at this meeting the developer would not have to return to amend the motion, but could proceed

Any changes less than 10 feet to these numbers would not need to be presented to the Commission again for approval and modification.

Commissioner McHugh seconded the motion. All in favor voted, "Aye". The motion passed unanimously.

(This item was heard at 9:16 p.m.)

OTHER BUSINESS

Mr. Shaw noted that there were some other issues that were raised within the City Creek project and he felt it would be beneficial for the Commission to receive and update on where the project is as a whole.

Mr. Grant Thomas (Director of Construction Services for CCRI) noted that the old Key Bank Tower was the last building to come down on Block 76 (Crossroads Mall Block), at the same time demolition for Block 75 (ZCMI Block) had started and had reached another major milestone and CCRI had a goal from the beginning of the project to recycle or salvage over fifty percent of the materials that were being demolished on the block, and that target would be exceeded.

Mr. Thomas noted that one of the current permits that CCRI was requesting was related to the new Key Bank Tower (Old Beneficial Tower) located approximately mid-block on State Street, which included bringing the above grade parking structures on both the north and south side of the building almost down to grade, and building back a new façade. On the north side of the building a new food court would be built inside and on the south side near the parking ramp and plaza, a below ground entrance will be constructed. Mr. Thomas noted that a big change to the building would be the new façade from level 7 down to grade, which is mainly glass.

Mr. Thomas noted foundation permits would be sought before the end of the 2007 year for Towers 1, 6 & 7 and the parking associated with these Towers and eventually would seek to be fully permitted by the second quarter of 2008 for Blocks 75 & 76.

Chair McDonough inquired when the developers estimated that they would be ready for the Commission to review the City Creek planned development.

Mr. Thomas approximated before the end of the year. CCRI was working on several options related to the skybridge, and will be seen by the Commission by November or early December.

Mr. Shaw noted that Tim Harpst was unable to stay for the duration of the meeting, but the Transportation Department had reviewed these changes and had no issues with them.

Commissioner Muir inquired how CCRI was able to proceed with out full planned development approval.

Mr. Shaw noted that it is just retro fit that the developers were entitled to without a planned development.

Commissioner Muir noted that any new structures would require the full planned development.

Mr. Shaw noted that the site plan, the creek, and the anchor stores would need to be addressed in the planned development.

There was no unfinished business.

The Meeting was adjourned at 9:25 p.m.

Tami Hansen, Planning Commission Secretary