

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, January 24, 2007**

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

Present from the Planning Division were Doug Wheelwright, Deputy Planning Director; Cheri Coffey, Deputy Planning Director; Kevin LoPiccolo, Planning Programs Supervisor; Nick Britton, Principal Planner; Joel Paterson, Planning Programs Supervisor; Doug Dansie, Senior Planner; and Tami Hansen, Senior Planning Commission Secretary.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson McDonough called the meeting to order at 5:46 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Audio recordings of Planning Commission meetings are retained in the Planning Staff Office for an indefinite period of time.

A field trip scheduled at 4:00 p.m. was canceled due to the postponement of Petition # 410-06-28.

APPROVAL OF MINUTES from Wednesday, December 13, 2006.

(This item was heard at 5:46 p.m.)

Commissioner McHugh noted that the minutes should reflect that the new Planning Director, George Shaw's starting date was January 17, 2007 instead of February 17, 2007.

Commissioner Forbis made a motion to approve the minutes with the noted changes. Commissioner De Lay seconded the motion. Commissioner Scott abstained from the vote. All others voted "Aye".

ISSUES ONLY HEARING—UNFINISHED BUSINESS

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

A request by Property Reserve Inc. (PRI) to allow additional building height at mid-block locations for mixed-use buildings as part of the City Creek Center development proposal.

Chairperson McDonough recognized Doug Dansie and Joel Paterson as staff representatives.

Mr. Dansie noted that the discussion for the evening would focus on the mid-block height locations for four mixed-use buildings as part of the City Creek Center development process. The suggested height limit currently is approximately 375 at the corner of the blocks and 100 feet at mid-block. The applicant is also requesting that in a couple of portions in the project, the building façade be set back more than five feet from the sidewalk.

Mr. Dansie noted that the public had been notified of an Open House on February 6, 2007 from 4:30 to 6:00 p.m. where PRI will show a presentation on the City Creek Center project.

Chairperson McDonough noted she would like the Commission to discuss if the mid-block height extensions should be viewed piecemeal or as part of the overall project development.

Mr. Dansie invited the applicant up to the table.

Mr. Mark Gibbons (President of PRI) noted that they would be discussing Main Street at the street level in more detail, as well as the residential buildings. He noted they had also prepared details in regards to the landscaping in the area and how the surrounding City would be viewed by the public from inside the finished project looking out.

Mr. Bill Williams noted that on Block 75 (ZCMI) along South Temple, there was a request for a building height of 185 feet for Tower 4; the justification presented included additional residential units and better architectural scale and context. This building would be set back approximately 30 feet from the front property line.

Mr. Gibbons noted that the 30 foot setback would preserve the ability to have windows on the east side of the Zion's Bank tower.

Mr. Williams noted that this would preserve the feeling of the open space garden that currently exists between the Joseph Smith Memorial building and the LDS church administration building, to the north of the project.

The typical floor plans for the residential towers would include a layout of two units of approximately 2500 square feet, or three units in the 1500-1800 square foot range, which is still in flux depending upon the market. Each tower would have a stone, glass, and metal exterior.

The following heights were being requested for each residential tower:

- Tower 4—approximately 185 feet, and would contain approximately 35 units.
- Tower 6—approximately 125 feet, and would contain approximately 33 units.
- Tower 7—approximately 125 feet, and would contain 28 units.
- Tower 2—approximately 415 feet, and would contain approximately 223 units.

The landscaping would include garden like areas, similar to those found around Temple Square, that would be created throughout the plaza. The entire project would be bordered with street planting. There are also opportunities for pocket parks to exist throughout the project.

Commissioner Chambless inquired about number and types of trees and the number of water fountains that would exist.

Mr. Gibbons noted it was still too early in the project to get into these types of details, but assured the Commission that landscape architects were working through all the different challenges, benefits, varieties and designs.

Commissioner Scott inquired about the accommodations in the food court.

Mr. Gibbons noted that the number of establishments within the food court was dependent upon how large the kitchens were. Larger kitchens could handle larger volumes of customers, so instead of duplicating food types the idea would be an increase in the effectiveness of the throughput of customers. He noted that overall there would be eight to ten kitchens.

Vice Chair Wirthlin inquired where the developers anticipated the public would most likely be entering the project from, and how that would effect circulation throughout the project and through the rest of the City.

Mr. Gibbons noted that it would vary from time of day to the time of year. The residential towers, events at Temple Square, vehicular traffic coming into the project, and the business population would all be contributing elements. He noted that there would be many accessible portals that would allow public to come in and out of the project and connect to the rest of the City. The project parking could also be utilized for surrounding City entertainment and events.

Commissioner Muir inquired about the nature of the tenants above the restaurants on Main Street.

Mr. Williams noted that the terms of the leases had not been defined yet, however, there was a good possibility there would be two level restaurants, or possibly a number of dry goods tenants.

Mr. Gibbons noted that the area on the north side of Block 76 (Crossroads Mall) would serve as a mini anchor, and would occupy two levels that would enable vertical circulation within their store between those levels.

Chairperson McDonough inquired about the phasing of the project, and what the temporary situation of the Tower 2 place holder was.

Mr. Gibbons noted that the developers planned to heavily landscape the area as a pocket park pending the construction of Tower 2 and assured the Commission it would be a very attractive portal into the project.

Commissioner Muir inquired if the units were anticipated as being sold as second homes, or recreation residential, which would mean they would be empty for a fair amount of time during the year. He inquired if there was a way to regulate the owner/occupant dynamic.

Mr. Gibbons noted that over 500 applicants had expressed interest in the residential portion of the project, and that 80% were interested in the Towers as a primary residency.

Commissioner De Lay noted she would like to see the Towers be owned and not rented.

Mr. Williams noted that these were valid points, and that the residential units being vacant half the year would not benefit the viability of the project.

Commissioner Chambless noted that he would like to see an abundance of high quality lighting throughout the project.

Chairperson McDonough noted that she did not feel that the center glass covering over the project would allow the public from within the project to get a feel of the surrounding and distant mountain landscape. She inquired how the Developers proposed to keep the public from having a trapped feeling while in the center of the project.

Mr. Gibbons noted that the center galleria would have a street feel, not an interior feel. The intent was to make the covering as transparent as possible and the building materials lining the corridors would be exterior and not interior materials.

Chairperson McDonough opened the public portion of the hearing and after noting that there was not public present to make comments, she closed the public portion. She also noted that Petition 410-06-28 had been postponed until the next Planning Commission meeting on February 14, 2007, due to lack of public notice.

She inquired if the Commission had any additional questions for the applicant.

Commissioner Muir inquired of Staff when the text amendment would be completed, and if the City Council had formulated an agenda for the upcoming City Creek discussions.

Ms. Cheri Coffey noted that Staff was still in the process of transmitting information to the City Council. She noted that the packet was pending due to waiting for the City attorney's office to get the ordinance back to the Planning Staff. The Petitioners were still working to prepare the required legal descriptions.

Commissioner Muir inquired how it benefited the applicant to receive the height Conditional Use reviews prior to the text amendment.

Mr. Gibbons noted that the complexities of the design were critically urgent, and that to be certain of the heights of the structures above the parking was critical to the design process, as well as making sure all of the pieces fit together and met the budget. He noted it was imperative to receive approval in order to not delay the time frame in which the project has been laid out.

Commissioner Muir inquired if the skybridge was a factor in this particular decision in regards to the nature of the residential towers.

Mr. Gibbons noted that it was not.

Commissioner Muir noted that his concern was the public perception of the project. He noted that the way the Planning Commission had sent the text amendment to City Council, was to set up a balancing act of the negative aspects of the bridge, as an exception of the Master Plan policy against the public benefit of the overall project.

He noted that he would also like to set a precedent for future Planning Commissions that if an applicant wanted to build a bridge that there would be certain public benefits that would need to be brought to the table, not just a single parcel hoping to link with another single parcel across the street.

Commissioner Woodhead noted that she did not think that approval of the mid-block building height would affect the skybridge, and that how the public perceived the benefit of the residential housing was going to vary.

Chairperson McDonough agreed with Commissioners Muir and Woodhead, and noted that it was important to review the procedure and the public perception. She noted that the Commission did understand the importance of not impeding the development process, and felt that the residential towers would not be a detriment because they are definitely needed.

Mr. Gibbons noted that the Developers were trying to comply with the City's requirements of what applications were necessary, and the building height application stands on its own. He noted that the Developer has made certain that as much public input as possible is being heard. They would really like to see the residential aspect of the project move forward as proposed. If there was not approval for some aspect of the residential towers in the future, it would have an enormous impact on the schedule for the whole project. A redesign process of those buildings would be a multiple month project.

Ms. Coffey noted that the Commission could decide when they wanted to hear a project. She noted that if they wanted to wait until the City Council had given some direction on the Master Plan before other reviews or approvals, then that could be a considerable option.

Mr. Paterson noted that there might not be a need for planned development approval, which came about because the D-1 zone does not allow for multiple buildings on a single parcel. He noted that there had not been sufficient detail to know if there would indeed be multiple buildings on a single parcel. The addition building height requirement, and the setback request, are listed specifically in the D-1 district as conditional use from the design standards and do not require planned development approval for those modifications.

Commissioner Woodhead inquired if there had been a planned development application that had been filed.

Mr. Paterson noted that there had been.

Commissioner Muir noted that arguing the project as a planned development, makes a more persuasive argument for the bridge. He noted that he welcomed the height increase, the density, and would like to see even more residential spaces within the project.

Vice Chair Wirthlin agreed with Commissioner Muir's ideas and also thought positively about the project. He inquired why there might be a problem approving the conditional use now, and what effect it would have during the planned use project or for the skybridge.

Commissioner Forbis noted that the legacy left for other Planning Commissions that were faced with the same type of development, was a piecemeal approach. He noted that future Planning Commissions could look to the current process for a type of guideline for future projects.

Commissioner Scott noted that future Planning Commissions would most likely not scrutinize how decisions were reached, when this project was viewed in hindsight it would be as a total package and not scrutinized by each component.

Commissioner Woodhead noted that whatever decisions were made in regards to the building heights would not affect the applicant's ability to put enough supporting evidence in front of the Planning Commission to support the various aspects of the skybridge.

Chairperson McDonough inquired when the Commission would know how land parcels would be divided throughout the project.

Mr. Gibbons noted that the Developers would go through and view the number of buildings per lot and how they might be categorized.

Mr. Williams noted that most likely there would currently be multiple parcels per building due to how the land had been divided up historically and purchased over time.

Commissioner De Lay noted that the intent for the applicant by the Commission was to cover every base so that one minor ruling or code provision would not hold the whole project up.

Mr. Williams noted that it was the Developer's decision to go through the planned development process because it gives the City and the developer flexibility to solve problems as they arise. He noted that the developer would prefer not to have to add to the project, the figuring out of how many buildings per lot. He noted that there does need to be some formality in the design process so that the project can move forward.

Chairperson McDonough noted that the Commission would not require the Developer to go to the level of figuring out land parcels.

Commissioner Woodhead noted that she would like to look at the proposed text amendment again; she noted that a critical piece in the project is how that the text amendment defines it, and a possibility is that the mid-block height definition could be taken out of the project.

Chairperson McDonough noted that you could not take that element out.

Commissioner Muir noted that a planned development is a very malleable process and there is some give and take, which is a benefit of the process, but to freeze some of the elements before reaching a final decision seems to obviate the whole process.

Mr. Gibbons noted that except for the bridge, did the Commission feel like all the pieces had been given to them to make a decision.

Commissioner Scott noted that because of the magnitude of the project, the planned unit development being considered could not have too many pieces that were malleable at the same time.

Commissioner Muir noted that the additional residential unit's offset whatever other negative aspects there are in the project. He noted that the commercial aspects in isolation are not a strong enough argument to support debate on a skybridge.

Commissioner Forbis noted that when the process for the project had begun the Developer came forth with the bridge construction as one of the first issues, because all recognized it would be a very controversial, difficult, and time consuming piece of the entire project and the Planning Commission agreed that from that time on they would look at approving or disapproving the varying conditional uses. The risk was that if it turned out that the last piece of the puzzle that would be heard was the skybridge, then that was the risk that was taken by putting it first.

Vice Chair Wirthlin noted that he did not see how approving Conditional Use of the building heights would affect consideration or decisions of the balancing act that the Commission would inevitably have to go through to approve the skybridge.

Mr. Doug Wheelwright noted that there seemed to exist a Catch 22 situation, one of the basic premises of state law on subdivisions was that there was a preliminary and a final process and anticipating and recognizing that these types of design decisions are in two steps was important. One, is the project conceptually working, and then secondly, going through the processes to finalize details. He noted that the Commissioners could consider preliminary approval at this point, so the applicant knows they can invest in further detail and designs.

Chairperson McDonough noted that discussions with Staff and City Attorneys along those precepts would be helpful, and requested of Staff that they further look into that process.

Commissioner McHugh noted that the applicant was willing to take the chance on the approval of the skybridge and if they were willing to do so, the Commission should not worry about going ahead with the voting process of the mid-block building heights.

Commissioner Woodhead inquired if it would be helpful for the Commissioners to take a vote on whether this petition should be kept on the next Planning Commission agenda for the February 14th meeting.

Commissioner Woodhead made a motion that the vote scheduled for the Planning Commission meeting on February 14, would go ahead as indicated for Petition # 410-0638, the City Creek Center request to allow additional building height at mid-block locations in the D-1 central business district.

Commissioner McHugh seconded the motion.

Commissioner De Lay, Commissioner Forbis, Commissioner Woodhead, Commissioner McHugh, and Vice Chair Wirthlin voted "Aye". Commissioner Chambless, Commissioner Muir, Commissioner Scott opposed. The motion passed.

Commissioner Muir inquired if the Planning Commission shared concerns over the City Attorney's office taking so long to process the ordinance. He noted he felt that the applicant deserved a more expeditious process.

Mr. Paterson noted that portions of the waiting process included a complete ordinance and resolution, but also final legal descriptions for the street closures that were required as part of the process as well.

Mr. Wheelwright noted that there had been discussion of splitting the items so the Master Plan part could move forward, as far as the transmittal to the City Council.

Vice Chair Wirthlin noted that the Commission would be in favor of splitting that, due to the fact that they are distantly related and could move forward individually.

Mr. Allan Sullivan inquired if there was additional information that the Commission would need to have in regards to height issues, as well as necessary information pertaining to how this might affect the skybridge.

Commissioner Forbis noted that he would like to see renditions of what is being planned for lighting, landscaping, water uses, and green rooftops in more detail.

Chairperson McDonough inquired about the need for more detail about the amount of water running through the project and the conservation approach.

Commissioner Forbis noted that he would like to see more information on water sources, and details of recycling through the systems.

Chairperson McDonough closed the issues only portion of the meeting.

A five minute break was taken at 7:32 p.m.

Chairperson McDonough called the meeting back to order at 7:42 p.m.

PUBLIC HEARINGS

(This item was heard at 7:42 p.m.)

Chairperson McDonough introduced Petition 400-06-35, a request by the Salt Lake City the Planning Commission to amend the Salt Lake City Zoning Ordinance text regarding utility installations. The proposed text amendment will permit utility installations in most non-residential districts and allow as Routine & Uncontested Matters utility structures within all residential Zoning Districts, the Neighborhood Commercial District, the Open Space District, the Mobile Home Park District, and the Mixed Use District depending on installation size.

Chairperson McDonough recognized Nick Britton as representing Staff.

Mr. Britton noted that this petition was generated on September 27, 2006 by the Planning Commission. Utility installations were currently processed as conditional uses in close to half of all the zoning districts; however, it was not very clear why it was considered conditional in some zones and permitted in other zones.

He noted that all utility installations would still require building permits. The residential districts, the commercial neighborhood districts, the mobile home districts, the mixed use district, or open space districts had been determined as being the most impacted by utility installations. The next step was to look at the size of the installation. The maximum size would be 68 inches in width, 61 inches in depth, and 50 inches in height. This size was selected because it matches the size of a switchgear installation. Approximately 95% of the time that size installation is largest in a residential subdivision.

A Conditional Use process would be used for a utility installation if it were required to be bigger than that size. If it was equal to or less than that size, it would be handled as a routine and uncontested matter. This would require the applicant to obtain signatures of all abutting property owners, then the public hearing could be waived and the matter could be dealt with

administratively. If the applicant could not secure the signatures, it would become a special exception and be forwarded to an administrative hearing or the Board of Adjustment.

Mr. Britton noted that in any other zone, outside of the ones listed above, the Utility installation would be permitted, and a building permit would be required.

Mr. Kevin LoPiccolo noted that there was a process that the private utilities would go through, but the public utilities would be exempt. He inquired of the Commission if they would like to view this as a conditional use, or have Staff initiate the process and handle them as a permitted use, or in residential districts, a review.

Commissioner Woodhead inquired what the standard would be if the applicant wanted to install a utility unit and could not get the signatures necessary because surrounding property owners had objected.

Mr. Britton noted that it would be considered a special exception and would be sent to the Board of Adjustment.

Mr. LoPiccolo noted that some of the standards were similar to the conditional use, for example; compatibility and scale.

Commissioner Scott noted that there were two Master Plans that addressed these types of installations and the Staff Report included the Central Community Master Plan, which addresses the safety and environmental issues and the Capitol Hill Master Plan which addressed the aesthetic value of the installation. She inquired if Staff had considered pulling the language from the two Master Plans and depositing them in the ordinance.

Mr. Britton noted that the Master Plans were looking more specifically at power lines and utility poles, and did not really address these types of installations.

Mr. LoPiccolo noted that the special exceptions gave Staff the ability to enhance or request a requirement from a utility company to help in that process.

Commissioner Scott noted that the well maintained public utilities, buildings and facilities should be visually compatible with the surrounding area and should provide adequate service and be environmentally safe.

Mr. Britton noted that Chapter 2 of the ordinance which deals with utilities would be the area where Staff would have leeway to specify what the standards and processes are.

Mr. LoPiccolo noted that there was an ability at a Staff level to take care of that without adding additional criteria, and ultimately Staff would be the interpreters of those requirements.

Commissioner De Lay inquired about the most common size of the utility boxes.

Mr. Britton noted it was equal to or smaller to the above mentioned measurements.

Commissioner Forbis inquired about how much conflict with property owners and surrounding neighbors had staff experienced in the past.

Mr. Britton noted that they had been highly contested in the past.

Commissioner Forbis inquired if this would mitigate or eliminate the conflicts.

Mr. Britton noted they would at least identify them.

Mr. LoPiccolo also noted that this petition would eliminate where most of the structures would be going, where today it would need to be reviewed by the Planning Commission as a conditional use.

Chairperson McDonough opened up the public portion of the hearing. She noted that there was no public that wanted to speak in regards to this petition, and she closed the public hearing.

Commissioner De Lay made a motion regarding Petition # 400-06-35 and moved that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed text amendment as reflected in the Staff Report dated January 18, 2007 and presented at the meeting.

Commissioner McHugh seconded the motion.

Commissioner Scott suggested an amendment that some language be added in Chapter 2, found on Page 3 of the Staff Report as well as in the Capital Hill Master Plan such as providing well maintained public utilities which are visual compatible to the surrounding area and provide adequate service and are environmentally safe or as found in the Central Community Master Plan language such as dependable infrastructure that insure adequate services as well as a safe environment in the community; also, a standard in regards to the placement, safety, and visual aspects.

Commissioner De Lay did not accept the amendment.

Chairperson McDonough noted that the motion would stand as originally stated.

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

(The meeting adjourned at 8:06 p.m.)

Tami Hansen, PC Senior Secretary