

**SALT LAKE CITY  
PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building  
451 South State Street, Salt Lake City, Utah  
Wednesday, June 13, 2007**

Present for the Planning Commission meeting were Chairperson Peggy McDonough and Vice Chairperson Matthew Wirthlin; Commissioners Frank Algarin, Babs De Lay, Tim Chambless, Susie McHugh, Kathy Scott, and Mary Woodhead. Commissioner Prescott Muir was not present and Commissioner Robert Forbis was excused for an extended leave of absence.

Present from the Planning Division were George Shaw, Planning Director; Director, Doug Wheelwright, Deputy Planning Director; Kevin LoPiccolo, Zoning Administrator; Lynn Pace, Deputy City Attorney; Nick Britton, Principal Planner; Michael Maloy, Principal Planner; Nick Norris, Principal Planner; Lex Traughber, Principal Planner and Cecily Zuck, Senior Secretary.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson McDonough called the meeting to order at 5:47p.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, Kathy Scott, Susie McHugh, Matthew Wirthlin and Mary Woodhead. Planning Staff present were: Doug Wheelwright, Nick Britton, Michael Maloy, Nick Norris, and Lex Traughber.

**DINNER**

A brief discussion regarding Planning Commission issues was held during dinner.

George Shaw, Planning Director, presented a handout to the Commissioners which briefly encapsulated the issues brought forth during the May 23<sup>rd</sup> hearing for Property Reserve Inc. (City Creek Center).

Mr. Shaw noted that PRI suggested a possible adjustment to the previously requested additional building heights. He stated that the proposed adjustment was of such a difference that if PRI were to submit an application, he felt the Planning Commission should review the request again at a future meeting.

Commissioner McHugh noted her concern regarding the Federal Trade Commission's hold on a merger between Whole Foods and Wild Oats. She inquired of counsel if this fact should be considered in the Commission's ruling on the future Trolley Square Planned Development.

Lynn Pace, Deputy City Attorney, noted that disapproval based upon this event would require extremely careful language as the tenant of a retail space is subject to change at any point in time.

**APPROVAL OF THE MINUTES from Wednesday, May 23, 2007.**

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

**Vice Chair Wirthlin made a motion to approve the minutes with noted changes. Commissioner Chambless seconded the motion. Commissioners Algarin and De Lay abstained from the approval of the minutes. All others voted 'Aye'. The minutes were approved.**

**REPORT OF THE CHAIR AND VICE-CHAIR**

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

Chairperson McDonough noted that some Commissioners had attended an awards luncheon for the American Society of Public Administration (ASPA) of Utah where the Planning Commission was awarded with a Board or Commission Award of Excellence for the Year. Chairperson McDonough stated that she spoke on behalf of the Planning Commission and Commissioner Forbis spoke regarding the difficulty and gravity of some of the decisions the Planning Commission had made within the last year.

**REPORT OF THE DIRECTOR**

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

George Shaw stated that Planning Staff had produced a list of items that could be considered for training of the Planning Commission during the Planning Commission dinner including: current development trends such as transit-oriented development, Master Plan Updates and Commission protocol. Mr. Shaw noted that Staff would like to start this training at the next meeting on June 27, 2007, and that these sessions would be between 15 and 20 minutes, beginning around 5:15 p.m. Mr. Shaw stated that Staff would welcome discussion ideas from the Commission as well.

Commissioner Scott noted that she would like to see a discussion regarding how to find particular Master Plans and Planning documents on the web page.

Commissioner De Lay stated that she would like to see a discussion on Historic Overlay Districts and how to identify them. She noted that the Commission could also benefit from a general review of different Zoning Districts and their respective meanings.

Commissioner Scott stated that with several recent Planning personnel changes, it would be beneficial to have a Planning "Family Tree" of sorts for review.

Mr. Shaw noted that there was required open meeting training which needed to occur at least once a year.

Lynn Pace, Deputy City Attorney, noted that this training did not need to occur at the next meeting, but needed to be completed at one meeting before the end of the year, and was required from all decision making bodies within the City.

**PUBLIC HEARINGS**

**Petition 410-07-12— a request by Mark and Kathie Miller at approximately 3145 E. Carrigan Canyon Drive for conditional use approval to place an accessory structure on an accessory lot. The applicant is proposing a gazebo on an adjacent landscaped parcel. The subject property is in the FR-1/43,560 (Foothills Estate Residential) Zoning District**

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

Chairperson McDonough recognized Nick Britton as Staff representative.

Mr. Britton noted that the request was for an accessory structure on an accessory lot. Mr. Britton stated that the accessory structure would be on a landscaped parcel, 1.6 acres in size and the proposed structure would be approximately 1404 square feet in size, to be located on the property line closest to the principal lot.

Commissioner Scott inquired if the proposed structure would affect the view for any surrounding property owner.

Mr. Britton noted that it would not as the nearest neighboring property was around 300 feet away up the canyon.

Vice Chairperson Wirthlin noted that the only condition of approval listed in the staff report was for special exception approval of additional height, and inquired what the process for that approval entailed.

Mr. Britton noted that the approval can be handled through the applicant's submittal of a Routine and Uncontested Matter Application which the Board of Adjustment would handle and could request the Planning Commission to review.

Commissioner Chambless asked if there were any other gazebos in this area.

Mr. Britton indicated that there were not any that he was aware of.

Vice Chairperson Wirthlin inquired if there were any size limitations with a gazebo and what it may become deemed if it exceeded those requirements.

Mr. Britton noted that if the gazebo exceeded those requirements it would still be considered an accessory structure as it would be on an accessory lot and would not be a principal dwelling.

Commissioner Scott stated her concern that the structure may have smaller set back requirements as an accessory building.

Mr. Britton noted that if it were on the principal lot it would have certain setback requirements; however, as it was on an accessory lot there were no setback requirements.

Commissioner Scott noted that Public Utilities would make a determination whether the gazebo would require a separate water meter.

Mr. Britton stated that this was true and based upon the Building Permits submitted.

Commissioner Scott inquired if this would require an additional condition be considered.

Mr. Britton noted that if Commissioner Scott felt it necessary, it may be prudent to add this condition, but that the determination would take place in the Building Permits stage. Mr. Britton noted that anything beyond irrigation purposes would require an upgrade and therefore, a separate meter would probably be required for any use such as a sink or outdoor kitchen facilities.

Commissioner Chambless noted that it would also likely be wired for lighting.

Mr. Britton stated that he assumed this was true.

Commissioner Scott noted that there could not be any cross connection between two lots.

Chairperson McDonough invited the applicant forward at 6:02 p.m.

Mark Miller, the applicant and Fred Babcock, the architect, were present to speak to the petition.

Mr. Miller noted that his intent was to build a small gazebo that was a gathering spot with a fireplace, eating area, sink and refrigerator. Mr. Miller stated that even with the proposed additional height of the structure, it would not extend above the tree line in the area.

Mr. Babcock inquired of the Commission what additional impact the application for a special exception would have on the project.

Vice Chair Wirthlin noted that the process for special exception approval would be beyond the purview of the Planning Commission.

Mr. Wheelwright noted that if it were a Routine and Uncontested issue, with all abutting property owners in agreement, it would be approved by the Zoning Administrator. Mr. Wheelwright noted that the fact that there was not a principal building on the accessory lot as defined in the Zoning Ordinance made the approval of the gazebo a conditional use.

Kevin LoPiccolo, Zoning Administrator, was present to elaborate. Mr. LoPiccolo noted that the Planning Commission would be reviewing the use of the structure under the Conditional Use process, rather than the structure itself. Mr. LoPiccolo stated that the Special Exception process would apply only to the additional increase in height which could be handled as a Routine and Uncontested Matter, provided that the owner obtained the abutting property owner's signatures.

Chairperson McDonough noted that it was the use of the structure that was the matter at hand.

Commissioner De Lay stated that the Carrigan Canyon Homeowner's Association had no objections to the proposed gazebo.

Commissioner Chambless noted that the parcel in question had never been developed.

Chairperson McDonough opened the public hearing portion to Community Council and the public at 6:12 p.m.

There were no representatives present from Community Council.

Shane Carlson, 375 'L' Street, was present, speaking as a concerned citizen. Mr. Carlson noted that he felt there were some conflicting items within the staff report. Mr. Carlson stated that the requested action on the first page of the staff report referred to a "conditional use request for an accessory structure", and on the second page project description it was referred to as, "the proposed accessory use"- rather than a structure. Mr. Carlson noted that there were several other instances within the staff report which referred to the request as an accessory use when the requested action on the first page referred to the request as for an accessory structure.

Mr. Carlson also handed out to the Commission a packet including the Zoning Ordinance's definitions of an accessory building and an accessory use. Mr. Carlson noted that the definitions were very distinct and in walking through the ordinance he stated that a subordinate structure could not be constructed on a different lot.

Mr. Carlson noted that use limitations were not included in the staff report, quoting section 21A.40.050 of the Salt Lake City Zoning Ordinance.

Mr. Carlson noted that he felt this project to be setting a precedent. Mr. Carlson noted that this precedent would allow accessory lots to be used to construct accessory structures, which would circumvent the December, 2005 City Council Ordinance limiting maximum lot size to 1.5 times the minimum lot size for an area. Mr. Carlson noted that this would allow the builder to create much larger structures with less area.

Commissioner Woodhead inquired of Mr. Carlson what his suggested action would be.

Mr. Carlson noted that in his opinion, there is nothing in the Ordinance which would permit an accessory structure on an accessory lot, therefore, it is not allowed.

Chairperson McDonough requested clarification from Staff.

Mr. Pace noted that he felt this was a case of definitions not being as clear as they could be. He stated that he did not quarrel with the definition which said that an accessory building or structure means a subordinate building or structure located on the same lot. However, Mr. Pace noted, that if the Commission were to look at Section 21A.40.052 of the Zoning Ordinance, there is a section which defines when you can have an accessory use on an accessory lot.

Mr. Carlson noted that there was not a single mention of an accessory structure on that list.

Mr. Pace stated that in looking at Table 21A.24.190, there is mention of what accessory uses are allowable on accessory lots. Mr. Pace noted that there were also a number of places in the code in which the conditional use is really a structure, citing the example of the Smith's grocery store at 900 East and 2100 South. He noted that the grocery store is a permitted use, however, because of the size of the building it was a conditional use. Mr. Pace noted that in the same way here, it appeared that when someone wants to place an accessory structure on an accessory lot, it is considered allowable as a conditional use.

Mr. Carlson noted that this would be an accessory use, not a conditional use and in looking at 21A.40.040B, it was stated that unless expressly authorized, the accessory use would not be permissible. Mr. Carlson then gave a number of examples of accessory uses: drive through service windows, outdoor dining and fuel pumps.

Commissioner De Lay noted that Mr. Carlson's contention seemed to be that this proposal was completely illegal and therefore should never have come before the Planning Commission. She then deferred to counsel for a response.

Mr. Pace noted that if the Commission were to regard the Table of Permitted and Conditional Uses on Accessory lots, and note what was allowed as a conditional use, that this request was on an accessory lot and was allowed as a conditional use.

Kevin LoPiccolo stated that there was a separate section within the Ordinance which identified allowable accessory uses on an accessory lot provided that it was under the same ownership. Mr. LoPiccolo noted that when reviewing the definition of what an accessory use was, one might want to read into it that these uses would be what is customarily found in a residential neighborhood; i.e. deck, cabana, swimming pool, and so forth. He also stated that in looking at the Ordinance it becomes even more specific with lighting and fencing which are viewed as structures. Mr. LoPiccolo noted that Mr. Carlson was saying that no structures are allowed as an accessory use.

Mr. Carlson noted that his issue with the petition was that it was a circumnavigation of lot size limits, in direct contradiction to the City Council's Infill Ordinances 90 and 91 of December, 2005.

Mr. LoPiccolo noted that he would agree with Mr. Carlson if this was the case, however, in Chapter 40 of the Zoning Ordinance there was a section that dealt specifically with this type of use.

Mr. Carlson stated that this was a structure and the section which Mr. LoPiccolo referred to did not reference structures.

Chairperson McDonough noted that it was often the case that structure and use were one and the same.

Commissioner De Lay noted a wish to table the item until more information was available to clarify the issue at hand.

Chairperson McDonough stated that the Commission should wait until the public hearing was complete.

There was no one else present wishing to speak, therefore, Chairperson McDonough closed the public hearing at 6:25 p.m.

Chairperson McDonough invited Mr. Miller back to respond.

Mr. Miller noted that when he and his architect applied for a building permit, they were told that they needed to go through this process. He noted that after a three hour meeting with his Community Council, the only question from the Council was why they were there before the Council, when it seemed such a simple request. Mr. Miller noted that an allowed accessory use would be a dining facility and that the gazebo could easily be defined as a dining facility.

Commissioner Chambless noted that there was no opposition at all from the Arcadia Heights Community Council regarding the petition.

Mr. Miller noted that this was true and as far as he knew, it was the Community Council's understanding that the petition would have no impact upon them, as the affected parcel was part of a gated community.

Commissioner Woodhead noted her concern that constituents were coming before the Commission with legal arguments regarding what the Ordinance said. She noted that this was very difficult to make sense of, particularly at the last minute, and that there may be some benefit to read Mr. Carlson's submission and give Staff and the Attorney's office a chance to respond. Commissioner Woodhead stated that it may need to be tabled until the next meeting.

Commissioner De Lay asked if the Commission could move to table this item.

Chairperson McDonough stated her desire for further clarification from staff, adding that she would like to attempt to understand the issue as well, but did not wish to get into the issue of the Ordinance definitions at this time.

Mr. Wheelwright noted that this was not a unique or new type of request. He noted that prior to 1995 all of these cases went before the Board of Adjustment. Mr. Wheelwright noted that the City had a long practice where these types of approvals for a more intense use of a commonly owned adjoining parcel went through a review process.

Mr. Wheelwright stated Mr. Carlson had said that this was not a permitted use, and noted that Staff agreed it was not a permitted use, but was a conditional use. Mr. Wheelwright noted that in the case of such requests, there was a special review process specifically to assess impact. He also addressed Mr. Carlson's comment that this was a way to get around the Compatible Infill Ordinances, reminding the Commission that the maximum lot size provision related to subdivision approvals only, meaning that when a subdivision was created or amended, that was when the standard referenced by Mr. Carlson would apply. Mr. Wheelwright noted that there would be no new lots created in this case, and no property lines were being amended either, rather, the property owner was maintaining his right to future development that wouldn't depend on the relationship between the two parcels.

Commissioner Scott requested clarification regarding the lot sizes for FR-1, FR-2 and FR-3 zoning districts.

Mr. Wheelwright noted that the minimum lot sizes were as follows: 1 acre for FR-1, 1/2 acre for FR-2 and 1/3 acre or 12,000 square feet for FR-3.

Mr. LoPiccolo noted that the Commission seemed to be confusing the definitions of use with structure, pointing out that the definition stated that an accessory use must be subordinate, and a structure in relationship to the primary use.

Mr. Miller noted that as the applicant, he was in a catch-22, and if they had been permitted to combine the two lots, they wouldn't be before the Commission because it would be allowed as an accessory structure on one lot.

Mr. Wheelwright noted that according to the Compatible Infill Review Process, the lots were part of a Planned Unit Development and therefore, this would not be allowed.

Mr. LoPiccolo noted that if the applicant wished to circumnavigate the Ordinance as it reads, they could possibly apply for a lot line adjustment and incorporate that abutting land that would be necessary to build the gazebo and still have enough land to maintain a second lot. Mr. LoPiccolo then noted that what they were doing however, was applying the Ordinance as it reads in that an accessory use is a use that is customarily found in a district.

Mr. Shaw noted that it was not unusual to find these types of conflicts within Zoning Ordinances, as they had been band-aided and changed over time, and therefore conflicts within separate sections would arise. Mr. Shaw stated that some of the issues raised should be looked at; however, this particular petition was a conditional use process which could be reviewed and the impacts analyzed. He then noted that Planning Staff could certainly go back and look at this and other ordinances that had seemingly grey areas that needed to be clarified.

Commissioner Algarin noted that the Commission was here to make a decision regarding the item as a conditional use on an individual case basis.

Vice Chairperson Wirthlin noted that this was correct and that there was no such thing as precedent, noting that precedent would be for the Supreme Court to decide, not the Planning Commission.

Vice Chairperson Wirthlin also noted that he appreciated the confusion; however, he was strongly persuaded by the Zoning Ordinance that the use was legal and allowable within the ordinance and the conditional use tables.

Commissioner Woodhead concurred that the Ordinance needed to be regarded as a whole.

Lynn Pace, City Attorney, noted that the Commission was dealing with what was defined as an accessory use versus an accessory structure. Mr. Pace noted that Staff seemed to interpret the gazebo as an accessory use as well as a structure, as it would be hard to imagine that the structure did not have an intended use. Mr. Pace noted that these definitions were not all drafted at the same time and that there was grey area and of course could be addressed in the future, however it should not be an issue in this instance.

**Regarding petition 410-07-12, based upon findings B,F,G,H and I outlined in the staff report and the discussion held as well as information received during the course of the public hearing, Commissioner Chambless made a motion to approve the conditional use request for an accessory use on an accessory lot, including approval of the proposed site plan located at 3145 East Carrigan Canyon Drive with the following condition:**

1. Special exception approval will be required for the additional accessory structure height.

**The motion was seconded by Commissioner Algarin. Commissioners Algarin, Chambless, Scott, McHugh, Wirthlin and Woodhead voted "Aye", and Commissioner De Lay voted against the motion. The motion carries 6-1.**

**Petitions 480-07-07, 480-07-08, and 480-07-09— a request by MLRE, LLC to convert three existing apartment buildings generally found at 800 East 300 South into condominiums. The**

approximate addresses are as follows: 319 South 800 East, 310 South 800 East, 320 South 800 East, 804 East 300 South, 808 East 300 South, and 818 East 300 South. The proposed conversion would take place in three phases. The properties are zoned RMF-35 (Moderate Density Multi-Family Residential) Zoning District. These petitions were forwarded to the Planning Commission by the administrative hearing officer.

*(This item was heard at 6:48 p.m.)*

Chairperson McDonough recognized Nick Britton as Staff Representative.

Mr. Britton reviewed the request. Mr. Britton noted that a number of questions were raised at the administrative hearing including the integrity of Phase I, particularly about the building's foundation and concerns about crime at the location. He added that he had contacted the Police Department and received in return a report regarding the number of incidences involving the Police at the address of 319 South 800 East in the past, part of Exhibit B in the staff report.

Commissioner Scott noted that the number of units would total thirty-five.

Mr. Britton stated that this was true.

Chairperson McDonough invited the applicant forward to comment at 6:50 p.m.

Chris Parker, with MLRE, and Glen Parker, representing MLRE, were present to speak to the petition. Mr. Chris Parker noted that the project was divided into three phases due to there being three separate apartment complexes. Mr. Parker noted that the first, Phase 1 was a six-plex built in the late 1970's, Phase two and three were built in the late 1940's or early 50's and were actually four buildings, respectively. Mr. Parker noted that there were concerns from citizens during the administrative hearing regarding possible methamphetamine production at the property in 2002. Mr. Parker noted that a tenant who lived in one of the units at the time did notice a suspect traffic pattern, but Police reports indicated only minor activity.

Mr. Parker also indicated that he did a canvass of apartment units within his neighborhood, noting that within a four block radius of the subject property there were 65 apartment complexes, and of the ones he was able to contact, eighty percent had current vacancies, more than thirty-two vacancies all together. Mr. Parker also noted that the average rent for these units was \$571 per month, whereas his rent averaged \$525 per month for a one bedroom and \$625 for a two bedroom unit. Mr. Parker felt that there was therefore already a wealth of affordable housing in the Central City Community.

Chairperson McDonough invited Community Council and public residents forward to speak to the petition at 6:54 p.m.

Community Council was not present to speak to the petition.

Cindy Cromer, 816 East 100 South, was present to speak to the petition. Ms. Cromer noted that she felt her concern was not with the condominium process itself, but with the Phase I portion in particular itself due to the condition of the building.

Ms. Cromer referred to a checklist that the Planning Department used in the past to determine a building's worthiness for the condominium conversion process, and wished to add two things, attention to overall quality of the construction and require drug testing of all buildings to be converted. Ms. Cromer noted that she would look through the archives to try and obtain a copy of the checklist for Staff. Ms. Cromer stated that if it were up to her, she would approve Phases II, III and not I, or approve Phase I under a separate homeowner's association to prevent future friction.

Chairperson McDonough invited the applicant back to respond at 7:01 p.m.



Mr. Parker noted that there is a State statute that would already require that each building be ruled by its own homeowner's association. Mr. Parker noted that on closer examination the structure to be converted in Phase I was not of inferior quality and that a review of the engineering report filed with the City would reflect that.

Commissioner Scott inquired what the timeline would be for all three Phases.

Mr. Parker noted that Phase I and II would be completed in tandem, as soon as all permits could be obtained. He then stated that Phase III would begin shortly thereafter.

Mr. Glen Parker noted that there was no Methamphetamine production reported by the Police Department, only one case of petty possession of marijuana was reported.

Commissioner De Lay stated that the buildings in this condominium conversion would be rehabbed completely due to code regulations and that the higher the quality of rehabilitation, the better the price would be when selling the units; however, she added that just because Methamphetamine production wasn't reported didn't mean that it wasn't happening. Commissioner De Lay also stated that while it would be favorable to move in the direction of drug testing for all condominium conversions, it took about twenty-five years to get lead based paint federal disclosures through the system to the point that they are required in buying and selling contracts today.

**Regarding petitions 480-07-07, 480-07-08, 480-07-09, Commissioner De Lay made a motion to grant preliminary approval of the request for minor subdivision, and the condominium conversion project entitled City Haven at approximately 800 East and 300 South, based upon the comments, analysis and three findings of fact noted on page 6 in the staff report, along with the testimony heard this night and subject to the following conditions:**

1. Approval is conditioned upon compliance with departmental comments as outlined in the staff report. Any improvements required by the Building Official based on the property report must be completed prior to the recordation of the condominium plat.
2. Any necessary public improvements or modifications to the water supply and sewage disposal must be made prior to the recording of the final condominium plat.
3. The submittal of a final condominium plat is required and shall conform to the requirements of Chapter 21A.56 – Condominium Approval Procedure and the Utah Condominium Ownership Act of 1975.
4. Proof of notice to occupants, as outlined in section 21A.56.040A (5) of the Zoning Ordinance, shall be provided by the applicant.
5. The bylaws for the condominium must state that each unit only has one off-street parking space and residents must be notified on the parking restriction.
6. Any future redevelopment activity associated with the properties will require that all inadequate or absent public improvements be installed in accordance with the departmental comments noted in this staff report. Additionally, any future redevelopment will be subject to the requirements of the zoning ordinance.

**The motion was seconded by Commissioner McHugh. All voted "Aye", the motion carries unanimously.**

**Petition 410-07-08**—a request by Scott Dee (agent for the developer) for Planned Development/Conditional Use approval for more than one principal building on the property located at approximately 250 West 600 South. The building on the west portion of the subject property is to be a Starbucks Coffee store (1,800 square feet) with drive-through facilities. The other proposed building (7,000 square feet) on the east portion of the property is to be used for commercial purposes.

(This item was heard at 7:07 p.m.)

Chairperson McDonough recognized Lex Traugher as Staff Representative.

Mr. Traugher reviewed the request for the Commission. He stated that principal buildings were often allowed in multiple quantities on a single parcel in several zoning districts within Salt Lake City, zones similar to the Downtown Districts, such as the Commercial Zones: Community Business (CB), Community Shopping (CS), Corridor Commercial (CC), Sugar House Business District (CSHBD), General Commercial (CG), as well as some residential zones such as Residential Multi-Family (RMF) and Residential Office (RO).

Mr. Traugher noted that he had contacted the People's Freeway Community Council by mail, email and phone and had not received any response regarding the petition.

Commissioner Scott stated that the petition indicated that there would be no more curb cuts installed according to the preliminary drawings.

Mr. Traugher noted that this was correct; the existing curb cut on 600 South would be shared with the Hilton Garden Inn, and the access off of 200 West would also remain.

Scott Dee of S-Devcorp was present to speak for the petition. Mr. Dee had no comments to add to the Staff Report and agreed with all of the conditions..

Commissioner Woodhead noted her concern over the drive-thru and asked if the applicant had considered alternate options.

Mr. Dee noted that they had not and that the drive-through was a request from Starbucks.

Commissioner Scott inquired of the applicant's representative if motorists would have to drive around the building in order to exit the property.

Mr. Dee indicated that this was not necessarily so. He noted that motorists would be able to exit onto 600 South if taking a left turn, or they would have to circle the building to exit onto 200 West.

Commissioner Scott was concerned regarding the secondary retail space and what that use would be.

Mr. Dee noted that they had originally had a tenant interested in opening a restaurant in the retail space; however, that tenant was no longer interested and they were currently looking for a new tenant.

Chairperson McDonough noted that she did not see any pedestrian accommodations in the plans during the subcommittee meeting.

Mr. Dee noted that there was plenty of pedestrian access from the nearby hotel, but it may be that the drive-thru would need to be sufficiently marked for pedestrian safety.

Chairperson McDonough opened the floor to Community Council and public at 7:16 p.m.

There was no one present from Community Council or the public to speak to this petition.

Chairperson McDonough closed the Public Hearing portion of the petition at 7:17 p.m.

Commissioner Scott noted that a condition could be added to address and accommodate pedestrian traffic, also requiring that any accommodation such as a marked and raised crosswalk to have final design approval of the Planning Director.

**Regarding Petition 410-07-08, a request by Scott Dee for Planned Development/Conditional Use approval for more than one principal building on the property located at approximately 250 West and 600 South, Commissioner Scott made a motion to approve the request based upon the comments heard during the hearing, the analysis and findings of fact within the staff report and subject to the following conditions:**

1. The applicant shall satisfy and adhere to all the requirements as noted by the various City Departments/Divisions as listed in the staff report.
2. The applicant shall satisfy the appropriate landscape requirements for the proposed development in conformance with Chapter 21A.48 of the Salt Lake City Ordinance.
3. The applicant shall provide access from both the surrounding hotel and street for pedestrian traffic, with final design approval to be granted by the Planning Director.

**The motion was seconded by Commissioner McHugh. All voted "Aye". The motion passed unanimously.**

**Petitions 400-07-06 and 400-07-07—a request by Elizabeth Trujillo and Jeanette Trujillo to amend the West Salt Lake Community Master Plan and Zoning Map for properties located at approximately 376 South 900 West, 366 South, 900 West, 364 South 900 West, 362 South 900 West, and 360 South 900 West. The Master Plan Amendment proposes changing the future land use map from low density residential to medium density mixed use for the subject properties. The Zoning Map Amendment proposes rezoning the subject properties from RMF-35 Moderate Density Multi-Family Residential District to RMU-45 Residential/Mixed Use District.**  
*(This item was heard at 7:29 p.m.)*

Chairperson McDonough recognized Michael Maloy as Staff Representative.

Mr. Maloy reviewed the Master Plan Amendment Request. Mr. Maloy noted that the applicants went under contract to purchase the Tongan Church and turn the property into a Salon and possibly a Beauty School in the future. Mr. Maloy noted that the use was not allowed according to the current Zoning Map.

Mr. Maloy stated that the proposal received one comment in opposition to the proposal and that there was some concern regarding adjacent property values.

Chairperson McDonough invited the applicants forward to speak to the petition.

Elizabeth and Jeanette Trujillo, the applicants were present. Ms. Trujillo stated that they had nothing to add to the staff report.

Commissioner Woodhead noted that on the North side of the subject property there was an area of landscaping and inquired of the applicants if they intended to keep that intact.

Ms. Trujillo indicated that they would be maintaining the landscaping.

Chairperson McDonough opened the public hearing at 7:36 to Community Council representatives and the public.

There were no Community Council Representatives or members of the public present to speak to the petition.

Chairperson McDonough noted that there were no further questions from the Commission either.

**Regarding petitions 400-07-06 and 400-07-07, a request to amend the West Salt Lake Community Master Plan and Zoning Map for properties located at approximately 376 South 900 West, 366 South, 900 West, 364 South 900 West, 362 South 900 West, and 360 South 900 West, Commissioner DeLay made a motion based upon the findings of facts listed in the staff report and testimony heard this evening, to forward a positive recommendation to the City Council, subject to the following findings as listed in the staff report:**

400-07-07 (Master Plan Amendment):

1. The proposal does not detract from the single-family character of adjacent low-density residential neighborhoods.
2. The proposal does not frustrate the strategies identified for low density single-family residential neighborhoods identified within the 1995 West Salt Lake Community Master Plan.
3. The proposal encourages neighborhood commercial development as identified within the 1995 West Salt Lake Community Master Plan.
4. The proposal is consistent with the March 2006 draft of the West Salt Lake Community Master Plan which was recommended by the Planning Commission to the City Council for adoption.

400-07-06 (Zoning Map Amendment):

1. The proposed amendment is consistent with the purposes, goals, objectives and policies of the proposed West Salt Lake Community Master Plan amendment.
2. The proposed amendment is harmonious with the overall character of the existing development in the immediate vicinity of the subject property.
3. The proposed amendment does not adversely affect adjacent properties.

**Commissioner McHugh seconded the motion. All others voted "Aye". The motion passed unanimously.**

**Petitions 410-07-10—a request by Steven Lowe to construct a 378 square foot accessory structure as an accessory use on an accessory lot located at approximately 324 A Street. The property is zoned SR-1A Special Development Pattern Residential District.**  
*(This item was heard at 7:38 p.m.)*

Chairperson McDonough recognized Michael Maloy as Staff representative.

Mr. Maloy reviewed the request and noted that there were some issues unique to the request. Mr. Maloy stated that there was a slight change in the site plan based upon some initial staff review after the application had been submitted. Mr. Maloy noted that these changes were slight and involved the size of the covered portion of the structure, stating that the structure could more

closely be defined under the ordinance as a patio rather than a cabana. Mr. Maloy also noted that the original site plan indicated a smaller second structure, a tool shed, which was no longer included in this request and should be removed from the site plan altogether in the future.

Mr. Maloy noted that there was a fair amount of discussion regarding this petition during a meeting with the Greater Avenues Community Council. He stated that most of the comments were concerned with the demolition of the existing home. Mr. Maloy noted that the demolition process was part of a separate review process within the City; it had already been approved by the Housing Advisory and Appeals Board (HAAB) and was not part of the petition before the Planning Commission. He stated that the issue before the Commission was that of an accessory use on an accessory lot.

Steven Lowe, the applicant, was invited forward to comment.

Mr. Lowe noted that he approved of the staff report and applauded Michael Maloy for his efforts. Mr. Lowe stated that the request would add some open space to the block, alleviate parking issues, and the proposal was intended to improve the entire block face, giving it a sense of symmetry.

Chairperson McDonough opened the public hearing to Community Council representatives and the public at 7:44 p.m.

Shane Carlson, representative of the Greater Avenues Community Council (GACC), spoke in opposition to the request.

Mr. Carlson asked that any individual concerned with his primary arguments regarding this petition reference the minutes, and particularly his comments, from a previous petition heard on this date, 410-07-12.

Mr. Carlson noted that his primary concern regarding this petition dealt once again with creating a precedent. Mr. Carlson stated that this use was not permitted in this title, as the definitions of an accessory use and an accessory structure were clearly discussing two different things.

Mr. Carlson gave a package of information to the Commission addressing some of these issues. (A copy of this packet can be obtained by viewing the file for this meeting.) Mr. Carlson noted his concern that Salt Lake City Planning Staff was interpreting the ordinance in the absolute, most positive light for the applicant and found this indefensible.

Mr. Carlson noted that the GACC Board had been in discussion regarding the project and had sought legal advice. He stated that the legal advice they had received was absolutely contrary to the legal advice the Commission had been given and that the GACC was prepared to move forward with legal action in order to ensure that the correct interpretation of the ordinance occurred.

Mr. Carlson stated that the requested action for the petition was approval of an accessory structure which Mr. Carlson said was expressly not allowed. He also stated that the Commission had before them portions of the Avenues Master Plan, and that every portion there was centered upon the preservation of buildings.

Mr. Carlson stated that the home was in a Historic District and that there was no mention made by Planning Staff to the applicant of tax credits or any alternate incentives.

Commissioner Scott noted that the immediate neighbors were all in support of the petition and inquired of Mr. Carlson why then the Community Council was in opposition and how to account for the difference.

Mr. Carlson stated that oftentimes an applicant may be well liked by their neighbor and in this particular case the neighbors simply may have liked the idea of having more room. Mr. Carlson stated that the Avenues were not a neighborhood characterized by more room, but rather characterized by several homes in close proximity with one another.

Commissioner Scott also noted that in the materials that Mr. Carlson had given to the Commission, particularly Section 21A.40.052 of the Salt Lake City Ordinance regarding accessory uses, Section 21A.40.052 A stated:

- A. The accessory use is located on an accessory lot adjoining the principal residence and shall function and be regulated as an accessory structure and use.

Commissioner Scott then inquired of Mr. Carlson how he could interpret this proposed use then, as illegal.

Mr. Carlson noted that if the Commission were to look at the definition of an accessory use that there was no mention whatsoever within the use definition of an accessory building.

Commissioner De Lay stated that it seemed the GACC was always in favor of preservation.

Mr. Carlson noted that this was not necessarily true and noted the example of 675 Eighth Avenue, which was a 900 square foot building and all of the neighbors were in favor of its demolition, and that there were other structures within the Avenues that were beyond rehabilitation.

Commissioner De Lay then wondered what the GACC's concern was if the immediate neighbors approved of the request.

Mr. Carlson noted that yes, the immediate surrounding neighbors may have been in support of the request, however, the Community at large was very concerned about the request.

Commissioner Chambless noted his concerns that Mr. Carlson seemed to be making sweeping generalizations in assuming to speak for everyone.

Mr. Carlson stated that he felt there were a significant number of people concerned, and as far as the GACC Board was involved, about 17 out of 20 members were opposed.

Commissioner Chambless noted that Mr. Carlson had mentioned the Board of Adjustments earlier in the evening and stated that on the Board of Adjustments, requests were handled on a case by case basis and on occasion the Board would be criticized by individuals such as Mr. Carlson who would make the assertion that the Board was opposed to any development at all, and then the Board would be criticized on another occasion to the opposite extent. Commissioner Chambless suggested that Mr. Carlson took his arguments on a case by case basis and apply the relative sections of the ordinance rather than making sweeping generalizations and undercutting his persuasiveness with the Commission.

Mr. Carlson stated that in August of 2006, the GACC was present for a Planning Commission meeting in support of 1455 E. Perry Avenue, against the neighbors who were clearly in opposition to the request. Mr. Carlson noted that this was because it was his right under the ordinance to develop the property. Mr. Carlson noted that Mr. Lowe's case was of concern to the GACC because of its perceived historic value.

Chairperson McDonough noted that there certainly were some Ordinance issues which required review in this matter, and felt that Mr. Carlson should try and meet with Planning Staff ahead of time, and not give this issue to the Planning Commission right at the moment of the hearing. Chairperson McDonough stated that this caused the Commission to divert focus from the matter

at hand, because it could have been a conversation which Mr. Carlson could have had with Staff prior to the meeting and Staff could have responded appropriately.

Mr. Carlson noted that he had not had time to approach Staff previously with this issue, and that while it was apparent through emails and discussion that the GACC Board was concerned; there had not been any official vote or recordation of the matter.

Chairperson McDonough noted that there were no other members of the public present to speak regarding the petition.

Chairperson McDonough invited the applicant back to the table to comment at 8:01 p.m.

Mr. Lowe stated that he was very well aware of what tax incentives and benefits existed to rehabilitate a structure, noting that he used many such incentives to remodel his own home. Mr. Lowe noted that the home at 324 'A' Street was uninhabitable, with a rotted out kitchen floor and nothing up to code, including the plumbing or electrical systems. Mr. Lowe stated that he felt the purchase of the lot to be a defensive one. Mr. Lowe invited anyone interested in the state of the property to come and visit it, noting that he did originally look at the prospect of rehabilitating the home but found the cost to be about two and a half times the purchase price of the property. Mr. Lowe noted that his wish was to gain some green space, and create a structure which would benefit the entire neighborhood.

Mr. Wheelwright noted that the structure in question was not in a City Historic District, but adjacent to the district boundary, the South property line being on the boundary itself.

Mr. Carlson noted that it was in a federal historic district.

Chairperson McDonough noted that tax incentives would apply in that case.

Mr. Wheelwright stated that only the City's Historic Districts had demolition conditions and regulations.

Mr. Pace asked that the Commission decide if this was an accessory use and then to grant or deny the request.

Commissioner De Lay noted that as a property owner, she felt that the applicant had the right to develop his property as he saw fit within the bounds of the ordinance. Commissioner De Lay also stated that sometimes the federal tax incentives were a wonderful program and sometimes not. She noted that none of the neighbors seemed to have an issue with the request, and stated that she had no problem with the request either.

Commissioner De Lay stated that the issue which the Commission seemed to be struggling with was that of the accessory structure and accessory use definitions. She stated that the best avenue for any Ordinance issues the public might have would be to start with the Community Council and then move on to meetings with the proper officials and so forth, rather than attacking it at a Commission meeting.

Commissioner De Lay noted her concern that people interested in the preservation of these historic buildings should look into creating a conservancy, in order to purchase some of these properties which might be in danger of demolition.

Michael Maloy noted that the handout which Mr. Carlson gave to the Commission included the first paragraph of the Land Use section of the Avenues Master Plan. Mr. Maloy stated that this was applicable, however; the discussion of this petition began by noting that the demolition of the home had already been decided by HAAB, the petition before the Commission had been reviewed as if the home were never there and the applicant would have every right to continue

with the demolition of the property, even if this petition was denied. Mr. Maloy noted that Staff would rather see some sort of structure in place that maintains the rhythm of the street, and arguably, Planning Staff would state that this was an interim land use and the lot would probably be redeveloped eventually as a single family home.

**Regarding Petition 410-07-10, a request to construct a 378 square foot accessory use on an accessory lot located at approximately 324 A Street, Commissioner Algarin made a motion to approve the Conditional Use based on recommendations by staff and the discussion and information received during the public hearing, subject to the following conditions:**

1. The petition shall comply with all applicable City regulations and departmental comments contained within the Planning Commission Staff Report.
2. The accessory structure shall comply with the 14 foot maximum height requirement specified by City Ordinance.

**The motion was seconded by Commissioner Scott. All voted "Aye". The motion passed unanimously.**

**Petition 410-07-11—a request by Michael Druce for Planned Development/Conditional Use approval to extend a reduced width right-of-way for a proposed two lot residential subdivision located at approximately 1492 South 900 West and 1487 South 1000 West.**  
*(This item was heard at 8:11 p.m.)*

Chairperson McDonough recognized Michael Maloy as staff representative.

Mr. Maloy reviewed the request and noted that the only purpose of the application was to extend a reduced width right-of-way for a proposed two-lot subdivision, which was not a part of the applicant's original request. Mr. Maloy stated that the approval would be conditioned upon the extension of the right-of-way to the North boundary of the property, to include the creation of a hammerhead or turn around for fire safety access. Mr. Maloy noted that this extension would be fully improved and because of that improvement, the fire department would require the additional turn-around, which could be achieved through a hammerhead, modified hammerhead or the hammerhead itself could be achieved on an easement which could expire if the road were to extend northward with an additional point of egress out of the subdivision.

Chairperson McDonough invited the applicant forward to speak.

Michael Druce, the applicant, noted that he would like the Planning Commission to reconsider Condition number three as listed in the Staff Report, which required the turnaround, and amend it to the compromise that the road would be developed to the limit currently indicated and the applicant would still install all utilities to the north but not pave the full road with a turnaround itself, only the first 150 feet of that road.

Chairperson McDonough noted that this would mean the inclusion of the easement and everything subsurface, but that the applicant would only complete curb, gutter and asphalt for the portion indicated in the drawing, before a turnaround was required.

Commissioner Algarin inquired if this option had already been proposed to Staff.

Mr. Druce noted that it had and that the Staff position held that it was good planning to prepare for development to the north of the subject property. Mr. Druce noted that he agreed with this, however, extending that right-of-way to the northern boundary created a fire hazard, and it seemed silly to the applicant to have to create the turnaround.



Mr. Wheelwright noted that the Fire Department Development Reviewer absolutely insisted that this development would require a turn around, and that it was necessary for the developer extend the road to the property line, therefore it wasn't an option up for discussion, it was a requirement.

Mr. Wheelwright stated that the zoning ordinance didn't require that the applicant extend utilities and streets to property lines, but that the City's site development regulations, Title 18.28, specifically stated that every developer of the subdivision would extend streets and utilities through their property line so that the next property owner could continue development in the future and extend the street.

Vice Chair Wirthlin inquired if the Planning Commission could trump the Fire Department's request.

Mr. Wheelwright noted that the request could be approved, but it would be denied everywhere else; Permits, the Fire Department and other departments would not approve of the subdivision.

Mr. Druce noted that as they had applied with their proposal for the extension it would be approved.

Commissioner Woodhead stated that it was her understanding the applicant was asking the Commission to override the ordinance as the ordinance required the extension of the road and improvements and inquired if the Commission was allowed to do this.

Mr. Wheelwright noted that, as far as he knew, the only way to override or modify the ordinance was through the Planned Development process.

Mr. Wheelwright stated that Staff had discussed with the Fire Department the combining the hammerhead with the residence driveways and possibly accepting an easement over those driveways. Mr. Wheelwright noted that the driveways might then be somewhat wider than they would otherwise be, but it would not be a 100 percent loss.

Mr. Wheelwright noted that he did not want to argue with the applicant, but they went to the Fire Department and advocated his position to not extend the right of way, and it was rejected. Mr. Wheelwright noted that the fire department was looking at the project as black and white, and the Planning Department was looking at it as the extension and dedication as required by the site development regulations.

Chairperson McDonough requested clarification from staff regarding why it would not be feasible for the asphalt to be extended at a later date in time.

Mr. Wheelwright noted that leaving the road undeveloped would leave the question of who pays for it unanswered; it would remain unresolved who would pay for the curb, gutter, sidewalk, the park strip improvements and asphalt to the north of this property.

Chairperson McDonough noted that the financial obligation could be attached to the deed of the current property owner.

Vice Chairperson Wirthlin noted that this possibility did not seem practical as it could burden a future property owner with phenomenal costs for the installation of these requirements, and he felt it was the duty of the Planning Department to attempt to get the developer to carry such costs.

Mr. Druce noted that the developers were willing to bear those costs, however, would like to install the utilities, and keep as much asphalt as possible off of the lots to the north.

Chairperson McDonough opened the public hearing portion to Community Council and residents at 8:33 p.m.

James Wayman, 1484 South 1000 West, was present to speak in opposition of the request. Mr. Wayman noted that this neighborhood had been family-oriented for a long time and there was already quite a wide range of uses within the neighborhood, but that the proposed use would be against the general character of the neighborhood as it would divide the lots into even smaller parcels than normal.

Commissioner De Lay noted that the area was part of a very historic neighborhood and that she felt it would unfortunately be one of the most developed neighborhoods in the future based upon its projected proximity to the Transportation Department's Intermodal Hub and current proximity to the Salt Lake City Peace Gardens.

Lorraine Wayman, 1484 South 1000 West, was present to speak in opposition to the request. Mrs. Wayman noted that she didn't feel the back yards of the current lots were underutilized as suggested by Mr. Maloy in the staff report, but felt that the lots should stay the size they currently were.

Nephi Wayman, 1450 South 1000 West, was present to speak in opposition to the request. Mr. Wayman noted his concern that it would be extremely difficult to turn around a right-hand truck on any narrow street such as the proposed extension of this street. Mr. Wayman also felt that the subdivision of lots such as these was contributing to the destruction of the last vestiges of farmable land within the Salt Lake City community.

Chairperson McDonough thanked the public for their comments and stated that it seemed the public, while making very compelling arguments, was speaking more about a desired zoning change for the area regarding lot sizes and not about the request before the Commission at this time, which was to extend the public right-of-way.

Jim Webster, former Chair of the Yalecrest Community Council, noted that he felt the applicant had a very prudent proposal.

Chairperson McDonough closed the public hearing at 8:50 p.m. and invited the applicant forward to respond.

Mr. Druce thanked the Waymans for their comments and noted that the request was not of a transitory offering and would bring families to stay in the neighborhood on lots around 1/3 of an acre in size. He also noted that the lot located on 900 West had been used as a dump for other people's debris in the past and felt that the future subdivision proposal would be an improvement over this. Mr. Druce stated that he attended the Glendale Community Council meeting and the response seemed to be very favorable.

Commissioner Scott noted that she was an open space advocate but that the proposal before the Commission was to approve the extension of a reduced right-of-way, and that now was the time to alleviate the need to put in major amounts of asphalt.

Commissioner Scott put a motion on the table to approve the requested Planned Development/Conditional Use approval to extend the reduced width right-of-way.

Discussion of the Motion:

Chairperson McDonough wished to make a suggestion that the material overlap at the top of the hammerhead and that it be concrete rather than asphalt.

Mr. Maloy noted that he would agree with the choice of material, however, was concerned that the applicant have the chance to respond to that standard or option.

Chairperson McDonough noted that the Commission was able to require such materials or conditions and requested of Mr. Druce if he would be willing to use concrete.

Mr. Druce noted that the 'T' option for a turnaround would require that the houses be set back on the lots, 60 feet from the center of the road on each side, and the requirement would not conform well to the aesthetic of the neighborhood. Mr. Druce stated that he also felt that concrete would be a huge financial burden for a two lot subdivision when so much paving would be required.

Chairperson McDonough withdrew her amendment.

Commissioner Scott noted that you wouldn't want a fire engine trapped in a neighborhood where there was no easy way of turning around.

Commissioner Woodhead noted that the City made a policy decision that developers would be required to finish streets to the edge of the property and that she hadn't heard anything that indicated the Commission needed to override that policy, and it would be safer for the residents who lived in that development and it would also be in the interest of the neighborhood to have the street finished. Commissioner Woodhead suggested that when the Commission returned to the motion, perhaps an additional condition could be added; that the design and materials of the turnaround be approved by the Planning Director.

Vice Chairperson Wirthlin noted his concern that it would be inevitable that the homes have to meet the 60 foot setback as indicated previously by Mr. Druce.

Mr. Maloy noted that a side-loading garage could be incorporated or a detached garage with a widened driveway could be incorporated to lessen the length requirement for the turnaround, however, the applicant's difficulty was that a floor plan had already been chosen, modeled to some extent, and incorporated into the subdivision cost, and therefore, the developer would have to find a new design solution.

**Regarding Petition 410-07-11, a request Planned Development/Conditional Use approval to extend a reduced width right-of-way for a proposed two lot residential subdivision located at approximately 1492 South 900 West and 1487 South 1000 West, Commissioner Scott made a motion to approve the Planned Development/Conditional Use based upon the findings noted within the staff report and subject to the following conditions:**

1. Applicant shall amend associated subdivision engineering plans to extend construction of the public street (i.e. Cannon Oaks Place) and required utilities to the northern most property lines.
2. Approval of planned development application shall be contingent upon compliance with all applicable departmental comments and development policies included within the staff report.
3. Planned development shall contain an emergency vehicle turnaround that is compliant with City development regulations and policies.
4. Applicant shall include sidewalk along the east side of the proposed road extension, consistent with adjacent planned development (i.e. Cannon Place Subdivision).
5. Street lighting shall be consistent with decorative light poles and fixtures installed within adjacent planned development (i.e. Cannon Place Subdivision).

6. Planned development approval shall be contingent upon recordation of a subdivision plat compliant with all applicable City Ordinances and approved by the City.
7. The design and materials of the turnaround shall be approved by the Planning Director.

**Commissioner Woodhead seconded the motion. All voted "Aye". The motion passed unanimously.**

### **ISSUES-ONLY HEARING**

**Petition 410-07-04** – a request by Trolley Square Associates, LLC, for a planned development at Trolley Square located at approximately 602 E. 500 South, in the Central City Historic District. The property is located in the CS Community Shopping District Zone. The proposed planned development includes adding multiple new buildings totaling approximately 90,000 square feet of commercial space.

*(This item was heard at 9:03 p.m.)*

Vice Chairperson Wirthlin recused himself from this item.

Chairperson McDonough recognized Nick Norris as staff representative.

Mr. Norris reviewed the Planned Development Request using a Power Point presentation, a copy of which is available in the Planning Office, filed with these minutes.

Mr. Norris stated that the Historic Landmarks Commission had preliminarily approved the relocation of several structures, pending the final approval of the Planning Commission. Mr. Norris noted that the proposal was coming before the Planning Commission because it consisted of new construction of principal buildings and additions that would increase the floor area by more than twenty-five percent, which triggered the Planned Development Process through Zoning Ordinance requirements.

Mr. Norris reviewed the site plan, noting that the development process would modify or create new vehicular access points. These additions were reviewed by Mr. Norris as well as several alternate views of the buildings as existing and proposed. Mr. Norris indicated that the applicant had also hired an arborist to assess the health of the on-site trees.

Mr. Norris stated that this item would eventually come back to the Planning Commission for approval; however, at this time the item would go back to Planning Staff to attempt to address some of the issues raised tonight as well as issues raised previously by the Historic Landmarks Commission.

Chairperson McDonough opened the floor to questions from the Commission.

Commissioner Scott requested if parking for the proposed Whole Foods structure was to be built above the structure, below, or both.

Mr. Norris indicated that the parking would be built above the store level, and the only height added would be a parapet wall to screen the vehicles from below and for safety reasons. Mr. Norris noted that the total building height was projected to be 35'.

Commissioner Chambless inquired how much open space there would be on the West side of the development.

Mr. Norris stated that the existing sidewalk and parking structure would remain the same dimensions but an existing driveway would be reclaimed. Mr. Norris noted that Staff felt that the proposed pedestrian access would contribute a much more open feel to the development.

Commissioner Chambless noted his concern about the encroaching sidewalk around two large existing trees on the West side of the development.

Mr. Norris noted that these trees have caused fairly significant damage to the sidewalks. Mr. Norris noted that one possible option in that case is to re-engineer the curve of the sidewalk at that junction to accommodate the trees and pedestrians amicably.

Commissioner Scott noted that the new pedestrian access from the below grade parking area would be a series of steps.

Mr. Norris noted that he wasn't one hundred percent positive whether it was steps or a sloped sidewalk, and stated that was a question which could be asked of the applicant.

Commissioner Scott inquired which side of the development would be the "ugly side"; the loading docks.

Mr. Norris noted that the loading area would be off of 500 South, and one of the issues raised in the HLC meeting was how to address the screening of that location, and he noted that another issue was raised in what the HLC felt were significant traffic issues at that access point.

Mr. Norris noted that the Transportation Division had reviewed the request and a submitted traffic study for the overall impacts on surrounding streets. He noted that they had acknowledged that there will be an increase of vehicular traffic; however, it is an acceptable level when incorporating some interchange upgrades on 700 East and 500 South such as protected left turns for north and south bound traffic.

Mr. Norris noted that one issue discussed with the developers and architects was the potential screening of the loading areas to minimize visual impact, perhaps by taking traditional openings and replicating those openings with roll-up doors.

Chairperson McDonough invited the applicants forward to present to the Commission.

Mark Blancarte, representative for the development, was present to give a Power Point presentation to the Commission regarding some of the feedback that they had received from various public meetings.

Mr. Blancarte noted that one of the objectives of the Trolley Square projects was to create a walkable development, enlivening the site in a number of ways.

Mr. Blancarte noted that one of the propositions for screening the loading area was a 75' long screen wall, and the only view into the area would be when heading east on 500 South.

Chairperson McDonough inquired how tall the proposed wall would be.

Mr. Blancarte indicated that it would be approximately 26' in height.

Commissioner De Lay noted the sky bridge and asked the applicant if it was there intention to keep it.

Mr. Blancarte noted that the sky bridge would stay, although it would be cleaned up.

Commissioner Chambless inquired why the sky bridge would be saved.

Mr. Blancarte stated that the sky bridge provided pedestrians safe passage over 600 South as well as access to the parcel to the south where patrons parked.

Commissioner De Lay noted that the sky bridge at Trolley Square was also a historic structure.

Mr. Blancarte said that one of the first things he was confronted by when approaching the Trolley Square development was the above ground parking structure, which was one of the items that they wished to address. Mr. Blancarte noted that they proposed to address this by recreating those parking spaces underground and introducing structures above ground that would compliment the architectural character of the existing site and provide better pedestrian access points to promote walkability.

Mr. Blancarte reviewed a potential scenario for a pedestrian entrance on the northwest corner of the site as well as a screening scenario for the Whole Foods parking structure.

Chairperson McDonough opened up the floor to public comment at 9:43 p.m.

Luke Garrott, 634 South 500 East, was present to speak in opposition to the development. Mr. Garrott noted that significant views of historic buildings would be compromised and the value of the site degraded, especially by the amount of parking required by the applicant, 900 spaces as opposed to 600 required by the City.

Norris noted that two stalls per 1,000 sq ft. of retail space was the minimum Ordinance requirement and the square footage footprint would be approximately 320,000 sq ft., indicating that the development would require around 640 parking stalls.

Commissioner Chambless inquired of Mr. Garrott what he would believe to be the correct number of stalls.

Mr. Garrott stated that he was not an engineer but that the proposed overabundance of spaces was a drawback to what had been intended in the Master Plan for the Central City Community.

Commissioner McHugh noted that Trolley Square was a regional draw.

Cindy Cromer, 816 East 100 South, noted that there was a significant focus on residential development as a portion of the development and thanked the developers for that. She also thanked the developers for their rapid responses to suggestions from the public and for hiring an arborist instead of simply deferring to the Urban Forester. Ms. Cromer noted that she owns three structures on 600 South between these structures.

Ms. Cromer noted that the development had to be reviewed under the Planned Unit Development Process which put a significant duty upon the Planning Commission, noting that this process for review was outlined in title 21A.54.150, through eight specific objectives.

Jim Webster, 933 Military Drive, wished to note his concern regarding the parking. Mr. Webster stated that in order to better understand the parking needs for Trolley Square the applicant might wish to do a parking study of Foothill Village, where there was a seeming overabundance of spaces. Mr. Webster also expressed concern that the development's architectural renderings seemed to indicate that the Whole Foods structure would look like a warehouse and suggested that the architect incorporate more of the parapet elements of the primary historic buildings into their design.

John Fife, 159 North Broadway, #606, noted that he felt the Achilles heel with this development would be in the service loading area which would create trucks turning into pedestrian traffic as well as an undesirable increase in vehicular traffic.

Chairperson McDonough asked for summation from Mr. Blancarte.

Mr. Blancarte noted that Trolley Square will try and incorporate many modes of mass transit including pedestrians, motorists, commuters, bicyclists. Mr. Blancarte stated that the applicant felt they had a comprehensive parking plan with a total of 600 spaces on site. Mr. Blancarte noted that the intention for the current parking lot to the south of Trolley Square was to create residential units.

Commissioner Scott noted her interest in why there could not be more underground parking.

Mr. Blancarte indicated that there were water and contaminant issues, as well as the cost perspective and the other challenge was shoring. Mr. Blancarte noted that in digging, they would come perilously close to the existing historical structures.

Commissioner Scott stated that she felt the parapet motif of the roofline was a Trolley Square signature.

Mr. Blancarte stated that originally they had a drawing that imitated that line, and it was stated that the style was completely disrespectful to the historical nature of the buildings, which is why other design concepts were proposed.

Chairperson McDonough suggested that the meeting stop until further information was available regarding the site plan.

Mr. Norris noted that the process would probably continue along the lines of the Planned Development issues first, in terms of approving the site plan, and if they were approved, then the development would move on to the HLC for approval of the design of the structures.

Chairperson McDonough noted that this seemed sound.

### **UNFINISHED BUSINESS**

There was no further business.

The meeting adjourned at 10:09 p.m.

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Cecily Zuck, Senior Secretary