

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, April 23, 2008**

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

Present from the Planning Division were; Ray McCandless, Senior Planner; Nick Norris, Principal Planner; Michael Maloy, Principal Planner, Doug Dansie, Senior Planner, Marilynn Lewis, Principal Planner, and Tami Hansen, Planning Commission Secretary. Paul Nielson, City Land Use Attorney; Mary De La Mare-Schaefer, Acting Director of Community and Economic Development; and Esther Hunter, Deputy Advisor to the Mayor were also present.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Wirthlin called the meeting to order at 5:44 p.m. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were: Matthew Wirthlin, Frank Algarin, Kathy Scott, and Mary Woodhead. Salt Lake City Staff present were: Nick Norris, Michael Maloy, Marilynn Lewis and Joel Paterson.

APPROVAL OF MINUTES from Wednesday, April 9, 2008.

(This item was heard at 5:45 p.m.)

Commissioner Algarin made a motion to approve the April 9, 2008 minutes with noted changes. Commissioner McHugh seconded the motion. All in favor voted, "Aye", the motion passed unanimously.

REPORT OF THE CHAIR AND VICE CHAIR

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

Chair Wirthlin reported that he and Vice Chair Woodhead had met with the City Council Chair Jill Remington-Love and Vice Chair Carlton Christensen, and noted that again, on behalf of the City Council members, they expressed their thanks for the work the Planning Commission put into the City Creek Center development and skybridge.

He noted that he and Vice Chair Woodhead discussed concerns in regards to the Planning Department staff morale and new processes and noted that City Council members shared those concerns. They also discussed some issues concerning the CityGate audit and both parties concurred that they were appreciative of the planning staff's hard work and efforts, and recognized the current difficult circumstances. Chair Wirthlin stated that he and Vice Chair Woodhead requested additional funding for the Planning Department and the need to fill positions, as well as a request for regular training funding for the Commission members.

He noted that there was also a discussion about the City Council members receiving a lot of input on payday lending, and the Commission should expect to see these issues come before them in the near future.

Chair Wirthlin noted that Lyn Creswell, Chief Administrative Officer; and Mary De La Mare-Schaefer, Acting Community Development Director held a meeting and asked him and Vice Chair Woodhead to be part of the hiring search committee for the new Planning Director, and inquired if the Commissioners knew of any great candidates.

Commissioner De Lay inquired if the City Council had approved funding for the "Buzz Center".

Chair Wirthlin stated that it had been funded.

Vice Chair Woodhead stated that part of the reason for the accelerated search for the Planning Director was because Mayor Becker had received comments from the public stating their concerns that staff morale was low and there is a need to get the new processes and planners in place as soon as possible, and the Planning Department needs to be fully functioning as soon as possible.

She noted that the Historic Landmarks C.A.M.P. training she attended on April 17 was useful and well attended.

Commissioner Scott clarified that C.A.M.P. stood for Commissioner Assistance and Mentoring Program, and wondered if they had programs that could be easily implemented into the dinner sessions before the meeting.

Vice Chair Woodhead stated that for the two hours that she attended she felt that the material was already similar to what staff presented at the dinner sessions.

REPORT OF THE DIRECTOR

(This item was heard at 5:54 p.m.)

Mrs. De La Mare-Schaefer stated that the Transition Team had committed to two months of transition in the Planning Department and now it looked as if it would take an additional few months to organize the new processes in the department. She noted that she and Ms. Hunter had discussed ways to support the Planning Division and move forward, and noted that it was decided that Joel Paterson would function as the Acting Assistant Planning Director, as well as other members of staff agreeing to step up into acting positions in the Planning Department. She also noted that she was pleased with the City Council's decision to fund the "Buzz Center".

Mr. Paterson stated that there were a few items that he would like to discuss with the Commission. He noted that many of the petitions for utility boxes were routinely approved through an administrative conditional use process, and staff had started to explore adding some design standards to the zoning ordinance, which if met would allow these utility boxes to become permitted uses and would be able to be permitted over the counter. He noted this would require new design guidelines, which would designate placement and screening, and some additional standards that would be compatible with historic districts; however, this would allow these types of petitions to be dealt with in a more succinct manner.

Mr. Paterson noted that in the past there were some fairly routine and uncontested items that had come before the Planning Commission, which could be listed on a consent agenda and would allow any members of the public who would like to discuss these items to request that an item be pulled off the consent agenda and discussed. He noted instead of taking time to deal with these items individually, they could be combined as one item and dealt with in a more efficient manner, and staff would be working with the attorney's office to understand the parameters of using this technique.

Vice Chair Woodhead inquired if these issues would include those that had been going to the administrative hearings.

Mr. Paterson stated that it would be more of what the Commission was already hearing, which were very routine.

Commissioner De Lay stated that this was what the Commission used to do, and it was really a good thing.

Mr. Paterson stated that the Commission had asked for a list of petitions they had initiated; this has been compiled and sent to the Community and Economic Department and other administrations for review, and a final copy would be available at the next meeting.

Commissioner De Lay again requested the "Buzz Center" statistics.

Mrs. De La Mare-Schaeffer stated that the "Buzz Center" had its own database, and it would be fairly easy to retrieve that information.

Chair Wirthlin invited Ray McCandless to stand and noted that he was leaving the Planning Department staff and stated that the Commission wanted to express their gratitude for his highly qualified and professional 15 years of service with the city. He then presented him with a plaque.

Ray McCandless thanked the Commission and excused himself from the meeting.

OTHER BUSINESS

Petitions 410-761 and 490-06-04, Bouck Village Planned Development and Preliminary Subdivision Approval—a request by Monte Yedlin for a second time extension for the approval of the Bouck Village Planned Development located at approximately 1566 West 500 North in a Single Family Residential (R-1-5,000) Zoning District. The Planned Development and Preliminary Subdivision plat were originally approved by the Planning Commission on May 10, 2006. The approval date was extended by the Planning Commission to May 10, 2008. However, due to financing difficulties, the applicant is requesting that the Planning Commission extend the approval date for an additional year to May 10, 2009.

(This item was heard at 6:03 p.m.)

Vice Chair Woodhead made a motion in regards to Petitions 410-761 and 490-06-04, Bouck Village Planned Development and Preliminary Subdivision, that the Planning Commission grant the extension requested and extend the approval date for one year, until May 10, 2009.

Commissioner Chambless seconded the motion. All in favor voted, "Aye," the motion carried unanimously.

Petition 410-06-38, City Creek Center Planned Development approximately located between South Temple Street and 100 South and between West Temple Street and State Street—a discussion regarding clarification of the following condition of approval previously made by the Salt Lake City Planning Commission.

Condition 2: All public way improvements conform to Salt Lake City Standards, including paving materials, venting, public furniture, signage and tree and lighting spacing. Final design of the public way improvement shall be delegated to the Planning Director to ensure conformance with the planned development approval.

(This item was heard at 6:06 p.m.)

Chair Wirthlin recognized Doug Dansie as staff representative.

Mr. Dansie stated that in the memorandum the Commission received in their packet, on page 2, between the subtitles *Paving Patterns* and *Paving Standards*, there was an entire page that had been deleted. He noted that he brought this portion of the handout for each of them to review tonight, as well as examples of the paving pattern, which CCRI had proposed.

Mr. Dansie noted that the City had made a decision to have consistent paving pattern and design, for public right-of-ways, throughout the downtown area, along with lighting and other elements to create a specific environment. He noted that this evolved throughout the 1990s to create a sense of place and there was an adopted Standard Paving Policy in the downtown master plan. He stated that on Main Street the granite pattern was used, and everywhere else within the City an 80/20 pattern of about 80 percent concrete and 20 percent concrete paver was used, except for on South Temple Street. Mr. Dansie noted that South Temple Street and Main Street received special treatment, but the rest of downtown was consistent to this design. He noted that staff had told CCRI the City policies for paving and lighting and they needed to adjust their development to the overall policy.

Chair Wirthlin inquired of Mr. Dansie's comment about South Temple Street and Main Street getting special treatment, and noted that much of the City Creek project was located on these two streets, so what was the nature of that special treatment.

Mr. Dansie stated that Main Street had its own granite theme and South Temple Street had a reverse image theme, predominantly brick with concrete high lights and as development had moved west it had become predominately brick. He noted that the City does not want a new palate of materials and patterns, and CCRI's plans show the interior mall paving patterns coming out into the public right-of-way on 100 South at Richards and Regents Streets and then again on Main Street at the Social Hall access. He noted that the Commission needed to decide if the street paving or the plaza paving dominates.

Commissioner De Lay stated that the Commission deferred this final decision to the Planning Director.

Mr. Dansie noted that this was true, and staff had decided that the street paving was dominant and had asked CCRI to come back and to clarify, so all parties were aware of what the final decision was.

Chair Wirthlin inquired if staff was looking for a motion or just discussion.

Mr. Dansie stated that a legally adopted master plan policy, set by the City Council and administration, had been enforced for 13 years, so in part the Commission was only in a position to give advice.

Commissioner De Lay stated that she made the original motion, which passed, stating that the final design would be delegated to the Planning Director.

Mr. Nielson stated that the memorandum prepared by Mr. Paterson and Mr. Dansie does include a section of the master plan, and he stated that he would further refer to the State Land Use Development Management act entitled 10, chapter 9a, Section 406 regarding master plans, which indicated that items considered public uses, must conform to the master plan. He noted that the Commission could not approve anything that deviated from the master plan under state law.

Vice Chair Woodhead inquired if it was Mr. Nielson's position, that without amending the master plan, the Commission could not change what the standard was.

Mr. Nielson noted that was his opinion.

Commissioner Scott stated that she was under the impression that because the original motion was adopted unanimously, and condition 2 seemed pretty straightforward, that the Commission was being asked to only clarify their interpretation of condition 2, and they would be voting again to accept condition 2 as written. She noted that she was also under the impression that the Commission had specifically crafted language in the motion for the applicant to use; instead of only approving the graphics the applicant had shown the Commission.

Mr. Nielson noted this was correct, except for there were items which did not fall within the section of the Utah code previously mentioned, and it would be outside of the scope of the Planning Commission's authority to advise that something be done, which deviated from what the master plan indicated in regards to public uses.

Commissioner Scott stated that what the Commission delegated to the Planning Director was the overseeing of the details of the project.

Mr. Nielson stated that if the Commission wanted to delegate to the Planning Director the task of ensuring conformance with the city policies, the master plan, and the ordinances that could be done.

Commissioners McHugh and Scott stated that this was what the Commission did, and how Condition 2 should be interpreted.

Vice Chair Woodhead clarified that it did not matter what the motion said, the reality was that the Commission cannot change the paving, unless they amended the master plan.

Mr. Nielson stated that he understood that what Commissioner Scott was pointing out was that condition 2 was intended to have the Planning Director make sure that the design features conformed to the policies of the City.

Commissioner Scott agreed.

Commissioner McHugh stated that this was exactly what Condition 2 stated, and she did not know if there was much more the Commission could add.

Chair Wirthlin invited the applicant forward to clarify.

Commissioner Scott stated that the Commission did see some visuals that night, which was precisely why the motion was so specific, because the Commission understood they were not adopting visuals, but adopting the written word.

Commission De Lay stated that she did not feel that the Commission was confused about the meaning of Condition 2.

Bruce Heckman (Taubman Company), Bill Williams (CCRI), Allan Sullivan (Snell & Wilmer), and Ron Locke (Taubman Company) introduced themselves.

Mr. Sullivan noted that CCRI was confused regarding the paving plan, as it extended into the public right-of-way, which CCRI felt was not only approved, but integral to many of the objectives that the Planning Commission insisted be achieved. He explained that the plans were relooked at since the beginning of the series of presentations from 2006-2007, and from January 2007 forward, every set of plans shown to the Commission had had a distinctive paving pattern that was extended into the public right-of-way at various points around the project. He noted that this plan had evolved over time with the suggestions for landscaping and other Main Street features, and the paving plans were also elaborated through the early part of 2008, when the planned development application was approved.

Mr. Sullivan noted that after the January 9, 2008 Commission meeting, there was a special request, that was communicated through the then Planning Director George Shaw to CCRI, that they needed to do more in terms of the public space at Main Street. He noted that the Planning Director at the time had forwarded a string of emails from Commissioners that in essence stated that CCRI needed to do more to activate the Main Street central plaza area and make it more of a focal point, which was what CCRI felt they had done.

Mr. Sullivan noted that at the January 9, 2008 meeting there was a specific discussion about the paving patterns in the right-of-way. He noted that the planned development application was approved by the Planning Commission on January 23, 2008 and CCRI understood that the plans that the Commission approved had included the public right-of-way paving plan. He noted that CCRI interpreted Condition 2 to mean that the maintenance and durability of the chosen paving material would be compliant with City standards and policies, and that it did not mean that the Commission was asking that CCRI change the drawings that they had consistently show throughout the past year to conform to specific materials.

He noted that one of the problems with the City standards, as they exist in the 1995 Downtown Master Plan, was that they were so general that CCRI felt that they were not really standards at all. He noted that this downtown plan does provide guidance that paving patterns must be the same, but does not prescribe what those patterns are and therefore it was difficult to interpret in this context and even more difficult to reconcile with the objectives of activating Main Street.

Mr. Sullivan noted that CCRI also focused on Condition 3 of the Planning Commission's motion, which stated, *The Planning Director has final approval over details of the plan to ensure conformance with the planned development approval. Major changes or alterations will be returned to the Planning Commission or Planning Commission subcommittee for consideration.* He noted that CCRI assumed that planned development approval was approval of the plan that was presented, and staff never mentioned that they did not like the paving or plan, or even that it could not extend into the public right-of-way even though it had been presented this way on every drawing submitted over the period of a year.

Mr. Sullivan noted that as a legal matter, the Commission's approval of a planned development trumped the advice given in the 1995 Downtown Plan. He noted that there was a particular ordinance in the City that related to the legal effect of master plans and the downtown plan, Section 21A.02.040, which stated, *All general plans [master plans] adopted by the Planning Commission or City Council shall serve as an advisory guide for land use decisions.*

Mr. Sullivan stated that planned development approvals are a type of conditional use approval, which typically trumped specifically based ordinance requirements, which was what CCRI thought the Commission had done. He noted that the 1995 downtown plan was really nothing more than a set of preferences that were never approved by the Planning Commission or City Council and are nothing more than the preferences of the Planning staff.

Mr. Sullivan noted that another concern was the design of the project pylons, which staff was now saying could not be in the public right-of-way, but which CCRI understood the Planning Commission approved.

Mr. Locke showed the Commission a PowerPoint presentation of the drawings that had been submitted to the Commission prior to their approval. He noted that the north/south connectivity was emphasized as well as Main Street and any mid-block crossings with a specific paving pattern.

Mr. Locke noted that Commissioner Muir had suggested that CCRI find a way to draw pedestrians to the crosswalks other than just paving to guide people. He noted that CCRI had added seating areas, low hedges, and trees to aid in directional pedestrian flow and at the crosswalk City Creek Center signage would be placed to help guide pedestrians by visually emphasizing the crosswalk and foot traffic flow. He noted that sandstone materials had been looked at, as well as granite.

Commissioner De Lay stated that she remembered many comments from discussions amongst the Commissioners, that they agreed that the final design and patterns were acceptable.

Commissioner McHugh noted that the Commissioners also agreed on the outdoor pylons and the plaza as well.

Commissioner De Lay asked if there was still any confusion.

Mr. Locke stated that the pylons would be at mid-block streets to help identify the City Creek Center project.

Mr. Williams stated that the Commission wanted to see further connection from West Temple Street into the interior of the block.

Commissioner Scott noted that she understood that the Commission had no intention to change or truncate Salt Lake City standards.

Chair Wirthlin noted that he wondered why the Commission did not say it in the motion, if what they had expressed was specifically what was meant.

Commissioner Scott stated that she felt that was exactly what was said in Condition 2 of the motion, and that the Planning Commission was not a design review board.

Mr. Heckman stated that CCRI had pointed out that the majority of Main Street would follow the approved Main Street paving pattern, but in the 1995 Downtown Plan it did summarize that variations from the theme of the paving patterns could be used to highlight building entries, and detailing in the concrete paving, and may include additional paving patterns. He noted that he felt the Commission was approving the language of the motion and the graphics that CCRI had shown, he felt it was impossible to approve the plan without approving the graphics that went with it.

Commissioner Algarin stated that the city attorney had told the Commission at the beginning of this meeting that the Commission did not have the authority to approve this one way or the other, and Mr. Sullivan was saying that the Commission did. He asked for clarification on this, because even if the Commission did approve the planned development based on pictures, they did not have the authority to do so.

Vice Chair Woodhead stated that there was some flexibility in the master plan and it was advisory, except in regards to the rules of the public way.

Mr. Nielson stated that there was no court in this state that would conclude that an ordinance provision would trump a statutory provision.

Vice Chair Woodhead clarified that Mr. Nielson had read a statutory provision from the state of Utah, and requested he read it again.

Mr. Nielson read the full provision 10.9A.406, *After the legislative body has adopted a general plan no street, park, or other public way, ground, place, or, space, no publicly owned building or structure and no public utility, whether publicly or privately owned may be constructed or authorized, until and unless it conforms to the current general plan.* He concluded that there really was no flexibility and the Planning Commission did not have the authority to override the master plan, because it had been adopted by the legislative act of the City Council.

Vice Chair Woodhead stated that the Commission could override this, but only if they went through the amendment process through the City Council to have it adopted.

Mr. Sullivan noted that he had been trying to engage the City Attorneys office on this matter for a couple of weeks without success. He noted that the provisions of the downtown plan, of which staff relies, was so general and permits a variation that CCRI feels that the City Creek Center project falls within, if the objectives are met.

Vice Chair Woodhead noted she was concerned about the provision that Mr. Nielson read, because some of CCRI's graphics were not permanent, they were still working with staff and were a little mutable. She noted that the Commission was not determining particular placements of pylons or materials used, because CCRI was not even sure at the time of the final decision on these items, but that was being deferred to the Planning Director.

Commissioner Scott stated that she agreed with Vice Chair Woodhead and stated that had she thought the Planning Commission was approving the material used, there would have been more in-depth discussion on the proposed materials for the project. She stated that pedestrian safety was always a huge concern of the Commission and there was a general discussion on achieving the ultimate pedestrian safety within this project, but there was no conclusion.

Chair Wirthlin noted that the Planning Commission only approved the site plans and not the materials.

Commissioner Algarin noted that it was not that the Commission did not like CCRI's design, but it seemed that there was a problem administratively where staff was saying the requirements had not been met, and CCRI was saying they had. He noted that it seemed to make more sense to resolve this administratively through the City attorney.

Commissioner Forbis noted that the Commission was bound by state law and he did not agree that the Commission's approval would trump state statute; it may trump City ordinance and what was in the master plan, but not state law. He noted that he agreed that this was a matter for the attorney, and maybe there was a need to amend the master plan, which could be the next step.

Chair Wirthlin stated that part of the argument that was not clear, was that a planned development always overturned a master plan, so how does the state statute trump this planned development.

Commissioner Forbis stated that in regards to the public right-of-way; the Commission was not responsible for interpretations of the types of paving materials the developer would use, but a matter of what was guided by the state statute as to what was and was not allowable.

Vice Chair Woodhead stated that she felt that City staff did have some dispute as to whether or not it should be the City's or the CCRI's paving pattern. She noted that this seemed to be an issue beyond just a legal issue.

Chair Wirthlin noted that this was where the confusion seemed to be, did the Commission turn this decision over to the Planning Director, whether to have the paving pattern and pylons at all, or did the Commission turn over the approval of the general look of the project and then allow planning staff to work out the details.

Commissioner Scott stated that she understood the motion to mean that the Commission approved a paving pattern, as long as it conformed to City standards, and if there were further questions the past recordings should be reviewed.

Commissioner De Lay stated that the motion was not specific as far as materials because they had deferred those types of conversations and decisions to planning staff with the Planning Director having open conversations with the city attorney and then having the final say.

Mr. Paterson stated that the City staff, over the period of a year, had not mentioned that the paving patterns that CCRI was showing in their plans were acceptable. Staff consistently told CCRI that the City standards were required to be used. He noted that the Commission had talked about the need to anchor both sides of the crosswalks, as far as a visual cue as to their location through some type of artwork or pylon, and once staff discovered that there was signage on the pylon that read *City Creek Center* those pylons were no longer allowed by the zoning ordinance. He noted that staff had mentioned this to the applicants, and that the signage could be displayed back from the property line.

Mr. Paterson noted that the master plan language was somewhat vague, yet from that master plan the City had developed a specific paving pattern, which had been used for over thirteen years, and the applicants were consistently told that was the requirement. He noted that the Planning Commission routinely approved plans where the visuals and graphics presented were not exactly what were approved and the motions usually included conditions for this reason, resulting in a more succinct process.

Commissioner McHugh inquired if the only reason there was a problem with the pylons was because they had the words *City Creek Center* on them, and if the signage was removed they would be considered art.

Mr. Paterson noted that was correct, the pylons could be in the public way as art, but not as signage.

Commissioner Scott stated that the Planning Director should be able to give input to the applicant as far as what type of artwork was safe and acceptable.

Commissioner Chambless inquired of Mr. Paterson what the applicant's response was to staff about their guidance on paving patterns.

Mr. Paterson stated that the applicant had consistently suggested to the staff and City that it would be beneficial for them to bring their paving patterns out onto the street; however, the planning staff had consistently requested that they use the city standard.

Mr. Heckman stated that when Commissioner Scott had mentioned that the Commission had not reviewed materials, they had talked about materials a lot during the meetings. He noted that George Shaw, the past Planning Director had discussed with them the use of different materials to try to create a center court on Main Street, therefore CCRI understood, in the context of the Commissions approval, that they would be using different materials in context with the City standards.

Mr. Sullivan stated that Mr. Paterson mentioned that there was a discussion with CCRI and staff to use the City standard and not use other paving materials, but this did not register because a consistent paving pattern had been shown throughout the year of presentations and submitted plans to the Commission. He noted that he was concerned that there was a legal issue that had not been resolved and he suggested that the Commission defer their decision until that was taken care of.

Vice Chair Woodhead stated that if the legal issue was resolved and a different paving pattern was considered, it seemed that everybody agreed that even if there was discussion with staff, there was not a specific discussion before the Commission, and it might be beneficial to have a hearing about that issue.

Commissioner Forbis made a motion to table Petition 410-06-38, City Creek Center Planned Development, until a legal opinion has been given from the City attorney and staff.

Commissioner Chambless seconded the motion. All in favor voted, "Aye", the motion carried unanimously.

Chair Wirthlin called for a five minute break at 7:05 p.m.

Chair Wirthlin reconvened the meeting at 7:13 p.m.

PUBLIC HEARING

410-08-02 Classic Cleaners Conditional Use for Drive-through Stacking— a request by Bruce Tanner (the property owner) at 1845 South 700 East Street for conditional use to allow the stacking of vehicles for a drive-through for a permitted retail service use in the CN (Neighborhood Commercial) Zoning District in Sugarhouse. The site is located in Council District 7, Council Member Søren Simonsen.

(This item was heard at 7:14 p.m.)

Chair Wirthlin recognized Marilyn Lewis as staff representative.

Ms. Lewis stated that the applicant was requesting a drive-through stacking along the north façade of the existing commercial structure. She noted that the applicant had attended the Sugarhouse Community Council Land Use and Zoning Committee and an Open House was also held to provide an opportunity for public comment for the Sugarhouse and Liberty Wells communities.

Ms. Lewis noted that only one resident had contacted staff in opposition to this petition, because she did not want another drive-through in this commercial area, because it was difficult to get out of her driveway on 700 East Street (See Attachment C).

Ms. Lewis noted that the subject site had been in commercial use since 1958. The original commercial development was a gas station, and the site had had a variety of retail goods and service establishments over the last fifty (50) years including a 7-11. She noted that Classic Cleaners was located on the southeast corner of the intersection, and contained the only commercially zoned properties within little over one-half mile in this neighborhood. She noted that this business was a permitted use and the drive-through did meet all of the regulations as stated in *Section 21A.40.060 Drive-Through Service Window Regulations*. She also noted that the subject property does not abut any residential zoning districts and the Jitter Bug Coffee shop was currently the only existing Conditional Use in the commercial zone within the 1,320 foot radius of the subject site.

Chair Wirthlin opened up the public hearing portion of the petition.

Judi Short (862 East Harrison Avenue) Sugar House Community Council stated that the council reviewed this parcel and did not find any problems, and they would like it approved.

Vice Chair Woodhead stated that next to this parcel was an abutting residence next to the proposed drive-through site where cars would be idling, and she wondered if there had been any concerns from that homeowner.

Ms. Short noted she was not sure of that and maybe the applicant would know.

Mary Corpron (405 South Main Street) Chair of the Salt Lake City Business Advisory Board, stated that this business had been in the City for decades and was an asset to the community and she would like to see that the City expedite this process.

Ellen Reddick (President of Vest Pocket Business Coalition) stated that vibrant local businesses needed to be kept alive in the local neighborhoods for the benefit of the local economy, and Mr. Tanner had been tied up in the process long enough.

Vice Chair Woodhead inquired about the hardship that Ms. Corpron and Ms. Reddick had both mentioned.

Ms. Lewis noted that Mr. Tanner had to wait for the moratorium to be resolved.

Chair Wirthlin closed the public hearing portion of the petition.

Mr. Tanner stated that Classic Cleaners had been in operation for 79 years as a family business, and he had been stuck in the City processes since November 2006. He noted that the building addition was completed and ready to open and that the location on 700 East would benefit from a drive-through as a matter of convenience.

Commissioner Chambless inquired about the size of the drive-through window.

Mr. Tanner noted that it was actually a doorway, where his employees could go out and wait on the customers at their cars.

Commissioner Scott made a motion in regards to Petition 410-08-02, Classic Cleaners conditional use for drive-through stacking, based on the findings listed in the staff report, and testimony heard that the Planning Commission approves the petition based on the following conditions:

1. **A pedestrian access corridor designated from the public way on 700 East Street to the building entrance. This must be coordinated with the Transportation Division.**
2. **The site access and cueing for the drive-through will be clearly marked on the pavement and signed for the flow of traffic. This must be coordinated with the Transportation Division.**

Commissioner Alargin seconded the motion. All in favor voted, "Aye", the motion carried unanimously.

Petition 480-07-47 Redman Residences Condominium—a request by Kevin Packer, Pacific Park Investment LC, for preliminary subdivision approval for a 23 unit condominium conversion. The mixed use condominium is located approximately at 1240 East and 2100 South, which property contains 0.45 of an acre. The proposed development is in the CSHBD-1 Sugar House Business District and is in City Council District Seven.

(This item was heard at 7:25 p.m.)

Chair Wirthlin recognized Michael Maloy as staff representative.

Mr. Maloy stated that this petition was recently before the Commission for a conditional use amendment for the construction and development of a mixed-use condominium project in Sugar House. He noted that this petition dealt with the condominium portion of this project and staff was recommending approval of this project.

Chair Wirthlin opened up the public hearing portion of the petition.

Judi Short (862 East Harrison Avenue) Sugar House Community Council stated that the project had changed because the parking lot in the back was now two stories and the community council has been asking all parties involved if they were happy with the development, and so far all of them had agreed.

Chair Wirthlin closed the public hearing portion of the petition.

Commissioner De Lay made a motion regarding to Petition 480-07-47, that the Commission approve the preliminary condominium based on the following findings and conditions of approval:

Findings:

- A. **The applicable City Departments have consented to the proposed condominium subject to compliance with the attached departmental comments;**
- B. **The condominium will be in the best interest of the City; and**
- C. **All necessary provisions for construction of any required public improvements will be required pursuant to recording the proposed condominium.**

Conditions of Approval:

1. **Petition approval is subject to compliance with all departmental comments attached to the Planning Commission Staff Report published April 17, 2008, for Petition No. 480-07-47 (see Attachment B—Department Comments).**
2. **The project shall fully comply with the Utah Condominium Act of 1975 and the Condominium Approval Procedure regulation in the Salt Lake City Zoning Ordinance (Section 21A.56).**
3. **Declaration of Covenants must be approved by the Salt Lake City Attorney for compliance with Utah State and Salt Lake City Code requirements prior to recordation.**
4. **No condominium shall have final approval, or shall said units be sold, until the plat has been recorded with the Salt Lake County Recorder. Final condominium plat shall be recorded with the Salt Lake County Recorder within 18 months of preliminary approval.**
5. **Any future development activities associated with this property will require that all inadequate or absent public improvements be brought into compliance with City standards. Additionally, any future development will be subject to requirements of the zoning ordinance.**

Commissioner Forbis seconded the motion. All in favor voted, “Aye”, the motion carried unanimously.

Petition 480-08-07 One & Nine Condominiums— a request by Blake Henderson for a preliminary approval of a subdivision amendment for a 43 unit condominium development currently under construction. The residential condominium is located approximately at 88 South 900 East, which property contains 1.075 acres. The proposed development is in the RMF-45 Moderate/High Density Multi-Family Residential District and is in City Council District three

(This item was heard at 7:30p.m.)

Chair Wirthlin recognized Michael Maloy as staff representative.

Mr. Maloy noted that this was an amendment to a previously recorded subdivision plat. He noted that the developers decided that the condominiums would be better developed if interior wall lining the hallways were changed, which changed the size of the units, but that this change would not change the number of units and the legal description needed to be changed to reflect this.

Chair Wirthlin opened up the public hearing portion of the petition, there was no public to speak to this petition, and Chair Wirthlin closed the public hearing portion of the petition.

Commissioner Scott inquired about the number of bedrooms in the complex, because originally she was opposed to this petition because it was intensifying the use in the neighborhood and the parking increase.

Commissioner De Lay made a motion in regards to Petition 480-08-07 that the Commission grant preliminary approval for the proposed One & Nine Condominiums amended subdivision amendment based on the following findings and conditions of approval:

Findings:

- A. **The amendment will be in the best interests of the City;**
- B. **All lots comply with all applicable zoning standards;**
- C. **All necessary and required dedications are made;**
- D. **Provisions for the construction of any required public improvements are included;**
- E. **The amendment complies with all applicable laws and regulations; and**
- F. **The amendment does not materially injure the public or any person and there is a good cause for the amendment.**

Conditions of approval:

1. **Approval is subject to compliance with all departmental comments attached to this staff report (see Attachment D—Departmental Comments).**
2. **The project shall fully comply with the Utah Condominium Act of 1975 and the Condominium Approval Procedure regulations in the Salt Lake City Zoning Ordinance (Section 21A.56).**

3. Declaration of Covenants must be approved by the Salt Lake City Attorney for compliance with Utah State and Salt Lake City Code requirements prior to recordation.
4. Final condominium plat shall be recorded with the Salt Lake County Recorder within 18 months of preliminary approval.
5. Any future development activities associated with this property will require that all inadequate or absent public improvements be brought into compliance with City standards. Additionally, any future development will be subject to requirements of the zoning ordinance.

Commissioner Forbis seconded the motion. All in favor voted, "Aye", the motion carried unanimously.

The meeting was adjourned at 7:34 p.m.

Tami Hansen