

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, February 13, 2008**

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

Present from the Planning Division were Cheri Coffey, Deputy Planning Director; Doug Wheelwright, Deputy Planning Director; Doug Dansie, Senior Planner; Michael Maloy, Principal Planner; Katia Pace, Associate Planner; Casey Stewart, Principal Planner; and Cecily Zuck, Senior Secretary. Lynn Pace, City Attorney, was also present. George Shaw, Planning Director, was out of town on City business and excused from the meeting.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Wirthlin called the meeting to order at 5:49 p.m. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless, Peggy McDonough, Susie McHugh, Prescott Muir, Kathy Scott, and Chairperson Mathew Wirthlin. Salt Lake City Staff present were: Michael Maloy, Katia Pace, Casey Stewart and Doug Wheelwright.

WORK SESSION

(This discussion was held during dinner.)

Mr. Wheelwright discussed the general evolution of the Salt Lake City Zoning Ordinance before the 1995 Ordinance was adopted.

APPROVAL OF MINUTES from Wednesday, January 23, 2008.

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

Commissioner Forbis made a motion to approve the minutes with noted changes. Commissioner McHugh seconded the motion. All voted, "Aye". The minutes were approved.

REPORT OF THE CHAIR AND THE VICE-CHAIR

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

Chairperson Wirthlin noted that he and Vice Chairperson Woodhead would be meeting with the City Council Chair and Vice Chair on February 19 to discuss current issues. He noted that there was not yet a date scheduled for City Council to hear the City Creek Center petitions.

Chairperson Wirthlin reminded the Commission to also note that there would be a Commission retreat on February 28 at 4:00 p.m., details to be forthcoming.

REPORT OF THE DIRECTOR

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

Mr. Wheelwright noted that Mr. Shaw was away on City business in Portland and San Jose, and therefore, both he and Cheri Coffey were present to assist the Planning Commission.

Mr. Wheelwright noted that if the Commissioners had suggestions for discussion items during the retreat to please forward those to Tami Hansen, the Planning Commission Secretary, as soon as possible, and staff would comprise an agenda for the retreat with the Chair and Vice Chair of the Commission.

Mr. Wheelwright noted that the Planning Division Annual Report was not quite ready and he apologized for not being able to present it. He noted that the presentation was also on the next agenda and would be ready at the next meeting on February 27th, 2008.

Commissioner Scott noted her concern that she would not be able to attend the retreat.

Chairperson Wirthlin stated that there would be notes available from the retreat.

OTHER BUSINESS

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

The Planning Commission would consider supporting a proposed resolution of the City Council to support UTA's proposed fixed guideway transit system along the Sugar House transit corridor, located at approximately 2225 South and within City Council District Seven (Staff—George Shaw at 535-7226 or george.shaw@slcgov.com).

Chairperson Wirthlin noted that there had been a memo in the Commissioner's packet regarding this resolution for the rail spur transit corridor in Sugarhouse. He opened the floor to discussion from the Commissioners.

Commissioner Scott stated that she was interested in who had made the decision regarding the terminus of the spur at 1100 East.

Commissioner McHugh noted that the terminus was where the rail line ended.

Commissioner Forbis noted currently the 1100 East terminus was where the right of way ended and to get a right of way across 1300 East to Foothill Boulevard would be possible, but would take time and a collaborative effort by UTA and the City.

Mr. Wheelwright stated that during UTA negotiations with Pacific Rail line, UTA had purchased that spur of railway up to McClelland Avenue. He noted that beyond that terminus, it was a private right of way which had been built over and would therefore require future negotiations for expansion.

Commissioner Forbis made a motion to forward the Commission's support of the resolution to City Council. Commissioner McDonough seconded the motion. All voted, "Aye", the motion carried unanimously.

PUBLIC HEARING

Petition 400-07-24, Street closure and Declaration of Surplus Property for 4145 West Street at 700 South—a request by Log Cabin Investments, LLC. Represented by Kevin Towle, requesting **street closure** and **declaration of surplus property** in conjunction with the development of an industrial planned development on the adjoining property. The street is not paved and dead ends at the railroad tracks. The surrounding property is located in the M-1 Manufacturing zoning district, and is located in City Council District Two (Staff—Katia Pace at 535-6354 or Katia.pace@slcgov.com).

(This item was heard at 5:57 p.m.)

Chairperson Wirthlin recognized Katia Pace as staff representative.

Mrs. Pace noted that the request was for a street closure at approximately 4145 West and to declare the parcel surplus property. She stated that the street never had a formal name, and while it had been connected at one point to Central Avenue, due to street closures and the railroad right of way, it became a dead end, with traffic being relocated to 4400 West. Mrs. Pace stated that the property owner to the west was contacted regarding the potential street closure but did not respond. Mrs. Pace stated that there was no current potential to connect the street with a right of way due to the railroad right of way being raised substantially above grade.

Mrs. Pace noted that staff was recommending the Commission forward a positive recommendation to the City Council to approve the street closure, declare the property surplus, and sell to the petitioner at fair market value. She noted that there were several conditions which had been suggested by various City departments; however, she noted that these conditions dealt primarily with issues such as an avigation easement, which would be part of the Planned Development approval and could therefore be better handled as conditions of said request. She noted that the only condition of approval for the street closure was for the applicant to purchase the street prior to the recordation of the final subdivision plat.

Chairperson Wirthlin stated that he did not see conditions listed in the staff report for the street closure.

Mrs. Pace stated that the condition she had mentioned was part of the departmental comments outlined in the staff report, and therefore the Commission would not have to add them to the Planned Development request.

Chairperson Wirthlin noted that they were included in the staff report for the street closure and should therefore be included in the staff report for the Planned Development.

Mrs. Pace noted that they would have to review this with Mr. Stewart, the staff planner for the Planned Development request.

Commissioner Scott noted that when Engineering referred to the street in the staff report, they noted it as 4095 West, and wondered if this was an issue which required attention.

Mr. Wheelwright noted that when the staff report was written, they assigned the street value as 4145, but all departments were talking about the same portion of street which had never received an assigned value or name. He noted that the parcel, in recordation of the plat, would be identified by the legal description and not by the address.

Commissioner Chambless inquired if there had ever been a street or structures in that area.

Mrs. Pace noted that it was vacant and had been for some time.

Chairperson Wirthlin invited the applicant forward to speak at 6:05 p.m.

Kevin Towle, the applicant, noted that he was satisfied with the staff presentation and had nothing to add.

Chairperson Wirthlin opened the floor to comments from the Community Council and the public at 6:06 p.m.; seeing no one present to comment to the petition, he closed the public portion of the hearing and brought the item back to the Commission for discussion.

Regarding Petition 400-07-24, Commissioner Forbis made a motion to forward a positive recommendation to the City Council, based upon the findings of fact, recommendations and conditions of approval (formerly conditions 3 and 4) in the staff report;

1. Compliance with City Code 2.58 which regulates the dispensation of City-owned real property.
2. That the street be purchased by the applicant prior to the recording of phase 2 of the subdivision plat on the adjacent property at 4095 West 700 South.

Discussion of the Motion

Chairperson Wirthlin noted that the motion should be amended to remove conditions 1 and 2 from the staff report, rather including 3 and 4, reserving 1 and 2 as conditions of approval for the Planned Development.

Commissioner Forbis noted that he would accept that amendment.

Commissioner McHugh seconded the motion. Chairperson Wirthlin called for a vote. All voted, "Aye". The motion carried unanimously.

Petitions 410-07-38 and 490-07-58, Vista Industrial Planned Development and Subdivision—requests by Log Cabin Investments, LLC, represented by Kevin Towle, for preliminary planned development approval and associated preliminary subdivision approval for a proposed industrial development consisting of 28 lots, two parcels, and 28 building units located at approximately 4095 West and 700 South in the M-1 Manufacturing zoning district. The proposed lots would range in size from 7,000 to approximately 15,000 square feet and one common area parcel for parking. The planned development application is for reductions to lot size, width and landscaping requirements. The proposed development is located in City Council District Two (Staff—Casey Stewart at 535-6260 or casey.stewart@slcgov.com).

(This item was heard at 6:10 p.m.)

Chairperson Wirthlin recognized Mr. Stewart as staff representative.

Mr. Stewart noted that there were two petitions involved in the request. He stated that there was a planned development request as well as a preliminary minor subdivision plat review. He noted that the parcel was currently vacant. Mr. Stewart noted that the proposal called for the creation of twenty-eight (28) lots, each with a building unit; however, there were only 11 proposed buildings in total, which meant that the buildings would overlap lots. Mr. Stewart stated that the anticipated use was to allow space for small business owners requiring a light manufacturing use, i.e., plumbers, other types of handymen and landscapers. Mr. Stewart noted that the planned development process was required due to the lot size request, which was less than what was required in the M-1 zone, the width of the lots and landscaping requirements on the interior of the parking area. Mr. Stewart stated that the applicant's proposed parking area would accommodate up to 239 vehicles and based upon the intended uses ordinance required parking would be 232 stalls.

Mr. Stewart noted that the proposed lot width would be fifty-feet, but based upon the proposed uses, it was not anticipated that wider lots would be necessary. He stated that the landscaping ordinance required a certain area of land be used for landscaping and the applicant was proposing a reduction in the width requirement, down to three feet (3') wide and eighteen feet (18') long.

Mr. Stewart noted that there were some requirements from Building Services to address a geotechnical report and the applicant was aware of this.

Commissioner McHugh noted that there was a wetlands issue.

Chairperson Wirthlin stated that there was also an avigation easement issue.

Mr. Stewart noted that all of those concerns were addressed in the departmental comments of his staff report as well.

Mr. Stewart noted that as Commissioner McHugh had indicated, there was a designated wetlands area on this parcel in the past. He stated that the previous owners went through a process between 1995 and 2000 to mitigate the perceived impacts of a previous project proposal and purchased credits from a wetlands bank. Mr. Stewart noted that there were still some questions as to whether or not this process was actually completed, and the resolution of that issue was one of the conditions of approval noted in the staff report.

Chairperson Wirthlin invited the applicant forward to speak at 6:17 p.m.

Kevin Towle, the applicant, noted that he had started with a concept and had worked with staff to accomplish his goal for smaller businesses who would like to own their own property in order to meet their needs. Mr. Towle stated that he had tried to respond to all of the departmental comments and would continue to work towards compliance.

Chairperson Wirthlin opened the floor to public comment from the Community Councils and the public at 6:18 p.m.

Chairperson Wirthlin noted that there was no one present from the public to comment and therefore closed the hearing and opened the petition to discussion from the Commission.

Commissioner Forbis noted that this development had gone before the Planning Commission subcommittee. He stated that the subcommittee had discussed the landscaping, lighting, and wetlands trading, with the Army Corps of Engineers, and that they had felt satisfied with the project as proposed.

Regarding Petitions 410-07-38 and 490-07-58, Commissioner Forbis made a motion to approve the requests, subject to the findings of fact and conditions 1-8 as listed in the staff report:

1. This approval extends to the final development plan subject to certification by the planning director that the final development plans in conformance with the preliminary development plan approved by the Planning Commission.
2. Approval shall not be valid for a period longer than one year unless a building permit is issued and construction is diligently pursued. However, upon written request of the applicant, the one year period may be extended by the Planning Commission for such time as it shall determine for good cause shown, without further public hearing.
3. The final subdivision plat shall be recorded with the Salt Lake County Recorder.
4. Compliance with the departmental comments as outlined in the staff report.
5. The execution and recording of the Declaration of Covenants.
6. No lot or building shall have final approval, or shall said lot or building be sold, until the plat has been recorded with the Salt Lake County Recorder.
7. If after the first, second, and third phases are completed (all buildings in that phase have received final certificate of occupancy) the next phase is not started within one year then the applicant or other responsible party at the time shall install landscaping around the perimeter of that portion of the parking lot shown on the approved planned development that pertains to the most recently recorded final plat of the subdivision.
8. The applicant shall renew all required permits and approvals for filling in the designated wetlands on the property, and shall provide a copy of those to Public Utilities Department and Planning Division prior to the Planned Development approval.

Commissioner Chambless seconded the motion. All voted, "Aye". The motion carries unanimously.

Petitions 430-07-05 and 480-08-01, Urbana on 11th Condominiums—requests by Gardiner Properties, LLC, represented by John Gardiner, for conditional building and site design review approval and associated preliminary condominium approval for a proposed residential condominium project that involves construction of a new building for 31 residential condominium units and a detached accessory garage located at approximately 1988 South 1100 East in the CSHBD2 Sugar House Business District No. 2 zoning district. Conditional building and site design review is required because the proposed height of 60 feet and total floor area exceed the ordinance limits that can be approved administratively. The proposed development is located in City Council District Seven (Staff—Casey Stewart at 535-6260 or casey.stewart@slcgov.com).

(This item was heard at 6:23 p.m.)

Chairperson Wirthlin recused himself from this hearing item, noting that his law firm represented the applicant, and named Commissioner Chambless as Acting Chairperson in his stead.

Acting Chairperson Chambless recognized Mr. Pace, City Attorney.

Mr. Pace noted that he had received information from the applicant regarding Commissioner McDonough. He stated that she lived in the immediate vicinity of the project, which could be conceived as a conflict of interest.

Commissioner McDonough noted that she did live in the vicinity of the project, but did not feel that her ruling on the matter was a conflict of interest. Commissioner McDonough stated that there was no property interest on her end with this petition, and she had previously voted on the Sinclair Station Conditional Use without any conflict; a use which was situated even closer to her residence.

Acting Chairperson Chambless noted that he perceived no conflict of interest.

Mr. Pace noted that while Commissioner McDonough might not have a conflict of interest, he had received a letter from an attorney which alleged that Commissioner McDonough might have a conflict of interest. He stated that when a Commissioner is perceived to have a conflict of interest, but does not perceive that conflict themselves, disclosure of the matter is given and the Board or Commission decides whether or not that member may participate in the proceedings. Mr. Pace stated that the applicant's attorney was present if the Commission wished for him to state his reasons for believing that Commissioner McDonough had a conflict of interest.

Commissioner McHugh noted that all of the Commissioners lived within City boundaries and any one of them could be in the same position with any petition, and precluding Commissioners for their proximity to a particular project could result in the loss of a quorum.

Commissioner Forbis noted that he understood the need for a quorum; however, the applicant also had the right to procedural due process.

Acting Chairperson Chambless noted that in the past, if a Commissioner had made submission of a potential conflict before a hearing, there was no need to rule on the matter.

Commissioner McDonough noted that her property abutted an abandoned alleyway which was not contiguous to the subject property, which was the extent of her ownership.

Commissioner Muir noted that as Commissioner McDonough had disclosed any potential conflict, he had no issue with her position.

Commissioner McHugh noted that she had no issue with her position either.

Acting Chairperson Chambless stated that he also saw no problem with Commissioner McDonough voting on the matter at hand.

Mr. Pace noted that he had to declare a conflict of interest on his own part, because he had a close relationship with one of the applicants. Mr. Pace, noted that there were some legal issues which required guidance, and therefore, under the guidance of the City Attorney, Mr. Pace referenced the Zoning Code, section 21.26.060.D of the Commercial Sugarhouse Business District Zoning which contained the reference to the Conditional Building and Site Design requirements, particularly if the project exceeded particular standards, which the proposal did.

Mr. Pace also noted that the project would require compliance with section 21A.59.060, which contained the specific standards for design review. He noted that the Commission would want to refer to section 21A.26.060.D because sub paragraph I states that any new development must comply with the intent of the purpose statement of the Zoning District. Mr. Pace noted that these two sections of the Zoning Ordinance would be the legal standard for the Commission to apply to the particulars of the project. Mr. Pace noted that the project was required to have conditional site plan approval in order to proceed. He then recused himself from the remainder of the hearing.

Acting Chairperson Chambless recognized Casey Stewart as staff representative.

Mr. Stewart noted that this request consisted of two petitions; a building and site design review request and a preliminary condominium plat review. He reviewed a site plan with the Commission indicating the proposed building and parking site. He also showed a survey of the existing parking and property boundaries. He stated that the applicant understood that the owners of the Wells Fargo Building had arranged a parking agreement with the owners of Sugarhouse Commons to allow for the parking of employees. Mr. Stewart noted that the front parcel of the subject property would be covered by a building and the parking proposed for the residential units would occur in the same location, only covered in structured parking. Mr. Stewart reviewed project specifics, including unit numbers, entrances, parking, stairwells and live/work units. He noted that there were no setback requirements on the side or rear yards. He noted that the project had little to no setback on the front, east, and larger rear portion of the property.

Mr. Stewart noted that vehicle access would be obtained through a fifteen foot (15') wide old Jordan Canal access. He stated that the applicant had demonstrated his right to use the right-of-way. Mr. Stewart noted that there was some indication on the Salt Lake City Open Space Plan that the old Salt Lake Jordan Canal was identified as part of a trail system. He noted that as it was now privately owned, it would be difficult to incorporate this into part of a larger trail system.

Mr. Stewart noted that the proposal had been before the Sugarhouse Community Council twice, in May, under the applicant's own interest, and on November 7, 2007, after the application was submitted to planning staff. Mr. Stewart reviewed the Business District Design Guidelines and noted that he felt the project met a substantial number of the guidelines. He noted that staff recommended approval subject to the findings and conditions of approval listed in the staff report. Mr. Stewart noted that he would pass out comments which he had received at the beginning of the hearing to the Commission as well.

Commissioner McDonough stated that she had not seen the Business District Design Guidelines in the report.

Mr. Stewart noted that they were not all listed, but were referenced in the report. He stated that the guidelines were so numerous; it would have made the report especially lengthy, so he had addressed those guidelines which applied specifically to the proposal.

Commissioner Scott noted her concern regarding one of the renderings and wished to clarify if a particular access point was a stairway or an elevator.

Mr. Stewart noted that she should address that matter with the applicant.

Commissioner Forbis stated that the parking situation was troubling and wanted clarification. He inquired where in the Sugarhouse Commons lot Wells Fargo employees would park and in addition, when would there be additional parking on 1100 East, because the parking situation in the area was problematic. He stated that the access off of Hollywood Avenue was a very narrow access and wondered if that thoroughfare would be accessible by emergency vehicles, and voiced concern that the alleyway might be closed off at some point in the future.

Mr. Stewart stated that the alleyway was privately owned. He stated that he did not know the answer as to whether or not someone could close it.

Commissioner McHugh inquired if a specific area of Sugarhouse Commons would be allowed for Wells Fargo Employees.

Mr. Stewart noted that there was not a designated area for Wells Fargo Employees as far as he understood.

Commissioner McDonough noted that there might be conflicts with the Sugarhouse Master Plan, and inquired of Mr. Stewart if he could point any out.

Mr. Stewart noted that he did not note any direct conflicts at the time of his review.

Commissioner McDonough stated that she would like to see a list of potential conflicts on such issues in the future from staff so the Commission might weigh the issues at hand.

Commissioner McHugh noted her concern regarding the wording of the ordinance in reference to height limits.

Mr. Stewart noted that the ordinance indicated that if the development was strictly residential above the first floor it could be built to a height of sixty feet (60'). Mr. Stewart stated that there was parking and a live/work unit on the first level. He stated that this unit could be separated into two units with a work area and commercial retail space as well.

Commissioner Forbis noted his confusion regarding the ordinance's definition of the live/work space, wondering how many residents would be able to utilize the commercial space.

Mr. Stewart noted that it would be one resident if sold as one unit and two if sold as two.

Acting Chairperson Chambless invited the applicant forward to speak at 6:57 p.m.

John and Robert Gardiner, the applicants were present, as well as Alan Roberts, the project architect from Cooper, Roberts, Simonsen. Mr. John Gardiner reviewed the proposal for the Commission. He noted that his real estate development company was located at 1073 East 2100 South, and owned the property at 1988 South 1100 East. He stated that they believed in the future of the Sugarhouse Business District and wanted to be a permanent part of the area, as well as bring urban living to the area in a tasteful, affordable and compatible way with local life. He reviewed the site plan for the project. He indicated that sixty-eight percent of the units would have a price of \$225,000. Mr. Gardiner noted that while the proposed building was sixty feet (60') the proposed garages were only seventeen feet (17') tall.

Mr. Gardiner noted that automobile access to the project would be off of Hollywood Avenue. He stated that the parking would actually be reduced from its current 35 stalls to a total of 31. Mr. Gardiner stated that the condominium owners would likely be very public transit oriented individuals. He noted that his first potential buyer had indicated that the three things she appreciated most about the project were its proximity to the heart of Sugarhouse and walkability; its proximity to public transit stops and to the Sprague Library. Mr. Gardiner noted that the Salt Lake City Transportation Department found that the project would cause no undue change to traffic. He stated that the Sugarhouse Master Plan called for high-density housing and felt that the project would provide this need. Mr. Gardiner added that they had received significant feedback from the local community. He noted that they made design changes to the project in response to their first meeting with the Sugarhouse Community Council, particularly in the addition of work/live space. Mr. Gardiner then read into the record letters of support for the project.

Mr. Roberts reviewed project schematics and proposed materials. He noted that there had been a question regarding the height of the building. He stated that the roof would be at fifty feet (50') and the peaks of the gables would be less than sixty feet (60') and therefore the building would only reach sixty feet at the three gable peaks. Mr. Roberts addressed concerns regarding the location of the proposed stairway and elevator, as well as the proposal for each floor, side elevations and the parking garage.

Acting Chairperson Chambless opened the floor to questions for the applicant from the Commissioners at 7:17 p.m.

Commissioner Scott inquired how far the building would be set back on the south side.

Mr. Roberts noted that the building was six feet (6') away from the closest building.

Commissioner Muir noted that section 21A.59.060.G indicated that dumpsters must be sufficiently screened.

Mr. Roberts noted that the dumpster would be screened by an eight or nine foot wall as indicated in the proposal.

Commissioner Muir inquired why the applicant did not push the satellite parking as far back to the west as possible.

Mr. Roberts noted that there was a requirement for a seven foot landscape buffer.

Commissioner Muir stated that if that were waived they could move that.

Mr. Roberts noted that they would prefer it that way.

Acting Chairperson Chambless opened the floor to the Sugarhouse Community Council at 7:20 p.m.

Grace Sperry, Chairperson of the Sugarhouse Community Council, noted that a letter from Emil Kmet included in the staff report voiced concern, noting that he felt the Jordan Canal and the McClelland Trail was an important part of the Open Space Trail Plan. She stated that many people used the alley as pedestrian access. She also noted that they had to review the application before Planning had reviewed it and stated that she wished that it had not been that way.

Derek Payne, Chairman of the Sugarhouse Community Council Land Use and Zoning Committee, stated that the Council was excited at the prospect of adding valuable housing to the area. He stated that the proposal was approved of by the council in general. He stated that there was an amount of consternation regarding the issue, particularly vehicular access and current parking problems on Hollywood Avenue, already experiencing duress from traffic strain in the area. He gave voice to some of these comments from the Sugarhouse Community. He noted that a possible solution might be a shared, deeded access from 1100 East with other owners on the block.

Stephen Osborne, Wasatch Hollow area resident, noted that he enjoyed the Sugarhouse neighborhood due to its vibrancy and walkability and felt that this project would be a big enhancement to the community.

Brandie Schulz, 1037 East Hollywood Avenue, noted that she had lived in Sugarhouse for the last fourteen years. She stated that she was concerned due to the current parking problems in the area. She stated that she felt 31 units to be too many units, and the additional residents would only increase traffic congestion. She stated that there was no parking on 1100 East at night, and excess vehicles often ended up on Hollywood Avenue at night. Mrs. Schulz noted that turning right onto 1100 East from Hollywood Avenue was a virtually impossible task no matter the time of day.

Commissioner Forbis inquired if the property owners on Hollywood Avenue had investigated the option of making it an area where parking permits would be necessary.

Mrs. Schulz noted that residents had explored the option in the past, but had never received any support from City departments.

Juliette Campbell, 1374 E Downington Avenue, noted that she was in support of the project and felt that the project would provide an opportunity for college graduates to stay in the area rather than moving to other locations that they could afford.

Taylor Hansen, 951 Atkin Avenue, noted that he was in support of the project, particularly because it would be an affordable option for young people and seniors in an interesting and walkable community.

Sumner Douglas, 1374 East Downington Avenue, noted that he was in support of the project which would allow younger residents, particularly Westminster graduates, to move in or stay in the area. He stated that they had put in parking passes for Downington Avenue, and that solved parking issues for their neighborhood.

John Montgomery, 1423 East Browning Avenue, noted that his entire life fit within a three mile radius of his home and was in support of this project. He stated that he felt that to remove the curb cuts and parking lot would improve the traffic situation. He noted that the use would be the least high density use for the area.

John Madsen, 343 West 400 South, displayed a Historic photo of Sugarhouse for the Commissioners. He stated that his family was closely connected with Sugarhouse and stated that the businesses would come and go, but people would add vibrancy to the area, as stakeholders in the community and stewards of the area, and he was therefore in support of the project.

Mark Boyden, 1100 South 1500 East, stated that he was also a lifelong resident of Sugarhouse and loved the project for a couple of reasons. He noted that it would bring permanent residents to the area that would support local businesses and he felt it was a very thoughtful building; stylish and well designed.

Jonathan Richards, 2015 South 1100 East, noted that he owned the building next door to the project. He stated that Mr. Gardiner had approached him about a month ago and he had been impressed with the aesthetics of the project and felt the project was extremely modest in nature.

Barbara Green, 2005 South 1100 East, noted that she was a lifetime resident of Sugarhouse. She noted that this was an opportunity to make the Sugarhouse neighborhood a twenty-four seven community. She noted that there were several safety concerns in the area and felt this project would make a positive impact. She noted that the addition of a traffic light at the North side of the Post Office might help individuals driving through the area as well and might be a consideration in the future.

Acting Chairperson Chambless stated that traffic lights were quite expensive and inquired if a stop sign would also be useful.

Mrs. Green noted that a traffic light would probably be more useful where the post office was concerned to allow people out of that lot.

Judi Short, 862 East Harrison Avenue, stated that a continuing issue in Sugarhouse was parking and traffic. She noted her concern that residents would have visitors who would need to find parking in the area as well. Mrs. Short stated that she felt an alternate solution might be to close Hollywood Avenue off at 1100 East and Hollywood for additional traffic calming along 1100 East.

Commissioner Muir noted that Mrs. Short had been instrumental in creating walkable neighborhoods with her work on the Sugarhouse Master Plan. He stated that it could be a painful process to get to where the neighborhood wanted to be in terms of walkability, and without creating some stress on the system people might not abandon their vehicles in favor of public transit.

Jerrold Green, 1865 Herbert Avenue, noted that he was in support of the project. He noted that it was in the spirit of the master plan, attractive and would increase security in the area. He stated that he felt it would soften the traffic impact on the streets and enliven the streetscape in front of the project.

Andrew Scribner, neighboring property owner, stated that he was in support of the project. He noted that there were several entrances to the project. He noted that there were congestion issues. He stated that they would have to cross his property to access the project from the south or the east. He felt that light rail was a necessary step to lessen traffic congestion in the Sugarhouse neighborhood.

Commissioner Scott noted that Mr. Scribner felt it advantageous to have a combination of entrances to his property and wondered what he perceived those access points to be.

Mr. Scribner noted that he felt it depended upon where the vehicle was coming from. He stated that he felt several people cut across their lot from Hollywood to access 2100 South or 1100 East currently, so it cut both ways. He stated that he did not have a problem with people using the parking lot; however, it was people cutting through the area that troubled him. He noted that he had a concern with the access granted across the property.

Acting Chairperson Chambless invited the applicant forward to respond at 8:05 p.m.

Mr. John Gardiner stated that they felt the access to the project through Hollywood Avenue would be sufficient. He noted that Salt Lake City had a right-of-way the entire distance of the Jordan Canal, from 2100 South to Hollywood Avenue and people from his property had been traveling up and down that right-of-way for fifty or seventy-five years. He stated that he did not feel his property needed that right-of-way all the way to 2100 South; but it might be considered for a prescriptive easement. He noted that the proposed use would reduce the number of current parking stalls by four, from 35 to 31. Mr. Gardiner noted that they wished to embrace the idea of walkability and noted that the project was providing thirty feet to not preclude the proposed trail.

Commissioner Scott inquired if there had been any type of shade study.

Mr. Gardiner noted that there had not been.

Mr. Roberts noted that the most shaded part might possibly be the vacant south parcel of the Sinclair lot.

Commissioner McDonough noted that she would like to see the applicant do a shade study to see what the impact might be on the surrounding residential neighborhood, particularly to the northwest corner of the proposal and surrounding properties.

Mr. Gardiner noted that the residential area was adjacent to a commercial neighborhood, and as a resident in close proximity to the project, he didn't feel it was feasible to expect the same conditions which would exist in a suburban cul-de-sac; mainly there would be commercial impacts. Mr. Gardiner stated that the ordinance would have allowed for one hundred and five feet (105') before the Sugarhouse Business District Zoning Ordinance was passed by City Council. He noted that the numbers would only work if the proposed density and height was allowed.

Commissioner McDonough stated that the building would contain residents whom she hoped would use alternative forms of transport. She stated that the Commission needed to consider the worst potential impact regarding parking for the project. She stated that she felt it was a good argument that parking use would likely increase, rather than decreasing. She noted that she might suggest the applicant reduce the number of parking stalls.

Mr. Gardiner noted that the ordinance required one parking stall per bedroom and therefore that probably was not a possibility.

Commissioner Muir noted that he would like to follow-up with staff regarding the parking standard and if there would be any flexibility. He stated that one of the unique aspects of the Sugarhouse neighborhood was the retail frontage and shops. He stated his concern that part of the Design Review Guidelines, particularly C and D regarding glass frontage and architectural detailing. He complimented the applicant for using masonry, but noted his desire to see more glass on the retail frontage on the ground level, in order to get the right mix for the Sugarhouse neighborhood.

Mr. Roberts noted that they could have more glass or brick on the first level.

Commissioner Forbis noted his concern that these units might become investment properties.

Mr. Gardiner stated that they were not interested in selling the units as investment opportunities, and that they intended to place provisions in their contracts to prevent speculators from coming in and taking the units over. He noted that they wished to create homeownership opportunities.

Acting Chairperson Chambless invited Mr. Stewart forward at 8:23 p.m. to address the Commission's concerns and questions.

Commissioner Muir noted his concerns regarding the standards of the Conditional Site Design review, and wondered if these standards gave the Commission some flexibility in proposing certain conditions such as moving the parking structure to a slightly different location. Commissioner Muir inquired if this also gave them permission to vary from the baseline requirement for parking.

Ms. Coffey stated that the only process to modify the parking requirement was to go to the Board of Adjustment (BOA), who may waive or alter parking requirements through the alternative parking process.

Commissioner Muir stated that he was concerned regarding what rights existed regarding the alleyway, and noted that he felt prescriptive rights to be rather tenuous.

Mr. Stewart noted that the property owners had a right to access that alleyway, but that the applicant would also need to prove this right at the time of the permitting phase.

Mr. Stewart noted that certain aspects of the development could be modified by the Planning Commission, such as the landscape buffer on the backside of the garage. He noted that the Planning Commission could also modify individual design requirements for specific projects if they found that the intent of the basic design criteria of the zoning district had been met.

Commissioner Muir inquired if the guidelines would allow for a shadow study and if that study showed substantial impact to surrounding properties, if the Commission could create measures to mitigate that impact.

Ms. Coffey read into the record the Sugarhouse Business District Purpose Statement from the Zoning Ordinance (Section 21A.26.060):

The purpose of the CSHBD Sugar House business district is to promote a walkable community with a transit oriented mixed-use town center that can support a twenty four (24) hour population. The CSHBD provides for residential, commercial and office use opportunities, with incentives for high density residential land use in a manner compatible with the existing form and function of the Sugar House master plan and the Sugar House business district.

Ms. Coffey stated that while the purpose statement did not refer to compatibility with adjoining neighborhoods, part of the Zoning Ordinance text did refer to the Business District Guidelines and that there could be something in those guidelines that might include something regarding perceived impacts to adjacent properties.

Commissioner McDonough noted her concern regarding the projects relationship to the overall scale of Sugarhouse, particularly abutting residential neighbors. She noted that staff had interpreted the project as being sensitive in design to older buildings in the area, but she felt that this was not true at the northwest corner of the development. Commissioner McDonough noted that the Commission should discuss what the height impact would be. Commissioner McDonough noted that in the past there had been a Smith's approved in the Sugarhouse area abutting Elm Avenue, and in that particular project, the resolution to mitigate the perceived impact for surrounding property owners was to step down the setback in height right against Elm Avenue.

Commissioner McDonough noted her concern that this petition had not come before the subcommittee, by which, such issues as the aforementioned perceived impacts to the surrounding residential neighborhood could have been resolved prior to the public hearing. She stated that she felt all future Conditional Site Design and Review petitions should go to the Commission subcommittee before the public hearing, allowing the applicant time to resolve such issues prior to any decision by the Commission.

Mr. Wheelwright noted that staff had received four petitions for the Conditional Site Design and Review process; he stated that two of these items had gone to subcommittee, and two had not. Mr. Wheelwright stated that staff would appreciate direction from the Commission as to how to handle these applications in the future, particularly relative to the subcommittee.

Mr. Wheelwright stated that numerous people had referred to the Canal area as an alley and technically it was not an alley, which would be created by a subdivision plat and owned by the City. He noted that City Public Utilities did have an easement, and while the property was owned by someone, the comments regarding

blocking or not blocking the alleyway were in Public Utilities' interest as well. Mr. Wheelwright noted that he believed Mr. Gardiner did have an easement from Hollywood up to his property.

Acting Chairperson Chambless closed the public hearing portion of the meeting at 8:35 p.m.

Commissioner Scott stated that there was no residence due north of the building. She stated that she was not too concerned regarding a shade study, because the residential buildings were to the northwest of the project and not due north. She stated that she also felt that this was the type of use the residents of Sugarhouse wanted to see in place, with minimal impact. Commissioner Scott noted that she felt the Transportation Department did their due diligence in their studies as well. She noted that in her observation, people who lived in condominiums such as the proposed development and lived close to viable forms of public transportation did not use their vehicles, they left them at home. Commissioner Scott noted that these residents were oftentimes much more involved in the local community as well with a much more visible presence.

Commissioner Forbis stated that restricting the parking might be problematic for a number of reasons, and suggested that the Commission exercise caution on this matter.

Commissioner Scott stated that she would like to make a motion.

Commissioner McDonough noted that she would like to make a motion. She noted that she did support the project and felt condominium neighbors to be valuable. Commissioner McDonough stated that she felt the applicant had their intent in the right place and commended them for this. She stated that she felt the proper process for the type of building site design review; however, the project should have first gone before the Planning Commission Subcommittee. She noted that prior to the public hearing; this could have been a process through which many issues might have been corrected beforehand.

Commissioner McDonough made a motion to approve petitions 430-07-05 and 480-08-01 based upon the findings of fact and testimony heard this evening, and subject to the following conditions:

1. **Approval of design review shall be void unless a building permit has been issued or use of the land has commenced within twelve (12) months from the date of approval. Upon request, revalidation of the site plan may be granted for an additional twelve months if all factors of the original design review are the same.**
2. **The final condominium plat, which creates the lot containing the condominium project, shall be recorded with the Salt Lake City Recorder.**
3. **Compliance with the departmental comments as outlined in the staff report.**
4. **Full compliance with the Utah Condominium Act of 1975 and the Condominium Approval Procedure regulations in the Salt Lake City Zoning Ordinance (Section 21A.56).**
5. **No condominium shall have final approval, or shall said units be sold, until the plat has been recorded with the Salt Lake City Recorder.**
6. **A fifteen foot (15') setback is required at the brick face of the northwest corner, at approximately thirty feet (30'), or the fourth and fifth floor of the project.**
7. **The dumpster shall be screened per the standard of section 21A.59.060.G.**
8. **The first floor shall maintain detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction as noted in section 21A.59.060.C.**
9. **The detached parking structure shall be moved towards the west property line as far as is allowable or practical.**

Discussion of the Motion

Commissioner McDonough initially proposed a sixth condition to read, *A west face setback of fifteen feet (15'), fitting with the intent and purpose of the Zoning District which states that ' the high density land use should be in a matter compatible with the existing form and function of the Sugarhouse Master Plan.', and the Business District Design Guideline Handbook which referred to the scale of Sugarhouse, particularly as a relief in transition to the neighborhood of single level housing to the Northwest.*

Commissioner McDonough suggested a seventh condition to read, *The applicant seek permission from the Board of Adjustment for a reduction in parking to promote the use of public transit in Sugarhouse.*

Commissioner Muir requested clarification from Commissioner McDonough regarding the specified setback in the proposed condition six. He noted that she was referring to the West parcel boundary and not the West boundary east of the alleyway.

Commissioner McDonough noted that it was the west boundary of the larger parcel.

Commissioner Muir noted that he would like to propose additional conditions:

- ***The dumpster shall be screened per the standard of section 21A.59.060.G.***
- ***The first floor shall maintain detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction as noted in section 21A.59.060.C.***
- ***The detached parking structure shall be moved towards the west property line as far as is allowable or practical.***

Commissioner McDonough noted that she would accept the additional conditions proposed by Commission Muir.

Commissioner McHugh stated that the applicant had said that they had considered building on top of the garage to reclaim some of the housing lost to the proposed setback.

Commissioner McDonough stated that she felt the garage as proposed was a very nice architectural transition. She also noted that moving the garage west might constitute a slight challenge as there was about a five foot (5') grade change between the proposed location and the west parcel boundary.

Commissioner McHugh noted that the Commission was proposing that the applicant move the garage as far west as possible.

Commissioner McDonough noted that she would not object to this move as there was a fair amount of transient activity which used that right-of-way as a pass through.

Commissioner McHugh inquired what would happen if the BOA did not allow for the reduction of parking. She noted that it might be reduced if the setback proposed in condition six eliminated housing units.

Ms. Coffey noted that the Zoning Ordinance, in terms of alternative parking, was extremely specific and that the applicant might not be allowed to go through the alternative parking process as it noted that alternative parking could be allowed when it was for a unique non-residential use, single room occupancy residential uses or unique residential populations. She noted that in the case of unique populations, this usually referred to individuals living in senior housing or assisted living situations. She stated that there was nothing which linked alternative parking to transit goals. Ms. Coffey stated that certain zones linked to transit goals such as the transit corridor and RMU Zoning Districts which require less parking.

Commissioner McDonough withdrew condition seven relating to alternative parking.

Commissioner McDonough stated that she wished to amend condition number six as well to state, *'require a fifteen (15') setback at the brick portion of the project on the northwest corner'. She stated that there was no dimension marked on the property.* She noted that the peaked roofs may stay where they are but the proposed condition would require a fifteen foot setback at about the thirty foot (30') height of the brick face.

Commissioner Muir inquired if this request could be accomplished by flipping the private balcony to the Northwest corner of the project.

Commissioner McDonough noted that it could be accomplished at the one thirty foot (30') elevation.

Commissioner Muir noted that this would be the fifth floor.

Commissioner McDonough stated that it could be on the fourth and fifth floor.

Commissioner Scott noted that only the fourth floor had a private balcony.

Commissioner McDonough stated that the private balcony now faced the Sinclair property.

Acting Chairperson Chambless noted that the motion was pending.

Commissioner McDonough noted that she felt the setback could be accommodated by flipping the upper two northwest bedroom units and stair.

Commissioner Forbis seconded the motion. Commissioners Forbis, McHugh and McDonough voted, "Aye". Commissioners Scott and Muir voted, "Nay". The motion carried 3-2.

Commissioner McDonough made a second motion; all petitions undergoing the Sugarhouse Business District Building and Site Design Review shall be reviewed by subcommittee before coming to the Planning Commission for a public hearing.

Seconded by Commissioner Forbis.

Commissioners Forbis, McDonough, McHugh and Muir voted, "Aye". Commissioner Scott voted, "Nay". The motion carried 4-1.

Acting Chairperson Chambless called for a five minute break at 8:57 p.m.

Petition No's 410-07-32, 490-07-49, 400-07-25, 300 West Towne Center Commercial Planned Development — Chad Nielson, Project Manager with CLC Associates, has proposed development of a 210,600 ± square foot commercial retail goods and services center located approximately at 1120 South 300 West. As part of this request, the applicant requests conditional use approval to develop the center as a planned development in order to modify landscaping and signage standards. The applicant also requests preliminary subdivision, approval that would combine 20 parcels encompassing 18.3 ± acres into 7 lots. Additionally, the applicant has requested alley closure of a public alley located immediately north and adjacent to 338, 340, 344, 352, and 356 West Paxton Avenue (1170 S), which is within the project boundaries. With regard to the proposed planned development and subdivision, the Salt Lake City Planning Commission has the final authority to approve the proposed planned development and subdivision. With regard to the alley closure request, the Planning Commission will forward a recommendation to the City Council on whether or not to close the public alley as proposed. The proposed development is in the CG General Commercial District and is in City Council District Five (Staff— Michael Maloy at 535-7118 or michael.maloy@slcgov.com).

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

Chairperson Wirthlin and Mr. Pace returned to the meeting at this time.

Chairperson Wirthlin noted that Mr. Maloy was willing to allow the applicant to speak first and therefore recognized the applicant at 9:05 p.m.

Chad Nielsen with CLC Associates, Robert Beery, Vice President of Miller Weingarten Realty, and Steven Shoflick, President of Miller Weingarten Realty, were all present to speak to the petition. Mr. Shoflick noted that they felt that this project would be a huge improvement to the Industrial area in need of repair. He noted that this would hopefully spur more redevelopment of the area towards Downtown Salt Lake City. Mr. Shoflick stated

that approval received from the Commission this evening would allow the formal relocation process to begin for surrounding landowners.

Mr. Shoflick stated that there were three petitions up for approval by the Commission. He noted that there were three conditions of approval suggested by staff that the applicants were concerned about, particularly regarding their language and intent; the first being condition three of Petition 410-07-32, relating to the five foot (5') landscape strip located along the 300 West right-of-way, and the two other conditions, numbers one and two of petition 490-07-49, again relating to the landscaped park strips and to the provision of cross access.

Mr. Shoflick noted that in the staff report, regarding Petition 410-07-32, they found all conditions to be acceptable except for number three. He stated that they did not disagree that there needed to be landscaping along the right-of-way at 300 West, it was that they felt the current built-in buffer of two feet (2') was sufficient, and they intended to improve that area, and they were also willing to place an additional ten foot (10') landscaping strip on the other side of the sidewalk. He noted that this would make their development more contiguous with the existing surrounding developments. Mr. Shoflick stated that they had found landscaping behind the sidewalk to be more appropriate, as landscaping immediately beside the right-of-way was difficult to maintain due to traffic, use and snow removal in the winter. Mr. Shoflick noted that if the City required it, they would be happy to provide it, but felt it would be better to place it behind the sidewalk. Mr. Shoflick invited the Commission to comment on this issue.

Commissioner McHugh inquired what the applicant would do with that two foot strip in front of the sidewalk.

Mr. Shoflick stated that they would probably follow the footsteps of other new developments and make that concrete.

Commissioner Muir noted that this condition was identified during a tour reviewing the walkability of surrounding properties which the Planning Commission had been invited to with the City Council. He noted that the point made by a walkable communities consultant relating to the Wal-Mart on 300 West and 1300 South, was that the location of that sidewalk and its proximity to the curb was a mistake. He stated that as a pedestrian would walk down that sidewalk, and there were a considerable number of people who came on foot from TRAX to that location, the pedestrian would feel extremely vulnerable to traffic so close to the curb edge.

Commissioner Scott noted that condition four of petition 410-07-32 was also in place to protect the pedestrian. Commissioner Scott stated that she felt Target would experience a great deal of pedestrian traffic and would be a draw, particularly with its proximity to public mass transit.

Mr. Shoflick stated that they had modified their plans to make all of the internal sidewalks connect so pedestrians could travel from the exterior to the interior of the project safely. He noted that they could accommodate the five foot strip and five foot sidewalk by reducing the rear landscape strip to seven feet (7'). If the park strip landscaping were approved as proposed, the entire plan would have to shift back further from 300 West.

Mr. Shoflick stated that the other two conditions of note to the applicant were numbers one and two of petition 490-07-49 for the preliminary subdivision. He stated that number one was basically the same item as discussed before and would only affect the plat if the Planning Commission approved the buffer landscaping as noted in the condition. Mr. Shoflick indicated that the applicants issue with the second condition requiring them to provide cross access between parcels within the subdivision and cross access between parcels immediately abutting the subdivision where feasible, and was an issue in relation to the parcel located to the southeast corner of the subdivision. He stated that no other municipality had ever required them to allow access to an abutting private parcel when that parcel already had public right-of-way access. He noted that they questioned the legality of the request.

Mr. Beers stated that what was being asked was to provide a prescriptive right from one property to the next, without knowing who those other parties were, their uses, compensation, or if they would adhere to the operating restrictions of the applicant. He noted that the issue to them was between private property owners

and they had never seen city involvement in such a matter. Mr. Beers noted that they would certainly be willing to speak to private properties as they approached them.

Chairperson Wirthlin thanked the applicants for their concerns and opened the floor to the Community Councils and the public at 9:20 p.m.

Jay Ingleby, Vice Chair of the Glendale Community Council, noted that the Community Council was very much in favor of the project in general but was concerned regarding the perceived impact it would have on traffic in the area. He noted that the Transportation Department's suggestion to create a barrier to block traffic from Wal-Mart from turning towards the freeway would be, he felt, a mistake. He noted that this proposal, if implemented, would create more congestion rather than alleviating the issue. Mr. Ingleby stated that they were currently investigating with Transportation the installation of a traffic light on 400 West and changing signal timing to create better traffic flow in the area, but hoped that the proposed barrier would not be installed.

Tab Cornelison, 2490 South 2800 East, noted that he was the managing partner of the southeast corner parcel. He stated that he and his partners were in favor of the development; however, they wanted to maintain access from Paxton Avenue to the north of their property. Mr. Cornelison noted that they had been talking with CLC and the City regarding this access; however, if the project were approved as suggested, with the closure and a chain link fence; he felt this would create isolation, security and safety issues.

Commissioner Muir noted his concern regarding how the property owner would be able to access his property if the alleyway were vacated.

Commissioner Scott inquired where the chain link fence would be.

Commissioner McHugh stated that the applicant was not proposing to vacate the entire alleyway.

Mr. Maloy noted that the applicant amended the initial petition, which requested a closure of the entire alley, to request a partial closure. Mr. Maloy noted that Mr. Cornelison was aware that other City Departments recommended full closure; however, Planning was recommending a partial closure as well. He noted that the partial closure would be for everything west of Mr. Cornelison's rear property line.

Chairperson Wirthlin invited the applicant back to respond at 9:32 p.m.

Mr. Beery noted that they felt confident the Transportation Division was satisfied that their improvements would mitigate the anticipated increase in traffic.

Mr. Beery stated that as far as the alley, they were only requesting closure of the portion that affected their property. He noted that there had been some discussion on the remaining portion, and if Mr. Cornelison wished to purchase that portion, that would be fine with the applicant or it could remain as is. Mr. Beery noted that there had been no concerns from the Transportation Division regarding the closeness of the curb cuts to Mr. Cornelison's property either, and the only advantage to Mr. Cornelison would be in the potential for shared parking.

Chairperson Wirthlin invited Mr. Maloy to respond to the conditions questioned by the applicant.

Mr. Maloy noted that within the Urban Design Element, park strips were identified as an essential element and standard and he felt the recommendation to be part of a best practice. He noted that with regards to the cross access, shared parking was also recommended in the ordinance. He noted that he had performed this type of cross access agreement in projects in previous jurisdictions, however, in those instances, both owners were able to park their own demands and this was a concern raised by the applicant, that there would be no guarantee that if entering into such an agreement that Mr. Cornelison's property alone would satisfy their own parking. He noted that the original intent was not to allow an adjacent property owner to under park their property, but to encourage cross circulation. He noted that he recognized the applicants concerns and the condition could be modified by stipulating that the cross parking would be an option if the adjacent property owners satisfied their own parking demand.

Mr. Shofield noted that the proposed parking ratios of the development were part of an agreement between Miller Weingarten and Target and that those ratios were greater than the City's requirements. If there was some agreement with Mr. Cornelison, then these agreements include the ratios that were part of their development agreement.

Mr. Beery stated that he had come to the conclusion that the agreement would also have to consider use, maintenance, compensation for the maintenance; a variety of issues which he felt could not be forecast or put into language which would be appropriate. He noted that certainly if there would be a means of expanding the usage of the area in a positive way and under reasonable circumstances, they would do that, and felt that more activity in the area would only bring positive benefits to their development.

Commissioner Scott noted that there was shared parking on 400 South with Smiths, Café Rio and Wendy's which were all separate developments and wondered how that agreement had been developed.

Mr. Pace noted that in his legal opinion the City did not have the right to require such cross access agreements.

Chairperson Wirthlin closed the public hearing and brought the issue back to the Commission for discussion at 9:44 p.m.

Chairperson Wirthlin noted that based upon Mr. Pace's legal counsel, the second condition of the subdivision petition should be amended as suggested by the applicant placing a period after the word subdivision and strike the rest.

Commissioner Forbis stated that he felt the Commission should defer to the best practice and create some type of buffer for the pedestrian, and that the Commission should keep condition number two of petition 410-07-32.

Commissioner McHugh noted that the applicant had suggested reducing the landscape strip behind the sidewalk from ten feet (10') to seven feet (7') in width if condition number three was retained.

Chairperson Wirthlin noted that he personally had no problem with that request if the Commission would allow it.

Mr. Maloy noted that he had intended to remove condition number three from petition 410-07-32, as it was repeated as condition number one of approval for the subdivision petition, 490-07-49. Mr. Maloy noted that in regards to the reduction of the landscaping buffer, the request was part of a planned development request and therefore was certainly within the purview of the Planning Commission. He noted that ultimately that would create twelve feet (12') of landscaping rather than ten feet (10').

Commissioner Scott noted that they would have to specify that reduction.

Mr. Maloy noted that they could do that if they wished to, but it would actually be specified with the final subdivision plat as would the internal pedestrian circulation. He noted that Transportation, in their review of the site, determined that not all of the pads were serviced by an accessible path as defined by ADA guidelines.

Regarding Petitions 410-07-32 and 490-07-49, Commissioner Scott made a motion to approve the requests, and forward a positive recommendation to City Council regarding the proposed partial alley vacation, petition 400-07-25 based upon staff findings of fact and testimony heard this evening and subject to the following conditions:

Petition 410-07-32:

1. **Regulations modified by approval of planned development are limited to landscape buffers, widths, signage standards, and subdivision parcels fronting on private property as described and illustrated within the attachments of this staff report dated January 7, 2008. All other City regulations shall remain in force.**

2. Applicant may modify buffer widths only when necessary between contiguous properties within the proposed development and adjacent to I-15; however, all other buffer regulations should be maintained as required by City Code 21A.48
3. Sidewalk design does not fully satisfy City standards for ADA access. With the advice and consent of the Transportation Division, Planning staff shall coordinate with the applicant the location and design specifications for additional private sidewalks. All sidewalk intersections with vehicular drive aisles shall provide an accessible ramp. All sidewalks should be interconnected and form a continuous pedestrian path throughout the commercial center.
4. Applicant shall provide for staff approval a lighting study for each phase of construction. To prevent light pollution and glare all lighting should be shielded and downward oriented, with exception for decorative or architectural lighting.
5. Staff shall approve product selection and placement of all outdoor site furnishings, which shall include decorative benches, waste receptacles, and bike racks.
6. Applicant shall provide raised planters along the building fronts of the proposed Target and buildings A and B due the unusually wide sidewalk. Planter height should be suitable for use as secondary seating.
7. Approval is subject to compliance with all department comments contained within Attachment F- Departmental Comments on Conditional Use and Subdivision.

Petition 490-07-49:

1. All adjacent public sidewalks and park strips shall comply with City improvement standards. Specifically all park strips and sidewalks shall be a minimum of five feet wide. All park strips shall be fully planted with deciduous shade trees planted no less than every 30 feet on center, reducing the implied ten foot landscaping setback to seven feet.
2. To encourage efficient pedestrian and vehicular transportation, the applicant is required to provide cross access between parcels within the subdivision.
3. Operation of proposed signalized intersection on 300 West, is subject to submittal, approval and construction of off-site improvements required for property located approximately at 1095 South 300 West and 1125 South 300 West (owned by Seelos Family Limited Partnership).
4. Approval is subject to compliance with all department comments contained within Attachment F- Departmental Comments on Conditional Use and Subdivision.

Petition 400-07-25:

1. The proposed method of disposition of the alley property shall be consistent with Section 14.52.020 Method of Disposition and Chapter 2.58 City-Owned Real Property of the Salt Lake City Ordinance.
2. Applicant shall coordinate with the City and the owner of the adjacent property located at 1154 South 300 West the design for improvements within the alley closure, whether the closure is granted in full or in part. (Colored site plan incorrectly indicates off-site landscaping located along alley abutting property which is not a part of the proposed subdivision or planned development.)

Commissioner Forbis seconded the motion. All voted, "Aye". The motion carries unanimously.

Petition 410-07-39 Gateway Hyatt Hotel Conditional Use Planned Development—a request by the Boyer Company, for a planned development to allow new construction for a hotel use, at 55 North 400 West. This property is zoned G-MU Gateway Mixed Use and is located in City Council District Four.

Petition 410-07-57 Rio Grande Office Conditional Use Planned Development—a request by the Boyer Company, for a planned development to allow new construction of an office use, at 50 North Rio Grande. This property is zoned G-MU Gateway Mixed Use and is located in City Council District Four.

(The above items were head concurrently at 9:56 p.m.)

Cheri Coffey was excused from the remainder of the meeting.

Mr. Pace noted that he had a conflict of interest in the matter, with a close relative who worked for the Boyer Company, and therefore excused himself from the remainder of the meeting.

Chairperson Wirthlin recognized Doug Dansie as staff representative.

Mr. Dansie stated that an Issues Only Hearing had been held in January and many of the issues had already been discussed. He noted that the proposal was to build the Hyatt Place hotel along 400 West, and it would be inline with the urban street wall of 400 West. Mr. Dansie noted that the porte cochere would extend slightly into the public right-of-way; however, Mr. Dansie stated that the issue regarding the right-of-way on 400 West between the City and the Boyer Company had been resolved, with that right-of-way being deeded back to the City. Mr. Dansie noted that part of the planned development approval dealt with building materials. Mr. Dansie stated that staff recommended approval for both petitions. He noted that the hotel approval was conditioned upon the right-of-way being made whole, and noted that Mr. Boyer was very close to completing negotiations with Transportation regarding the curb on 400 West in front of the proposed hotel to allow cars and sidewalk while maintaining the full right-of-way to accommodate light rail or the full street.

Commissioner McDonough inquired if the proposed parking on the office building met or exceeded the ordinance requirements.

Mr. Dansie noted that the requirement had been met, however, as part of the RDA approval, Mr. Boyer would need to prove this in order to obtain a building permit. He noted that part of the parking issue had come from several cross easements, which historically, had been surplus to the Gateway development.

Commissioner McDonough stated that she was concerned the parking was beyond minimum requirements at this time.

Mr. Dansie noted that at that time it was in surplus of the City requirements. He noted that they had enough at the moment to accommodate the office building on its own lot.

Chairperson Wirthlin invited the applicant forward to speak at 10:02 p.m.

Jake Boyer, the applicant, stated that the easiest way to make the most amicable solution for themselves and the City was to deed the aforementioned portion of 400 West back to the City.

Commissioner McDonough noted that she had made the suggestion to setback the office building somewhat in order to improve the intended view.

Mr. Boyer stated that since last meeting, they had pushed the building back approximately six feet on the lot to create more of a pedestrian plaza in the front of the proposal. He stated that their intention had been to add additional landscaping and hardscaping to promote interest for pedestrians.

Chairperson Wirthlin opened and closed the public hearing at 10:06 p.m. as there was no one present to speak to the item.

Regarding petitions 410-07-39 and 410-07-57, Commissioner Forbis made a motion to approve the requests, based upon staff comments, analysis, and findings of fact presented this evening and subject to the following conditions:

Petition 410-07-39:

- 1. The Transportation Department approve the final site plan.**
- 2. The Planning Director approve final landscaping.**

3. **The original portion of the 400 West right-of-way that was granted to the railroad be deeded back to the City.**

Petition 410-07-57:

1. **The final plan meet all of the City Codes, including Administrative Approval from the Transportation and Public Utilities Division.**
2. **If the site is separated from the larger lot, a subdivision would be required.**

Commissioner McHugh seconded the motion. All voted, "Aye". The motion carried unanimously.

Mr. Wheelwright expressed his gratitude that the Boyer Company worked so hard with the City regarding the 400 West deed issue, and with the negotiations which had taken place, the City had retained all options for light rail and maintaining two lanes of traffic, north and southbound on 400 West.

Commissioner McDonough noted that when staff reviewed the Issues Only Hearing regarding large parcels, transportation was an issue in the Sugarhouse District, which could require a comprehensive analysis.

Mr. Wheelwright noted that staff could schedule this issue for an Other Business discussion sometime in the near future. He stated that there had been talk amongst the new City administration about clearing any petitions by the Planning Commission administratively before official initiation.

Mr. Wheelwright noted that this possible policy had come about primarily because of the perception in the public that there was a six month moratorium on condominium conversions when there actually was not and therefore, before a petition would be initiated in the future, it would be necessary for City Administration to review. Mr. Wheelwright noted that this issue could also be further discussed at the retreat.

Commissioner Forbis inquired if there was any possibility that a member of the administration could attend the Planning Commission retreat and listen to the concerns of the Commission regarding Sugarhouse. Mr. Forbis noted that there may come a point in the very near future where so much traffic could impact the area that people would begin to avoid it and the area could suffer.

Commissioner Wirthlin adjourned the meeting at 10:13 p.m.

Cecily Zuck, Senior Secretary