

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, March 12, 2008**

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

Present from the Planning Division were; Ray McCandless, Senior Planner; Doug Dansie, Senior Planner; Everett Joyce, Senior Planner; Nick Norris, Principal Planner; Casey Stewart, Principal Planner; and Cecily Zuck, Senior Secretary. Lynn Pace, City 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 5:47 p.m. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were: Matthew Wirthlin, Peggy McDonough, and Vice Chair Mary Woodhead. Salt Lake City Staff present were: Ray McCandless and Nick Norris.

DINNER WORKSHOP SESSION

Cheri Coffey reviewed the City's Commercial Districts and some of their respective regulations.

APPROVAL OF MINUTES from Wednesday, February 27, 2008.

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

Commissioner McHugh made a motion to approve the minutes as written. Vice Chairperson Woodhead seconded the motion. All present voted, "Aye". The minutes were approved unanimously.

REPORT OF THE DIRECTOR:

Chairperson Wirthlin welcomed Mary De La Mare-Schaefer, Acting Director of Community and Economic Development and Esther Hunter, Deputy Advisor to the Mayor to explain the Division reorganization.

Ms. Hunter handed out a new divisional flow and work chart to the Commissioners, and stated that these aggressive changes came about from Mayor Becker's six month plan of having a smooth functioning process flow for the community as a whole.

Ms. Hunter stated that Mayor Becker had formed a Planning Leadership Team, which consisted of herself, Ms. De La Mare-Schaefer, Orion Goff, and Lyn Creswell, who was actively working on a nationwide search for a new Planning Director, which was anticipated to take two to three months. Temporarily Orion Goff was helping with Zoning Enforcement and Neighborhood Preservation.

Ms. Hunter stated that a new "Buzz Center" had been created to combine the planning function, which was split between the Planning and Building Permits Departments, and was now all located on the second floor in the permits department. The Planner of the Day would now open be available from 7:30 a.m. to 4:30 p.m. to better serve the public.

Ms. Hunter stated that in the past applications were taken by the Planning Department and distributed to the planners once a week, now these applications would be reviewed and assigned daily, and that the Board of Adjustments was asked to help out with issues that have in the past been approved administratively.

Ms. De La Mare-Schaefer stated that she was appreciative of the Planning and Zoning Staff for their support and ideas during this change. She stated that a couple of extra committees were created to help strengthen

and ease this process including an Internal Advisory Committee, Citizen Group, and an open forum to allow for anyone to come forward to discuss ideas and concerns in regards to these new processes and changes.

Ms. Hunter stated that she had talked to the City Council and they were willing to keep their agenda open to discuss some of these problems and processes and have an open line of communication.

Commissioner McHugh asked for clarification on the One-Stop-Shop-Buzz Center.

Ms. Hunter noted that the center was available now for the public, but existing Planning Staff was manning it and would return in the future to their duties in the Planning Department after additional staff was hired.

Commissioner De Lay inquired about the funding for the additional staff.

Ms. Hunter noted that these funds had been requested and built into the Planning Division budget for this year.

Ms. De La Mare-Schaefer stated that the buzz center was Community Development Department's number one priority at this time.

Commissioner De Lay noted that in the past the Commission had been adamant about getting additional staff and it had never happened because of funding issues.

Commissioner Chambless stated that 70-75 percent of local government decisions are in fact planning decisions, he stated that it is obvious that the City had not made Planning Staff a priority in the past and it makes it very difficult to do long range planning rather than the reactive planning cycle the City is in now.

Ms. Hunter stated that she believed Mayor Becker was committed to this, and she could not speak for the City Council, but they seem to be supportive and committed.

Commissioner Chambless inquired about how much more of an active role was going to be expected of the Board of Adjustment while taking on a greater quasi-judicial caseload.

Ms. Hunter stated that they were looking at scheduling a second BOA meeting each month, and they had not spoken with this Board yet, but would be talking with them at their next meeting.

Commissioner Scott inquired about the Buzz Center and if the Planner of the Day meant that the current planners would be rotating daily to help out there.

Ms. Hunter stated that it was the same planner everyday.

Commissioner McHugh stated that was proof that more money needed to be placed in the budget for additional staff.

Commissioner Scott inquired who would be the Chair of the Internal Advisory Committee.

Ms. De La Mare-Schaefer stated that a chair has not been chosen yet, or fully assembled.

Commissioner Woodhead inquired about the Neighborhood Preservation Committee.

Ms. De La Mare-Schaefer noted that on the flow chart, that committee was placed as a bookmark to be reviewed with Zoning Enforcement. The basis of the committee would be to brainstorm with the Zoning Enforcement to do some proactive things for the community.

Commissioner Woodhead inquired about the future role of the Planning Commission overall in the reorganization, because they have only been finding out pieces of information from the newspaper and not really involved in the inside decisions or the Citygate audit.

Commissioner De Lay stated that some of the Commissioners were interviewed by Citygate, but they were still surprised to find out along with the public about these major divisional changes, when only the Thursday before these changes, the Planning Commission retreat was held with the former Planning Director to discuss what

would happen with the Planning and Zoning Departments in the next year, which now seemed like a huge waste of time from a citizen volunteer's perspective. She wondered if Mayor Becker was so interested and invested in City Planning why he was not at that retreat, or even why were Ms. Hunter or Ms. De La Mare-Schaefer not at the retreat, to at least give the Commission some idea of what was really going on. She noted that Chair Wirthlin had even contacted the Mayor's office to inquire about the changes and no one has still gotten back to him. She stated that if there was an administration of change and new growth and beauty and communication the Commission knows nothing about that.

Ms. Hunter stated that there were some sensitive issues that were taking place and usually that type of information was not discussed in advance. She stated that she would like the Commission to participate and if they wanted her to organize small groups to talk through these issues she would make it possible.

Commissioner Forbis inquired if it would be possible to have a process of environmental review on some of the larger projects, transportation corridors, and transportation master plans, because it was definitely needed and had been discussed in the past.

Ms. Hunter stated that yes, within this department these types of issues should be looked at and Lyn Creswell would be over that.

Commissioner McHugh stated that it seemed important enough to place the Sustainability Director on the chart.

Commissioner McDonough inquired about the list of outstanding petitions that had been initiated by the City Council over the last few years and how they would be sorted and cycled through, and how would it impact the Commissions and Boards.

Ms. Hunter stated that currently those petitions were in the hands of the City Council and they had already gone through the appropriate Boards and Commissions if they needed to, and if some of them were reworked then there was a possibility each Board and Commission might have to revisit some of those.

Commissioner McDonough noted that a comprehensive report on the status of those petitions would be extremely beneficial. She inquired about how the administration saw the Planning Commission actually being tied into long range decision making and input.

Ms. Hunter stated that the Commissions past input should be reviewed to make sure that they have all been documented. She stated that she had been in touch with the Recorder's Office to get suggestions on how to capture these ideas and thoughts of the Boards and Commissions and how it could be better prioritized. She stated that she had not seen an existing list.

Chair Wirthlin stated that Cheri Coffey had kept a list of these things.

Ms. Hunter said she would talk to Ms. Coffey to get that list.

Commissioner De Lay stated that the Commissioners have not been updated on the status of their initiated petitions.

Ms. Hunter stated that would be a good idea, possibly once a month, to update the Commission of the status of the initiated petitions, possibly as part of the Report of the Director.

Commissioner Chambless stated that the lack of communication between staff and the Commission was still a great frustration and the turnover in Planning Staff had been significant, so it is tough to expect new staff to intuitively pick up years of experience and knowledge.

Ms. De La Mare-Schaefer stated that Chris Shoop and Cheri Coffey were working on workload and staff ratio stats to present to the administration as well as the City Council to see the bigger picture and attempt to get an budget that would allow for additional staff.

Commissioner Muir inquired about the relationship between current planning and public process.

Ms. Hunter stated that Ray McCandless, Nick Norris, and Janice Lew had been dedicated to help with the Boards and Commissions. She noted that real emphasis had been placed on Long Range Planning and they were looking at some more proactive pieces, which were represented on the flow chart to help with the day to day process. She noted that in regards to the Boards and Commissions training, updated policies and procedures, and ongoing coordination on case preparation were also being looked at in depth.

Commissioner McHugh stated that she did not quite understand Ms. Hunter's answer. She inquired who would be assigned to new projects coming in.

Ms. Hunter stated that it would depend on the magnitude and complexity of the project and would not necessarily be listed under planning or public processes. She stated that the Public Process Team would solely function as a support to the Commission.

Ms. Hunter stated that the administration was invested in staff and they were trying everything they could to invest in what the employees needed. She also noted that the Citygate audit had not been released yet, but should be expected in April sometime.

Ms. De La Mare-Schaefer stated that Planning Staff gave Citygate the information they needed for the audit so it was not secret information on what needed to be worked on and they are positively moving forward.

Chair Wirthlin inquired about Ray McCandless' new role working with the Commission and if he was just filling in through the transitional phase or would he play a more permanent role.

Ms. Hunter stated that when a new Planning Director was hired Mr. McCandless' role would be re-evaluated.

Commissioner Woodhead inquired about minutes of the retreat and if Ms. Hunter and Ms. De La Mare-Schaefer had access to those and would still review concerns and ideas generated from that meeting.

Ms. De La Mare-Schaefer noted that she would locate and review the notes from that meeting.

Commissioner Woodhead inquired about the members of the Citizen Ordinance Review and Process Resolution Committee, how they were chosen, and what parts of the City they represented.

Ms. Hunter stated that there was one Community Development representative now, and it was open for more people. She stated that the Coalition for Orderly Development and the many issues that they have had over time, and some of their members had been asked to assist in helping to generate ideas that would be helpful.

Commissioner Woodhead stated that there was a need to cushion Planning Staff from too much political and community pressure and she wondered with specific members that were on these committees, how this was going to work.

Ms. Hunter stated that these committees would not directly interact with staff, which would help with that cushion.

Commissioner Chambless and De Lay stated that a majority of the members seemed to be east side representatives, and not a minority representation or a representation of all of the City Districts.

Ms. Hunter stated that these committees were open and if the Commission had people they would like to suggest, they would consider them.

Commissioner Scott stated that at the PC Retreat she had mentioned that as a new Commissioner it had benefited her to receive the policies, procedures, and ordinances. She noted that it did take time and resources to train Commissioners, but it seemed like a real benefit. She stated that the Commission is appreciative of legal representation at the meetings and that it should be a big priority.

Ms. De La Mare-Schaefer stated that interviews for a land use attorney were almost completed and a decision would be made as quickly as possible.

Ms. Hunter stated that Matt Lyons from the Mayor's Office had been involved in studies involving the Chairs and supporting staff to help identify what would benefit the Boards and Commissions.

Ms. Hunter moved onto the next item of discussion.

Ms. Hunter stated that the University of Utah was interested in developing the parking lot west of the Rice Eccles Stadium, which was their land; however, the City had been working with Mike Perez to try to encourage a positive process because of the amount of angst from the community, and because it was a gateway into the City. She stated that it was a transit development on a node and a lot of different factors were involved. The University of Utah had agreed to participate with the City to come through the public process; however, staff and the Commission would only play an advisory role.

Ms. Hunter stated that on the March 26 Planning Commission meeting this petition would be reviewed as an Issue Only hearing to allow the Commission and the community to comment before the applicant hired a developer. She stated that Brenda Sheer, Dean of the School of Architecture had used graduate students to derive this development. She stated that an advisory subcommittee would be formed to help aid in this process.

Commissioner Chambless stated that he would like to volunteer to be on this subcommittee.

Vice Chair Woodhead inquired because Commissioner Chambless was employed by the University of Utah, if this could be seen as a conflict of interest.

Ms. Hunter said that she would look into that.

Chair Wirthlin inquired about how soon they would like volunteers.

Ms. De La Mare-Schaefer stated that she would like them tonight.

Commissioners Chambless and McDonough volunteered.

Ms. Hunter inquired if there was a volunteer to be on the Reorganization Committee.

Commissioner Forbis stated he would be willing to do it.

Vice Chair Woodhead stated she would be willing to be an alternate.

A motion was made to appoint Commissioner Forbis to the Committee and Vice Chair Woodhead as an alternate. Commissioner Scott seconded the motion. Commissioners De Lay, Chambless, Scott, Muir and McDonough voted, "Aye" the motion passed unanimously.

PUBLIC HEARING

Rehearing of Petition 480-08-01, Urbana on 11th Condominium Preliminary Plat—request by Gardiner Properties, LLC, represented by John Gardiner, for preliminary condominium plat approval for a proposed residential condominium project that involves construction of a new building for residential condominium units and a detached accessory garage, located at approximately 1988 South 1100 East in the CSHBD2 Sugar House Business District Number 2 Zoning District. Only the preliminary condominium plat application, which involves building ownership, is being reheard due to inadequate public notice of the prior hearing held on February 13, 2008. The related building and site design application was properly noticed and is not being reheard. The proposed development is located in City Council District Seven.

(This item was heard at 6:41 p.m.)

Chairperson Wirthlin recused himself from this portion of the hearing.

Vice Chair Woodhead acknowledge Casey Stewart as staff representative.

Mr. Pace noted that he had an interest in the case and would recuse himself after introducing information from the City Attorney's office.

Commissioner Chambless noted that he had previously worked with Brian Roberts from the City Attorney's office and wondered if the Commission felt this was a conflict of interest.

The Commission stated that no conflict was perceived.

Commissioner Forbis stated that along those lines Brian Roberts was in his PhD cohort and wondered if the Commissioners perceived this as a conflict of interest.

The Commission stated that no conflict was perceived.

Mr. Pace noted that the site design approval was not an issue this evening, only the condominium plat approval. He noted that the standard for this type of approval was found in Section 20.20.070 of the City Code and was identified in the staff report as—*a condominium project shall also meet the following standards for minor subdivision: the minor subdivision will be in the best interests of the city. All lots comply with all applicable zoning standards. All necessary and required dedications are made. Provisions for the construction of any required public improvements are included. The subdivision otherwise complies with all applicable laws and regulations.*

Mr. Stewart stated that Section 20.20.070 dealt with the criteria for an administrative approval of a condominium. He noted that typically condominium plats were handled administratively, but this petition was also tied to a larger project of building and site design, and staff decided to bring it before the Commission. He noted that Section 20.20.020 contained the correct criteria. He handed the Commission copies of that code.

Mr. John Gardner, President of Gardner Properties, LLC (1073 East 2100 South) introduced David Broadbent from the Holland and Hart law firm; Jim Pitkin Dominion Engineering, who had prepared the survey map.

Vice Chair Woodhead inquired if the applicant had read all of the standards in the staff report, and felt comfortable with them.

Mr. Gardner stated that generally he was comfortable with those conditions.

Vice Chair Woodhead opened up the public hearing for comments, there was no one present to speak to this petition and that part of the meeting was closed. There were no questions for the applicant or staff.

Commissioner Forbis made a motion regarding Petition 480-08-01 that the Commission approves the proposed Urbana on 11th residential condominium plat subject to the following conditions:

1. **The final plat shall be consistent with the modifications to the building and site design (Petition 430-07-05) made by the Planning Commission on February 13, 2008.**
2. **The final condominium plat, which creates the lot containing the condominium project, shall be recorded with the Salt Lake County Recorder.**
3. **Compliance with the departmental comments as outlined in this 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 County Recorder.**

Commissioner McHugh seconded the motion.

Commissioners De Lay, Forbis, McHugh, Scott, Chambless, McDonough, and Muir all voted, "Aye". The motion carries unanimously.

Commissioner De Lay recused herself from the following item at 6:52 p.m.

Acting Chairperson Woodhead called for a five minute recess at 6:52 p.m.

Petition 400-07-37 and Petition 400-07-38, Metaview Condominiums, Land Use Master Plan and Zoning Map Amendment—a request by Capitol Hill Investments Partners for a master plan amendment and rezoning of a vacated commercial property located at approximately 477 North 300 West. The applicant requests amendment of the Capitol Hill Community Master Plan's Future Land Use Map from Commercial to Residential Mixed Use and to rezone the property from Community Business (CB) to Residential Mixed-Use (RMU-45), zoning classification. These actions would accommodate a proposed 22 unit residential development with opportunity for residential/office spaces. The property is located in City Council District three.

(This item was heard at 6:59 p.m.)

Chairperson Wirthlin recognized Everett Joyce as staff representative.

Mr. Joyce noted that this project was in the middle of the West Capitol Hill neighborhood, which had a specific neighborhood plan adopted in 1996 along with an RDA redevelopment parking plan. He stated that the commercial elements identified in the master plan had been strongly met. He noted there are several properties that have commercial uses in them and staff did not feel that changing the zoning was actually in compliance with or met the goals of the master plan. Staff would support the change from commercial to residential mixed-use if it was not a detriment to implementation of the goals of the master plan.

Mr. Joyce stated that the purpose for the RMU-45 zoning related to density on the site. One of the conditions of approval was that the applicant entered into a development agreement with the City that they would not put a project on the site that was higher than 45 feet.

Commissioner Scott inquired about the choice of the RMU-45 zoning versus the RMU-35 zoning, and if it was to control the density based on the zone and not the height.

Mr. Joyce noted that was correct and that the Commercial Business zoning district had no limits, because the parking controlled that density.

Commissioner Scott inquired on this parcel what was considered the rear and side yards.

Mr. Joyce noted that this was a corner parcel and had the opportunity to have the rear yard either to the west or to the south and the opposite of that would become the side yard. There was a proposal to use the rear yard set back along the west property which was currently a Single Family Duplex zoning, and would provide the greatest buffer.

Commissioner McDonough inquired about changing the zoning on a parcel and there was a development agreement associated with this project to limit the height, and was that subject to change by owner.

Mr. Joyce stated that it was recorded with the parcel and not the owner.

Commissioner Scott inquired if there was a condition of approval that the applicant had to stay under 45 feet, and could an applicant request a conditional use to go higher than that.

Mr. Joyce stated that they were contracted to stay within that amount.

Commissioner Forbis noted that as part of the analysis and findings when talking about the project history, this site had underground storage tanks that had been closed and he inquired about how long they had been closed.

Mr. Joyce stated that the tanks were removed via the results of an environmental report in 1990.

Devin Overly introduced Paul Overly and Brent Skipper, with Metaview Development.

Joe Smith, Lead Architect on the project gave a Powerpoint presentation of the project.

Commissioner Chambless inquired about the perimeter lighting.

Mr. Smith noted that it would be sufficient and that the lobby area within the property would serve as a hub of the entire neighborhood and would be constantly lit.

Commissioner McDonough asked the applicant if they felt comfortable with the height limitations running with the land.

Mr. Smith noted that they did feel comfortable with these height issues and there were no ground water issues until about eight to nine feet beneath the property.

Commissioner Forbis inquired if the architects had discussed the ground issues with the Marmalade developers yet, because they thought they were okay and they ran into underground water issues.

Mr. Smith noted that they still planned on talking with them.

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

Commissioner Scott inquired if the reason that the height limitations were discussed in the first place was because of the surrounding single-family structures, and the 35 foot limit was for the roofline, but was there a limit to what the parapet could be.

Mr. Joyce stated that the parapet could be five feet.

Commissioner Scott made a motion regarding Petition 400-07-37 Master Plan Amendment to forward a positive recommendation to the City Council to amend the Capitol Hill Community Master Plan for property at 477 North 300 West (Parcel 08-36-251-007) from General Commercial to a Medium Mixed use future land use designation.

Commissioner Scott made a motion regarding Petition 400-07-38 Zoning Map Amendment that based on the analysis and findings in the staff report the Commission forward a positive recommendation to the City Council to rezone property at 477 North 300 West (Parcel 08-36-251-007) from Community Business (CB) to Residential Mixed Use, (RMU-45) zoning classification with the following condition:

1. **The applicant enters into a development agreement with the City to ensure:**
 - a. **the height of the structure does not exceed thirty-five feet (35'), and**
 - b. **the required rear yard be located along the west property line of the subject parcel.**
2. **That the development agreement is recorded and runs with the land.**

Discussion of the motion:

Commissioner Scott stated that she would like to also add that the applicant indicated that the rear yard would be the west side of the property to ensure the maximum buffer from the single family units and inquired if that could be added to the development agreement.

Mr. Pace stated that this could be done; the rezoning of the property could be conditioned to contain a 35 foot height and also suggested that the project use the rear yard to the west, which would only act as recommendation to the City Council.

Vice Chair Woodhead inquired if Commissioner Scott would be willing to add to the motion that **the development agreement be recorded and run with the land.**

Commissioner Scott stated that she would agree to that.

Commissioner McDonough inquired if in the future the area develops in a different way, could a future project come back through the public process and request a change to the height to match the zoning.

Mr. Pace stated that a contract would dictate these things, and in the future if a developer came in and wanted to make changes they would have to submit a request to amend the contract.

Commissioner Forbis seconded the motion. Commissioners Forbis, Scott, McHugh, Chambless, McDonough, Woodhead, and Muir voted, "Aye". The motion carried unanimously.

OTHER BUSINESS

The meeting adjourned at 7:33 p.m.

Cecily Zuck, Recording Secretary

Tami Hansen, Transcribing Secretary