

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, March 26, 2008**

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

Present from the Planning Division were; Doug Dansie, Senior Planner; Michael Maloy, Principal Planner; Ray McCandless, Senior Planner and Tami Hansen, Planning Commission Senior Secretary. Esther Hunter, Advisor to the Mayor; and Mary De La Mare-Schaefer, Acting Community Development Director were also present.

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, Prescott Muir, Kathy Scott, and Chairperson Mathew Wirthlin. Salt Lake City Staff present were: Michael Maloy and Ray McCandless.

WORK SESSION

(This discussion was held during dinner.)

Mayor Ralph Becker discussed with the Planning Commission the changes taking place within the Planning Department. He stated that he would like to see more resources to allow for long range planning.

The Commission had concerns about members of the recently instated Citizens Advisory Committee, mentioning that it seemed to not be a great representation of all parts of the City and seemed to include many individuals that had a past history of stifling the City processes. Mayor Becker stated that it was his vision to include these members of the public to allow them to be a more positive influence for the Planning Division processes and there were still open spots on the Committee if members of the Commission wanted to recommend individuals for that.

Members of the Commission also expressed concern regarding the Planning Departments staffing levels and again requested additional staffing should be incorporated into the Planning Department budget for the next budget cycle. Commissioner McHugh suggested that among the candidates who are interested on being on the Citizens Advisory Committee, an eleventh Commission member could be found to fill the vacancy.

APPROVAL OF MINUTES from Wednesday, March 12, 2008.

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

Commissioner McHugh made a motion to approve the minutes with noted changes. Vice Chair Woodhead 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 appreciated Mayor Becker coming to the Work Session. He also noted that a time had been set up with the Mayor on April 7, 2008 to discuss concerns and questions from the Planning Commission. He stated that the Boards and Commissions review meeting he had attended on March 20, 2008 was beneficial; however, there was still not a lot of time to discuss all of the issues, so the remainder was submitted in a written report.

Chair Wirthlin stated that Commissioner McDonough suggested that an additional member be added to the Advisory Committee for the University of Utah, which now included Commissioners Chambless and McDonough.

Commissioner Algarin volunteered to act as a back-up member for the committee.

REPORT OF THE DIRECTOR

(This item was heard at 5:56 p.m.)

Ms. De La Mare-Schaefer thanked the Commission for their input and support during the past few weeks.

Ms. Hunter stated that the Commissioners should have received the minutes from the February 27, 2008 Commission retreat. She stated that they were making solid progress and efficiencies were gained everyday.

Commissioner McHugh inquired if the search had officially begun for a new Planning Director.

Ms. Hunter stated no, because currently a new job description was being written to be able to capture all the key components before it was released for a national search.

Chair Wirthlin inquired if there had been any thought about allowing the Planning Commission members to be a part of that search, or as part of the hiring team when potential candidates are interviewed.

Ms. Hunter noted that was a great suggestion. She reported that the Citygate audit would be available sometime in April.

Vice Chair Woodhead stated that Commissioner De Lay was not able to be at the meeting, but wanted to express some concerns her clients had mentioned involving the city processes, which had been reported were moving very slowly and things were not happening very smoothly.

Mrs. Hunter stated that generally the process is moving faster than it has in the past. She noted that in the past assignments were only made once a week and in the future they would be assigned daily. She also mentioned that the amount of projects that are active had not really increased significantly. Ms. Hunter stated that Mayor Becker had expressed the importance of strictly following the city ordinances, and not allowing special exceptions, or interpretations that were not outlined in the ordinance. She noted that some people in the past had been used to molding the ordinance to fit their project, which was not acceptable now—the city is on solid policy ground. She noted that it was obvious that some changes needed to be made to the ordinances and the master plans, but those would be updated carefully in the future.

Mrs. De La Mare-Schaefer stated that the complaints that she had received had been from applicants whose projects had been in the system for many months, not those that had been waiting over these past couple of weeks. She noted that this had nothing to do with staff, but a process that has not moved clearly for everybody involved.

Vice Chair Woodhead stated that as far as following the ordinance, she was aware that there would always be administrative interpretations of all of those ordinances, and inquired if they had changed any long standing interpretations.

Mrs. Hunter stated that those interpretations had not been changed, but it had been recognized that there were sections that were unclear. She noted that a process was set up to allow staff to recognize the unclear areas, to make recommendations, and bring them before the Planning Commission and then to the City Council to obtain final clarity.

Vice Chair Woodhead inquired about the process for petitions that are affected by the unclear portions of the ordinances.

Mrs. Hunter stated that those petitions were still being brought before the deciding body, until a better solution was found.

Commissioner McDonough stated she wanted to follow-up on the outstanding petitions and how they are being taken care of.

Mrs. De La Mare-Schaefer noted that those petitions are currently being reviewed to see how quickly they can be brought forward to the deciding bodies.

Commissioner McDonough suggested that the Planning Commission be part of the sorting and reviewing process to be able to make suggestions on what they feel was ready to be brought forward.

Mrs. Hunter stated that the city was in the budget cycle right now, which is top priority, but these petitions have not been forgotten and will be brought forward as soon as possible. She noted that there are a lot of petitions from the City Council and long standing Legislative intents, dating back to 1992, which have not been clarified.

Commissioner Muir inquired if the Commission was still under a petition moratorium and not initiating any petitions right now, because there was an item on the agenda that he felt warranted a further investigation.

Mrs. De La Mare-Schaefer stated that the Commission should still refrain from initiating petitions at this time.

Commissioner Chambless stated that in the Work Session he had mentioned the need for long range planning, but that would require additional planning staff. He noted that planning staff had been routinely burned out in the past and wondered what would be done about that.

Mrs. De La Mare-Schaefer agreed with Commissioner Chambless and noted that she and Mrs. Hunter were proposing some changes in the budget to compensate for that.

Chair Wirthlin stated that he also agreed with Commissioner Chambless and he and Vice Chair Woodhead would also bring up this concern when they met with Mayor Becker next week. He inquired of fund availability for Commissioners to attend a professional training course to become more educated, which would be a great investment.

Mrs. De La Mare-Schaefer stated she would like to see a budget for that every year; however, there was not an answer for this year yet.

Chair Wirthlin stated that if the Commissioners had anything they wanted to add to the retreat minutes they should forward it to Tami Hansen.

ISSUES ONLY

A discussion by the University of Utah concerning the University of Utah's Project Universe, a mixed use development proposed to be located in the existing parking lot immediately west of the Rice Eccles Stadium on the University of Utah campus. Public comment concerning the proposed development is encouraged; however, the Planning Commission's role in this process is advisory.

This item was postponed until the next Planning Commission meeting.

PUBLIC HEARING

Petitions 410-07-45 and 490-08-07, Merrimac Flats Planned Development and Preliminary Minor Subdivision—a request by Nathan Anderson, from City & Resort for a preliminary **planned development and subdivision** approval in order to modify various zoning and subdivision regulations. The applicants are requesting a five unit single family attached subdivision in an RMF-35 Zoning District. The proposed development is located at approximately 1440 South Richards Street (1419 South Richards and 38 West Merrimac) in City Council District Five.

(This item was heard at 6:11 p.m.)

Commissioner Muir recused himself from this portion of the meeting.

Chair Wirthlin recognized Doug Dansie as staff representative.

Mr. Dansie noted that this was a proposed five unit, single family, attached development on the corner of Merrimac and Richards Streets. He stated that some of the interior lots were substandard, which was why this project was being classified as such. He noted that each unit had adequate frontage onto a deeded street to meet code; however, to achieve a better design some of the end units would be marginally bigger than 3,000 square feet and some of the interior units would be marginally smaller.

Mr. Dansie noted that the community council sent an letter of endorsement, and was seen by the planned development subcommittee, which reviewed it and made some suggestions.

Chair Wirthlin noted that on page 4 of the staff report, Building Services mentioned in their comments that the townhouses did not meet the 20 foot minimum setback, which would need to be waved and approved; however, he did not see language in regards to this included in the staff analysis and findings.

Mr. Dansie stated that was an oversight that should be noted.

Mr. Nathan Anderson, applicant, stated that Mr. Dansie did a great job in describing all of the elements of the project.

There were no questions from the Commissioners.

Chair Wirthlin opened up the public hearing portion of this petition; he read the following public comment:

Todd Draper (1316 South 200 East) I am concerned about the lack of a cross-access and maintenance easement between the five lots that all share one driveway.

Chair Wirthlin closed the public hearing portion of the petition.

Commissioner McDonough inquired about what Mr. Draper meant by the cross-access.

Mr. Dansie stated that along the north property line, there was a common driveway that accessed all of the garages, which would share a common easement and be considered a private alley—this would not affect the properties to the north, other than mitigating the security lighting so it would not cause light pollution to the abutting properties to the north.

Chair Wirthlin stated that he did not have a problem with waiving the 20 foot minimum setback for this project, but specified that it would need to be included in the motion.

Vice Chair Woodhead inquired if by granting planned development approval that would need to be separately stated.

Mr. Dansie stated that it was not necessary, but that it could not hurt restating this information.

Commissioner Algarin made a motion in regards to petitions 410-07-45 for planned development approval and 490-08-07 for subdivision approval, that the Commission approve these petitions, based on staff recommendations, with the following conditions:

1. **The minimum lot size and setback requirements are waived for the two inside units.**
2. **The site (including the park strip) must be irrigated with an automatic sprinkling system.**
3. **A subdivision plat, conforming to the requirements of Salt Lake City Zoning Ordinance be recorded with the Salt Lake County Records Office.**
4. **The applicant shall comply with all City Department and Division conditions as stated in the staff report.**
5. **The applicant shall show on the final plat an approved trash removal plan for the project.**
6. **Identification of parking designation of the five units needs to be identified on the final plat and in the condominium bylaws.**

7. **The Declaration of Covenants must be approved by the Salt Lake City Attorney for compliance with the State of Utah and Salt Lake City Code requirements. Prior to final plat recording, the Declaration of Covenants shall be executed and recorded.**
8. **Any future redevelopment activity associated with the properties will require that all inadequate or absent public improvements be installed in accordance with the departmental comments noted in this Staff Report. Additionally, any future redevelopment will be subject to the requirements of the Zoning Ordinance.**

Commissioner McDonough seconded the motion. Commissioners Algarin, McHugh, Scott, Chambless, McDonough, and Vice Chair Woodhead voted, "Aye", the motion passed unanimously.

Petitions 410-07-25 and 490-07-44 North Port Commerce Center Planned Development and Subdivision—a request by Sam Gustafson, Vice President of Capitol Industries Inc. requesting planned development approval of a 28.62 acre business park planned development located at approximately 1810 North 2200 West. The applicant requests a **conditional use planned development** to develop the business park in order to modify various zoning and subdivision regulations. The applicant also requests **preliminary approval of a three lot subdivision**. The Salt Lake City Planning Commission has the final authority to approve the proposed planned development and subdivision in the BP Business Park District and is located in City Council District One.
(This item was heard at 6:21 p.m.)

Commissioner Muir returned to the meeting.

Chair Wirthlin recognized Michael Maloy as staff representative.

Mr. Maloy stated that only phase one of this project, in the northwest corner of the site, was being fully planned at this time, due to the buildings being flexible spaces, largely for storage, but there would also be an office component. Each building would be built to allow a tenant to lease a small portion and grow within the building if necessary.

He noted that one of the concerns of the subcommittee was that the applicant had requested a reduction from the 30 percent required landscaping for the site. He noted that the applicant had tried to mitigate this by looking at additional offsite areas which could use landscaping improvements, including the overpass zone.

Mr. Maloy noted that there were still some questions as to whether the interior road would be public or private, and noted that the former Director and Deputy Director were supportive of requiring the road to be public; however, the applicant maintained their interest by making it private, at this time the city Transportation Division had recommended a private road, with the condition that the cross-section and all of the improvements required would meet city standards. He noted that the applicant had agreed to comply with this standard of approval.

Mr. Maloy noted that the applicant would like to have some flexibility within the development plan to incorporate other architectural schemes. Staff was concerned that this could cause future problems and this was addressed in the staff report on page 7. The applicant had provided a narrative, as far as what flexibility they were looking for. Mr. Maloy noted that he had incorporated some additional language in the staff report, which could be used to help mitigate some of the Commissions concerns if they chose to allow the applicant that flexibility.

Vice Chair Woodhead inquired why staff had felt that the road needed to be kept public.

Chair Wirthlin inquired about the pros and cons of a public versus private road.

Mr. Maloy stated that over time it was not uncommon for a private entity that owned and maintained a private road to petition the city to make the road public and have the city be responsible for maintaining it. He stated that one of the challenges with this type of transition was if the road meets city standards, what condition was it in, and what maintenance issues the city would be inheriting etc.

Vice Chair Woodhead inquired if the city was looking at private roads being built to city standards, so if it was made public in the future there would not a burden on the city to upgrade it.

Mr. Maloy stated that was correct.

Chair Wirthlin invited the applicant to the table.

Mr. Sam Gustafson, Vice President of Capitol Industries Inc. introduced Russ Naylor, architect. He stated that in order for the project to meet the 30 percent landscape requirement they had met with Barry Walsh from the city Transportation Department, who recommended a new road profile for a 30 foot wide street, which would help comply with the landscaping requirement. He noted that the road would also be built to city standards.

Vice Chair Woodhead inquired about the houses on the north end of the property.

Mr. Naylor noted that the residential area would not be affected by this project. He stated that he hoped that the Commission would look favorably on what they tried to do with landscaping; the applicant had even given up some of the parking to get closer to the 30 percent requirement.

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

Leslie Reynolds-Benz (Chair of the WestPoint Community Council) stated that she was in favor of the project and thought the use of landscaping was wonderful. She stated that she was concerned about the semi trucks coming into the neighborhood because there were two schools in the area. She noted that the applicant had agreed to put in signage to signify this.

Commissioner Chambless stated that sign implementation did not mean that the drivers would always be compliant.

Mrs. Benz stated that she had been involved with educating the neighborhood about this new development and had let them know they should report any problems.

Chair Wirthlin closed the public hearing portion of the petition.

Commissioner Algarin made a motion that the Planning Commission approve Petition 410-07-25 proposed commercial planned development as a conditional use and Petition 490-07-44 proposed preliminary subdivision, based on staff recommendation and testimony and subject to the following conditions:

Petition 410-07-25:

1. **Regulations modified by approval of planned development are limited to percent of landscape coverage, buffers widths, landscape setbacks, and number of buildings on a parcel. All other City regulations shall remain in force.**
2. **All phases of construction shall be consistent with preliminary plans as shown.**
3. **Applicant may modify buffer widths only where necessary between contiguous properties within the proposed development; however all other buffer regulations should be maintained as required by City Code 21A.48 (Landscape and Buffers).**
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 the exception for accent or architectural lighting.**
5. **In compliance with City Code 21A.54.150.7 staff shall approve product selection and placement of all outdoor site furnishings, which shall include benches, waste receptacles, and bike racks. Site furnishings shall be compatible with architectural building style.**
6. **Petition shall be subject to compliance with all department comments contained within Attachment H—Department Comments on Conditional Use.**

7. ****Applicant will provide instruction and signage directing trucks away from the residential neighborhood to the east of the development.**

Petition 490-07-44:

1. **Approval is subject to compliance with all department comments contained within Attachment I—Department Comments on Subdivision.**
2. **To reduce flooding, finish site elevation shall exceed 4, 217' as recommended by the Utah Department of Natural Resources—Great Salt Lake Planning Team 2000.**
3. **Applicant shall prepare and submit to the City for approval a final subdivision application and plat.**
4. **All parcels shall be referenced by lot number (not by phases as shown)**
5. **Final subdivision plat shall be recorded within 18 months of preliminary approval**
6. **Any future development activities associated with this property will require that all inadequate or absent public improvements be brought into compliance with City standards. Additionally, any future development will be subject to requirements of the zoning ordinance.**

Discussion of the motion:

Chair Wirthlin inquired if the Commission wanted to add a condition to Petition 410-07-25 that the applicant would provide instruction and signage directing trucks away from the neighborhood to the east.

**Commissioner Alгарin stated he would accept that amendment.

Commissioner McHugh seconded the motion. Commissioners Alгарin, Scott, Chambless, McHugh, McDonough, Muir, and Vice Chair Woodhead voted, “Aye”, the motion carried unanimously.

Chair Wirthlin called for a five minute break at 6:54 p.m.

The meeting reconvened at 7:00 p.m.

Commissioner Scott recused herself from this portion of the meeting.

Petitions 410-07-40 and 480-08-04, Central Park Condominiums Conditional Use and Preliminary Condominium—a request by Structure Building Company / Lloyd Platt Architects for approval of a **conditional use for extra building height and preliminary condominium approval** of an 81 unit residential condominium located at approximately 1357 to 1381 South Main Street. The property is located in the Corridor Commercial (CC) Zoning District and is in the South State Street Corridor (SSSC) Overlay District. The CC Zoning district height limit is 30 feet, but allows for additional building height up to 45 feet to accommodate an additional floor if approved by the Planning Commission as a conditional use. The proposed development is located in City Council District Five.
(This item was heard at 7:00 p.m.)

Chair Wirthlin recognized Ray McCandless as staff representative.

Mr. McCandless stated the applicant proposed a three story condominium located in the Corridor Commercial (CC) Zoning District and is in the South State Street Corridor (SSSC) Overlay District. He noted that in the CC zone the buildings required no setbacks and the SSSC overlay allowed for the properties to be moved closer to the property line. He noted that one of the recommendations from the subcommittee was to shift the building from the rear property line to Harrison Avenue, to allow for more of a setback and provide more landscaping.

Mr. McCandless noted that this was a conditional use because of the proposed third story, which was allowed in the CC Zoning District; however, the applicant needed to provide an additional 10 percent onsite landscaping—which had been done.

He noted that additional amenities which included: a full underground parking structure, a gym, commons room, hot tub area, kids playground, and dogs playground, staff felt that these amenities also justify the additional building height.

Mr. McCandless noted that at the open house on February 21, 2008 there were a couple of issues brought up. It was suggested that the applicant put in a crosswalk across Main Street to the baseball stadium; however, the Transportation Division discouraged this because there is already a crosswalk at 1300 South. He noted that there was some concern in regards to parking on Main Street and the Transportation Department stated there would be adequate parking on Main Street if this development was built. There was also a concern from the property owners to the south, to keep their overhead door access.

Mr. McCandless noted that the subcommittee suggested having direct pedestrian access on the main floor levels to the street; however, the problem was that the zoning ordinance would not allow for stairs or landings to be placed within 4 feet of the front property line, so in order to do this the building would have to be pushed back and parking would have to be reduced, which would be less than the parking requirements of that zone. He noted that the architect did add a third entrance to the building in the middle.

Commissioner Chambless noted that Mr. McCandless had mentioned that the third story of the condominiums would not impair the adjoining buildings on the east side of Main Street; however, would this impair the baseball stadium in any way, including impacts to the view corridor of the Wasatch front.

Mr. McCandless stated that there would not be major impacts from the actual structure.

Chair Wirthlin invited the applicant up to the table.

Ms. Karilyn Anderson (Architect and Project Manager) inquired if the Commission had any questions.

Ms. Anderson stated that there would be no vegetation above the three stories that would block the view corridor, but she has not done a study on it yet.

Vice Chair Woodhead inquired about the vegetation on the roof garden.

Mr. McCandless noted that the garden would only be on the second level and would contain small vegetation.

Commissioner Muir inquired if this was relevant because there was no view corridor ordinance for this area.

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

Dee Davis (1393 Major Street), owner of Davis Distributing Co., stated that he was in opposition of the project because of the zoning and the visitor parking. He stated that he was under the impression that the CC zone did not allow residential. He stated that he was concerned that the public parking in front of his business would be affected.

Vice Chair Woodhead inquired if Mr. Davis's main concern was residential use parking.

Mr. Davis noted yes, and he only had concerns because he was afraid it would negatively impact his business.

Todd Draper (1316 South 200 East) stated that he was not opposed to the density in the area, but he did have a concern about parking in the area. He stated that he would like to see parking access from Harrison Avenue. Mr. Draper noted that he also felt that the buffering should be provided by the applicant.

Chair Wirthlin closed the public hearing portion of the petition.

Ms. Anderson stated that the projects parking did comply with all of the city requirements and would include visitor parking. She also noted that she had looked at parking access from Harrison Avenue; however, after inquiries with

the city Transportation Department they noted that there were no plans to widen that street in the future and therefore it would be problematic to have an access from that narrow street.

Commissioner Chambless inquired about making Harrison Avenue a one-way-street, and if staff had ever considered this.

Mr. McCandless noted that it had not been considered because it was wide enough to accommodate two-way traffic.

Commissioner McDonough noted that as far as visitor parking, she could not think of anywhere residential areas were densifying that the city required anything specific in regards to visitor parking.

Commissioner Muir inquired if staff typically considered impact on non-conforming uses.

Mr. McCandless stated no and clarified that residential zoning was allowed in the CC zoning district as a permitted use.

Commissioner Algarin made a motion in regards to Petition 410-07-40 Central Park Condominiums conditional use for additional building height to include an additional story as proposed on the attached drawings, and 480-08-04 preliminary condominium, the Planning Commission approve these petitions based on the following conditions:

1. **Compliance with the departmental comments and all applicable codes and ordinances as outlined in the staff report.**
2. **The final condominium plat, which creates the lot containing the condominium project, shall be recorded with the Salt Lake County Recorder. A final condominium plat and associated covenants must also be recorded.**
3. **The parking structure and associated access ramps must be approved by the Salt Lake City Transportation Division.**
4. **Access to the overhead door and employees' door on the exterior north side of the building to the south be maintained and not blocked by trash dumpsters, etc.**
5. **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).**
6. **No condominium shall have final approval, or shall said units be sold, until the plat has been recorded with the Salt Lake County Recorder.**
7. **Planning Commission approval of the 25% glass on the first floor since all uses on the first floor level are residential.**

Commissioner McHugh seconded the motion. Commissioners Algarin, Chambless, McHugh, McDonough, Muir, and Vice Chair Woodhead voted, "Aye", the motion carried unanimously.

The meeting adjourned at 7:31 p.m.

Tami Hansen, Planning Commission

