

# **SALT LAKE CITY PLANNING COMMISSION MEETING**

**In Room 326 of the City & County Building**

**451 South State Street, Salt Lake City, Utah**

**Wednesday, November 12, 2008**

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

Present from the Planning Division: Wilf Sommerkorn, Planning Director; Cheri Coffey, Programs Manager; Paul Neilson, City Attorney; Casey Stewart, Principal Planner; Lex Traughber, Principal Planner; Everett Joyce, Senior Planner; Doug Dansie, Senior Planner; and Tami Hansen, Planning Commission Secretary.

## **Work Session:**

A Work Session was held prior to the meeting. Planning Commissioners present were: Matthew Wirthlin, Mary Woodhead, Prescott Muir, Frank Algarin, Susie McHugh, and Kathy Scott. Staff members present were: Wilford Sommerkorn, Joel Paterson, Cheri Coffey, Lex Traughber, Everett Joyce, Katia Pace, Doug Dansie, Paul Nielson, and Tami Hansen.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Woodhead called the meeting to order at 5:45 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

**[5:45:34 PM](#) Approval of Minutes from Wednesday, October 22, 2008. Commissioner Wirthlin made a motion to approve the minutes as written. Commissioner De Lay seconded the motion. All in favor voted, "Aye," the motion passed unanimously.**

## **[5:45:55 PM](#) *REPORT OF THE CHAIR AND VICE CHAIR***

Vice Chair Woodhead noted that she, Wilford Sommerkorn, and Tami Hansen met with Mayor Becker and his Chief of Staff David Everitt for approximately 45 minutes on October 30, and discussed some of the Planning Commission's concerns which included the Planning Commissioners' desire to participate on long range planning issues, and she noted that Mayor Becker was open to this suggestion. Chair Woodhead noted that it was also discussed that there was a general concern among the Commissioners that the Planning Commission had not been fully staffed for some time, and there were currently two empty seats. She noted that Mayor Becker mentioned that there were hundreds of applications that had been submitted for the Planning Commission, and his staff was in the process of sorting through these applications to make sure that there was a more balanced geographic representation of the City on the Commission in the future.

She noted that the Commissioners should have received an email regarding input on a sustainability outreach in the City, and she felt that it was important for the Commission to make comments. She inquired if members of the

Commission wanted to do more than make informal comments, and suggested a possible meeting with the consultant. Commissioner De Lay suggested that the consultant be invited to a future Commission meeting to discuss this further.

[5:48:17 PM](#) **REPORT OF THE DIRECTOR**

Mr. Sommerkorn noted that he did not have any issues to report.

[5:48:42 PM](#) **BRIEFING**

**Conditional Use Project—Issues for Further Study, Part II**—The Planning Staff will review and discuss with the Planning Commission the proposed responses to issues that were raised during the City Council’s recent review of conditional use regulations. The City Council requested further study of issues that were not addressed prior to the July 22, 2008 adoption of amendments to the Zoning Ordinance relating to conditional and permitted uses. The Planning Staff is requesting comment and direction from the Planning Commission prior to submitting the responses to the City Council for its review. [View: Staff Communication](#), and [Study](#).

Chair Woodhead recognized Cheri Coffey as staff representative.

[6:12:07 PM](#) **Motion:**

**Commissioner Wirthlin made a motion that the Planning Commission directs staff to move forward to the City Council with these issues, and to further study and address the issues and comments discussed by the Planning Commissioners.**

**Vice Chair McHugh seconded the motion.**

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

**PUBLIC HEARING**

[6:13:04 PM](#) **2421 E. Parley’s Way Master Plan and Zoning Map Amendment**—a request by Lisa Sieg, applicant, for a master plan and zoning map amendment for the property located at approximately 2421 East Parley’s Way. The subject property is the current location of the business known as “The Language of Flowers”.  
[View: Staff Report](#)

- a. **Petition 400-08-22 or PLNPCM208-00238, 2421 East Parley’s Way Zoning Map Amendment**—a request to amend the Salt Lake City Zoning Map for the subject property (parcels 16-22-203-018 & 034) from R-1-5,000 (Single Family Residential District) to CB (Community Business District).
- b. **Petition 400-08-23 or PLNPCM2008-00239, 2421 East Parley’s Way Master Plan Amendment**—a request to amend the East Bench Community Future Land Use Map for the subject property (parcels 16-22-203-018 & 034) from “Low Density Residential” to “Neighborhood Business”.

Chair Woodhead recognized Lex Traugher as staff representative.

[6:20:06 PM](#) **Public Hearing:**

Chair Woodhead opened the public hearing portion of the petition.

The following people spoke or submitted a hearing card in *opposition* to the proposed petition: **Beth K. Thomas** (2228 King Street) stated there was no need for the rezone because there are a lot of pedestrians including children in the existing neighborhood and a rezone would bring additional traffic. **Bret Jordan** (2175 South Texas) stated that there does not need to be more commercial zoning in the area, it is a dense residential area, and he had spoken to 36 of the residences in the surrounding neighborhood and 35 out of 36 residences had sign a petition against this rezone. **Rob Wilhamson** (2197 South King Street) stated he was against the rezone because for the past thirty years the site had functioned as a business and had not needed to be rezoned. He noted that currently there were three parking stalls and if this site was rezoned to a commercial property, parking would become an issue because customers would have to park up and down the residential street. He noted that he also had a signed petition and he received over 120 signatures against this rezoning. **Amy Wilhamson** (2197 South King Street) noted that she did not want this property to be rezoned because it would allow the applicant the option to add onto the property and make it bigger. **Diana Hart** stated that traffic was already dangerous in the area for pedestrians and the site is not a big enough lot to develop into a commercial structure. [View: Additional public comment](#), and [Signed petition](#).

Chair Woodhead closed the public hearing.

[6:43:51 PM](#) **Motion:**

**Commissioner Wirthlin made a motion based on comments from the public, citing concerns of commercial creep and not wanting future expansion of the site, and based on the Commissioners discussion, that a negative recommendation be forwarded to the City Council regarding Petition PLNPCM2008-00238 to amend the Salt Lake City Zoning Map, and Petition PLNPCM2008-00239 to amend the East Bench Community Future Land Use Map, located at 2421 East Parley's Way.**

**Commissioner Scott seconded the motion.**

[6:45:07 PM](#) **Discussion of the Motion:**

Commissioner Muir stated that the Commissioner Wirthlin should use the rationale from the staff report to explain why he made the motion to deny amending the East Bench Community Master Plan Future Land Use Map and standards of review and rationale to amend the Zoning Map, A through E, and identify atleast one of these which he did not agree with.

Commissioner Wirthlin noted that factor B, *whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property* and the staff finding for this factor, *the proposed amendment is compatible with existing development in the immediate vicinity of the subject property*. He noted that this property was surrounded by residential zoned property on three sides and the extent of the proposed amendment would adversely affect adjacent properties, by expanding the current possible uses on the property with the new zone, rather than leaving it as a nonconforming use.

**Commissioners De Lay, Scott, and Wirthlin voted, "Aye"; Commissioners Algarin, Muir, and McHugh voted, "No", the motion tied. Chair Woodhead voted, "No", the motion did not pass.**

[6:51:19 PM](#) **Second Motion:**

Commissioner Algarin made a motion regarding Petition PLNPCM2008-00238 & PLNPCM2008-00239, the Planning Commission accepts staff recommendations A through E based on staff analysis and findings.

Vice Chair McHugh seconded the motion.

Commissioners Algarin, Muir, and McHugh voted, “Aye”. Commissioners De Lay, Scott, and Wirthlin voted, “No”. Chair Woodhead voted, “Aye”. The motion passed.

[6:52:19 PM](#) **Petition 400-08-17, 1150 E. Downington Avenue Partial Street Closure**—a request by Jared and Louise Millington that a portion of Downington Avenue, located at approximately 1150 East Downington and adjacent to their residential property, be declared surplus by the City, closed, and sold. Downington Avenue at this location is a dead end street and unimproved. The purpose of the request is to incorporate a portion of this street into the Milligton’s residential parcel in order to improve the property.

View: [Staff Report](#)

Chair Woodhead recognized Lex Traugher as staff representative.

[7:00:37 PM](#) **Public Hearing:**

Chair Woodhead opened the public hearing portion of the petition.

The following people spoke or submitted a hearing card in *support* of the proposed petition: **Suzanne Dean** (1138 Wilson Avenue) stated that she generally supported this petition; her concerns were that the applicant’s front yard was actually part of a City street and she was concerned that the additional seven (7) foot increase would make the existing street relatively narrow. She noted that the applicant’s restore antique vehicles and typically have a lot of them on their property, and she was concerned that the space they acquired from the alley vacation would be used to park a lot of vehicles. She also noted that she would like to keep access to her existing shed and wanted to make sure that she would not be forced to tear it down. **Steve Summers** (1150 Wilson Avenue) stated he was in support of the petition, he wanted to make sure that there was enough access for public safety vehicles, and for other property owners to still be able to maintain their properties and gardens. View: [Additional public comment](#)

Chair Woodhead closed the public hearing.

[7:12:39 PM](#) **Motion:**

Commissioner Muir made a motion regarding Petition PLNPCM2008-00241, 1150 East Downington Avenue Street Closure, based upon findings of fact from the hearing and the staff report, the Planning Commission transmits a favorable recommendation to the City Council to close the subject street, subject to the following conditions:

1. All requirements and comments outlined in this staff report and attached as Exhibit A must be met.

2. **Prior to the City Council consideration, the applicant will provide Planning Staff with a legal description of the subject property.**
3. **Prior to the City Council consideration the applicant will work with the City Property Management Division to obtain a compensation price for the subject property.**
4. **Compliance with City Code 2.58 which regulates the disposition of City owned real property.**
5. **If approved by the City Council the pavement in the front yard shall be removed and a curb defining the edge of the new right-of-way shall be installed.**

**Commissioner Wirthlin seconded the motion.**

**7:13:26 PM Discussion of the Motion:**

Commissioner Scott inquired of Commissioner Muir if the curb and right-of-way were defined, does the right-of-way need to become a no parking zone, or is thirty feet still wide enough to accommodate parking and ingress/egress traffic.

Commissioner Muir stated that this seemed to be a provision of the City Traffic Department and they would need to enforce it, and post signs.

**All in favor voted, “Aye”, the motion passed unanimously.**

**7:14:37 PM PLNPCM2008-00361 Linh Cao minor auto repair**— a request by Linh Cao for conditional use approval for an automobile repair (minor) business to operate on property located at 1255 West 400 South in a CN (Neighborhood Commercial) zoning district. The subject property and buildings have been used for automobile repair in the past. **View:** [Staff Report](#)

Chair Woodhead recognized Casey Stewart as staff representative.

**7:21:21 PM Public Hearing:**

Chair Woodhead opened the public hearing portion of the petition.

The following people spoke or submitted a hearing card in *support* of the proposed petition: **Brook Stonebraker** (1255 West 400 South) stated that he was in support of the petition and it was long overdue.

Chair Woodhead closed the public hearing.

**7:21:53 PM Motion:**

**Commissioner De Lay made a motion regarding Conditional Use Petition PCM2008-00361, based on findings in the staff report, and testimony heard that the Planning Commission approves the request subject to the following conditions:**

- 1. A pedestrian pathway leading from the building entrance to the concrete sidewalk along 400 South shall be installed by the applicant. The design shall be acceptable to both the City Planning and Transportation Divisions.**
- 2. To comply with interior parking lot landscaping requirements, two of the proposed parking stalls in front of the building shall be converted to landscaped areas. These landscaped areas can include the required pedestrian pathway in condition No. 1.**
- 3. If not already existing, the applicant must provide a sand/oil separator for all building floor drains other than the bathroom drain.**
- 4. The existing vehicle access point located furthest north on Concord Street shall be removed and replaced with landscaping, curb, and gutter that meets City standards.**
- 5. A dumpster shall be located in the southwest corner of the site or adjacent to the building on the south side and shall be screened from view to comply with Chapter 21A.48.120 *Screening of Refuse Disposal Dumpsters*.**
- 6. Compliance with all other City department requirements outlined in the staff report for this project.**

**Commissioner Wirthlin seconded the motion.**

**All in favor voted, “Aye”, the motion passed unanimously.**

Chair Woodhead announced a short break at 7:22 p.m.

Chair Woodhead reconvened the meeting at 7:33 p.m.

**7:33:40 PM Amendment to Petition 410-329 pursuant to Petition 400-04-25**—a request by the Boyer Company to create a sign package for an open air mall (Gateway). The proposed action is an amendment to the planned development approval of the Gateway mixed-use complex to adopt a sign package for the open-air mall portion of the development. The Gateway is generally located at between 400 and 500 West from North Temple to 200 South. Petition 400-04-25, which was approved by the Planning Commission and City Council, allows open air malls to create their own internal signage package when included as part of a planned development. The Boyer Company is requesting an amendment to the original planned development approval (410-329) to include a signage package. **View:** [Staff Report](#)

Chair Woodhead recognized Doug Dansie as staff representative.

**7:34:00 PM** Mr. Paul Nielson stated that he had a conflict of interest with the Boyer Company, as well as Lyn Pace, Deputy City Attorney. He noted that the issues presented in the application were significant enough to require review and advice from the City Attorney’s office; he suggested that this application be tabled until the November 19, 2008 meeting.

**7:38:52 PM Motion:**

**Vice Chair McHugh made a motion regarding the Gateway mixed-use Planned Development; Amendment to Planned Development Petition 410-329 for a sign master plan agreement, that the public hearing be tabled until November 19, 2008.**

**Commissioner De Lay seconded the motion.**

**All in favor voted, “Aye”, the motion to table was passed unanimously.**

**[7:39:57 PM](#) Petition No. PLNPCM2008-00641, Zoning Text Amendment for Community Correction Facilities (Halfway Homes) in the General Commercial (CG) and Light Manufacturing (M-1) Zoning Districts**—a request by the Salt Lake City Council to analyze current regulations for Halfway Homes, which do not adequately address the size and concentration or the potential impacts of large halfway home facilities on adjacent properties. These text changes are Citywide.

**View: [Staff Report](#)**

Chair Woodhead recognized Everett Joyce as staff representative.

**[7:44:15 PM](#) Public Hearing:**

Chair Woodhead opened the public hearing portion of the petition; she noted there were no public comments. Chair Woodhead closed the public hearing.

**[7:50:33 PM](#) Motion:**

**Commissioner Muir made a motion concerning Petition PLNPCM2008-00641, Zoning Text Amendment for Community Correction Facilities (Halfway Homes) in the General Commercial (CG) and Light Manufacturing (M-1) Zoning Districts, based upon comments, analysis, and findings of fact listed in the staff report, and at the public hearing, that the Planning Commission transmit a favorable recommendation to the City Council to adopt the proposed text amendments.**

**Commissioner Algarin seconded the motion.**

**All in favor voted, “Aye”, the motion passed unanimously.**

**[7:51:25 PM](#) Petition No. PLNPCM2008-00640, Salt Lake City Code Maintenance; Fine Tuning text amendments**—a request by Salt Lake City Mayor Becker to analyze the feasibility of amending the City Zoning Ordinance to provide for clarity and efficiency of use as part of an ongoing process of code maintenance. These text changes are Citywide, and the following issues are being considered: **View: [Staff Report](#)**

- a. Chapter 21A.46.110 Signs. Clarify the extension limits for projecting signs within the Downtown D-1 and D-4 Zoning Districts.
- b. 21A.46 Yard Sale Signs. Provide consistent display period requirements between sign and business license ordinance.
- c. 21A.52.090A. Special Exceptions. Provide an extension of time requirement consistent with the General Applications and Procedures section of the Zoning Ordinance.

- d. 21A.32 Special Purpose Districts. Clean up remnant floor area ratio text references for the RP, BP Institutional Districts text.
- e. 21A.24 Interior Side Yard and Corner Yard setbacks. Provide setback requirements for nonresidential uses in multifamily zoning districts.
- f. 21A.24 RMF-30 and RMF-35 Maximum building coverage. Define the building coverage area for nonresidential uses in multifamily zones.
- g. 21A.08.030, Zoning Certificates. Clarify that zoning certificates are required for principal use and not accessory uses.
- h. 21A.22 Zoning Districts, Map and Boundaries. Clarify how lots of record that are split by multiple zoning districts affect Zoning District boundaries
- i. 21A.52.030G Special Exceptions. Circular driveways that meet the zoning standards should be allowed as a permitted use.

Chair Woodhead recognized Everett Joyce as staff representative.

**7:53:38 PM Public Hearing:**

Chair Woodhead opened the public hearing portion of this petition; she noted there were no public comments. Chair Woodhead closed the public hearing.

**7:54:42 PM Motion:**

**Commissioner Wirthlin made a motion regarding Petition PLNPCM2008-00640 based on comments, analysis and findings of fact listed in the staff report, that the Planning Commission transmits a favorable recommendation to the City Council to adopt the proposed text amendments for code maintenance purposes.**

**Commissioner De Lay seconded the motion.**

**All in favor voted, “Aye”; the motion passed unanimously.**

*The meeting adjourned at 7:55 p.m.*

**This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on November 12, 2008.**

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Tami Hansen