

SALT LAKE CITY PLANNING COMMISSION MEETING

In Room 326 of the City & County Building

451 South State Street, Salt Lake City, Utah

Wednesday, October 22, 2008

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

Present from the Planning Division: Wilf Sommerkorn, Planning Director; Joel Paterson, Programs Manager; Cheri Coffey, Programs Manager; Paul Neilson, City Attorney; Ray Milliner, Principal Planner; Nick Britton, Principal Planner; Doug Dansie, Senior Planner; and Tami Hansen, Planning Commission Secretary.

Work Session:

Mr. Paul Nielson, City Attorney, presented *The Open Book 2008, A handbook on open meetings & open records in Utah* and also reviewed the *Open Meeting Law—Training for Public Bodies* handout with the Planning Commission.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Wirthlin called the meeting to order at 5:48 p.m. Audio recordings of the 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, Susie McHugh, and Kathy Scott. Staff members present were: Joel Paterson, Ray Milliner, and Nick Britton.

5:48:59 PM Approval of Minutes from Wednesday, October 8, 2008. Commissioner McHugh made a motion to approve the minutes as written. Commissioner Scott seconded the motion. All in favor voted, “Aye,” the motion passed unanimously. Vice Chair Woodhead abstained.

5:49:25 PM Report of the Chair and Vice Chair:

Chair Wirthlin noted that he and Vice Chair Woodhead had met with the Chair and Vice Chair of the City Council, which was now a regular meeting. He noted that one of the suggestions made by the City Council was the need for the Planning Commission, even on matters when the Commission is only making a recommendation to the City Council, to elaborate on conditions, issues, thoughts, and other input, when passing on that recommendation.

Commissioners agreed this would be beneficial.

Commissioner Scott inquired if members of the Commission could discuss the issues after the hearing, or should they wait until the minutes were approved and decisions are finalized.

Mr. Nielson stated that the decision was final when the motion was made.

5:53:13 PM Report of the Director:

Mr. Sommerkorn stated that there was a petition initiated to rezone for the area north of North Temple, up to 600 North and West of 400 West.

Mr. Britton noted that on 400 North and west of 500 West, there was a parcel that was left out of the area, which was only about 30 or 40 feet and that should be included in the rezone area. He noted that the areas highlighted in blue were part of the original petition that the Commission initiated and that the areas in green would be added to the rezone area that would become a mixed-use zone, which would be determined in the future. [View: Map](#)

Mr. Sommerkorn inquired if the Commissioners had any more questions.

Vice Chair Woodhead noted that she had a question about the Granite Furniture block development, and noted that she had read in the paper that Mr. Mecham had been granted additional time, and that the Planning Commission had voted not to give him that additional time. She inquired if the Planning Commission's vote was considered when that decision was made.

Mr. Sommerkorn noted that he was not sure of the details regarding the matter, but the Planning Department was not involved in that decision; it was a matter between the CED Director Frank Gray and Mr. Mecham, and they came to the conclusion that due to the current economic and financing conditions, Mr. Mecham would not be able to get the financing needed to proceed with the project, but hopefully would get that funding within a six month period.

Commissioner McHugh stated that financial hardship was not the cause behind the reasoning for the Planning Commission's decisions.

[5:58:33 PM](#) **Vote for the new Chair and Vice Chair:**

Commissioners elected Mary Woodhead as the new Chair of the Planning Commission, and Susie McHugh as the new Vice Chair.

Other Business:

[6:08:25 PM](#) **Petition 410-08-44; Saxton Grove Townhomes**—a request by Intermountain Home services for Planned Development approval to construct thirteen (13) new residential single family attached units located at approximately 321 and 365 South 870 West. The project was previously reviewed by the Planning Commission at a public hearing on August 13, 2008. The Planning Commission requested that the petitioner consider changes and return to the Planning Commission for final approval. [View: Staff Report](#)

Chair Wirthlin recognized Doug Dansie as staff representative.

[6:15:38 PM](#) **Motion:**

Vice Chair Woodhead made a motion regarding Petition 410-08-44, Saxton Grove Townhomes planned development, to approve the revised drawings.

Commissioner McHugh seconded the motion.

All in favor voted, "Aye," Commissioner McDonough voted, "No," the motion passed.

Public Hearing:

[6:16:20 PM](#) **Petition PLNPCM2008-00396 Ninigret Planned Development**—a planned development request by Ninigret Construction for a concrete crushing, processing and storage facility at 7250 West North Temple. Used concrete from demolition projects at City Creek will be crushed and reused as road base, and used for reclamation of a garbage dump on site. Steel rebar from the concrete will be taken to an off-site metal recycling center. **View:** [Staff Report](#)

Chair Wirthlin recognized Ray Milliner and Nick Britton as staff representatives.

[6:32:38 PM](#) **Public Hearing:**

The following person spoke regarding the proposed petition: **Mike Sharp**, inquired if there were any initiatives which would completely offset all of the air pollution of cement and rock grinding.

Mr. Wheelwright noted that this function was controlled and allowed under state permits, which have been obtained. This was also a part of the LEED certification that CCRI agreed to regarding the City Creek project.

Chair Wirthlin closed the public hearing.

[6:40:04 PM](#) **Motion:**

Commissioner Muir made a motion to approve Petition PLNPCM2008-00396; Ninigret Construction concrete crushing and processing planned development, located at 7250 West North Temple, based on the analysis and findings by staff, and subject to the following conditions:

- 1. The applicant shall provide and utilize a tire washing station on site subject to the City Clean Wheel Ordinance.**
- 2. The applicant shall work with representatives from the Public Utilities Division to bring a compliant water line to the site, prior to the issue of any final building permits.**
- 3. The site shall be used for the recycling of waste material only from the City Creek planned development, as previously approved by the Planning Commission. No materials from other locations or projects may be recycled at this location without the express approval of the Planning Commission.**
- 4. The applicant shall comply with all City Departmental requirements.**
- 5. The commencement date shall be extended from one (1) to two (2) years, and terminate five and one half years later.**
- 6. *No permanent building will be built on the site during the crushing and stockpiling efforts.***

Vice Chair Woodhead seconded the motion.

[6:41:18 PM](#) Discussion of the Motion:

Commissioner Scott stated that the motion should include another condition that read: No permanent building will be built on the site during the crushing and stockpiling efforts.

Commissioner Muir accepted this amendment to the motion.

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

[6:42:29 PM](#) **East Capitol Planned Development**—a planned development request by Jeff Adams for a six (6) unit residential project at 649 N. East Capitol Boulevard. There are three existing buildings on site that would be demolished if this application is approved. The applicant is requesting that the Planning Commission allow reductions in the setbacks. [View: Staff Report](#)

- a. **Petition PLNPCM2008-228149 East Capitol Development**—a request by the applicant for planned development approval with possible Zoning Ordinance modifications to the required setbacks.
- b. **Petition PLNPCM2008-00190 East Capitol Boulevard Surplus Property**—a request by the applicant for the Planning Commission to declare a 0.02 acre City-owned parcel of property surplus for the purpose of incorporating the property into the development.

Chair Wirthlin recognized Ray Milliner and Nick Britton as staff representatives.

[6:57:18 PM](#) **Public Hearing:**

Chair Wirthlin noted that there was no public present to speak to the petition; he then closed the public hearing portion of the petition.

[6:58:19 PM](#) **Motion:**

Commissioner McDonough made a motion regarding Petitions PLN2008-228147, a request for a planned development, and PLNPCM2008-00190, a request for a declaration of surplus property; that the Planning Commission approves these requests pursuant to the findings, analysis, and conditions of approval. The Planning Commission also declares the property located at approximately 649 North East Capitol Boulevard (Tax ID: 09-31-104-023) surplus and forwards a recommendation to the City Administration to dispose of the property, as required in Section 2.58 of City Code. These petitions are subject to the conditions as follows:

1. Prior to the issue of a building permit, all issues raised by the Engineering, Public Utilities, and Building Divisions shall be resolved to their satisfaction.
2. Prior to the issue of a building permit, the applicant shall submit for review and approval, a subdivision amendment, and surplus property application.
3. The applicant shall verify geometrics for grades and horizontal alignments of the driveways as they relate to the 10x10 foot Clear Zone requirements.
4. If either the subdivision or surplus property applications are denied, this approval shall be considered null and void.

Commissioner Chambless seconded the motion.

[7:00:28 PM](#) Discussion of the Motion:

Commissioner Muir noted that on the north elevation there was a bay window approximately where the four (4) foot setback was, but it was not in the plan. He stated that he assumed the plan correlated with the amount of encroachment there and there would not be any additional encroachment as reflected by a bay window.

Mr. Brian Zaitz noted that Commissioner Muir was correct, and that the plan was accurate.

Commissioner Muir noted that because of this inconsistency the motion should reflect that approval was granted pertaining to the plan.

Chair Wirthlin noted that should be an amendment to the motion.

Commissioner McDonough accepted the amendment.

All in favor voted, "Aye," the motion passed unanimously.

The meeting adjourned at 7:02 p.m.

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on October 22, 2008.

Tami Hansen