

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 315 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, September 10, 2008**

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

Present from the Planning Division: Wilf Sommerkorn, Planning Director; Joel Paterson, Acting Deputy Director; Paul Nielson, Senior City Attorney; Lex Traugher, Senior Planner; Nick Britton, Principal Planner; Katia Pace, Associate Planner; Casey Stewart, Principal Planner; Kevin Young, Transportation Planning Engineer; and Tami Hansen, Planning Commission Secretary.

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 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: Frank Algarin, Tim Chambless, Kathy Scott, Matthew Wirthlin, Susie McHugh, and Mary Woodhead. Staff members present were: Lex Traugher, Joel Paterson, Katia Pace, and Casey Stewart.

[5:48:51 PM](#) **APPROVAL OF MINUTES from Wednesday, August 13, 2008.**

[5:49:54 PM](#) **Commissioner De Lay made a motion to approve the minutes with noted changes. Vice Chair Woodhead seconded the motion. All in favor voted, “Aye,” the motion passed unanimously.**

[5:50:21 PM](#) **REPORT OF THE CHAIR AND VICE CHAIR**

Chair Wirthlin noted that he and Vice Chair Woodhead had an opportunity to meet with the Chair and Vice Chair of the City Council, and they discussed a number of issues, including the Pay Day loans text amendment, which will be heard by the Commission at the September 24, 2008 Planning Commission meeting.

He noted that he and Vice Chair Woodhead had also been invited on a trip with members of the City Council to Portland, Oregon and Seattle, Washington for an opportunity to learn about the unique planning developments that both cities have dealt with.

REPORT OF THE DIRECTOR

[5:52:30 PM](#) **Petitions 410-06-29 & 490-07-09, Request for Time Extension: Capitol View Conditional Use/Planned Development and Subdivision**—a request by Jeremy Jones for a twelve month time extension for the approvals granted for the Capitol View project. The Planning Commission approved the project on October 10, 2007. Section 21A.54.120 of the Zoning Ordinance limits the validity of approval for conditional uses to 12 months, unless a longer time period is requested and granted by the Planning Commission. The subject property is located at approximately 690 North West Capitol Street in City Council District three represented by Eric Jergensen. [View: Memorandum](#)

Chair Wirthlin recognized Lex Traugher as staff representative.

[5:53:36 PM](#) **Commissioner McDonough made a motion to approve the request for a time extension regarding Petitions 410-06-29 & 490-07-09 for the Capital View Conditional Use/Planned Development and Subdivision.**

Commissioner Chambless seconded the motion.

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

Mr. Paterson noted that they needed a member of the Commission to replace Commissioner Forbis at meetings regarding the University of Utah’s Project Universe development.

Chair Wirthlin volunteered to cover the September 11, 2008 meeting and noted that the Commission would further discuss a permanent Commission member that could attend those meetings. Commissioner De Lay volunteered to be the alternate member.

Mr. Paterson noted that Wilf Sommerkorn has been appointed as the new Planning Director.

PUBLIC HEARING

Commissioner Scott recused herself from the meeting at 7:57 p.m.

[5:57:37 PM](#) **Petition 400-07-35, Christus St. Joseph Villa Master Plan Amendments**—a request by Christus Health Utah represented by Galen Ewer, CEO/Administrator for Christus St. Joseph Villa, proposes to change the land use designation in the Future Land Use Map of the Central Community Master Plan for seven parcels located adjacent to the Christus St. Joseph Villa campus at 451 East Bishop Federal Lane. The addresses of the seven parcels according to County records are 1952, 1962, 1966 South 500 East and 455, 459, 465, 475 E. Hollywood Avenue. The applicant proposes to change the land use designation on these parcels from “Low Density Residential” to “Institutional” in order to facilitate redevelopment and expansion of the Christus St. Joseph Villa campus. The applicant also proposes to amend the Blocks 4 & 5 - East Waterloo Subdivision Small Area Master Plan that was adopted in 1992 to address the future expansion needs of Christus St. Joseph Villa. The subject properties are located in City Council District 5 represented by Jill Remington Love. [View: Staff Report](#) [View: Additional Public Comment](#)

Chair Wirthlin recognized Lex Traugher as the staff representative.

[6:41:34 PM](#) Public Hearing

The following people spoke or submitted hearing cards in *opposition* to the proposed petition: **Bogart McAvoy**, **Holly Christmas** (456 East Westminster Ave), **Jodi Gardberg** (452 East Westminster Ave), **Steven Johnson** (526 Ramona Avenue), **Miriam Hall** (470 Garfield Avenue), **Jeff Bair** (1957 South 400 East), **Rita Colling** (451 Bishop Federal Lane), and **Catherine Vaz McVey** (452 Hollywood Avenue).

The following people spoke or submitted hearing cards in *support* of the proposed petition: **Debbe Lee Schuster** (1917 South 500 East), **Sister Michele Crester** (451 Bishop Federal Lane), **John Bucher** (451 Bishop Federal Lane), **Drew Petersen** (693 South 17th Avenue), **Greg Bateman** (1004 West 4050 South), **John R. Bucher** (451 Bishop Federal Lane), and **Galen Ewer** (451 Bishop Federal Lane).

~~[7:41:23 PM](#) Commissioner De Lay made a motion regarding Petition 400-07-35, the master plan amendments for Christus St. Joseph Villa properties located at 1952, 1962, and 1966 South 500 East and 455, 459, 465, and 475 East Hollywood Avenue. Based on the discussion, testimony, analysis, and findings presented to the Commission. The Commission forwards a recommendation of denial to the City Council with respect to the proposed amendments to the Central Community Master Plan and the Blocks 4 and 5—East Waterloo Subdivision Area Master Plan.~~

~~Vice Chair Woodhead seconded the motion.~~

Commissioners De Lay, McDonough, and Vice Chair Woodhead voted, “Yes”. Commissioners Forbis, McHugh, Chambless, and Algarin voted, “No”. The motion was denied.

7:43:06 PM Commissioner Forbis made a motion regarding Petition 400-07-35, the master plan amendments for properties located at 1952, 1962, and 1966 South 500 East and 455, 459, 465, and 475 East Hollywood Avenue, based on the discussion, analysis, testimony, and findings in the staff report, the Planning Commission forwards a recommendation of approval to the City Council with respect to the proposed amendments to the Central Community Master Plan and the Blocks 4 and 5—East Waterloo subdivision Small Area Master Plan.

Seconded by Commissioner McHugh.

Commissioners De Lay, Forbis, Mc Hugh, Chambless, and Algarin voted, “Yes”. Commissioner McDonough and Vice Chair Woodhead voted, “No”. The motion passed.

Chair Wirthlin announced a small break at 7:44 p.m.

Chair Wirthlin reconvened the meeting at 7:58 p.m.

7:58:11 PM Clarification of Petition 400-07-35 motion. Chair Wirthlin noted that the Commission needed to clarify the conditions of approval for the motion that was carried.

8:00:13 PM Commissioner De Lay made a motion to re-open the petition to clarify the motion that was passed. Commissioner McDonough seconded the motion. All in favor voted, “Aye”, the motion passed unanimously.

8:00:47 PM Commissioner Forbis made a motion of clarification regarding Petition 400-07-35, master plan amendments for properties located at 1952, 1962, and 1966 South 500 East and 455, 459, 465, and 475 East Hollywood Avenue, based on discussion, analysis of the Planning Commission, testimony, and a profound disagreement with some of the findings in the staff report, that the Planning Commission forwards a recommendation of approval to the City Council, with respect to the proposed amendments to Central Community master plan and the Blocks 4 & 5—East Waterloo Subdivision Small Area Master Plan.

Commissioner McHugh seconded the motion.

Discussion of the motion:

Commissioner Forbis noted that he felt that language was used loosely by staff to interpret their findings. He noted that he did not find that this request necessarily incongruous with the surrounding neighborhoods, as far as an amendment to the master plan.

Mr. Nielson noted that Commissioners had a lot of issues that factored into this motion and encouraged the Commissioners to articulate as many as possible.

Vice Chair Woodhead noted that her basis for the disagreement with the motion was the expansion of the Institutional (I) use, and Institutional building onto a neighborhood street that still has fairly existing consistent fabric, in an area where there is some tendency for encroachment, but that street still exists as pretty much entirely residential, with an old church on the corner. She noted that she felt that this expansion would significantly damage the fabric of that street, and there were other solutions available to solve Saint Joseph’s expansion problems.

Commissioners De Lay, Forbis, McHugh, Chambless, and Algarin voted, “Aye”. Vice Chair Woodhead and Commissioner McDonough voted, “No”. The motion passed.

Commissioner Scott returned to the meeting at 8:03 p.m.

Commissioner De Lay recused herself from the remainder of the meeting at 8:03 p.m.

[8:03:53 PM](#) **Petitions 400-07-15 and 400-07-16 Parleys Way Wal-Mart Rezoning and Master Plan Amendment**—a request by CLC Associates, Inc. on behalf of Wal-Mart for a zoning map amendment and a master plan amendment to the East Bench Master Plan located at approximately 2705 East Parleys Way. The parcel is currently zoned Community Business (CB) and the site was developed with a non-complying use (supercenter) in a nonconforming structure. CLC Associates, Inc. is requesting that the property be rezoned to Community Shopping (CS) to allow for the construction of a new supercenter. The property is located in City Council District Seven represented by Council Member Søren Simonsen.
[View: Staff Report](#) [View: Additional Conditions](#)

Chair Wirthlin recognized Nick Britton as staff representative.

[8:59:20 PM](#) **Public Hearing** (*heard from 8:59 p.m. to 10:27 p.m.*)

The following people spoke or submitted hearing cards in *support* for the proposed petition: **Ronald L. Johnson** (2122 Evergreen Avenue), **Clark Wood** (1865 Harvard Avenue), **Paul D. Jensen** (1937 Laurelhurst Drive), **Dan Sorensen** (443 University Village), **Carleen A. Wallace** (2532 East 1700 South), **Jennifer Hunter** (1170 Foothill Drive), **Jerry May** (1934 East Michigan Avenue), **Jim Brown** (1781 East Blaine Avenue), **Larry Groves** (1893 South 2500 East), and **Elaine Brown** (1781 Blaine Avenue).

The following people spoke or submitted hearing cards in *opposition* to the proposed petition: **Roz McGee** (2552 East 1700 South), **Dianne Barlow**, **Sunnyside East Community Council**, **Cameron Carpenter**, **G. Kevin Jones**, **East Bench Community Council Chair** (2500 Skyline Drive), **Grace Sperry**, **Sugar House Community Council Chair** (2660 South Highland Drive), **Diane Creamer** (2575 Maywood Drive), **Joan Provost** (2784 Lancaster Drive), **Sid Baucom** (2491 Wilshire Circle), **Bret Jordan** (2175 South Texas), **Wendy Huffman** (2585 Wilshire Circle), **Judi Short** (862 East Harrison), **Tyler Christenson** (1851 Kensington Avenue), **Julie Mulcock** (2268 Brentwood Circle), **Becky Richards** (2574 Maywood Drive), **John Ward** (7331 East Country Club Drive), **Kathy Adams** (2416 South Scenic Drive), **Glenn Strong** (2534 Wilshire Circle), **Jan Hallg** (2420 Stringham Avenue), **Charlene Homan** (2184 South Oneida Street), **Toni Carter** (1392 South Wasatch Drive), **H. Craig Carter** (1392 South Wasatch Drive), **Anne Davis** (1351 Wasatch Drive), **Margaret Thomas** (1351 Wasatch Drive), **Eric Hartman** (2558 South Wilshire Circle), **Angela Atkin** (2665 Parley's Way), **Marti Johnson** (2548 Pasadena Street), **Rosalie Neville** (2700 Parley's Way), **Jaelene V. Myrup** (1850 Connor Street), **Cecilia Uribure** (2564 Wilmington), **Peter Barth** (2516 Wilshire Circle), **Susan Lewan** (2748 Wilshire Drive), **Brad Gygi** (2569 Sage Way), **Charlene Durham**, **Scott Kisling**, **Sarah Carlson** (1917 East 2700 South), **Phillip Carlson**, **Heather Barth** (2516 Wilshire Circle), **Tim Hatch** (2455 Wilshire Drive), **Martha Farney** (2541 Maewood Drive), **Janine Piper** (1915 Nevada Street), **Vera Novak**, **Jill Burke** (2701 Wilshire Drive), **Ralph Nagasawa** (2773 Wilshire Drive), **Michael Malich** (2772 Wilshire Drive), **Cami Hatch**, **Mary Corpron**, **Tacy Hartman** (2558 Wilshire Circle), and **Bob Polouse** (2148 Wyoming).

[10:28:19 PM](#) Applicant rebuttal

Chair Wirthlin announced a small break at 10:48 p.m.

Chair Wirthlin reconvened the meeting at 10:58 p.m.

[11:14:54 PM](#) **Commissioner Forbis** made a motion pertaining to the request for an amendment to the East Bench Master Plan, and **Petition 400-07-16**, a request for a zoning map amendment by CLC Associates, Inc. on behalf of Wal-Mart at 2705 East Parley's Way with regard to **Petition 400-07-15**.

The Planning Commission forwards a negative recommendation to the City Council regarding **Petition 400-07-16**, the proposed amendment to the East Bench Master Plan, a request to amend the future land use designation of 2705 East Parley's Way from "community business" intensity to "community shopping" intensity.

The Planning Commission forwards a negative recommendation, regarding **Petition 400-07-16**, the zoning map amendment, to the Salt Lake City Council regarding the rezoning of 2705 East Parley's Way from Community Business (CB) to Community Shopping (CS).

Both proposals are based on the comments made by Commissioners, letters from the public, public comment, and other information presented through out the course of the public hearing.

Commissioner McHugh seconded the motion.

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

Chair Wirthlin announced a small break at 11:16 p.m.

Chair Wirthlin reconvened the meeting at 11:19 p.m.

11:19:35 PM Petition 410-08-50 (PLNPCM2008-00196) Piper Down Private Club Conditional Use Expansion at approximately 1492 South State Street—a request for approval to expand the existing private club structure and the rear outdoor dining. The private club was a previously approved conditional use in the CC zoning District). The site is located in Council District five Jill Remington-Love. **View:** [Staff Report](#)

Chair Wirthlin recognized Joel Paterson as staff representative.

11:30:16 PM Public Hearing

The following person spoke or submitted a hearing card in opposition of proposed petition: **L. Neil Rasmussen** (7988 S-Circle).

11:37:42 PM Commissioner Algarin made a motion regarding Petition 410-08-50, regarding the Piper Down private club expansion, located at 1492 South State Street, that the Commission approve the request based on staff recommendation with the following condition:

1. The applicant shall record a lease agreement to provide thirteen (13) off-site parking stalls (which includes one accessible stall) on the lot at 1522 South Major Street, for the expansion of the Piper Down private club.

Commissioner Forbis seconded the motion.

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

11:38:21 PM Petition 400-07-14, Declaration of Surplus Property and Alley Vacation—a request by Vera Novak to vacate a portion of the alley abutting her property at approximately 2553 South Dearborn Street, and declare it as surplus property. The property is located in the R-1/7,000 – Single-family Residential Zoning District, and in Council District Seven, represented by Søren Simonsen. **View:** [Staff Report](#) **View:** [Public Comment](#)

Chair Wirthlin recognized Katia Pace as staff representative.

11:57:39 PM Public Hearing

The following people spoke or submitted hearing cards in *opposition* of proposed petition: **Grace Sperry, Sugar House Community Council Chair** (2660 South Highland Drive), and **Patricia Brady** (1477 Stratford Avenue).

12:12:43 AM Commissioner Scott made a motion regarding Petition 400-07-14, the declaration of surplus property and alley vacation, based on the findings of fact identified in the staff report and the public hearing, the Planning Commission transmit a negative recommendation to the City Council. ~~This request does not demonstrate that the disposition satisfies any of the policy considerations in the Salt Lake City Code Chapter 14.52.020. The Planning~~

Commission feels that it would be prudent for the property owners to sort out legal claims that both parties might have.

Commissioner Chambless seconded the motion.

Discussion of the motion

Vice Chair Woodhead noted that she was going to vote in favor of the motion, but had a problem with the rationale. She noted that this petition was not completely contrary to what was set forth in the code. She noted that the urban design guideline was met, but the differing legal claims to the alley and to access over the alley made it impossible to grant this petition.

Commissioner Scott stated that she would like to remove the following last sentence of the motion, *This request does not demonstrate that the disposition satisfies and of the policy considerations in the Salt Lake City Code Chapter 14.52.020.*, and would like to replace it with, *The Planning Commission feels that it would be prudent for the property owners to sort out legal claims that both parties might have.*

Commissioner Chambless seconded the amendment to the motion.

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

12:15:19 AM Petition 410-08-39 AutoZone Planned Development—a request by The Boyer Co., represented by Nate Swain, to construct a new 6,000 square foot commercial building on a pad site located at approximately 1199 East 3300 South, at the south entrance of the Brickyard Plaza, in a Community Business (CB) district. The property is located in City Council District Seven, represented by Søren Simonsen. **View: [Staff Report](#)**

Chair Wirthlin recognized Casey Stewart as staff representative.

Mr. Paul Neilson noted that he might have a conflict of interest because the president of the company making the request was a personal acquaintance, and inquired of the Commission if they felt he needed to recuse himself.

The Commissioners agreed that there was no conflict of interest and Mr. Neilson should stay for the final petition.

12:35:15 AM Public Hearing

The following person spoke or submitted hearing card in support of the proposed petition: **Grace Sperry, Sugar House Community Council Chair** (2660 South Highland Drive).

12:43:28 AM Vice Chair Woodhead made a motion regarding Petition 410-08-39, the Autozone planned development, a request for preliminary planned development approval, based on the staff report, testimony and discussion before the Commission, the Planning Commission recommends approval of the planned development and finds that it satisfies the standards for approval subject to the following conditions:

- 1. Compliance with the departmental comments as outlined in the staff report.**
- 2. Final approval is hereby delegated to the Planning Director subject to certification by the planning director that the final development plan is in conformance with the preliminary development plan approved by the planning commission; and**
- 3. The metal trellises as shown on the front facade, marked as figure twenty-one (21), are increased to the maximum extent possible and planters provided in front from which to grow ivy intended to climb the trellises; with final approval by the Planning Director.**

And allowed modifications:

1. Extension of the maximum front yard building setback from 15 feet to 92 feet as shown on the landscape plan.
2. Reduction from 7 feet down to 5 feet for width of required landscape buffer along the west edge of the west parking area that is within 7 feet of the property line as shown on the applicant's landscape plan.
3. Grade changes up to, but not more than, 6 feet for the proposed retaining wall along 3300 South.
4. Front façade glass content requirement reduced from 40% to 24% as shown on the building elevation plan.
5. Required 5% interior parking lot landscaping reduced to 2% as shown on the landscape plan.
6. Parking in the front yard as shown on the landscape plan.

Seconded by Commissioner Algarin.

Discussion of the Motion

Commissioner McDonough stated that there was a lot of impervious pavement around this development, and she felt the Commission was encouraging that to happen, because future retailers did not have to comply.

Vice Chair Woodhead stated that the reason why the Boyer Company was not complying was because of existing lease documents, which create the impediment.

Commissioners McHugh, Chambless, Algarin and Vice Chair Woodhead, voted, "Yes". Commissioners Forbis, Scott, and McDonough voted, "No". The motion passed.

12:49:01 AM Commissioner Forbis, discussed a letter for a formal environmental review process, to be sent to Mayor Becker's office. Commissioners agreed they would like a chance to further review the letter and give input, before it is given to the Mayor.

Petition 490-08-23 Ehrich's Subdivision of Block 23 Amendment—a request by Ed and Joy Hashimoto, represented by Jason Nichols (Parsons, Behle, & Latimer law firm), for a subdivision amendment to reconfigure existing residential Lots 19, 20, and 21, Block 23, located at approximately 305 and 315 South 1200 East. The property is located in the R-2 (residential) district. The property is located in City Council District Four, represented by Luke Garrott.

This item was cancelled.

Petition 400-08-18, a legislative action initiated by the Salt Lake City Council—a request by the City Council for the preparation of an ordinance that would restrict the distance between businesses in Salt Lake City that provide "payday-loan check cashing services," and consider expanding the ordinance to cover the ratio of businesses to the number of people served, and where those businesses should be allowed.

This item was postponed until September 24, 2008.

The meeting adjourned at 12:51 a.m.

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on September 10, 2008.

Tami Hansen