

SALT LAKE CITY PLANNING COMMISSION MEETING

In Room 326 of the City & County Building

451 South State Street, Salt Lake City, Utah

Wednesday, April 22, 2009

Present for the Planning Commission meeting were Chair Mary Woodhead and Vice Chair Susie McHugh; Commissioners Babs De Lay, Tim Chambless, Frank Algarin, Matthew Wirthlin, Michael Gallegos, Angela Dean, Prescott Muir, and Michael Fife.

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless, Angela Dean, Michael Fife, Michael Gallegos, Susie McHugh, Prescott Muir, Matthew Wirthlin, and Mary Woodhead. Staff members present were: Joel Paterson, Everett Joyce, Nick Norris, and Doug Dansie.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Woodhead 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. Planning staff members present at the meeting were: Wilf Sommerkorn, Planning Director; Joel Paterson, Programs Manager; Paul Neilson, City Attorney Nick Norris, Senior Planner; Doug Dansie, Senior Planner; Everett Joyce, Senior Planner; and Tami Hansen, Planning Commission Secretary.

[5:49:10 PM](#) **Approval of Minutes from Wednesday, April 8, 2009.**

Commissioners postponed the approval of the minutes until May 13, 2009.

[5:51:01 PM](#) ***Report of the Chair and Vice Chair***

Chair Woodhead stated that she and Vice Chair McHugh had met with the Chair Christensen and Vice Chair Martin of the City Council on April 21, 2009 and talked with them about the budget issues and the Commission's concern that the Planning Staff budget should not be cut despite the City's shortfalls. She stated that they seemed to share the same concern that the Planning Department was running well and they did not want to see cutbacks.

Vice Chair McHugh stated that Chair Christensen had asked for an update on the Foothill Wal-Mart petition for the City Council and Mr. Frank Gray (CED Director) had stated that Wal-Mart had not withdrawn the petition, they were going to speak with some of their supporters first, and then they intended to go forward with the remodel.

[5:52:50 PM](#) ***Report of the Director***

Mr. Sommerkorn stated that he had an update regarding the actions the City Council took on April 21, 2009. He stated that they did pass the Pay Day Lending Ordinance, and took public comment on the alleyway on

Dearborn Street, and set May 5, 2009 as the public hearing date for The Language of Flowers rezone on Parley's Way.

5:53:43 PM **Public Hearings**

Rocky Mountain Power Northeast Substation at 144 South 1100 East—a request by Rocky Mountain Power, for a conditional use planned development and preliminary subdivision approval to reconstruct and expand electric power capacity to the existing Northeast Substation. The project is located in an RMF-30 Low Density Multi-family Residential zoning district and in City Council District Four, represented by Luke Garrott.
View: [Staff Report](#), [Supplemental Information](#), [Public Comment](#), [Not in Anyone's Neighborhood](#)

- a. **PLNSUB2008-00464 Conditional Use Planned Development**—a request by the applicant for modifications to the front yard, and rear yard setback and buffer requirements, grade changes and fence and wall height.
- b. **PLNSUB2008-00814 Preliminary Subdivision**—a request by the applicant for preliminary approval to combine three lots into one lot for the existing substation.

Chair Woodhead recognized Everett Joyce as staff representative.

6:42:30 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: **Joel Briscoe** (1124 East 600 South) representing the East Central Community Council stated that Rocky Mountain Power was knocking on neighbors doors in 2007 to have them sign easements to increase overhead power line wattage, he stated that the city did not know anything about this when he called, which was a concern to him that the city had an obvious lack of coordination and communication with its utility provider, difficulty of working creatively and collaboratively as citizens and neighbors on solutions, the lack of a city-wide energy master plan, the lack of standards for substation design, and the almost total lack of citizen input into decisions involving energy generation and distribution. He stated that the neighborhood had taken the time to educate themselves on how power was delivered into homes and businesses, and had generated alternative ideas for design. He stated that as the neighborhood was committed to work with RMP they asked that the Planning Commission postponed the approval of this application, so all of the unanswered questions may have a chance to be answered and mitigation regarding this proposed expansion. **Esther Hunter** stated that this was about short and long term goals and the evolution of the substation design had come from the neighbors by talking with substation design firms, dozens of conversations with other city and power company experts, and the willingness of RMP to consider critical elements. She stated that the Planning Commission should consider initiating a petition to ask the administration to study potential land use regulations that incorporate a policy of prudent avoidance, substation design definitions and standards, and to bring forward immediate code proposals for the unintended consequences. Ms. Hunter submitted the document entitled *Not in Anyone's Backyard*. **Joe Maughan** (825 South McClelland Street) stated that the McClelland substation needed a brick wall. **Sallie Shak** (174 South 1200 East) stated that she had lost her health to environmental situations and sickness and she would ask RMP and the Commission to consider energy magnetic fields (EMF) and other negative contributions to health. **Donna Chin** (152 South 1100 East) stated that her house abutted the substation

property and there was a large tree in the area, as she understood it the now grassy area would become a large, white concrete driveway with holes in it to accommodate small shrubs and trees, and the large tree would be removed. She stated that the RMP driveway would start five (5) feet from the driveway. She stated she would like to see mature trees and shrubs along the border of the property so she would not be visually impacted by the changes to the substation. **Ed Firmage** (2918 Delsa Drive) inquired if he could ask a question of RMP before he commented; he asked what was specifically driving the growth in electricity consumption in this area. RMP representative Kevin Freestone stated that two primary things in neighborhoods that were adding to the load was conversion from a swamp cooler to an AC system and electronics: computers and plasma LCD screens. Mr. Firmage stated that one of fundamental issues was that this upgrade should address a long term situation and a master plan. He stated that he would also like to see this petition tabled, while the city addresses an energy plan. **Kathryn Stockton** (159 South McClelland Street) stated that she had concerns about ethics and the design of this substation. She stated that there were no studies on health effects of children living next to a substation because it would be deemed unethical to subject children to such surroundings. She stated that RMP should err on the side of caution when health risks are at stake. She stated that the design was clearly better, but not yet there especially on the McClelland side, and due to the fencing mature shrubbery could not be planted there. She stated that the Commission should table this petition until these issues were mitigated. **Jo Starks** (227 South 1100 East) stated that she was in opposition. **Cindy Jones** (545 South 100 East) stated that she was a residential realtor who had lived in the neighborhood for the past 26 years. She stated that she spent her days driving through neighborhoods and researching home values and helping people make good decisions about buying and selling their homes. She stated that power lines and substations reduce the value of homes; and currently the view from her home was marred by 100 foot poles and huge concrete towers were erected. She was concerned that if more expansion was allowed the houses in the neighborhood would be negatively affected even further. **Shelley White** (159 South McClelland Street) stated that potential health issues had not been mitigated by RMP and she was concerned about the EMFs that a bigger substation would emit and the link to cancer. She stated that there was a childcare facility two houses from the substation and studies had linked EMFs to a number of health issues including childhood leukemia. She stated the substation should be housed or placed underground now and not in the future when studies were released that they should be. **Greta Belanger deJong** (140 South McClelland) stated that she was the editor and publisher of the magazine *Catalyst*, and the offices were located on McClelland Street as well as her residence. She stated that the EMF readings in her house had been in the caution or danger zone for the twenty-three (23) years she had been a resident and tested them. She stated that maintaining these historically dangerous levels in the neighborhood was not a production or enhancement of the environment. She stated that she was not opposed to progress, but would like to see a twenty-first century alternative. **Doug Harding** (152 South 1100 East) stated that he had acquired a brick from the substation as it was being demolished and since it was relatively easy to test for lead he did so and found the sample to be positive. He stated that during the demolition there was an obvious cloud of debris around the site and the neighborhood probably had no idea what they were breathing in. He stated that RMP had done a good job in working with the neighborhood and he appreciated it. **Sarah Brenna** (115 South 1100 East) stated that Salt Lake City lacks a long range energy or utility master plan. She stated that Utah lacks adequate guidance and placement of substations and outdated technology was being used by RMP, which was a short sighted approach. **Steve Williams** (115 South 1100 East #312) stated that he had lived in the neighborhood for fifteen (15) years and the values of his condominium were plunging. He stated that he was concerned about the trees on the northeast corner of the project that were on the property of the medical towers. **Olivia Morton** (115 South 100 East #802) stated that major mitigation was required for the expansion and this was not conducive to sustaining a viable community. She stated that light and sounds were also her concern and that the sound exceeded the property line and she was wondering who would monitor this. She also thanked RMP for working with the neighborhood. **Maria Matson** (857 East 200 South) stated that she was in residential treatment at the House of Hope and she was concerned about the children's safety at the daycare in the area. She stated she would like to see this petition tabled for further health research. **Doug Hunter** (337 South 1100 East) stated that he would like the Commission to table this petition until RMP could come up with a better way to do this.

Jonathan Bray (155 McClelland Street) thanked RMP for working with the neighborhood and stated that he had concerns with the current plan because RMP was asking for a right-of-way in the alley on the west side of the substation. He stated that if this was granted, current apartments would no longer have parking off an already overcrowded street. He stated that RMP had not given those that share this alley any time to consider or even respond to this considerable impact to the properties. He stated that he found it odd that RMP was so willing to bury lines into their homes while they were not willing to house or bury the substation. **Martha McLaughlin** (153 Windsor Street) stated that she worked at the daycare that had been mentioned and the playground abutted the substation lot. She asked that the Commission table this until RMP addressed the health concerns; however, she was impressed that they had addressed the cosmetic concerns. **Aaron Fogelson** (354 South 1100 East) stated he was in opposition. **Phil Triolo** (148 South 1200 East) stated he was concerned that old technology was being used when the neighborhood needed a new energy future. **Cathey Dunn** (1120 East 600 South) stated she was in opposition. **Nancy Starks** (336 South 1100 East) stated her issues had been covered, and she was in opposition to the project. **Leeann Borunda** (857 East 200 South) stated that her child attended the daycare in the area and she would like more research done and more effort put into finding out what health issues may be caused by the substation. **Brian Coles** (227 South 1100 East) stated he was against the petition. **Mary Bishop** (839 South 700 East) stated that she was representing the Bennion neighborhood and that the substation was an eyesore especially from McClelland Street. She stated that the twenty million dollars should be spent to bury the substation. Chair Woodhead noted that it would be the city's responsibility to pay the cost of that bill. She stated that she would like to have a sustainability and energy master plan. **Mary Aa** (544 South Douglas Street) stated that she would like to read the ordinance that Sandy City had directed to their Planning Commission and ask that the Salt Lake City Commission consider this. View: [Sandy City Special Exception Application Requirements](#). **Trevor Harding** (436 East Blaine Street) stated that he drove around and took EMF readings at several stations within the city. He stated that there had not been enough research on health problems caused by substations. **Dana Costello** (1125 East 300 South) stated she was in opposition to the substation. **Robert Forbis** (Harrison Avenue) stated that he had been advising the surrounding community council groups because of the type of research that he does at the University of Utah pertaining to energy. He stated there was a lack of an energy master plan and a lack of long range thinking in terms of how energy development would occur. **Luke Garrott** (City Council representative) stated that the community had made a lot of comments on how much the cosmetic aspects of the substation had changed; and RMP should be applauded for their willingness to adjust, but not to change. He stated that the forces of change had been external up to this point; everyday citizens had turned themselves into experts. He stated that an energy master plan was necessary and he would ask that the Planning Commission table this request for a sufficient delay until energy planning was underway, a year would be a sufficient amount of time. Commissioner De Lay inquired if the City Council was currently working on a sustainability master plan to direct the Commission to work with the mayor and come up with such a document. Mr. Garrott noted that the way the City Council would be involved would be drafting legislative intents to force the administration to do so. **Jim Webster** (938 Military Drive) stated that the city and RMP should deal with the reality of what was best for the community. **Julia Foley** (857 East 200 South) stated she was against the substation being so close to the nonprofit children's center. **John Moreton** (115 South 1100 East) stated he was in opposition. **Ryan Hayes** (1133 East Bueno Avenue) stated he was in opposition due to the health risks. **Jennifer Leahy** (1135 Bueno Avenue) stated she was opposed to the substation increase. **Laura Maughan** (825 McClelland Street) stated that the McClelland substation between 800 and 900 South needed a new wall. **Alyssa Bran** (155 McClelland Street) stated she was opposed because the substation was loud and she would like to see the residential space protected. **Onnie Oblezov** (227 South 1100 East) stated opposition. **Ellen Davis** (3311 Westminster Avenue) stated that the neighborhood should be kept as is and RMP should consider the livability of the residence and keep total environmental effects in mind. RMP should be a good neighbor. **Jackie** (857 East 200 South) stated opposition. **Tamara Devel** (857 East 200 South) stated she was in opposition. **T. Garcia** (857 East 200 South) stated that the substation seemed unnecessary and it could danger the non-profit children's center in the vicinity. **Careel Johnson** (857 East 200 South) stated that this plan endangers the women and children at the daycare center.

Vicki Williams (115 South 1100 East #312) stated that she would like to see the neighborhood, trees, and views saved. **Amy Liveruois** (1135 Bueno Avenue) stated that she was in opposition to the voltage increase at the substation because she believed there were other methods to increase the power supplied to Foothill/ Avenue areas. She stated that she felt this was a health issue to local residences and there had to be other more sustainable and healthy ways to accomplish this goal.

Chair Woodhead closed the public hearing.

Chair Woodhead announced a small break at 8:10 p.m.

Chair Woodhead reconvened the meeting at 8:23 p.m.

9:24:18 PM **Motion**

Commissioner Algarin made a motion to table Petition PLNSUB2008-00464, a Conditional Use Planned Development and Petition PLNSUB2008-00814, a Preliminary Subdivision, for thirty days.

Commissioner De Lay stated that there were two different motions to be made. She inquired if the Commission was opposed to Petition PLNSUB2008-00814, to combine three lots into one lot. She stated that seemed to be a non-issue.

Commissioners agreed.

Chair Woodhead inquired if the Commission could approve the combination of the parcels tonight and table the other petition.

Mr. Sommerkorn stated that it was on the agenda so the Commission could do that.

Commissioner Algarin made a motion to table Petition PLNSUB2008-00464 until the May 27, 2009 with the direction for the neighborhood councils to meet with the applicant to put forward conditions they agreed on and come back with a new petition.

Chair Woodhead stated that it would not be a new petition.

Commissioner De Lay stated that she would not second, but fail that motion.

Mr. Nielson stated that the proposed part of the motion which stated that the applicant meet with neighborhood groups, was concerning from a legal perspective.

Commissioner De Lay stated that she would not suggest that.

~~9:27:34 PM Commissioner De Lay made a motion regarding Petition PLNSUB2008-00464, based on testimony, findings, and data presented, that the Planning Commission tabled continued this petition until the May 27, 2009 Planning Commission meeting. The Commission accepts the following conditions:~~

- ~~1. That the rear yard setback be reduced from twenty-five (25) feet to the rear property line to match the existing noncomplying setback (No equipment is closer than ten (10) feet from the rear property line).~~

- ~~2. The ten (10) foot landscaped buffer along the south property line, be reduced to five (5) feet and that additional landscaping be dispersed within the thirty (30) foot landscaped temporary access drive space. The five (5) foot landscaped buffer be a continuous planting of evergreen materials with a minimum mature height of six (6) feet. Also, that the balance of the open space area south of the substation to the south property line be landscaped in ground cover.~~
- ~~3. That the ten (10) foot landscape buffer requirements on the west property line be reduced to match the existing noncomplying setback, which is the property line for the majority of the property.~~
- ~~4. That the front yard setback be reduced to 8.5 feet with 13.5 feet of landscaping from the front walls to the sidewalk. Also additional vertical landscape elements must be placed along the front fence of the substation walls.~~
- ~~5. That the screen walls have an architectural pattern stamped on the surface.~~
- ~~6. That the applicant, coordinate with the urban forester to designate the appropriate type and location of street trees along the 1100 East frontage.~~
- ~~7. That the applicant retain and protect the existing mature tree located in the southwest corner of the subject property.~~
- ~~8. That the retaining walls be structurally engineered.~~
- ~~9. That soils and materials removed or disturbed from the substation site receive approval from the appropriate State Department of Environmental Quality prior to any excavation.~~
- ~~10. That the applicant, upon completion and upgrade to the 138kV equipment and operation will evaluate the noise levels at property lines and prove a report from the Salt Lake City/County Health Department that the noise levels at property lines meet or exceed noise level requirements. If noise levels are excessive then the applicant will be required to provide additional sound attenuation within the site to reduce the noise levels so that they do not exceed the noise limits at the property line.~~
- ~~11. That the applicant will provide the McClelland Street elevations will be provided for review.~~
- ~~12. That the applicant provides projected EMF readings at the property lines.~~

~~Commissioner De Lay moved that additional information for clarification purposes be provided about condition 5, the screen walls and what the architectural patters are going to be, condition 6 that the trees and shrubbery will be delineated, and that the Commission will be shown examples or architectural renderings of the landscaping, and architectural drawings of the retaining walls.~~

~~Commissioner Chambless seconded the motion.~~

Discussion of the Motion:

Mr. Nielson stated that the language “continuance” should be used in place of “tabled”.

Commissioner De Lay agreed to that.

Mr. Sommerkorn stated that continuing this issue would mean that the Commission was continuing the public hearing and tabling the issue would mean that the Commission wanted further study.

Chair Woodhead stated that she felt tabling was appropriate.

Commissioner De Lay stated that she would move forward with the language, “continue”.

Commissioner Dean inquired if for informational purposes the motion could include that **the applicant provides projected EMF readings at the property lines**.

Commissioner Wirthlin stated that he felt the Commission was micromanaging this project and should be careful what their request was concerning the sizes of trees and what was on the bricks, fence, etc.

Commissioner Muir stated that the Commission was totally abdicating their responsibility; they were a quasi-judicial group that was supposed to hear testimony and render an opinion, not to force arbitration.

Commissioners De Lay, Dean, Algarin, and Chambless voted, “Aye”. Commissioners Fife, McHugh, Muir, Wirthlin, and Gallegos voted, “No”. The motion was defeated.

Chair Woodhead called for a new motion.

Commissioner Muir stated that the Commission should discuss what the mitigating factors were and if those issues had been addressed. He stated that Rocky Mountain Power had made a lot of progress from the Issues Only Hearing, but had they mitigated the issues.

Vice Chair McHugh stated that if the only problem was design and trees, then the Commission could delegate the final decision to the Planning Director.

Commissioner Fife stated that on the McClelland side of the street, RMP stated that the reason that they had the fence there was so they could access the property in the case of an emergency. He stated that either the Commission had to think that was not true or go ahead with the removable fence.

Commissioner Wirthlin inquired of RMP if there were any possibilities for enclosed fencing that could also be removed.

Mr. Freestone stated that the issues of landscaping were critical and they had not received a real strong feeling about the particular trees, vegetation, wall patterns, etc. He stated that they would be working with staff to come up with each of these for the area.

Commissioner Algarin clarified that RMP did not have strong feelings as to what should be put there and they would be willing to work with the neighborhood on this.

Mr. Freestone stated that was correct. He stated as far as the removable back fence, it could be made from any material, but as a safety feature it just needed to be removable.

Commissioner Muir stated that he was nervous about the proximity to the house abutting the southern end of the substation. He stated that he did not have the information or tools based on health, safety, or welfare, what the appropriate distance to that house should be. He inquired if there was some sense about the magnetic field surrounding the switchgear and how quickly it dropped down in terms of distance.

Mr. Freestone stated that the magnetic field would not be measured from the switchgear unless the line in front of the house was turned off.

Commissioner Muir stated that additional setbacks to the north would not help.

Mr. Freestone stated that was correct.

9:40:52 PM Commissioner Muir made a motion regarding PLNSUB2008-00814, Preliminary Subdivision, based on the findings of fact within the staff report, the Planning Commission approve this petition.

Commissioner Algarin seconded the motion.

Commissioners De Lay, Dean, Fife, Algarin, McHugh, Muir, Wirthlin, Chambless, and Gallegos voted, “Aye”.

9:41:51 PM Commissioner Muir made a motion regarding Petition PLNSUB2008-00464, Conditional Use Planned Development, based upon the findings of fact within the staff report and testimony heard the Planning Commission approves this petition subject to the following conditions:

- 1. That the rear yard setback be reduced from twenty-five (25) feet to the rear property line to match the existing noncomplying setback (No equipment is closer than ten (10) feet from the rear property line).**
- 2. The ten (10) foot landscaped buffer along the south property line, be reduced to five (5) feet and that additional landscaping be dispersed within the thirty (30) foot landscaped temporary access drive space. The five (5) foot landscaped buffer be a continuous planting of evergreen materials with a minimum mature height of six (6) feet. Also, that the balance of the open space area south of the substation to the south property line be landscaped in ground cover.**
- 3. That the ten (10) foot landscape buffer requirements on the west property line be reduced to match the existing noncomplying setback, which is the property line for the majority of the property.**
- 4. That the front yard setback be reduced to 8.5 feet with 13.5 feet of landscaping from the front walls to the sidewalk. Also additional vertical landscape elements must be placed along the front fence of the substation walls.**
- 5. That the screen walls have an architectural pattern stamped on the surface.**
- 6. That the applicant, coordinate with the urban forester to designate the appropriate type and location of street trees along the 1100 East frontage.**
- 7. That the applicant retain and protect the existing mature tree located in the southwest corner of the subject property.**

8. That the retaining walls be structurally engineered.
9. That soils and materials removed or disturbed from the substation site receive approval from the appropriate State Department of Environmental Quality prior to any excavation.
10. That the applicant, upon completion and upgrade to the 138kV equipment and operation will evaluate the noise levels at property lines and prove a report from the Salt Lake City/County Health Department that the noise levels at property lines meet or exceed noise level requirements. If noise levels are excessive then the applicant will be required to provide additional sound attenuation within the site to reduce the noise levels so that they do not exceed the noise limits at the property line.
11. That the open accessible fence be made visually obscure to the neighbors to the west.

Vice Chair McHugh seconded the motion.

Commissioners Fife, McHugh, Muir, Wirthlin, and Gallegos voted, “Aye”. Commissioners De Lay, Dean, Algarin, and Chambless voted, “No”. The motion passed.

Commissioner De Lay stated that she would like to explain why she voted the way she did. She noted that she did not see how this petition would promote greater efficiency or even how this was an innovative plan.

Chair Woodhead announced a short break at 9:43 p.m.

Chair Woodhead reconvened the meeting at 9:53 p.m.

Commissioner De Lay stated that based on the discussion that the city was working on a sustainability master plan, she stated that there was obviously a lot of passion surrounding these issues and she did not feel there was enough information. She stated that she would like to see a plan for future energy use.

9:53:34 PM **Motion**

Commissioner De Lay made a motion that the Planning Commission initiate a petition to create an energy master plan for Salt Lake City, which would include design elements of energy transmission systems within Salt Lake City, and should address health, safety, and welfare elements within the community and the neighborhoods they effect, by October 31, 2009.

Commissioner Chambless seconded the motion.

Discussion of the Motion:

Vice Chair McHugh inquired if it would be more prudent to call this an energy policy.

Mr. Sommerkorn stated that there were a number of municipalities in the state of Utah that had their own power companies and they were heavily involved in doing energy and facility planning; however, Salt Lake City does not have their own power company, so it really was not directly in the Commissions purview to be doing an energy generation and distribution plan, staff would have to work with Rocky Mountain Power on this, and they had expressed a wiliness to do that.

Chair Woodhead stated that there might be some uncomfortable feelings toward the idea of a master plan, but when issues such as the safety of power generation equipment comes before the Commission, the only way to end up with anything that was enforceable was at the level of a master plan.

Mr. Sommerkorn stated that it would have to be more than a master plan; it would have to be in the ordinances.

Chair Woodhead inquired if that could be started with a master plan or policy and if not where was the best place to start so that the Commission had tools to use to approve or deny a petition relating to these issues.

Mr. Sommerkorn stated that calling it a plan indicated that it was something planning did and implemented, but calling it a policy meant that Rocky Mountain Power helped guide and implement it.

Commissioner Muir stated that this should address **health, safety, and welfare**.

Commissioner Wirthlin inquired if staff felt six months was enough time to be able to do this.

Mr. Sommerkorn stated that six months may be though, but at an upcoming meeting the Commissioners would be given a list of the current priorities that staff was working on. He stated that the Planning Department might not even be the lead on this, it could be the Sustainability Department, which was also currently overwhelmed as well; however, the Commission should pass this and staff would move it along to the Mayor's office and City Council.

Commissioners De Lay, Dean, Fife, Algarin, McHugh, Muir, Wirthlin, Chambless, and Gallegos voted, "Aye". The motion passed unanimously.

Postponed PLNPCM2009-00398 Rescue Mission of Salt Lake Zoning Text Amendment—a petition submitted by the Rescue Mission of Salt Lake, represented by Stephen Trost, to amend the definition of a "homeless shelter" as listed in Zoning Ordinance section 21A.62.040 Definitions and to amend Zoning Ordinance 21A.28.040 Table of Permitted and Conditional Uses for Manufacturing Districts by adding a homeless shelter to the table as a conditional use. The purpose of the zoning text amendment is to facilitate the relocation of the Rescue Mission of Salt Lake facility to property located at 2945 West 900 South. The property is zoned M-1 Light Manufacturing and is located in City Council District two represented by Van Turner.

Chair Woodhead noted that this item had been postponed.

10:00:17 PM PLNPCM2008-00149 Reese Enterprises Master Plan Amendment—a petition submitted by Reese Enterprises, represented by David Weston, to amend the Future Land Use Map of the Central Community Master Plan. The Future Land Use Map currently designates a portion of the property located at 248 South 800 East and all of the property located at 254 South 800 East as Medium Density Residential (15-30 dwelling units per acre). The proposed amendment would change the designation to Medium/High Density Residential (30-50 dwelling units per acre). The purpose of the master plan amendment is to facilitate a future zoning map amendment that would legalize dwelling units on the subject property that were constructed without City approval. The property is located in City Council District 4 represented by Luke Garrott. **View:** [Staff Report](#), [Applicant Comments](#), [Public Comment](#), [Public Comment](#).

Chair Woodhead recognized Nick Norris as staff representative.

[10:28:14 PM](#) **Public Hearing**

Chair Woodhead opened the public hearing portion of the petition.

The following people spoke or submitted hearing cards in *support* of the proposed petition: **Laura Bangerter** (703 East Rocky Mouth Lane) stated that she was in support of the petition; she was a real estate agent and attested that Steve kept his properties in great condition. She stated there was a shortage of affordable housing in the city and Steve offered affordable and furnished homes, and the zoning should be changed. **Wi David Western** (218 West Paxton Avenue) stated he was in support of the petition. **Wayne Branham** (2500 South 800 East) stated he was a resident of the apartments and was in support of the petition. **Steven Erickson** (1216 Hawberry Circle) stated he was the owner of the Reese apartments and he was not a slumlord, he was given bad advice and was looking to be forgiven of the illegal construction and to move forward.

The following people spoke or submitted hearing cards in *opposition* to the proposed petition: **Lori Gutierrez** (143 South 900 East) stated she was the co-chair of the Bryant neighborhood, she stated that the master plan stated on page 6 that between 1990 and 2000 approximately 275 housing units were added to this area, but the owner occupancy rate was maintained at 23 percent. She stated that one out of every four homes was owned by the occupant, which was partly due to the density pressure in the area. She stated that the Salt Lake City zoning enforcement needed to be revamped to crack down on slumlords in the area and this zoning change could have a lot of big impacts so this was not the appropriate way to deal with illegal apartment legalization. **Jen Colby** (160 South Lincoln Street) stated that she requested that the Commission deny the petitioners request for the following reasons: it would reward illegal unit construction, and the profits gained from it, and legitimate the strategy of buying lower density zoned properties and then “averaging” through up-zoning. She stated this was a bad precedent in the neighborhood, which was already under constant development pressure. **Cindy Cromer** (816 East 100 South) stated she owned the property at 763 East 300 South, which was immediately south of the Reece apartments. She stated that the modification of the master plan would mean that her property would be abutted by conflicting land uses, meaning that property owners abutting her property could do things with their property that she could not do with hers.

Chair Woodhead closed the public hearing.

[10:52:07 PM](#) **Motion:**

Commissioner De Lay made a motion regarding Petition PLNPCM2008-00149, based on the analysis, findings, testimony, and the staff report, the Planning Commission transmits an unfavorable recommendation to the City Council for the following reasons:

- 1. The Central Community Master Plan establishes the City’s vision for this area and specifically does not support increasing residential densities in the East central Neighborhood Planning Area; and**
- 2. Changing the designation of the subject properties on the Future Land Use Map may allow for a zoning map amendment that could support development that is not compatible with the surrounding area in terms of scale and character, which conflicts with one of the goals of the Central Community Master Plan.**
- 3. The Salt Lake Futures Commission Report recommends making land use decisions that are consistent with the adopted vision of the City.**

4. **The Salt Lake City Community Housing Plan supports adding housing in areas of the City where it is supported by the Community Master Plans. In this case, the CCMP does not support increasing density in this area.**

Commissioner Algarin seconded the motion.

Commissioners De Lay, Dean, Fife, Algarin, McHugh, Muir, Wirthlin, Chambless, and Gallegos voted, “Aye”. The motion passed unanimously.

Chair Woodhead stated that the Commission should put a reason for their decision into the record for the City Council to review.

Chair Woodhead stated that changing the zoning was too big of a change to the neighborhood, and contrary to the master plan to fix what is a small problem. She stated that she felt the Commission was not making this decision in any way to be punitive because this was done without building permits; it was that changing the zoning plan was a major step and to do so to fix this problem did not seem like a significant enough reason.

[10:56:04 PM](#) **PLNPCM2009-00042, Salt City Plaza, LLC**—a request for a Planned Development located at approximately 154 West 600 South and 179 West 500 South. The site is presently zoned D-1 Central Business District. The petitioner is proposing to construct multiple buildings on a single site with no street frontage for all buildings. The petitioner is also requesting a conditional use for some design related issues such as height and setback. View: [Staff Report](#)

Chair Woodhead recognized Doug Dansie as staff representative.

[11:04:16 PM](#) **Public Hearing**

Chair Woodhead opened the public hearing portion of the petition.

The following person spoke or submitted a hearing card in *support* of the proposed petition: **Christian Harrison** (336 West Broadway) stated that as the Downtown Community Council Chair, he expressed his support for the applicant.

Chair Woodhead closed the public hearing.

[11:05:03 PM](#) **Motion:**

Commissioner Wirthlin made a motion regarding Petition PLNPCM2009-00042, Conditional Use Planned Development, based on the findings listed in the staff report, discussion, and staff's recommendation, the Planning Commission finds that the overall project meets the applicable standards and approves the petition, with exception to individual urban design criteria (maximum setback and door facing the street) shown on the plan are accepted as noted in the staff report. Alterations to the public way (200 West) implied on some plans, are not accepted. The petition is also subject to the following conditions:

1. The project meet all other City Code requirements, including compliance with the landscaping, screening, pedestrian access and Street Lighting Plan.
2. The Planning Commission delegates final authority for the site plan, and landscaping to the Planning Director.

Commissioner Fife seconded the motion.

Commissioners Gallegos, Chambless, Wirthlin, Muir, McHugh, Algarin, Fife, Dean, and De Lay voted, “Aye”. The motion passed unanimously.

Postponed PLNPCM2008-00883, Howard Johnson Zoning Map Amendment—a request by Northwestern Hospitality Corporation and Leonard KM Fong Trust to rezone three parcels located at 103 North 300 West; 121 North 300 West; and 320 West North Temple from CC (Corridor Commercial) to D4 (Downtown Secondary Central Business District). The property is located in City Council District Three, represented by Eric Jergensen.

Chair Woodhead noted that this item had been postponed.

The meeting adjourned at 11:06 p.m.

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on April 22, 2009.

Go to FTR Gold at <ftp://ftrftp.slcgov.com/FTRPlayerPlusV21.exe> to download the digital recording.

Tami Hansen