

SALT LAKE CITY PLANNING COMMISSION MEETING

In Room 326 of the City & County Building

451 South State Street, Salt Lake City, Utah

Wednesday, August 12, 2009

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

A field trip was held prior to the meeting. Planning Commissioners present were: Frank Algarin, Tim Chambless, Angela Dean, Michael Fife, Michael Gallegos, Kathleen Hill, Susie McHugh, Prescott Muir, Matthew Wirthlin, and Mary Woodhead. Staff members present were: Dough Dansie and Cheri Coffey.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Woodhead called the meeting to order at 5:46 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: Wilford Sommerkorn, Planning Director; Pat Comarell, Assistant Planning Director; Cheri Coffey, Programs Manager; Paul Neilson, City Attorney; Ray Milliner, Principal Planner; Nick Norris, Senior Planner; Doug Dansie, Senior Planner; Nick Britton; Principal Planner; Angela Hasenberg, Senior Secretary; and Lucille Taylor, Senior Secretary.

5:47:08 PM Approval of Minutes from Wednesday July 8, 2009.

Commissioner De Lay made a motion to table the July 8, 2009 Planning Commission minutes, to allow a motion to be reviewed for accuracy. Vice Chair Woodhead seconded the motion. All in favor voted, "Aye".

5:50:37 PM Motion

Vice Chair Woodhead made a motion that the Planning Commission reconsider the motion to table the minutes from the July 8, 2009 Planning Commission meeting.

Commissioner Fife seconded the motion.

All in favor voted, "Aye". Commissioner De Lay voted, "Nay".

5:50:57 PM Motion

Commissioner De Lay made a motion to approve the July 8, 2009 Planning Commission minutes with an amendment on Page 9 regarding the motion of Petition PLNPCM2009-00171, to reflect the Planning Commissions concern that there are potential conflicts between the preservation plan and the City's sustainability goals.

Commissioner Fife seconded the motion.

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

5:52:59 PM Report of the Chair and Vice Chair

Chair Woodhead stated that three Commissioners went on the field trip with staff to the Northwest Quadrant and some of the stakeholders met them there to share their perspective on the property. She stated that the Commission also had a briefing with the City Council on August 11, 2009, which went well.

5:54:23 PM Report of the Director

Mr. Sommerkorn stated that there was a petition that had come before the Planning Commission several weeks ago in regards to a rezone of a hotel located at 230 West North Temple, where the applicant was purchasing some more property behind the hotel and wanted to incorporate that into the hotel property. He stated that the Commission approved the rezone and sent a positive recommendation to the City Council. The motion included various items that were included in the staff report, which was normal procedure; however, in this case a couple of items that were included in the motion were not actual conditions of the rezone, but items that were noted. He stated that when Mr. Nielson drafted the motion into ordinance form he did not include the additional items and the City Council had asked that the Commission clarify the motion. Mr. Sommerkorn inquired if the Commission felt comfortable approving the drafted ordinance that was provided by the City Attorney.

Mr. Nielson stated that before this could take place it would need to be clear to the Commission members what the final documentation was, he stated that this issue would need to be on the next agenda and discussed then.

Mr. Sommerkorn agreed.

Mr. Sommerkorn stated that the City Council had also heard the petition for amending the Public Land Zone to include parks in the Public Land Zone, and the Council had approved it.

5:59:45 PM Public Hearings

PLNPCM2009-00161; City of the Seven Gates—a request by Brylan Schultz, on behalf of City of the Seven Gates, for conditional use approval for an art studio, a community center, and a caretaker’s quarters at approximately 2904 West 500 South. The subject property is in the M-2 (Heavy Manufacturing) Zoning District in Council District Two, represented by Van Turner. View: [Staff Report](#)

Chair Woodhead recognized Nick Britton as staff representative.

6:17:01 PM Public Hearing

Chair Woodhead opened the public hearing portion of the petition, she noted that there were no members of the public present to speak, and closed the public hearing.

6:18:53 PM Motion

Commissioner De Lay made a motion regarding Petition PLNPCM2009-00191, based on the analysis and findings in the staff report and the testimony given at the meeting, that the Planning Commission approves the conditional uses for the City of Seven Gates art center, community center, and a caretaker livings quarters; located at approximately 2904 West 500 South and subject to the following conditions:

1. Only one security guard or caretaker is permitted in the living quarters—no additional residents or dwelling units are permitted;
2. The applicant must submit detailed parking plans and calculations, and verification of the right-of-way dedicated along 500 South to the Transportation Division;
3. The applicant must construct public way improvements on 500 South or enter into an SID agreement with the Engineering Division.
4. No additional water or sewer connections to public mains are allowed for the requested use.
5. Interior plumbing plans must be submitted to the Department of Public Utilities for the changes in use; and
6. An avigation easement must be filed with the Salt Lake City Airport Authority.

Commissioner Algarin seconded the motion.

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

6:19:50 PM PLNSUB2009-00417; Merrimac Flats Townhouse Development—a request from City and Resort Properties, LLC, represented by Nathan Anderson, for Planning Commission approvals to allow for a planned development to modify the lot size and street frontage requirements of five single-family attached dwelling units at approximately 38 West Merrimac Avenue, and to make sure the project is consistent with neighborhood setbacks. The project is located in Council District Five, represented by Jill Remington-Love.
View: [Staff Report](#)

Commissioners De Lay and Muir recused themselves from this portion of the meeting.

Chair Woodhead recognized Doug Dansie as staff representative.

6:26:39 PM Public Hearing

Chair Woodhead opened the public hearing portion of the petition.

The following people spoke or submitted cards in *support* of the petition: **Gary Cash** (1414 Richards Street) stated that the design with the garages was not an issue, and as long as there were no variances on the setback from Richards Street he supported the plan. He stated that he hoped Mr. Anderson had as much leeway as he could in regards to the ally. He stated that whatever would make the nicest unit, the neighbors were on board for the planned development, but did not want to see the height or the zoning changed.

Chair Woodhead inquired if by “no variance” Mr. Cash meant that there should be no variance from the plans that were submitted.

Mr. Cash stated that he did not want a variance from the zoning, and for the applicant to build as much as he could on a small parcel.

Commissioner Chambless inquired if Mr. Cash had spoken with Mr. Anderson since June 2009.

Mr. Cash noted he had not, he did not know that the applicant was petitioning again until he received the notice for this meeting in the mail.

Chair Woodhead closed the public hearing.

6:35:37 PM **Motion**

Commissioner Gallegos made a motion regarding Petition PLNSUB2009-00417, a re-submitted planned development located at approximately 38 West Merrimac (including 1419 South Richards Street), to construct five (5) units with the recommended setbacks, which meet the requirements of the ordinance.

Vice Chair McHugh seconded the motion.

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

Commissioners De Lay and Muir rejoined the meeting.

6:37:14 PM **PLNSUB2009-00359; Planned Development/Conditional Use**—a request by Mike Polich to build a mixed use development with two (2) commercial units and seven (7) residential units as a planned development, located at approximately 1234 South 1100 East in a CN (neighborhood commercial) zoning district. As part of the planned development the applicant is requesting that the Planning Commission reduce the buffer setback from seven (7) feet to zero (0), and to increase the maximum height limit from twenty-five (25) feet or 2.5 stories to thirty (30) feet above established grade. The property is located in City Council District Five, represented by Councilmember Jill Remington-Love. *View:* [Staff Report](#)

Chair Woodhead recognized Ray Milliner as staff representative.

6:50:20 PM **Public Hearing**

Chair Woodhead opened the public hearing portion of the petition.

The following people spoke or submitted a card in **support** of the petition: **Steven Rosenberg** (1290 South 1100 East) stated that he owned the property directly south of this development and on the southwest corner. He stated that there is clearly a hardship, which definitely should allow this project to go forward as requested. He stated that those who will move in will create a more vibrant neighborhood and be a positive benefit to the City. **Judy Short** (862 East Harrison Avenue) stated that the height did not bother her; she liked this project due to the integration with the McClelland trail. She stated that she was concerned with the triangle of space that was behind the house to the north, it looked like a dead zone and she would like to see it incorporated into the open space parcel in some way. She stated she was worried about the landscape setback on the east, but this would be a nice clean up of what had been an unsightly property for quite some time.

Commissioner De Lay inquired if she had followed this petition from the beginning.

Ms. Short stated that she saw the paper plans, but not the pictures of the earlier proposed project.

Commissioner De Lay stated that it seemed essentially less than what was planned before, and there really was not an active trail right now. She inquired if the Sugar House community council was currently working on the trail.

Ms. Short stated that there had been a conversation with members of the City to talk about that trail, but that was more in the business district.

Soren Simonsen (2155 South 2100 East) stated that he was pleased to see this development moving forward. He stated that there were zoning regulations to regulate, but this was a unique site that had some interesting challenges, and this was a reasonable approach to developing a modest structure, and the mass and bulk of the project had acknowledge that the second story limit was important, but the development of the upper level also offered some great views of downtown as one of the advantages. He stated that this project would be a great addition to the area. **Dave Richards** (1126 Browning Avenue) stated that there was currently a grant to explore what it would take to develop that trail, which should provide some great feedback to the Sugar House Community Council. He stated this area had been pretty hideous looking for awhile, but there needed to be mechanisms in place to assure that the landscaping would be done properly and that it would be maintained, so as budgets got tight toward the end of the project it did not become an afterthought. He stated that transit options needed to be looked at to figure out how to connect new developments to the City and make it work well.

The following people spoke or submitted a card in *opposition* of the petition: **Chris Binger** (1168 South 1100 East) stated that the vacant lot was split into two triangles by the McClellan trail, he stated that the upper triangle was owned by the City and could not be developed because it was an old canal. He stated that Mr. Polich had provided a nice integration with the McClellan trail corridor and 1100 East, with gravel paths and a small lawn. This development would move the buffer setback from seven (7) feet to zero (0) feet and would increase the height limitations from two and a half stories to thirty (30) feet. He stated that this part of the proposal only benefited the developer and would set a precedent in the neighborhood.

Chair Woodhead closed the public hearing.

7:12:34 PM Motion

Commissioner Algarin made a motion regarding Petition PLNSUB2009-0359, Harvard Mercantile Planned Development located at approximately 1234 South 1100 East, based on the recommendation of staff the Commission approves this petition subject to the following conditions:

1. Prior to the issue of a building permit, the applicant shall negotiate a lease agreement with applicable City Divisions for the open space area adjacent to the north property line.
2. Prior to the issue of a building permit, the applicant shall satisfy and adhere to all the requirements noted by the various City Departments and Divisions attached to this report.

3. **The maximum height of the structure shall not exceed thirty feet (30') above established grade.**
4. **Final approval of the landscape plan shall be delegated to the Planning Director.**
5. **The landscape buffer on the perimeter boundary of the project site that abuts the adjacent R-1/5,000 zone property to the north is waived.**

Commissioner De Lay seconded the motion.

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

Chair Woodhead announced a short break at 7:15 p.m.

Chair Woodhead reconvened the meeting at 7:23 p.m.

PLNPCM2009-00333; Iglesia de Dios Cristiana Santidad a Jehova—a request by Elisco Alfaro for a Conditional Use for a place of worship located at approximately 1303 S. Swaner Road. The subject property is located in an M-1 (Light Manufacturing) zoning district in Council District Two, represented by Van Turner.

This petition was withdrawn.

7:23:33 PM PLNPCM2009-0045; Private Clubs in the MU—a request by Robert McCarthy for a text amendment to allow private clubs as a conditional use in the MU zoning district. The Mixed Use zoning classification is only mapped in the West Capitol Hill Neighborhood in Council District Three, represented by Eric Jergensen. **View:** [Staff Report](#)

Chair Woodhead recognized Cheri Coffey as staff representative.

Commissioner Fife stated that he did not have a financial tie to this private club, but he had in the past signed a petition, and counsel had advised him to disclose this information to the Commission.

Commissioner De Lay stated that Club Jam was part of her social network as a contact on Facebook. She wanted to divulge that information to the Commission to see if she needed to recuse herself from this hearing.

Chair Woodhead inquired if either Commissioner felt the need to recuse themselves from the petition.

Commissioner De Lay stated no.

Chair Woodhead stated that this was not about Club Jam, but about all private clubs within the City.

Commissioner Chambless stated he did not see a problem with either situation.

Chair Woodhead stated she did have a concern regarding Commissioner Fife because the petition was signed regarding this particular issue; however, since this hearing was not specifically about Club Jam, maybe it would not be a problem.

Chair Woodhead noted that the Planning Commission did not find that recusals were necessary.

Ms. Coffey stated that this petition was to allow social clubs as a conditional use in the mixed-use district. She stated that a tavern would sale, beer with a 3.2 percent of alcohol or less without selling food. She stated that private clubs could sale beer with any alcohol content allowed by the state, wine, and liquor without selling food. Both have to be spaced from churches, schools, parks, etc.

Ms. Coffey stated that the mixed-use zone was developed in 1996 and was currently only mapped in the West Capitol Hill neighborhood. She stated that year a small master plan/redevelopment agency plan was done for that neighborhood. Through that process staff determined that a new zoning district was needed because the east side of the neighborhood was in a historic district and was mostly zoned residential, however on the west side of the neighborhood between 300 and 400 West, there was a different idea. That area had not been zoned for residential use for a long time, it was mainly an industrial and commercial area, but the housing was built prior to the zoning in 1927. She stated that the mixed-use zone melded those uses together and tried to make them compatible, it allowed for single-family homes, heavy commercial, and some industrial uses like warehousing, but really encouraged multi-family uses. Ms. Coffey stated that the other opportunity that mixed-uses provided was transition, if the area was going to go away from single-family residential; it needed to be done in an orderly way and not piecemealed.

Ms. Coffey stated that in June 2009, the City Council approved private club uses as a conditional use in the Residential Mixed-Use (RMU) Zone and was mainly found in the east downtown neighborhood, and it was a less intensive zone just because of the types of uses found there. The City Council felt that with certain qualifying provisions this was an appropriate use.

Ms. Coffey stated that private clubs in the Mixed-Use (MU) Zone should be limited in size to 2,500 square feet or less, which was more of a neighborhood size. She stated that the qualifying provisions included a security and operations plan which included a process to resolve conflicts, and the manager or owner of the private club would be available to be the neighborhood contact for issues that might arise. The design would need to decrease noise, as to not violate the City's noise ordinance. Locations for smoking would be outside and would need to be in an area that would not impact abutting neighbors; trash would need to be picked up by 6:00 a.m. the following day, the site plan and floor plans would have to be designed to discourage alcohol consumption by minors, drunk driving, and public drunkenness. She noted that any graffiti would have to be removed almost instantly. In order to achieve these standards through the conditional use process, the Planning Commission could put limits on signage, lighting, and on the outdoor smoking areas as they felt necessary for each individual petition.

Chair Woodhead inquired if the Planning Commission could regulate no smoking areas at all, either inside or outside the property, or were private clubs required to have outdoor smoking.

Ms. Coffey stated that people might smoke anyway, so it would be better to have a designated area that would least impact abutting residence.

Chair Woodhead stated that if smoking was done outside than it would have an impact on whatever was around it.

Commissioner De Lay stated that due to State law the social clubs were no longer called private clubs that this application needed to be amended to reflect that.

Mr. Sommerkorn stated that they were currently addressed as private clubs, but staff was amending the ordinance to bring the City into compliance with State code, and the City attorney's office had provided an interpretation to address that issue.

Commissioner De Lay stated that because access to the patio of a club was only from inside of the club, would that increase the floor area, meaning you could take liquor out onto the patio, or smoke there.

Mr. Sommerkorn stated that in regards to square footage, it did state that enclosed porches/patios were included with that; however it made no mention of open patios, which would more than likely not be included.

Commissioner Muir stated that the provisions being proposed were identical to those allowed in the RMU zone, and inquired if taverns currently existed in that zone.

Ms. Coffey stated yes.

Commissioner Muir inquired if those existing taverns were currently operating under those provisions successfully, or if there was a need to adjust them, given the experience of the RMU zone.

Ms. Coffey stated those provisions were put in place by the City Council in June 2009, and at this point there had not been a conditional use request processed to test those provisions.

Commissioner Muir stated that he assumed that the nuisance factors between a private club and a tavern were identical, so if this was approved there would be additional tools that did not currently exist. He stated that this would enable better policing of situations of nuisance.

Commissioner Dean stated that as she understood it those provisions only applied to private clubs. She inquired if the Commission should consider applying those to taverns.

Ms. Coffey stated that could not be done through this application, which only dealt with private clubs, but it could apply to the bigger alcohol amendment package that staff would be bringing to the Commission in the future.

Mr. Robert McCarthy, the applicant, stated that he owned Stone ground restaurant and Club Jam.

7:46:46 PM **Public Hearing**

Chair Woodhead opened the public hearing portion of the petition.

The following people spoke or submitted cards in *support* of the petition: **Brian Morris** (751 North 300 West) stated he was a business partner of Club Jam. He stated that he was supportive of a text change being made and having social clubs in the MU zone, because it was vital to business growth. **Jeff Bair** (1957 South 400 East) stated that mixed use development and walkable communities were the future of cities across the country and defiantly for Salt Lake City. He stated that the City had worked to revitalize the Marmalade area, with a focus on mixed-uses, and in addition to becoming a gathering place for those that live in the neighborhood; private clubs draw people to an area from across the City. He stated that private clubs in neighborhoods would allow neighbors to form bonds and would aid in creating vibrant communities within the City. **Kevin Nouenber**

(708 North 300 West) stated that this change was important to the neighborhood and it gave businesses options to grow their business. **Daniel Holsinger** (230 North 200 West) stated that the perfect place for a private club was in a mixed-use development. It would not make sense to limit the type of growth within a mixed-use zone, because when people were drinking, if they could walk home that was safer. He stated that the vibrancy of the neighborhood had been benefited through the economic downturn by having a club in the neighborhood where people could go. **Jay Christianson** (230 North 200 West) stated that he felt the current zoning impeded diversity and did not allow the neighborhood to evolve in an organic way. He stated that with the existing local businesses and neighbors taking ownership, the future is full of possibilities. A zone change was the next logical step and would allow businesses to thrive, creating the synergy needed to establish this area of the City as a regional district. **Marcie Collett** (122 South Main Street) stated that the future of this neighborhood was revitalization, and she would like to see walkable communities and sustainable, localized neighborhoods were established where the community could walk for its needs. She stated that places like Club Jam bring revenue into the neighborhood, and additional places would increase property values. **Esther Hunter** (1049 Norris Place) stated that mitigations discussed with the owners and the members of the neighborhood were recently beneficial, and this was the key. This proposal would provide some mitigation in place for the neighbors to be able to feel comfortable with a social club in the area. **Joshua Adamson** (650 North 300 West Apt. 247) stated that this was an up and coming neighborhood and social clubs played a pivotal role in that vision. He stated that this change was good for the revitalization of the City and business like Club Jam should have the chance to really prosper. **Raymond McDonough** (465 East 4140 South #133) stated that he would like a small private club in his neighborhood. **Matt Gephardt** (1785 Lamb Street) stated that as far as nuisance factors, in his experience that more often than not was not coming from the tavern or private club. **Michael Westley** (355 North 300 West) stated he was speaking on behalf of the Utah Pride Center. He stated that communities and neighborhoods came together through diversity and acceptance and respect to all those involved. He stated that this would be a big improvement for the City and its communities. **Fernando Quintero** (1162 Laird Avenue) submitted a card in support. **Michael Aaron** (244 Reed Avenue) stated that this neighborhood had started to thrive, and Club Jam becoming a viable business, when it was once a huge eyesore, had through a lot of effort created the vibrancy of the neighborhood today. **Marsha Merrill** (438 East Bryan Avenue) stated she was a business partner with the applicant Mr. McCarthy, and she believed that the sustainability of a walkable community was important, and this step needed to be taken. **Steven Rosenberg** (1520 Harrison Avenue) stated he was in strong support of a text change regarding this issue, because great cities all over the world contained a vibrant mix of community gathering places. He stated that communities should be more walkable and livable and everyone should be able to benefit from a mixed-use community. **Jeremiah Maybee** (708 North 300 West) stated that with this change, this neighborhood was up and coming and felt more positive. He stated he was for the text change. **Brian Garrett** (670 North Oakley Street) stated he supported the text change. **Scott Pulley** (670 North Oakley Street) stated that this club had been a good contribution to the neighborhood, and he would like to see it succeed. **Robert Gerber** (720 South 1200 East) stated that a mixed-use zone spoke for itself. It should be able to accommodate social clubs that were good neighbors. **Kati Smith** (2555 Barbey Drive) stated that a text change and allowing of multi-use buildings would enhance and stimulate the smaller neighborhoods in Salt Lake City. It would generate more revenue and create jobs that were much needed in this poor economy. **Jared Lofgren** (2555 Barbey Drive) stated that he was looking to purchase a home in the area and would like businesses to walk to. **Ryan Paul** (2555 East Barbey Drive) stated that he was in support of this rezoning because it allowed for more diversity in our neighborhoods, and allowed businesses to be more able to meet the needs of their customers, and encourage walkability. **Luke Mam** (871 North 1300 West) stated he was in support. **Michael Paap** (2555 Barbey Drive) stated he was in support. **Bill Day** (4153 South Sunrise Drive) stated he was in support. **Nathan Bassett** (867 North Maple Tree Ct. #515) stated that neighborhood bars were an integral part of many cities across America throughout history. **Kathy Godwin** (2891 East Lancaster Drive) stated that it was important to allow communities and neighborhoods to evolve and expand to be a social and friendly community that welcomed and encouraged social interaction between neighbors. The presence of

alcohol did not lead to a non-compatible neighborhood use; mixed-use communities offered all services to its residents, encouraging pedestrian uses.

The following people spoke or submitted cards in *opposition* to the petition: **Shirley McLaughlan** (160 West Clinton Avenue, Capitol Hill Community Council representative) stated that Club Jam was the only one in the district, there was already a huge parking problem, but she did not want the gateway to the City to look like West Colfax in Denver. **Nephi Kemmethmueller** (328 West 600 North) stated that this was located in a residential area, now known as an MU zone and was assumed and designated by the City as an up and coming area; however, instead of commercial growth a tremendous residential growth occurred. He stated that the vast majority of the residences in the area did not want a private club in the neighborhood. A meeting was held in which seventeen (17) people attended, and the majority voted against this.

Ms. Coffey stated that this was a text amendment and she was not aware it was presented before the Capitol Hill Community Council, but what Mr. Kemmethmueller was talking about was the Capitol Hill area was divided into various neighborhood trustees, and he was the trustee of the St. Mark's neighborhood of the Capitol Hill community.

Abby West (329 West Reed Avenue) stated with Club Jam or any other future location in this district, it was directly next to single-family homes, therefore there needed to be more mitigation, or a buffer or barrier zone put in. She stated there were small children in the neighborhood and one type of nuisance was the type of drinks served and how it would affect the patrons who drank it and their effect on the surrounding neighborhood.

Chair Woodhead inquired if there were specific mitigations Ms. West had in mind that would generally apply.

Ms. West stated that parking was a problem, so some kind of shared parking arrangement instead of having loitering and additional cars parked in front of residences. She stated that there was also a problem with cigarettes blowing into her yard.

Sam Petersen (353 West Reed Avenue) stated that this would not benefit children in mixed-use neighborhoods. He stated there was an enormous position for conflict between social clubs and residences. He stated that conflict should be seriously considered. **Rebecca Petersen** (353 West Reed Avenue) stated that residential areas was not the place to allow social clubs, she stated that businesses and other establishments that were allowed in the neighborhood should uplift and add vibrancy that everyone could enjoy. She stated that there also needed to be some buffers put into place.

Chair Woodhead closed the public hearing.

Vice Chair McHugh inquired if as far as walkable communities go, this change would somehow result in fewer cars in the neighborhood.

Mr. McCarthy stated that a lot of people were still attached to their cars, but one way they had tried to mitigate this was by having more on and off site parking for their patrons. He stated that signage and communication was very important.

Commissioner Gallegos inquired if mitigation could be dealt more in depth through the conditional use process. He also inquired about how many social clubs would be allowed in an area.

Chair Woodhead stated yes, conditions would be tailored to specific uses.

Ms. Coffey stated that the spacing requirement right now was that alcohol establishments had to be at least 660 feet away from each other.

Commissioner Dean stated that the parking issue seemed to be the major concern of the neighbors.

Mr. Sommerkorn stated that this was addressed within the existing provisions in the City code, so any conditional use that was applied for already had set requirements to address parking.

Ms. Coffey stated that a provision might not necessarily be that patrons cannot park in front of residential areas, because it would be hard for the social club to enforce that, but a provision could be that the club had to lease offsite parking to accommodate their patrons, or something similar.

Commissioner Chambless inquired about time and place considerations, for instance decibel levels after a certain time, etc.

Mr. Sommerkorn stated that was one of the requirements that was included in the provisions that the City Council adopted for the RMU zone, and would also be considered if this petition were passed by the City Council in the same form.

8:35:57 PM Motion

Commissioner De Lay made a motion regarding Petition PLNPCM2009-00045, based on the analysis and findings listed in the staff report, the testimony heard at the meeting, the Planning Commission transmits a favorable recommendation to the City Council to adopt the proposed text amendment to allow private clubs as a conditional use in the Mixed Use Zoning District subject to the following conditions:

- 1. The maximum size of the Private Club be limited to 2, 500 square feet or less in floor area.**
- 2. The Qualifying Provisions found in Attachment A are included as part of the text amendment to ensure compatibility and mitigation of negative impacts.**

Vice Chair McHugh seconded the motion.

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

Discussion

Commissioner Wirthlin stated that his vote had nothing to do with the establishment that was discussed, but that this was premature for the same reason that this was the only location of the MU zone that currently had this type of business. He stated that he would like to see the other places in the City where the MU zone would be located, and where it was now. He stated that he felt that next to residential areas it would be an inappropriate use.

Commissioner De Lay inquired where Commissioner Wirthlin felt this use would be appropriate that was not located near residential, besides within Industrial Zones.

Ms. Coffey stated that if an applicant requested a map amendment to rezone property, staff would make a recommendation based on the types of uses allowed in that zone and whether it would be appropriate in that geographic area.

Commissioner De Lay stated she would be interested to see if Mr. McCarthy came back regarding Club Jam, and there may need to be some mitigation, but she trusted that the City's departments would help with those types of situations. She stated that there were more high-end developments going into the marmalade neighborhood and almost demanding more social clubs, businesses, and other things that would fall under mixed-use. She stated that this was a change that she felt residences of the City were looking forward to.

Chair Woodhead announced another small break at 8:40 p.m.

Chair Woodhead reconvened the meeting at 8:48 p.m.

8:48:01 PM PLNPCM2009-00173; Zoning District Purpose Statements—a request by the Salt Lake City Council to amend the Purpose Statements for the Residential, Commercial, Manufacturing, Downtown, Gateway and Special Purpose Zoning Districts. The purpose of the zoning text amendments is to ensure that the purpose statements are consistent with and reflect the overall purpose of the Zoning Ordinance, ensure that the individual zones fulfill the intent statement of the zoning districts, remove contradictory statements and assist in the administration of the Zoning Ordinance. The proposed amendments are city-wide. [View: Staff Report](#)

Chair Woodhead recognized Nick Norris as staff representative.

Mr. Norris stated that staff had met with members of the business community to look at the intent statement for the Commercial Zoning Districts, and they made a proposal to the City to include changes, which were reflected in Attachment D of the staff report.

Mr. Norris stated that the City had started a comprehensive analysis of the CB and CN Zones and where they were appropriate, and staff felt that it would be appropriate to let those purpose statements be reviewed during that process.

8:50:41 PM Public Hearing

Chair Woodhead opened the public hearing portion of the petition.

The following people spoke or submitted cards in *support* of the petition: **Betsy Burton** (1363 end Avenue) stated that planning should be about the vision of community and its regulatory function should come down from that overarching vision; however, it seemed this was not how Salt Lake City worked. She stated that if the City's vision was for a vibrant, textured, diverse community that was economically successful because of that vibrancy, then the purpose statement and language should incorporate the ideas and vision that governed the City. She stated that Salt Lake City seemed to be regulatory in nature and everything flowed up on an individual basis. One of the problems with that was that the noisy residences got a lot of attention and sometimes the majority opinion was not ever really heard. She stated that the ZAP hearings were really a fight of one or two businesses against a room full of residents arguing over the language and losing ground. She stated that the process was wrong, there had to be a different process where the City worked down from a vision, and not up from neighborhood arguments that pitted businesses against neighbors, which was how the City currently operated.

Commissioner De Lay asked for suggestions. She stated that the City just went through this with the Preservation Plan, where she had raised issues with developing businesses in the future, but the City also had no control over who showed up to the meetings.

Ms. Burton stated that one of the issues was when a petition involved a business, neighbors had a lot of time and business owners did not, so the system became unequal from the beginning. She stated that one idea would be to educate businesses, but the other thing was the City should keep in mind the overarching vision and maybe some of these issues would go away.

Commissioner De Lay stated that was why the City had master plans.

Ms. Burton stated that there still needed to be a vision statement to piece all of those together, to give Commissioners and staff something to work from, and the language in that statement needed to be part of each of the purpose statements to become more synchronized.

Chair Woodhead stated that staff was beginning to work on a general plan for the City that would incorporate that idea.

Mr. Sommerkorn stated that Mr. Norris worked on the purpose statements, and Ms. Burton was talking about an intent statement, and on Page 34 of the staff report Mr. Norris had included the proposed intent statement, which was more of that overarching idea that Ms. Burton mentioned.

Commissioner Chambless inquired how the City should go about creating a vision that transcends the divisions of socio-economic class and religion.

Ms. Burton stated that most of these issues could be resolved in a way that created a stronger community. Part of what she resented about the way the City government worked right now, was that it pitted people of the community against each other.

Commissioner De Lay stated that she did not think people would disagree with Ms. Burton, because it would make the community better for all of us, but there was not really a platform to flip it around automatically, the only solution now was to keep trying to change it. She stated that the Commission would say to the community come testify, we'll listen to your opinion. She stated that the Planning Department had an incredible staff right now, and it was working well; everyone was open to change because the City was growing and we all want it to be better.

Commissioner De Lay committed to looking at the Planning Commissions Policies and Procedures to see where unbiased communication may be strengthened to aid it giving different groups of the community more of an opportunity to express concerns and ideas with the Commission during meetings.

Commissioner Muir stated that Ms. Burton was present tonight to give feedback, but the residences she had mentioned were not. He noted that this was the nature of the public process and inquired if there was anything in the purpose statements that she was specifically concerned about.

Ms. Burton stated that the second draft of the purpose statements had change completely from the first draft she had worked with staff on. She stated that she thought that Mayor Becker's vision was that things were going to get easier, not harder for small business owners—and the second draft seemed pretty onerous.

Mr. Sommerkorn stated that Ms. Burton was referring to non-conforming uses.

Chair Woodhead stated that when issues come before the Commission from one of the taskforce processes, people who participated in that taskforce should not consider that version as the final version. She stated that the Commission was happy to take testimony regarding a member of a taskforce that did not agree with the version of the taskforce. She stated that to some extent the taskforce process really only worked if people were willing to do that.

Commissioner Muir suggested that Ms. Burton go through this second draft of this purpose statement and formulate a written reaction for the City Council to review.

Steven Rosenberg (1520 Harrison Avenue) stated that he served on the conditional use taskforce, as well as on the ZAP taskforce. He stated that Nick Norris, Cheri Coffey, and Wilford Sommerkorn should all be commended for the work that was put into that, but the City's Planning and Zoning Departments have been playing defense for so long, that the City was no longer playing offense in terms of economic development. He stated the hockey stadium was lost to West Valley City, the newspaper facility was lost to West Valley City, the Soccer stadium was lost to Sandy, and when you think of places where you have traveled that you love, they were all places that have vibrant business neighborhoods. He stated that it was important that the entire Community and Economic Development department be placed in the position to play offense. He stated that in the current economy there are many who have lost their jobs, and he would hate to think that they would have to leave Salt Lake City because the City cannot offer them one here.

Esther Hunter (1049 Norris Place) stated that the ZAP process was incredible, and things were starting to change because of discussions with all people involved. She stated it seems that the City was moving away from involving community councils and that is not the solution.

Chair Woodhead closed the public hearing.

Ms. Coffey stated that in the future staff would do a better job to address the outlines of the taskforce, and why they decided a certain way, more clearly in the staff reports, so the Commission had a better idea of that process, and how staff was dealing with that input.

9:16:25 PM Motion

Commissioner Wirthlin made a motion regarding Petition PLNPCM2009-00173, based on the analysis and findings listed in the staff report, staff presentation, and public comment and discussion, the Planning Commission transmits a favorable recommendation to the City Council regarding amending the general intent statement for the Commercial Zoning Districts and purpose statements for Residential Commercial Manufacturing/downtown Gateway, and Special Purpose Zoning Districts for the following reasons:

- 1. The proposed amendments are consistent with the recommendations, policies and actions found in the Salt Lake City Futures Commission Report, the Salt Lake City Vision, and Strategic Plan Final Report and the Salt Lake City Housing Plan;**
- 2. The proposed amendments are consistent with the general purpose and intent of the Zoning Ordinance as stated in Zoning Ordinance section 21A.02.030;**

3. The proposed amendments are generally consistent with the factors of consideration for zoning amendments found in Zoning Ordinance Section 21A.50.050; and
4. The proposed amendments do not create any new zoning regulations that would adversely impact property within the City.

Commissioner Dean seconded the motion.

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

The meeting adjourned at 9:17 p.m.

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on August 12, 2009.

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Tami Hansen