

## **SALT LAKE CITY PLANNING COMMISSION MEETING**

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

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

**Wednesday, August 26, 2009**

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

A field trip was held prior to the meeting. Planning Commissioners present were: Frank Algarin, Tim Chambless, Michael Fife, Kathleen Hill, Michael Gallegos, Prescott Muir, Matthew Wirthlin, and Mary Woodhead. Staff member present was: Nick Norris.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Woodhead called the meeting to order at 5:45 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time. Planning staff members present at the meeting were: Wilford Sommerkorn, Planning Director; Cheri Coffey, Programs Manager; Paul Neilson, City Attorney; Nole Walkingshaw, Senior Planner; Nick Norris, Senior Planner; Lex Traughber, Senior Planner; and Tami Hansen, Senior Secretary.

### 4:58:03 PM **Work session**

Ron Straka briefed the Planning Commission on the status of the North Temple Boulevard project.

### 5:45:28 PM **Approval of Minutes from Wednesday August 12, 2009.**

**Commissioner Wirthlin made a motion to approve the minutes as amended. Commissioner Algarin seconded the motion. All in favor voted, "Aye".**

### 5:47:05 PM **Report of the Chair and Vice Chair**

Chair Woodhead stated that she did not have anything to report.

### 5:47:15 PM **Report of the Director**

Mr. Sommerkorn stated that regarding the approval of the minutes for the motion of the Historic Preservation at the August 12, 2009 meeting, the Commission felt there needed to be additional language to clarify potential conflicts between the City's Preservation and Sustainability plan goals. He inquired if the Commissioners felt that the memorandum with that additional language was enough.

Chair Woodhead inquired if any Commissioners had objections to the additional language. She noted that the Commission did not have objections.

[5:49:03 PM](#) Modification to ordinance conditions of the City Creek Inn **Zoning Map Amendment Petition PCM2008-00918**, located at approximately 230 West North Temple Street.

Mr. Sommerkorn stated that regarding the City Creek Inn Zoning Map Amendment, the City Council staff was concerned that the ordinance that was presented to them did not reflect everything that was in the motion from the Planning Commission. He stated that some of the conditions included were not subject to the approval. He introduced Nole Walkingshaw as staff representative regarding this matter.

Mr. Walkingshaw stated that this petition involved a minor subdivision and a zoning map amendment. He stated that the existing use of the property that was occupied was the City Creek Inn, which is a non-conforming use. He stated that some of the conditions that were included in the staff report that were now in question was a non-conforming use, which was really a finding of fact rather than a condition. He stated that when the City Attorney prepared the ordinance he prepared it without that finding. The City Council's office wanted the Commission to clarify they were aware that finding of fact was not going to be included as a condition.

Chair Woodhead inquired if the Commission agreed with that. She noted that the Commission did not have any objections.

#### [5:50:30 PM](#) **Motion**

**Commissioner Gallegos made a motion to not include the mention that the City Creek Inn is a non-conforming use, as a condition of approval pertaining to the Zoning Map Amendment.**

**Commissioner Wirthlin seconded the motion.**

**All in favor voted, "Aye". The motion passed unanimously.**

#### **Briefings**

[5:51:03 PM](#) **Planned Development Amendments Phase I.** The Planning Commission will receive a briefing on proposed amendments to the Planned Development Regulations. A public hearing will be scheduled for a later date.

Chair Woodhead recognized Lex Traugher as staff representative.

Mr. Traugher stated back in 2005 the City Council initiated a petition for staff to look at planned developments, and specifically the possibility of reducing the minimum lot acreage, so that anyone could be eligible for a planned development. He stated that the Planning Commission also initiated a petition in 2005 for staff to look at possibilities for increasing density through the planned development process. He stated that staff proposed that the planned development standards be removed from the conditional use chapter. He stated that typically a planned development design played more of a role than use; however, because the planned

development standards were currently in the conditional use chapter, both needed to be addressed, which sometimes made these petition awkward.

Mr. Traughber stated that language was written to enhance the purpose statement of planned developments. He stated that the objective portion of the text was also enhanced, and staff reduced the minimum lot area required for planned development eligibility. He noted that planned developments needed to be better defined and the following changes were drafted:

**PLANNED DEVELOPMENT:** ~~A lot or contiguous lots of a size sufficient to create its own character where there are multiple principal buildings on a single lot, where not otherwise authorized by this title, or where not all of the principal buildings have frontage on a public street.~~ **—A type of land development that requires more planning flexibility than is otherwise allowed under a strict application of zoning requirements and/or lot configuration, in order to create a development that achieves/implements adopted development policies/goals of the City.** A planned development is controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the character of which is compatible with adjacent parcels and the intent of the zoning district or districts in which it is located. **The planned development maintains the same density that is permitted by the underlying zone.**

Commissioner Dean inquired about enforceability along the lines of sustainable building and what that would mean to an applicant, would there be set energy standards.

Mr. Traughber stated that was not a standard, but an objective the City would like to see developers put forth some effort in.

Commissioner Muir inquired on page 5, paragraph 80, why City slope standards were not used for the minimum criteria for private roads. He stated that the Commission just saw an issue regarding this up in the Avenues.

Mr. Traughber stated that one of the comments from the Transportation Division as well the Fire Department was to look at this issue and give staff suggestions, because there had been instances where that was problematic.

[5:59:32 PM](#) **Life on State—Our Street Our Vision** – a presentation and discussion by Ted Knowlton, of The Planning Center, on recommendations derived from a collaborative planning effort aimed at turning State Street into an economic and community center for the Salt Lake Valley.

Chair Woodhead recognized Christopher Clifford, from The Planning Center.

Mr. Clifford gave a PowerPoint presentation regarding the future of State Street.

Commissioner Chambless stated that the State capitol made the north end of the view corridor of State Street very interesting, but when looking south there was nothing. He suggested looking at the blighted areas to make them interesting and to also increase walkability.

Mr. Clifford stated that one of the options was to make State Street more of a Parisian boulevard, where the lanes were in the center and then planted medians were on the sides of the street, rather than in the center. He stated that bike lanes should be included as well, and this would help to keep State Street the vehicular corridor that it is right now, but this plan would also help to separate pedestrians from the cars and create an area where people would actually want to walk.

Commissioner Gallegos stated that other than employment purposes, there was not as much destination as there could be.

Mr. Clifford stated that was an issue that came up there was no reason for people to go to State Street. He stated that this project was looking at the building types and street cross-sections as opposed to actually land use.

Commissioner Hill stated that Mr. Clifford should take a look at the overall vision of the North Temple Boulevard project that was currently being worked on. She stated that nodes should be created along State Street that were places of destination at cross-sections. She stated it would be great to have an overall connection and concept between the North Temple and State Street projects. She suggested that instead of parallel parking, angled parking should be put in along State Street.

Commissioner Algarin stated that he would like the demographic of each area along State Street, and conversations with the residents in regards to what they would like to have there, so they had a sense of ownership, not just a sense of residing in the area.

Mr. Clifford stated that he hoped to talk to as many of the residence as possible to help mold the vision of the future of State Street. He stated that essentially there was enough single-family housing for the next 30 years with the population growth because of the demand for different types of housing opportunities like townhomes, condominiums, and rentals.

Commissioner Gallegos stated he agreed that a mix of housing types would be appropriate along State Street.

Commissioner Fife inquired if UDOT would be funding the improvements to the street.

Mr. Clifford stated that different funding options were being looked at, currently UDOT's primary goal was in transportation and they were also very invested in the economic development of an area. He stated that most likely a mix of funding sources would be the outcome.

## **Public Hearings**

**River Glen Phase 1**—a request by Iverson Homes LLC for an amendment to a previously approved residential conditional use planned development and residential subdivision. The proposal is located at approximately 1368 South Dokos Lane located in an R-1-7000 Single Family Residential zoning district. The property is located in Council District Two, represented by Van Turner.

- a. **PLNSUB 2009-00293; Conditional Use /Planned Development Amendment...** The request is to eliminate the east/ west public access strip between Dokos Lane and the Jordan River surplus canal.
- b. **PLNSUB 2009-00292; Residential Subdivision Amendment**—an amendment to the subdivision is required to reflect the elimination of the east/west public access strip.

*This item was postponed.*

[6:37:15 PM](#) **PLNPCM2009-00167; Non Conforming & Non Complying Zoning Text Amendment** – A request by the Salt Lake City Council to amend Chapter 21A.38 of the Salt Lake City Zoning Ordinance, relating to Non Conforming Uses and Non-Complying Lots and Structures regulations. The purpose of the petition is to simplify and clarify the existing regulations and to ensure consistency with State Law.

Chair Woodhead recognized Cheri Coffey as staff representative.

Ms. Coffey stated that the easiest way to understand non-conforming uses was the zoning was probably correct when built, but over time the zone changed in conformance to the master plan, and hopefully these non-conforming uses would eventually go away. She stated that the problem with that was there were private property rights, and recently State law stated that owners could rebuild a non-conforming use within 6 months if it was destroyed by a natural disaster.

She stated that in the past the Zoning Administrator had made a decision, which could be appealed to the Board of Adjustment and that board was then making a land use decision. Staff was trying to clean up this process and make it more public. She noted that because the Planning Commission was the land use board, these zoning changes should go through a public process and be decided by the Commission.

Ms. Coffey stated that there were a lot of non-conforming uses. Partly because the master plans were outdated and a lot of the neighborhoods were built before zoning regulations were created. Over the years downzones were made and now walkability and sustainability were factors and a lot of these uses were things the neighborhood liked. It was difficult to get financing and insurance for these uses. Staff was looking at changing the zoning to make them conforming. She stated that in-line additions were also not addressed in the ordinance and needed to be made clearer. She stated that a non-complying structure was when the size or height of the structure did not comply with the underlying zone. A non-conforming lot was a parcel that did not have frontage or the minimum lot area that was required in the zone.

Ms. Coffey stated that non-complying lots in the past meant that you could only put a single-family home on the property; she stated that this was not the intent, the intent was that the minimum you could build would be a home, and now it would include you could build on the property whatever was allowed within the zone.

Commissioner De Lay stated that it was hard to get a loan or a refinance on a non-complying use. She inquired if staff had run this by any lenders to see if this was approved if they would be okay now.

Ms. Coffey stated they had not.

Commissioner De Lay stated that it would be a good idea to have a workshop that included residential and commercial lenders so that they could look at this text amendment and comment on whether or not changes needed to be made so they would actually lend money. She inquired if live/work spaces were part of this.

Ms. Coffey stated that she was working on the definitions and uses of some terms that would be placed in the table of the ordinance, so that specific uses were defined in the future.

Commissioner Dean stated that if the City was going to take a stricter stance on this, they needed to take a look at the map amendments and if the City can proactively rezone preferable properties to maintain the commercial diversity. She stated that it would be a clarifying tool for property owners as well.

Commissioner Fife inquired about changing from one non-conforming use to another, the amendment stated that the Zoning Administrator would make the decision on those, but it seemed like those petitions should come before the Planning Commission.

Ms. Coffey stated that was a decision for the Commission to make. She stated that the taskforce felt this would be a more streamlined process if it went through an Administrative hearing process, but if the Commission wants to see them, then they should recommend that.

#### 7:02:54 PM **Public Hearing**

Chair Woodhead opened the public hearing portion of the petition.

The following person spoke or submitted cards in *support* of the petition: **Judy Short** (862 Harrison Street) stated that the City needed to find a way to retire non-conforming uses, which were not compatible with the City's long range plans and objectives. She stated that one way to make that easier would be to create small, low intensity mixed-use and business zones. She stated that staff could categorize what characteristics made a property non-conforming and redefine it in a way that a lot of those properties could become conforming with a few tweaks to what was allowed in the zoning district.

Commissioner De Lay stated that was a valid point, what were the number one reasons that most properties in the City were non-conforming.

Ms. Coffey stated that the short answer is that they are not compatible with the zone, but part of the problem was the City's master plans were outdated and some of the more current master plans did not have the zoning implemented when they were adopted. She stated that the ZAP taskforce looked at some uses that could be designated as mixed-use which would be appropriate.

Mr. Sommerkorn stated that there were a lot of non-conforming uses in the City, and could the zoning be modified to the point that a lot of them could be made conforming. He stated that was part of what the small neighborhood business study intended to look at.

Chair Woodhead stated that the City was lucky that a lot of these non-conforming uses had survived, when there was a tendency toward sameness in the past. She stated that the City needed to find a way to protect those mixed-uses and to make them better.

Commissioner Hill stated that staff had mentioned looking at where in the City it would be appropriate to drop particular commercial mixed-use areas in. She stated that overtime if density was strengthened in any area, neighborhoods could start strengthening these neighborhood cores.

Ms. Short stated that this was zoning for the future, where twice as many people would eventually occupy the same space and if the City still wanted open space there needed to be some creativity when looking at the zoning.

Chair Woodhead closed the public hearing.

*The meeting adjourned at 7:12 p.m.*

**This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on August 26, 2009.**

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

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Tami Hansen