

SALT LAKE CITY PLANNING COMMISSION MEETING

In Room 326 of the City & County Building

451 South State Street, Salt Lake City, Utah

Wednesday, January 28, 2009

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

A field trip was held prior to the meeting. Planning Commissioners present were: Frank Algarin, Michael Fife, Susie McHugh, Kathy Scott, Matthew Wirthlin, and Mary Woodhead. Staff members present were: Joel Paterson, Bill Peperone, and Lex Traugher.

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. Present from the Planning Division: Wilf Sommerkorn, Planning Director; Joel Paterson, Programs Manager; Paul Neilson, City Attorney; Nole Walkingshaw, Senior Planner; Orion Goff, Building Official; Lex Traugher, Principal Planner; Bill Peperone, Senior Planner; and Tami Hansen, Planning Commission Secretary.

[5:48:48 PM](#) **Approval of Minutes from Wednesday, January 14, 2009.** Commissioner De Lay made a motion to approve the minutes with noted changes. Commissioner Wirthlin seconded the motion. All in favor voted, "Aye," the motion passed unanimously. Commissioners Algarin and Fife abstained.

[5:49:42 PM](#) ***Report of the Chair and Vice Chair***

Chair Woodhead noted that she and Vice Chair McHugh would be meeting with the Chair and Vice Chair of the City Council on February 17, 2009.

[5:50:02 PM](#) ***Report of the Director***

Mr. Sommerkorn welcomed Michael Fife as a new Planning Commissioner, and noted that the City Council had interviewed another potential Commission member, and one more had been nominated, leaving only one more seat to fill for a full Commission.

Mr. Sommerkorn noted that on the February 11, 2009 meeting, Doug Hattery would be coming to give a briefing of the Foothill Drive Corridor plan. Also, at the Commissioners request, Vicki Bennett the Sustainability Director for the city, would be coming to give an update on what was happening throughout the city, and how it related to the Planning and Zoning Department.

Public Hearings

[5:51:12 PM](#) **Petition PLNPCM2008-00211, Granite Furniture Block/Red Mountain Retail Group—Conditional Building and Site Design Review**—a request for Conditional Building and Site Design Review for a new mixed-use development in the Sugar House Business District (CSHBD1 & CSHBD2 Zones) consisting of commercial and residential uses. The proposal involves the renovation of the Leisure Living building in the interior of the Granite Block, the renovation of the Granite Furniture warehouse building along McClelland Street, as well as the Granite Furniture Showroom Building on the southeast corner of 2100 South and McClelland Street. The proposal also includes the construction of three (3) new buildings on the Granite Block and along the west side of McClelland Street. This project is being reviewed by the Planning Commission because all new construction of principal buildings that exceed fifty feet (50') in height in the CSHBD1 District or thirty feet (30') in the CSHBD2 District or 20,000 square feet in size in either District are subject to the Conditional Building and Site Design Review process. The property is located in City Council District Seven, represented by Søren Simonsen. **View:** [Memorandum](#), [Staff Report](#), [Red Mountain Handout](#), [Craig Mecham Letter](#), [Additional public comment](#)

Chair Woodhead recognized Lex Traugher as staff representative.

[6:32:22 PM](#) **Public Hearing:**

The following people spoke or submitted a hearing card in *support* for the proposed petition: **Judi Short** (Sugar House City Council Chair) stated that this project over time was looking better, and she in support, but some changes still needed to be made. She stated that the area to the south of Building 1 should have a city sidewalk because it has Parley's Trail, and the trolley, and all of this space should be part of Red Mountain's plan. She also noted that the Sugar House Master Plan mentions Sugarmont Drive and the connection should be maintained throughout the project. She noted that she would like to see the housing on Elm preserved. **Laurie Bray** (1064 East 2100 South) stated she owns a business in this area, she would like to see this project completed sooner rather than later. She stated that one-way traffic on Elm would be a great idea. **Benny Keele** (943 East Forest View Avenue) stated he was excited about the project, but he would like to see the north side of the building more enlivened. He would like to see the parking spaces converted to retail spaces. **Derek Payne** (1034 East Hollywood Avenue) stated that generally he was in favor of the project; however, several issues need to be resolved. First the commercial traffic needs to be discouraged from heading west onto Elm from the development, and the density of the project has increased by 40% since the traffic study was done. **Michael Jeppesen** (2007 McClelland) stated that this project will be fabulous for Sugar House, he noted that as far as LEED certification the project should be able to obtain higher than silver.

The following people spoke or submitted a hearing card in *opposition* to the proposed petition: **Rawlins Young** stated that regarding Building 3 and Sugarmont Drive, and where the Jordan Canal runs through the business district there seems to be a problem with the property lines. **Russ Callister** (2146 Highland Drive), employed by Mecham Management. He stated that the site plan submitted by Red Mountain on the east side of Building 3 includes property that they do not own, and he would like the site plan to be revised to reflect accurately the property ownership. Chair Woodhead stated that as she understood it that was a legal dispute between the two property owners and whatever decision the Commission makes, would not involve adjusting property lines. **Scott Kisling** (2409 Lynwood Drive) stated that the project needs to be economically viable, and there needs to be an over attention to pedestrian amenities and connections.

[6:57:59 PM](#) Chair Woodhead closed the public hearing.

[7:11:55 PM](#) **Motion:**

Commissioner Wirthlin made a motion regarding Petition PLNPCM2008-00211, based on the findings listed in the staff report, the discussion of the Commission, the public hearing, and discussion with the applicant, the Planning Commission approves the proposal subject to the following conditions:

- 1. Compliance with the departmental comments as attached to the staff report (Exhibit A).**
- 2. A revised preliminary plat must be filed and application fees paid.**
- 3. Any substantive changes in the proposed building plans due to issues with the Jordan and Salt Lake City Canal will require review by the Planning Commission.**
- 4. Any substantive changes in the proposed building plans due to issues with the realignment and connection of Sugarmont Drive and Wilmington Avenue will require review by the Planning Commission.**
- 5. The Planning Commission delegates final approval of signage and lighting design to Planning Staff to ensure compliance with the “Business District Design Guideline Handbook” located in the Sugar House Community Master Plan.**

Vice Chair McHugh seconded the motion.

Commissioner De Lay, Algarin, Scott, Chambless, Fife, Wirthlin, and McHugh voted, “Aye”. Commissioner Muir voted, “No”. The motion passed.

Chair Woodhead announced a short break at 7:12 p.m.

Chair Woodhead reconvened the meeting at 7:19 p.m.

[7:19:26 PM](#) **Petition PLNSUB2008-00758, Planned Development/Condominium Conversion**—a request by Tim Collings for a Conditional Use Permit for a Planned Development located at approximately 162 North I Street. This application proposes combining three existing buildings into one Planned Development and changing the south most two buildings located at approximately 156 North and 162 North, from apartments to condominiums. This property is located in City Council District Three represented by Eric Jergensen. [View: Staff Report](#)

Chair Woodhead recognized Bill Peperone as staff representative.

[7:25:54 PM](#) **Public Hearing:**

Chair Woodhead opened the public hearing portion of the petition. There were no members of the public present to speak. Chair Woodhead closed the public hearing.

[7:26:22 PM](#) **Motion:**

Commissioner De Lay made a motion regarding Petition PLNSUB2008-00758, that the Planning Commission grants Conditional Use approval, preliminary Planned Development approval, and Condominium Conversion approval, subject to the following conditions:

1. Approval is conditioned upon compliance with all departmental comments outlined in this staff report. If, during the building permit review process, additional requirements are stipulated, by the Building Department, the applicant shall satisfy said requirements prior to the recording of any approved final condominium plat.
2. Upon preliminary approval the applicant shall submit for final plat approval to the Salt Lake City Planning Division, which is necessary to prepare a recordable final plat with the Salt Lake County Recorder's Office. The final condominium plat shall conform to the requirements of Chapter 21A.56 of the Zoning Ordinance (Condominium Approval Procedure).
3. The execution and recordation of a Declaration of Covenants, Conditions, and Restrictions. The Declaration of Covenants must be approved by the Salt Lake City Attorney for compliance with Utah State and the Salt Lake City Code requirements.
4. No condominium shall have final approval, nor shall said units be sold, until the final plat mylar has been recorded with the Salt Lake County Recorder.

Commissioner Scott seconded the motion.

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

[7:27:39 PM](#) **Petition No. PLNPCM2008-00409, Salt Lake City Zoning Ordinance text and Building Code text amendments**—a request by the Salt Lake City Planning Commission to analyze the feasibility of amending the City Code as it pertains to residential condominium conversions. The following issues are being considered: [View: Staff Report](#)

Zoning Ordinance:

- a. Expand Planning Director oversight for exterior building and site improvements as may be required.
- b. Amend definitions to specifically state that condominium conversions of existing residential apartment buildings to condominium ownership are not a "Change of Use".

Building Ordinance:

- a. Requiring exterior building conditions; interior building standards; space and occupancy standards, light and ventilation standards and fire safety-egress standards to apply to the residential apartment—condominium conversion process, as required by the Salt Lake City Existing Residential Housing Code.

- b. Require the installation of a smoke detector system conforming to manufacturer's recommendations
- c. Require fire sprinkler systems in buildings with more than 3 units.
- d. Require compliance with chapter 18.96.050 (Fit Premises): Property owner to maintain the premises and each dwelling unit.

Chair Woodhead recognized Nole Walkingshaw and Orion Goff as staff representatives.

7:46:28 PM Public Hearing:

Chair Woodhead opened the public hearing portion of the petition. There were no members of the public present to speak. Chair Woodhead closed the public hearing.

7:51:40 PM Motion:

Commissioner Wirthlin made a motion regarding Petition PLNPCM2008-00409, based on the comments, analysis and findings of fact listed in the staff report, the Planning Commission transmits a favorable recommendation to the City Council to adopt the proposed text amendment for a residential condominium conversion as shown in Exhibit A—Proposed Text Amendments.

Commissioner Algarin seconded the motion.

Discussion of the motion:

Commissioner De Lay noted she did not see a requirement for HOA fees. The CC&Rs could be thirty to forty years old and she was not sure that the city was requiring the HOAs to comply with the CC&Rs.

Mr. Walkingshaw stated that the city requires an HOA be set up, as part of the application for new condominiums. For existing HOAs the only change would be that if an existing condominium, which was tenant occupied, had a tenant complaint, the city could enter the condo to inspect it regarding the complaint. He noted he was not sure how this would affect the HOA.

Commissioner De Lay stated that some type of city-wide notice would be helpful, for the existing condominiums within Salt Lake City, which indicates the new rule. She stated that the city should expect that now with new buildings that were originally built as condominiums, but due to the economy are being converted to apartment buildings, this is something that the HOA will need to know, but the existing buildings may not be aware of this change.

Commissioner De Lay, Algarin, Scott, Chambless, Muir, Fife, Wirthlin, and McHugh voted, "Aye". The motion passed unanimously.

[7:54:25 PM](#) **Petition 410-08-55, PLNPCM2008-00582, Metro C&D Transfer and Recycling Facility**—a request by Waste Management of Utah, Inc., represented by Susan Hayward, This is a request for conditional use approval for a recycling processing center (outdoor) business to operate on property located at 3550 West 500 South. The subject property and buildings have been used for a recycling processing center (indoor) in the past. A recycling processing center (outdoor) is permitted in the M-1 zoning district with conditional use approval. Planning Commission is the final decision making authority for conditional uses. The property is located in City Council District Two, represented by Van Turner. [View: Staff Report](#)

Chair Woodhead recognized Nole Walkingshaw as staff representative.

[8:05:01 PM](#) **Public Hearing:**

The following people spoke or submitted a hearing card in *opposition* to the proposed petition: **Jay Ingleby** (Glendale Community Council) stated they are the community council next to Poplar Grove and they are affected by the pollution of this project. He stated that he felt that Salt Lake City had the worst air in the U.S. because of businesses like this. He stated that the trucks that come into this project were not covered and if the wind was blowing it went straight into the air. He stated that taking something into an enclosed building and recycling would be okay, but the subject business was not enclosed, and this would increase the truck traffic along California Avenue.

Chair Woodhead inquired if some of these problems would be solved by asking the facility managers to access this location via Bangerter Highway.

Mr. Ingleby noted that he felt that they would not comply with that, there were also two schools in the area so semi-trucks are dangerous in the area. He noted that he had contacted the company in the past and told them to tell the trucks to detour on 2100 South instead of coming into the location on Redwood Road and they did not listen.

Randy Sorensen (1184 South Redwood Drive) stated that the air pollution is horrible in the area. He stated that there are a lot of people in the area with emphysema and asthma because of this.

Commissioner Algarin inquired if Mr. Sorensen had spoken with the new owners of the facility. He stated that the community and the Commission are in favor of clean air and safe roads, and he suggested that Mr. Sorensen speak with the new owners about his concerns.

Chair Woodhead closed the public hearing portion of the petition.

[8:35:00 PM](#) **Motion:**

Commissioner Algarin made a motion regarding the Metro C&D Transfer and Recycling Facility Conditional Use, Petition PLNPCM2008-00582, that the Planning Commission approves the petition based on the following conditions:

- 1. A site proof fence or wall shall be constructed around the area of activity, “work area”, built to a minimum height of seven (7) feet, but not to exceed ten (10) feet in height. The design shall be acceptable to both the City Planning and Building Services Division, fences and walls seven (7) feet or greater are required to be reviewed for building code compliance, and a building permit for the construction is required.**
- 2. The construction of the fence/wall enclosing the “work area” may encroach on the existing parking area; a site plan demonstrating parking improvements including calculations for required parking is required. This plan shall include the location of the fence/wall and demonstrate that the required ingress and egress standards for vehicles are met. This parking area shall not be enclosed within the “work area” of the site.**
- 3. Building repairs outlined in the engineering report provided by the applicant require Building Services review and permitting, all additional modification proposed to the building are subject to the same review.**
- 4. Due to the fact that there is an active zoning enforcement case, staff requests that a reasonable deadline for submission of plans is established, and that the work is completed within 180 days of obtaining permits. Failure to accomplish this condition shall result in fines retroactive to the date cited in the Notice and Order.**
- 5. Compliance with all other City department requirements outline in the staff report for this project.**
- 6. Route map directing traffic to use the 700 South exit/entrance to Bangerter Highway, and the map is to be posted onsite, and as a recommended route on the website.**
- 7. Activities, such as unloading of material shall be done inside the building.**

Commissioner Wirthlin seconded the motion.

Discussion of the motion:

Commissioner Scott inquired if Commissioner Algarin wanted to add to the conditions that the owners would make available directions to and from the facility be Bangerter Highway.

Commissioner Algarin accepted the addition as condition number 6.

Commissioner Algarin stated that he would also like to add as condition 7, that all activities remain in door.

Commissioner De Lay inquired about the process of “tarping” and “untarping” what comes in.

Commissioner Algarin stated that was already covered by State Law, and he was referring to other activities being moved outdoors.

Commissioner De Lay stated that she was concerned that there was not enough information from the cities environmental experts.

Commissioner Wirthlin seconded the amended motion.

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

The meeting adjourned at 8:37 p.m.

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on January 28, 2009.

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

Tami Hansen