

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

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

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

**Wednesday, June 10, 2009**

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

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless, Michael Fife, Kathleen Hill, and Mary Woodhead. Staff members present were: Joel Paterson, Michael Maloy, and Ray Milliner.

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; Joel Paterson, Programs Manager; Paul Neilson, City Attorney; Doug Dansie, Senior Planner; Nole Walkingshaw, Senior Planner; Michael Maloy, Principal Planner; Ray Milliner, Principal Planner, and Tami Hansen, Planning Commission Secretary.

**Approval of Minutes from Wednesday May 27, 2009** was rescheduled to the June 24, 2009 meeting.

### [5:47:57 PM](#) **Report of the Chair and Vice Chair**

Chair Woodhead thanked Mr. Nielson for representing the Planning Commission in front of the Land Use Appeals Board (LUAB), regarding the “H” Street petition. LUAB upheld the Commission’s decision to move forward. She noted that she and Vice Chair McHugh had met with City Council Member Carlton Christensen, CED Director Frank Gray, City Council Director and Staff Cindy Guest-Jenson and Janice Jardine; and Planning Director and Assistant Director Wilf Sommerkorn, and Pat Comarell on June 9, to talk about current and ongoing issues. She stated that one of the issues that the Commission would be seeing again in the future was related to homeless shelters, and if the City would decide to keep them all in one place or allow them into other zoning districts.

She stated that there was a possibility that the Planning Commission and the City Council would have a joint meeting to discuss the Historic Preservation Plan and some of the issues related to preservation in Salt Lake City, which would probably take place in August sometime.

### [5:49:39 PM](#) **Report of the Director**

Mr. Sommerkorn stated that the Planning Commissioners were invited to the upcoming North Temple Charette on June 18. And at the next meeting on June 24, staff had scheduled a discussion about long range plans and planning efforts and the Commission would meet at from 3:00 to 5:00 p.m. before the next meeting for these discussions.

[5:51:08 PM](#) **Petitions 410-761 and 490-06-04 Time Extension for Bouck Village Planned Development** (now known as Macland Subdivision Planned Development)—a request by Monte Yedlin for a two year time extension for the approval of the Bouck Village Planed Development and preliminary subdivision. The property is located at approximately 1566 West 500 North in a Single Family Residential (R-1/5,000) zoning district. The project was originally approved by the Planning Commission on May 10, 2006. The expiration date of the approval for the planned development was on May 10, 2009. The applicant purchased the property from the original developer and is requesting that the approval date be

extended until May 10, 2011 to allow time to finance the project and record the final plat. This project is located in Council District 1, represented by Carlton Christensen.

Chair Woodhead recognized Wilf Sommerkorn as staff representative.

Mr. Sommerkorn stated the approval of this planned development project expired in May and the applicant asked that the date be extended for two years to allow for time to finance the project and then record the plat. He stated that as staff reviewed this they did not see a problem in granting this extension.

Chair Woodhead inquired if staff had a recommendation to extend this petition for one or two years.

Commissioner Muir stated that he read in the new text amendments that it indicated that one year would be sufficient.

#### 5:53:21 PM Motion

**Commissioner Gallegos made a motion to grant a time extension for Petitions 410-761 and 490-06-04, Bouck Village Planned Development of one year to May 10, 2010.**

**Commissioner Dean seconded the motion.**

**Commissioners Dean, Hill, Fife, Gallegos, Chambless, Muir, and McHugh voted, “Aye”. The motion passed unanimously.**

5:54:25 PM Planning Commission Policies and Procedures—The Planning Commission is scheduled to adopt revisions to its Policies and Procedures document. View: [Document](#)

Mr. Sommerkorn stated that these were items that were talked about at the Commissions previous retreat. He stated that they are reflected changes proposed by staff and Commissioners and had been incorporated into one document.

Chair Woodhead stated that there were a couple of things she would like to point out. She stated that some things were set in stone and seems to be inconsistent with how the Commission actually proceeded during meetings. For example the procedures stated that a five minute recess would be taken every 90 minutes of public hearings.

Mr. Nielson stated that the Commission may wish to change the language before adopting these to, *it is recommended that a five (5) minute break be taken every 90 minutes*. He stated that these were flexible policies and procedures.

Commissioner Fife stated that he would suggest changing the language to, *the Chair will call for breaks whenever appropriate*.

Vice Chair McHugh stated that on Page 4, concerning ex parte communications it read, *ex parte discussions conclude any communication of either side of any issue*. She stated that she interpreted that as either side of the public should not have these types of discussions.

Chair Woodhead stated that it meant more than the public because it included applicants as well.

Vice Chair McHugh inquired if it applied to the Planning Commission.

Mr. Nielson stated that instead of *either side* it might be clearer if it read *interested parties*.

Mr. Sommerkorn stated that he never interpreted it as the Commissioners could not discuss it among themselves. It generally applied to those outside of the Commission and staff.

Commissioner Chambless stated that was the standard of the American Planning Commission. Commissioners could discuss a matter amongst themselves, but not with the applicant or the public. He stated that in regard to the breaks, there were public hearings in the past that had gone up to two hours and it would have been inappropriate to break up the continuity of the public meeting and the problem solving process, but it would be appropriate after that portion of the meeting.

Mr. Nielson stated that there were situations in the recent past when the Commission took a break in the middle of a hearing, and thought it might not have been the intent, there were a lot of discussions occurring during that break that included the applicants or angry neighbors, so he would agree with Commissioner Chambless.

Vice Chair McHugh stated that on Page 8, concerning amending amendments to motions. She stated that it read, *the amendment to the amendment must be accepted by the author and the second in order to amend the motion. The author and the second may choose not to accept the additional amendment.* She inquired if this meant that one of them could accept and the other could not and then it would not be amended.

Mr. Nielson stated yes.

Vice Chair McHugh stated she wanted to make sure because it had not come up yet, but it might.

Chair Woodhead stated that under Paragraph 28 and 38, both talk about motions to adjourn, which the Commission does not do. She stated that this language did not seem necessary to include.

Mr. Sommerkorn stated that more formal bodies will often require a motion to adjourn, but what he has seen in practice in more recent years is that the bodies are fine with the Chair simply declaring the meeting to be adjourned. He stated those references could be taken out. He stated in Paragraph 28 the reference to the motion to adjourn could be removed and leave Paragraph 38 as is, with the title changed to *adjournments*.

Mr. Nielson stated that under Paragraph 36, the heading is, *motion to open and close public hearings*, but it clearly indicates that it is the Chair's prerogative, so that heading should also be amended.

Chair Woodhead inquired if staff should come back with a new draft before the Commission made a final decision on this.

Mr. Sommerkorn stated that whatever the Commission felt comfortable with, either a new draft or passing this on to the City Council with the amendments that were just discussed.

Chair Woodhead inquired if the record of discussion was adequate or if a motion be made that specifically lists all of the amendments.

Mr. Sommerkorn stated that a motion to approve, with noted changes would be adequate.

#### 6:02:31 PM Motion

**Vice Chair McHugh made a motion to approve the amendments to the Planning Commission Policies and Procedures with the noted changes per the Commission's discussion.**

**Commissioner Fife seconded the motion.**

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

## **Public Hearings**

**6:02:58 PM Petition No. PLNPCM2009-00509 Salt Lake City Code Maintenance; Fine Tuning text amendments**—a request by Salt Lake City Mayor Ralph Becker to analyze the appropriateness of amending the City Code as listed below. These text changes are citywide. **View:** [Staff Report](#)

1. Chapter 21A.Section 28.040 Table of Permitted and Conditional Uses for Manufacturing Districts. Eliminate the maximum lot size of two acres for institutional uses in the manufacturing zoning districts.
2. Chapter 2.20.080A of City Code (Planning and Zoning Commission Meetings). Clarify that the Planning Commission must meet at least once a month.
3. Chapter 21A.04.030 Clarify that a Certificate of Appropriateness may be required for properties within a local historic district or for Landmark Sites even when a building permit is not required.
4. Various chapters of the Zoning Ordinance. Clarify that the approval timeframe expires if complete building plans are not submitted to the Permits Office or a permit issued rather than based on the issuance of a building permit and construction actually begun.

Chair Woodhead recognized Ray Milliner as staff representative.

Mr. Milliner stated that the petition was for fine tuning to the Zoning Ordinance, which staff read through and found a few items that needed to be updated as listed as one (1) through four (4) in the staff report. He stated that staff recommended that the Planning Commission forward a positive recommendation to the City Council to approve these changes.

Commissioner Dean inquired about the Certificate of Appropriateness for all improvements, and if those improvements were clearly defined such as minor repairs and painting.

Mr. Milliner stated that was defined in more detail in other sections of the code in the Design Guidelines as well as the Historic Section of the code.

Commissioner Dean inquired about what those improvements typically were in the past.

Mr. Milliner stated that flat work on the outside of the structure like tile, paint, or imprinting designs into the sidewalk. He stated it does not happen very often.

Chair Woodhead inquired if people had clear notice of this.

Mr. Milliner stated hopefully they would receive clear notice because these types of improvements would be part of a bigger project that would require a permit, but there was not a way of notifying each individual homeowner that they needed a certificate to do this type of work.

Commissioner Dean inquired about the process to receive a certificate.

Mr. Milliner stated it was a free application that was submitted to the Buzz Center, who then routed it to staff, and after the staff review it was either approved or denied.

Commissioner Dean inquired if this was useful because it seemed somewhat unenforceable in a broader sense of those minor repairs. There might need to be a plan to enforce this on a small scale.

Mr. Milliner stated that staff that reviews these plans had expressed some concern because they had situations where they were not quite sure what do with these types of applications, so this change was actually a request from Larry Butcher and Ken Brown in the Building Division.

Chair Woodhead inquired if a result of this would be that someone might do something fairly minor and then get hit with a code violation and have to face the penalties.

Mr. Milliner stated that was the intent to prevent historic structures from being impacted in a negative way.

#### 6:08:27 PM **Public Hearing**

Chair Woodhead opened the public hearing portion of the petition. She stated that there was no one present to speak to the petition, and closed the public hearing.

Commissioner Fife inquired about the time expiration of approval; it seemed the process is being made more complex than needed to ask if complete building plans were permitted.

Mr. Milliner stated that the departments usually do not accept them unless they have been complete and the reason for that change was due to the amount of volume there was to review building permits, if the applicant in good faith came in at ten months and the building permit had not been reviewed and issued yet it was not the applicants fault.

Commissioner Fife stated that the intent was then to help the applicant.

Mr. Milliner stated yes.

#### 6:10:03 PM **Motion**

**Commissioner Muir made a motion regarding Petition PLNPCM2009-00509, that the Planning Commission accept the text amendment changes as outlined in items 1-4 in the staff report, based on the findings in the staff report and the public hearing and forwards a positive recommendation to the City Council.**

**Commissioner Chambless seconded the motion.**

**Commissioners Dean, Hill, Gallegos, Chambless, Muir, and McHugh voted, "Aye". Commissioner Fife voted, "No". The motion passed.**

Commissioner Fife explained that the reason he voted no was because he thought the Certificate of Appropriateness would not be able to be enforceable.

Mr. Sommerkorn stated that all properties that were in historic districts did have a notice filed at the County Recorder's Office so it would show up in a title report indicating that they were in that district, and regulations may apply before construction could be undertaken on the property. He stated he did not know how many people really read their title report, but it was there.

Commissioner Hill inquired if for buildings that were historic and significant, but were not in a historic district, was there a way to protect those buildings from being demolished.

Mr. Paterson stated that there were buildings outside of historic districts that were listed individually as landmark sites, and those standards would apply to those structures. If buildings were not on the local register, currently Chapter 18 of the City code regulates demolition and there were certain procedures one would have to meet in order to get a demolition permit. He stated that the City could adopt code amendments that would require some extra review of possible demolition in certain cases.

Commissioner Dean stated that she believed all of that was addressed in the recent report the Commission reviewed regarding the Historic Preservation Master Plan.

Mr. Paterson stated that plan did discuss the need to expand the tools that the City had to protect those structures.

Mr. Sommerkorn noted that another tool that could be used was the Design Guidelines, which was currently being reviewed and might include Historic Design Guidelines.

Chair Woodhead stated that after the demolition of the Sugar House project, the ordinance was looked at to see if changes could be made regarding demolition permits based on the existence of a landscape plan, she inquired if that ordinance was finalized yet.

Mr. Sommerkorn stated that was still in the process.

**Postponed: PLNPCM2009-000191; City of the Seven Gates Conditional Use**—a request by Brylan Schultz located at approximately 2904 West 500 South for conditional use approval to have living quarters for an on-site caretaker. The property is in the M-2 (Heavy Manufacturing) zoning district and in Council District Two, represented by Van Turner.

*Chair Woodhead noted that his item was postponed.*

[6:14:21 PM](#) **PLNPCM2009-00266; Qwest Conditional Use**—a request by Rob Vigil, Qwest Corporation, to permit installation of two ground-mounted utility boxes within an existing public utility easement located at approximately 2857 South Melbourne Street. The zoning designation for the property is R-1/7,000 Single-Family Residential District. The purpose for the conditional use is to facilitate development of high speed internet services in the neighborhood. The property is located in City Council District 7, represented by Søren Simonsen. [View: Staff Report](#)

Chair Woodhead recognized Michael Maloy as staff representative.

### [6:22:45 PM](#) **Public Hearing**

Chair Woodhead opened the public hearing portion of the petition.

The following people submitted cards or spoke in *opposition* to the petition: **Judy Short** (Sugar House Community Council Land Use Chair) stated that the safety in the area was germane, she met with the community Saturday onsite and they discussed options, and were not against another box in the area they would just like it at a different location. Ms. Short stated that the Qwest trucks that come out to service the existing box idle the entire time they are there, they park over the sidewalk, they do not always put out cones unless the neighbors ask them too, and there is a picture of school children passing while the truck is there which is obviously dangerous. She stated that where Qwest wants to place the new box is on another skinny street and the neighborhood thought that the island would be a safe place or across the street on the existing six feet of dirt between the sidewalk and the fence of the school yard where the road is wider, and could be serviced without impeding traffic. **Scott Newbold** (2857 Melbourne Street) stated that this is a safety hazard and he would propose that the box be moved across the street. **Susan Baker** (2865 Melbourne Street) stated that this neighborhood is busy year round due to the school and soccer teams that play there in the spring and summer. She stated she was also concerned that the ordinance 21A.40.009 that was talked about regarding Salt Lake City Public Utilities stated, *electrical equipment in a public right-of-way should be attached to a power pole or placed underground*. She stated in a report by Craig Smith it stated, *electrical equipment placed in the front or side yard shall be placed underground*. She stated this had never been addressed in this neighborhood.

Mr. Maloy stated that essentially those were the permitted standards, underground utilities follow a conditional use or in some cases a special exception, so where there was a specific process for what you might call a land use, that was how they may be approved by the City under certain conditions, which was more an alternate than a standard.

Ms. Baker stated that she read the staff report from the Administrative Hearing and she was quoted as saying that she opposed putting this box across the street at the school site, which was not correct. She stated that the play yard she was discussing was in a neighbor's backyard where his grandchildren play.

Commissioner Fife inquired about what point Ms. Baker was trying to make regarding traffic and the placement of the utility box.

Ms. Baker stated that the service truck may be parked on the street for hours and if they came for example at the time of a soccer game, one they would not have access, but it was also dangerous with people crossing the street all the time, there was always a lot of activity going on.

**Bonnie Fletcher** (1899 Atkin Avenue) stated that with any vehicle parked where the site was now; it impeded a driver's view from seeing vehicles and pedestrians. She stated that during soccer games Melbourne Avenue was basically a one lane street.

Commissioner Muir stated that it might be beneficial for the public if Mr. Nielson clarified what the Commission could do regarding a conditional use. He stated that if the applicant had a granted easement then they were entitled to place it there, subject to conditions that the Commission could draft to mitigate impact. He stated that it would be more helpful if the public aided the Commission by suggesting ways to mitigate any impacts.

Mr. Nielson stated that as far as conditional uses go the Planning Commission was required to approve the conditional use provided that reasonable mitigating conditions could be attached to that approval. He stated that if there was no way to mitigate potential negative impacts, then the Planning Commission could deny the application.

Chair Woodhead noted that there had already been several suggestions that the utility box be moved across the street and she inquired if the Commission had the authority to approve that.

Mr. Nielson stated that the Commission could recommend that the applicant consider that and amend their application, but there would be a potential notice problem tonight if an approval was made to place the utility box across the street. The public hearing notice would have to be resent to make sure that the encompassing mailing list included neighbors that might now be affected by that movement, or if the applicant would be willing to amend the petition to locate the utility box in another area that would be acceptable.

Mr. Sommerkorn stated that the Commission should probably deal with this particular application, and what Mr. Nielson pointed out was State law that the ordinances set standards and if they can be met then the applicant was entitled to approval as they presented it. If the Commission found that the City standards could not be met then the Commission should deny the petition.

**Michael Tolman** (2859 South Preston Street) stated that he wanted to address Qwest's service within the area, he stated that he had been a customer for over ten years with phone and DSL internet service and within the past three years he had to have Qwest come check his DSL service because of the continual signal drop to his computer and operations. He stated that he was given upgraded modems to help with the service, and after talking with technicians and Qwest learned that this lack of service was due to the significant age of the lines that carries the signal in the area. He stated that Qwest had released him from the contract of his subscription because they could not provide the high speed service, so as the applicant was speaking of higher grade boxes and speed, if the lines are bad then what is the point, and if the neighborhood had to find better service then that would render those boxes redundant. **Beth Wolfgram** (2829 South Melbourne) stated that currently the existing box is in her yard, she was approached by Qwest for two additional boxes on her property. She stated that this is a safety issues and when the service truck comes it idles and often parks illegally, often making it even more dangerous at that intersection. She stated that the service truck also leaves behind wires, cartridges, and trash that she regularly cleans up so she can keep the area mowed and free from overgrowth. **Suzanne Dickey** (1836 Atkin Avenue)



stated she was also in favor of the box being placed across the street. She stated she had lived in the neighborhood for 23 years and Qwest has not been a good neighbor and the manners of the service technicians need to be improved.

Commissioner Chambless inquired if there had been any auto-pedestrian accidents in the neighborhood in the 23 years she had lived there.

Ms. Dickey stated that there had a little girl was hit by a car about five years ago.

Commissioner Chambless stated that he was most concerned about the evenings and Saturdays when a vehicle could hardly navigate that intersection.

**Katherine Tolman** (2859 South Preston Street) submitted a card that stated that she had safety concerns about the proposed and current locations of the utility boxes.

Chair Woodhead closed the public hearing.

#### 7:15:48 PM Motion

**Commissioner Muir made a motion that Petition PLNPCM2009-00266 be continued to allow the applicant ninety (90) days to fully explore the option of placing the utility box across the street, and should the applicant find that there are certain obstacles they could expose those to the Planning Commission which could then consider the original petition with that knowledge.**

**Commissioner Chambless seconded the motion.**

#### *Discussion of the Motion:*

Chair Woodhead stated that on the one hand there was the informal process of letting the applicant do some outreach to find out if there would object to the other site, and then bring this petition back and either deny it or having the applicant come back with informal feedback and perhaps approve the petition.

Commissioner Muir stated that he agreed, it would be a real challenge to deny this petition and he felt it would benefit the community to buy a little time, especially since the applicant was not opposed to it. He stated that the applicant could even withdraw the current petition and then reapply, but this did not force them to do that.

Chair Woodhead stated that the petition specifically used the words *located approximately at 2857 Melbourne* and inquired if that would help the applicant.

Mr. Nielson stated that there were specific notice requirements that referred to a radius from the location of the site and the slightest change like going across the street could involve a small number of homeowners within the new locations radius that would need to be identified and allowed the chance to attend a public hearing. He also stated that the word *approximately* was used because this site had not been assigned a specific address, but more a spot on the ground.

Mr. Vigil stated that he did not know if Qwest would feel comfortable with an informal inquiry from the public because he was not aware of any process to do that.

Commissioner Fife stated that he would not be comfortable continuing this because he felt that there was enough information to see that this application met the criteria that the City has.

Mr. Sommerkorn inquired about what the Commission hoped would happen within the 90 days of continuance.



Commissioner Muir stated that the applicant could explore the option of moving the utility box across the street. He inquired of Mr. Maloy if there needed to be a new petition in order to have an open house.

Mr. Maloy stated that only the new location would have to advertise and this petition would just be amended.

Commissioner Dean inquired if this came back after being noticed for across the street and there was more severe opposition, could the Commission then vote for the original petition.

Mr. Sommerkorn stated that if staff and the applicant explored this other option, and there was more opposition to it, staff would bring back the original petition back for the Commission to vote on.

**Commissioners Dean, Hill, Gallegos, Chambless, and Muir voted, “Aye”. Commissioners Fife and McHugh voted, “No”.**

Mr. Vigil stated he was confused because Qwest was fine with the relocation and it would be suitable for their designs, so in 90 days what were they supposed to come back with.

Mr. Maloy stated that essentially staff just needed time to properly notice the new location to give opportunity to additional households, that might be affected by the new location, to comment and then to re-notice another Public Hearing before the Planning Commission.

*Chair Woodhead announced a small break at 7:26 p.m.*

*Chair Woodhead reconvened the meeting at 7:35 p.m.*

**7:35:21 PM Petition PLNPCM2009-00135**—a request by Salt Lake Exchange Accommodations for a text amendment to the Salt Lake City Zoning Ordinance to permit hotel/motel as a conditional use in the Community Business (CB) zoning when abutting State Arterial Streets. The proposed change would allow for the redevelopment of an existing motel located at approximately 1345 and 1355 South Foothill Drive to an 82 room hotel. This project is located in Council District 6, represented by JT Martin. **View:** [Staff Report](#)

Chair Woodhead recognized Kevin LoPiccolo as staff representative.

Mr. LoPiccolo stated that the applicant was asking that the Commission evaluate the potential of allowing this use, and to then forward a positive recommendation to the City Council. He noted that as stated the proposed text amendment would allow the conditional use as a planned development and the hotel/motel would only be considered along state routes that were in the CB zone. He stated that the subject property is known as the Scenic Motel, to the north was a Red Robin Restaurant and to the south was a dental office and a bank. The proposal would include the demolition of the Scenic Motel as well as the dental office directly to the south. He stated that staff thought that issues with traffic would be less of an impact to the area than other retail uses.

Mr. Sommerkorn stated that this text amendment would affect any area that was currently zoned CB and that was along a State arterial road.

Commissioner Gallegos inquired if a motel was located on the safe passageway leading to or next to a school under this zoning, would comments be requested from the school district.

Mr. LoPiccolo stated that typically that would not be required.

Commissioner Gallegos stated that what he was getting at was would this be a type of business that should be located next to a school.

Mr. LoPiccolo stated that the district would be notified, but staff would not ask the district to provide comments.

Chair Woodhead invited the applicant to the table.

Ms. Darlene Batabe (3316 South Monte Verde Drive) gave a PowerPoint presentation. She stated that she was a development consultant and was representing Salt Lake Exchange Accommodations. The Scenic Motel was a successful locally owned business, which was in need of an upgrade and expansion, and the owner wished to expand by connecting the current parcel with the adjacent Foothill Office Dental parcel into a 1.2 acre site.

She stated that currently the CB zone did not allow a hotel or motel use, so the existing structure was nonconforming, which eliminated the potential of any type of upgrade that was off the existing footprint or an expansion. She stated that the success of the Scenic Motel proved that this was a good use of the site; it was well situated to local businesses, the medical research park, and a major arterial road.

Ms. Batabe stated that the nonconforming status of this site could be approached either through a rezone, which was not the preferred approach for the applicant because it opened the door for a bunch of other allowable uses, some of which were permitted and some conditional that may be more objectionable uses at this site. She stated that the applicant proposed that the zone be modified in a way that allowed this use to become conforming, but also constricted it to appropriate locations.

She stated that this project would meet the parking, landscape, and lighting ordinances and they were exploring “green” and other sustainable design features that could be incorporated into the building. She stated that the hotel could offer shuttles to the airport and hospitals. There were traffic problems on 1300 East due to some improper use of that intersection, but the lighting, height, and traffic would be addressed through the planned development conditional use process.

Ms. Batabe stated that there were possible objections to the hotel proposal: traffic was always going to be an issue because Foothill Drive was a highly used road, the hotel would have reduced driveways off of Foothill Drive, but UDOT still wanted the applicant to get a variance. She stated that they would be back before the Commission for a height modification request; there were some concerns that the site plan would be over built, but this was a business district and a pretty compact hotel layout, located on a high traffic boulevard which was appropriate for this. She stated that they had also complied with the East Bench Master Plan as well as being consistent with adjacent land uses.

Commissioner Chambless stated that this looked like a good proposal, but it was also very compacted and appeared to be in the wrong place given the geographic configuration of the land and where it was located on Foothill Drive.

### 8:08:14 PM **Public Hearing**

Chair Woodhead opened the public hearing portion of the petition.

The following people submitted cards or spoke in *support* of the petition: **Kevin Jones** (East Bench Community Chair) stated that the majority of the neighbors support this planned development. He stated that a discussion was held at the April 2009 monthly meeting, which was well attended. He stated that concerns that have been expressed to him from neighbors were individuals that adjoined the property or lived nearby and the primary concern was increased traffic and the architectural design and the fact that the new hotel would be significantly larger than the current Scenic Motel. He stated that the neighbors who supported the project identified the following reasons: the East Bench currently has limited hotel/motel capacity, the Scenic Motel is an aging structure and in need of significant repairs and modifications, the Scenic Motel has a surprising high occupation rate, but has limited capacity; and the motel provides convenient lodging for patients and their families who receive medical attention from nearby hospitals.

Chair Woodhead stated that one of the significant purposes of the CB zone is the integration of businesses with the neighborhood and residential component of that district. She stated that there was a lot of testimony on how this hotel would support the businesses in the area, but she inquired of Mr. Jones how he thought this hotel integrated with the neighborhoods and the residential component.

Mr. Jones stated that a lot of people had expressed to him that if there was not already a motel use in place they might have stronger feelings against this petition, so the question became does one allow an existing motel, which is over 50 years old to stay, or upgrade it to something that is more modern. He stated that since there was a significant business community plus many neighbors in the neighborhood that had guest come to visit, but did not have rooms for them to stay in. He stated that this hotel would be adjacent to their homes so this use would help with that by providing more modestly priced rooms in the area.

**Ellen Reddick** (Bonneville Hills Community Council) stated that there were traffic issues in the area, but she cannot see how this would really impact that further where as the restaurant Red Robin just opened and had people in and out all day long, where a hotel would be more stationary. She stated she was also representing the Foothill Merchant's Association, and she had met with the Foothill Merchants along with Mark Gardner and all of them were very in favor of this project, it was a unique opportunity to be behind a positive project. Speaking on behalf of the Vest Pocket Business Coalition Ms. Reddick stated that they support the project because it was a locally owned, independent business.

The following people submitted cards or spoke in *opposition* to the petition: **Keith Johnson** (480 Wakara Way) stated he was the general manager at the University Park Marriott. He stated that he welcomed the competition that the Hampton Inn would bring, but he was concerned about the proposed uses because there was a need for affordable short term lodging for patients and their families at the Primary and University Hospitals. He stated that between the Marriott and two other hotels that sit within a mile and a half of those two hospitals, there were already 476 rooms available and another 82 rooms probably would not make that much of an impact. He stated that Chase Suites had a hospital rate specially designed for patients at either one of those hospitals and the hotel was strictly designed for long term stays. The Guest House, which sits on University property and is actually in walking distance to the hospitals also have affordable rates from \$64 to \$74 a night. He stated that the Marriott offered four different packages for patients. He stated that the Hampton Inn would be sitting in the middle of the block and hotel guest on busy Foothill Drive might dart across that busy street, so the safety factor surrounding this development and pedestrians should be more heavily considered.

**James Duffin** (10692 South 300 East) stated his family owned the block other than this parcel. He stated he and his family were not against commercial development. He stated that the hotel would be too compact for the land and it did not fit this area. Foothill Drive was a major corridor to the City and largely a residential area, except for this small business area and there was just not a need for such a large hotel in this area. He stated that good commercial development builds the community and this was like a boil on the landscape that never heals. **Thomas Duffin** stated that this was a massive monstrosity that the applicant was trying to sandwich in. He stated that he was in favor of business in the area, but just not this hotel this big. He stated that Kevin Jones had already made up his mind on this and would not allow negative public comment and the community council meeting, which was why he was reporting there was none.

Chair Woodhead closed the public hearing.

Ms. Batabe stated that the issues of the site plan development were best left for the conditional use planned development; however, from the street view concept plan that showed the layout of the hotel, it was up to the Commission to decide whether they were squeezing this onto the land. She stated that the real question was in regards to the appropriateness of the use on this site and finding a way to manage it that would restrict the site to some appropriate uses.

Chair Woodhead stated that what she was not hearing was how a hotel/motel addition benefitted the CB district because the zoning definition talked about the integration of the businesses to the residents. She inquired if a hotel/motel use in this zoning district in general integrates with residential districts.

Ms. Batabe stated that it may be very much site specific, which was why the conditional use process was appropriate because this could be labeled as a tabled or permitted use and there may be sites where it was not appropriate to place a hotel/motel in the CB zone. She stated that there was already an existing commercial and transportation infrastructure to support this hotel so it would be appropriate here. She stated that she agreed with Mr. Jones that there did need to be additional space in the area to accommodate guests and relatives.

Commissioner Chambless stated that the proposal was to increase the number of units by 500 percent on this site, and he inquired if the petitioner would simply be willing to accept a doubling of units from 14 to 28.

Ms. Batabe stated that the petition tonight was not regarding the number of rooms and she was only prepared to address the text amendment concept.

Commissioner Hill stated that this use may be site specific, but a proposed text amendment would affect all CB zones.

Mr. Sommerkorn stated that it would, but this petition was proposing that it be limited to State arterial roads.

Commissioner Hill stated she was concerned because there were a lot of State arterial roads that this petition would set a precedent for.

Commissioner Fife stated that the distinction of being next to a State road was not a meaningful differentiator because State roads have a variety of different traffic patterns. He stated that the CB zone was appropriate in this neighborhood as a buffer between the neighborhood and this very busy road, and not having hotels was appropriate in the CB zone because they did not integrate with the neighborhood like a bank, store, or restaurant would. He stated that once this became a conditional use it may have unintended consequences.

Commissioner Muir inquired of Commissioner Chambless if from sitting in on the discussion with the University of Utah and the City involving discussion of mitigating the traffic long term on Foothill Drive if he would share some of that insight.

Commissioner Chambless stated that the traffic issues on Foothill Drive were inherited almost 50 years ago when a decision was made regarding the Northeast Quadrant of the City, and the problem had only gotten worse because of the increased traffic volume. He stated that the University of Utah is the second largest employer in the state and obviously created a lot of traffic and a solution has not been reached except for shuttle buses and lane closures.

Commissioner Muir stated that a possible solution would be greater dependence on public transportation.

Mr. Sommerkorn stated that the Foothill Corridor study was completed a few months ago and reviewed by the Commission and City Council which addressed this issue and offered some solutions.

Commissioner Dean stated that this was obviously a viable business in its current location and it would be fabulous to allow it to continue, improve, and expand; however, she had concerns about amending the zoning ordinance without further information about more specific impacts that it might have whether on a State road or not.

Commissioner Fife stated that the appropriate place to put hotels seemed to be on transit corridors so people could take public transportation up to the hospitals.

#### 8:45:33 PM Motion

**Commissioner Hill made a motion regarding Petition PLNPCM2009-00135 that the Planning Commission forwards a negative recommendation to the City Council that the hotel/motel use not be allowed in a Community Business (CB) district when abutting a State route, based on the fact that this might create unintended consequences and limit the ability of the City to deny conditional uses.**

**Commissioner Gallegos seconded the motion.**

#### *Discussion of the motion:*

Chair Woodhead stated that she felt it was important that the motion should include the factual basis for the motion.

Commissioner Hill stated that this proposal was in violation of the intent of the CB district is that, *the purpose of that district is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods. The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site.*

Commissioner Muir stated that an intensive auto-oriented use in an existing challenged corridor exacerbates Factor A, listed in the staff report which read, *whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City*. He stated that these uses would be more appropriate either in existing zones along transit-oriented development or in CB zones should they occur in that corridor. Commissioner Muir stated that in regards to Factor E which reads, *the adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways*. He stated that given the Foothill Corridor Plan that area was obviously under considerable stress and this would contribute to that challenge.

Commissioner Fife stated that this type of business does not relate to the residential areas that it was supposed to be supporting.

Commissioner Hill stated that Factor B read, *whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property*, which it is not because it is out of scale.

**Commissioners Dean, Hill, Fife, Gallegos, Chambless, and Muir voted, “Aye”. Vice Chair McHugh voted, “No”. The motion passed.**

Chair Woodhead announced a small break at 8:50 p.m.

Chair Woodhead reconvened the meeting at 8:58 p.m.

Commissioner Muir recused himself from the meeting.

**8:58:21 PM Merrimac Flats Townhouse Development**—a request from City and Resort Properties, LLC, represented by Nathan Anderson, for Planning Commission approvals to allow for the development of seven single-family attached dwelling units at approximately 38 West Merrimac Avenue. The project is located in Council District Five, represented by Jill Remington-Love. **View:** [Staff Report](#)

**a. Petition PLNPCM2008-00679**—a request to rezone the property from RMF-35 residential multi-family medium density development to RMF-75 residential multi-family high density zoning classification. The applicant wishes to increase the potential density from five to seven units.

**b. PLNSUB2009-00417**—a request for planned development approval to modify the lot size and street frontage requirements to ensure the proposed project is consistent with neighborhood setbacks.

Chair Woodhead recognized Doug Dansie as staff representative.

### **9:21:23 PM Public Hearing**

Chair Woodhead opened the public hearing portion of the petition.

The following people submitted a card or spoke in *opposition* to the petition: **Stanley Bankhead** (1385 Richards Street) stated that parking congestion and high-density rentals do not conform. **Erica Schockend** (1404 Richards Street) stated she was in opposition. **Ben Blume** (1418 Richards Street) stated that this would not fit into the neighborhood at all, and he was concerned that it might increase traffic in the area and make it more dangerous for his son to ride his bike. **Gary Cash** (1414 Richards Street) stated that he has lived on this street for 62 years and Mr. Anderson has painted a dismal picture of the street, which is not accurate. He stated that this would impact the parking along the street. **Christopher Derbidge** (1407 Richards Street) stated he lived three lots away from this proposal and he shared the existing alleyway that was

described in conjunction with the petition, which would also need to still be accessed by service trucks. He stated that he was concerned about the number of units going into this unoccupied area which will complicate the parking in the area.

Chair Woodhead closed the public hearing.

**9:36:15 PM Motion**

**Commissioner Chambless made a motion to continue Petitions PLNPCM2008-00679 and PLNSUB2009-00417 to the Planning Commission meeting on June 24, 2009 because one of the staff reports had not been included in the meeting packet or reviewed by the Commissioners.**

**Vice Chair McHugh seconded the motion.**

**Commissioners Dean, Hill, Fife, Gallegos, Chambless, and McHugh voted, “Aye”. The motion passed.**

*The meeting adjourned at 9:37 p.m.*

**This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on June 10, 2009.**

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Tami Hansen