

SALT LAKE CITY PLANNING COMMISSION MEETING

In Room 326 of the City & County Building

451 South State Street, Salt Lake City, Utah

Wednesday, March 25, 2009

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

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless, Angela Dean, Michael Fife, Susie McHugh, and Mary Woodhead. Staff members present were: Joel Paterson, Nick Norris, Nole Walkingshaw, and Kevin LoPiccolo.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Woodhead called the meeting to order at 5:47 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time. Planning staff members present at the meeting were: Wilf Sommerkorn, Planning Director; Joel Paterson, Programs Manager; Paul Neilson, City Attorney; Bill Peperone, Senior Planner; Nick Norris, Senior Planner; Nole Walkingshaw, Senior Planner; Kevin LoPiccolo, Programs Supervisor; and Tami Hansen, Planning Commission Secretary.

5:48:34 PM Approval of Minutes from Wednesday, March 11, 2009.

Commissioner De Lay made a motion to approve the minutes as written. Vice Chair McHugh seconded the motion. All in favor voted, “Aye”. The minutes were approved unanimously.

5:48:58 PM *Report of the Chair and Vice Chair*

Chair Woodhead noted that neither she nor Vice Chair McHugh had anything to report.

5:49:07 PM *Report of the Director*

Mr. Sommerkorn stated that he had attended the City Council’s March 10, meeting and the Check Cashing/Pay Day Loan Ordinance would be heard on April 7. The partial alley vacation at approximately 2553 South Dearborn Street, which the Planning Commission had passed a negative recommendation to the Council, would be heard on April 28. He noted that the City Council denied the St. Joseph’s Villa petition and they also held the public hearing on Andy’s Place, but a specific date was not set for a decision.

Mr. Sommerkorn noted that the City Council would also be considering whether or not to add private clubs to the table for the RMU zone with a footnote listing a number of conditions that would have to be complied with in order to grant a conditional use for private clubs within that zone; and there was also a similar petition pending for the same type of thing in the MU zone. He noted that both of those would change a lot due to 2009 legislature action.

Mr. Sommerkorn noted that the City Council also held a public hearing on the resolution on the airport light rail line, the grand boulevard for North Temple. The City Council would be making a decision on that in the near future. He noted that there would be a substantial planning effort regarding the North Temple corridor, which would be brought before the Commission later in the year.

Public Hearing

[5:54:02 PM](#) **PLNPCM2008-00918; Zoning Map Amendment**—a request by Paul L. Willie to amend the Zoning Map for property located at approximately 230 West North Temple from PL Public Lands to RMU Residential Mixed Use. This property is located in City Council District 3, represented by Council Member Eric Jergensen. **View:** [Staff Report](#)

Chair Woodhead recognized Nole Walkingshaw as staff representative.

[5:58:39 PM](#) **Public Hearing**

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

[5:59:13 PM](#) **Motion:**

Commissioner De Lay made a motion regarding Petition PLNPCM2008-00918, based on the staff report and testimony heard at the meeting, the Planning Commission forwards a positive recommendation to the City Council with the following conditions:

1. The approved Preliminary Minor Subdivision Petition PLNPCM2008-00917 be recorded consolidating the parcels, should the request be approved.
2. Subject properties are landscaped and fenced to be consistent with existing development, and in accordance with the landscaping requirements of the zoning ordinance.
3. Notice, the existing motel use is a legal non-conforming use; any expansion of the use would require a determination of expansion of a non-conforming use and may require mitigation, through a conditional use request.

Commissioner Fife seconded the motion.

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

[6:00:21 PM](#) **PLNPCM2008-00917; Preliminary Minor Subdivision**—a request by Paul L. Willie for property located at approximately 230 West North Temple to combine three parcels. This property is located in City Council District 3, represented by Council Member Eric Jergensen. **View:** [Staff Report](#)

[6:00:31 PM](#) **Motion:**

Commissioner Dean made a motion regarding Petition PLNPCM2008-00917, to approve the Preliminary Minor Subdivision with the following conditions:

1. The zoning map amendment request Petition PLNPCM2008-00918, amending the portion of parcel currently zoned Public Lands (PL), from PL to Residential Mixed Use (RMU) be approved by the City Council prior to recordation of this subdivision approval.
2. Subject properties are landscaped and fenced to be consistent with existing development, and in accordance with the landscaping requirements of the zoning ordinance.
3. Notice, the existing motel use is a legal non-conforming use; any expansion of the use would require a determination of expansion of a non-conforming use and may require mitigation, through a conditional use request.

Commissioner Muir seconded the motion.

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

[6:01:29 PM](#) **PLNPCM2009-00003; Red Moose Roasting and Coffee Conditional Use**—a request by Red Moose Roasting and Coffee, represented by Rob Karas and Teresa Nelson, for a drive thru window for a coffee shop located at approximately 1693 South 900 East. A coffee shop is a permitted use in the CN Neighborhood Commercial Zoning District; however, a drive thru window requires a conditional use. The property is located in City Council District 5 represented by Council Member Jill Remington-Love. View: [Staff Report](#)

Chair Woodhead recognized Nick Norris as staff representative.

[6:04:24 PM](#) **Public Hearing**

Chair Woodhead opened the public hearing portion of the petition.

The following people spoke or submitted a hearing card in *opposition* to the proposed petition: **Judi Short** (862 East Harrison) stated that the proposed layout of the drive thru window was dangerous, because this building was at a very busy intersection. **David Davis** (1635 South 900 East) stated that if this was approved he would like to know how traffic and noise levels would change and effect surrounding neighbors, and he would especially like no loud speakers associated with the drive thru, and radios turned off along with the engines. **Dave Richards** (1126 East Browning Avenue) stated that he had mixed feelings about this use, he stated that drive thrus were problematic in areas with heavy traffic flows. He stated that the project was red tagged in January and all of this work was done without a permit.

Commissioner Chambless inquired if Mr. Richards had seen the work being done after it had been red tagged.

Mr. Richards stated he had only driven by and seen the tag in January and additional progress was made after that point.

Chair Woodhead closed the public hearing.

Mr. Karas stated that as far as the red tag, there were some issues with the plumbing and electrical, and since January he had hired an electrician to pull an electrical permit and a general contractor was finalizing the rest this week.

[6:27:36 PM](#) **Motion:**

Commissioner Muir made a motion regarding Petition PLNPCM2008-0003, Drive up window Conditional Use for Red Moose Roasting and Coffee, based on the findings listed in the staff report, the Planning Commission approves the petition with the following conditions:

- 1. The applicant reduce the width of the drive approaches as recommended by the Transportation Division;**
- 2. A direct pedestrian path between the public sidewalk and the primary entrance to the building be included;**
- 3. A landscaping buffer that complies with the Zoning Ordinance, section 21A.48.070, be installed adjacent to the fence along the east property line.**
- 4. The applicants install a sign on their property line directing motorists to turn off their engines while waiting in line at the drive thru.**
- 5. A loudspeaker is not installed as part of the drive thru window.**
- 6. Close the westernmost curb cut on 1700 South, and reduce the existing curb cuts to match the modified site plan given to the Commission from the City Traffic Engineer.**
- 7. Provisions shall be made for bicycles.**
- 8. The east most driveway on 1700 South shall be an egress only.**

Commissioner Chambless seconded the motion.

Commissioner De Lay, Dean, Fife, Chambless, Muir, and McHugh voted, “Aye”. The motion passed unanimously.

[6:29:44 PM](#) **PLNPCM2009-00106; Zoning Ordinance Text Amendment**—a petition initiated by the Planning Commission to amend Sections 21A.10.010 and 21A.10.020, and other related Sections of the Salt Lake City Zoning Ordinance, pertaining to Public Hearing and Notice Requirements. The proposed amendments are not site specific. **View:** [Staff Report](#)

Chair Woodhead recognized Bill Peperone as staff representative.

Mr. Peperone stated that the purpose of these amendments was to simplify the city’s process, and to increase the consistency between the city’s ordinances and State Law, it was not a process to diminish the process for public input. He stated that for the last six (6) months 20,500 notices were mailed to members of the public regarding Planning Commission meetings alone, and only 214 individuals had attended the Planning Commission

meetings. He stated that staff was trying to strike a balance between notifying the public to receive public input, while still being sensitive to the cost and effectiveness of noticing.

Mr. Peperone stated that on page 3, the timeframes the city was currently following and the State Law requirements were listed. He stated that the city would continue to send a first notice out to the Community Council's and they would have forty-five (45) days, as well as the Business Advisory Board, which would be forming a subcommittee to evaluate the notices as they come before them.

Chair Woodhead noted that on page 21 under *Appeals*, item number 2, it stated, [...] *filing a notice of an appeal within ~~fourteen (14)~~ twelve (12) calendar days after the Planning Director's administrative hearing*. She stated that she thought that was ten (10) days, not twelve (12).

Mr. Peperone stated that was correct it would be ten (10) days. He stated that there would be a ten day window for someone to file a notice of intent to appeal, which would not include the complete application, or evidence and other details, they would still have an additional twenty (20) days to do that, but because the city was going to withhold building permits during the appeal period staff felt that the appeal period should be minimized.

Commissioner Fife inquired why in the noticing condominium owners were becoming second class homeowner's in the city. He stated that if a single-family homeowner was within the specified radius of a noticed project, they would receive a notice, but a condominium owners notice would go to their HOA board.

Mr. Peperone stated that if an HOA board existed for a condominium then the city would have the option to notice either the board or the entire association.

Commissioner Fife stated that it did not make sense to reduce the noticing period and add an additional step for condominium owners to find out about changes in their neighborhood.

Commissioner De Lay stated that some HOA boards only meet once a quarter or in some cases once a year and she felt that Commissioner Fife's argument was valid, and condominium owners should be treated the same as single-family home owners.

Mr. Peperone stated that staff would make changes to reflect that concern.

Vice Chair McHugh stated that on Page 16, under *Public Hearing Procedures*, item A, Scheduling the Public Hearing it stated, *An application requiring a public hearing shall be scheduled to be heard within a reasonable time in light of the complexity of the application and available staff resources[.]* She inquired what a reasonable time would be.

Mr. Peperone stated that was the current language in the ordinance, it was not anything new, there was nothing statutorily that would identify a reasonable time; it would probably depend on case law, and in the state of Utah that could be considered six (6) months to a year.

Mr. Nielson stated that this language mirrors the statute and is State Law.

Mr. Sommerkorn noted that there was a provision in the code, where it talked about a reasonable timeframe for an application to go to a public hearing, and there was an provisional amendment to that within the last couple of years, called the ripcord provision, which allowed an applicant, if they feel like the application was not moving

forward at a reasonable time, to demand a decision from the city regarding the completeness of their application and then move it on to public hearing, within 45 days.

[6:42:40 PM](#) **Public Hearing**

Chair Woodhead opened the public hearing portion of this petition.

The following people spoke or submitted a hearing card in *opposition* to the proposed petition: **Esther Hunter** (1049 Norris Place) stated she was representing the East Central Community Council (ECCC). She stated that there was some work to be done within the Community Councils (CC) and felt it was not appropriate for them to hold up an applicant because they did not agree with the project. She stated that the ECCC had spent a year rewriting their by-laws and in that process, it was established that after the planner and applicant presented to the CC, they needed an additional meeting to review the information and give the public the opportunity to comment, rather than have on the spot decisions. She noted that a second meeting was needed to accomplish this and that the 45 day timeframe was not enough. She stated that CC would need time to catch up to the changes being made, and she would like to see the new timeframes be discussed with the ZAP team working on these changes.

Chair Woodhead stated that the Planning Commission was only making a recommendation to the City Council, so this would not be put into effect for a while which should give all parties involved time to adjust.

Ms. Hunter stated that 23 out of the 27 community councils met on the nights of the Planning Commission and Historic Landmarks Commission, which was why not a lot of the representatives came.

Commissioner Fife stated he was not clear on which particular item Ms. Hunter was concerned about.

Ms. Hunter stated the change in notification and appeal time and exactly what the new process would be.

Dave Richards (1126 Browning Avenue) stated he was on the ZAP taskforce and complimented staff on how much work was done. He stated that he had one issue under the *Appeals* section, changing the timeframe from thirty (30) days to ten (10) days; he felt it was too short, and with one noticing the public might miss that. He stated that an alternative might be that notification could be sent when an application was received, and then another one sent after the decision was made. **Judy Short** (862 Harrison Avenue) stated she was also on the ZAP taskforce, and staff was requesting a 45 day timeframe for the community councils to comment on projects; however, the city needs to finalize their agendas ten (10) days before their meeting, so depending on when everything happened it was almost impossible to get everything on the agenda and a decision made within that timeframe. She stated that often the community council would put a project on their agenda and then by the time it got to the Planning Commission it was a completely different project from what was presented to the community council.

Chair Woodhead closed the public hearing.

Mr. Peperone stated that there was no proposed change to the 45 days that was given to the community councils, it was usually not on the 46th day that petitions were before the various city boards and commission, therefore staff understood there could be extenuating circumstances, and there were no proposals to diminish that at all.

Mr. Sommerkorn stated that the ZAP taskforce included several of the community council chairs and members, as well as business representatives, etc. and as far as Ms. Hunter's concern about the community councils having

enough time to review these ordinance changes, the recommendations tonight have been vetted by the ZAP taskforce. He stated there was also a monthly open house held by staff, which gave community councils the opportunity to come and discuss their concerns with staff through this forum as well.

He stated that in regards to Mr. Richards comment, a number of the taskforce members were eventually comfortable with the idea that someone would have ten (10) days to state they would appeal a petition and then twenty (20) additional days to turn in their supporting data.

Mr. Sommerkorn stated that in regards to Ms. Short's comment, there was no specified timeframe, either in the zoning ordinance, or the ordinance relating to the community councils as to when they respond, all that was required was that notice was provided and they then had 45 days to respond. He stated this was an effort to try to balance the needs of each community council with the needs of the applicants.

Chair Woodhead stated that Ms. Hunter indicated that there were some other inner-related timeframes that would come up in the future and it might create a problem to make decisions on these timeframes now.

Mr. Sommerkorn stated that he was not quite sure what Ms. Hunter meant by that, there were periods of time mentioned throughout this ordinance, and staffs intentions was to uniform and standardized all of them, so there should really not be any problems with this.

Ms. Hunter stated that there was a lot of discussion at the last Zap taskforce meeting on notice of application versus notice of decision. She stated that she believed that this had only been discussion and that it had not been finalized regarding when the public would be notified of petitions.

Mr. Sommerkorn stated that the Taskforce did have that discussion, Mr. Peperone drafted the result of that discussion and then it was presented at an Open House to the community councils and the public.

Ms. Hunter stated that the community council wanted to be good participants, but they needed time to integrate with this. She stated that the ZAP taskforce had doubled since January and the community councils were not represented officially.

Mr. Sommerkorn stated that additional people had joined, but it was certainly not a doubling of the taskforce.

Commissioner Fife stated that there should be plenty of time from tonight to when the City Council made a decision on this, for the community councils to get involved and comment on this.

Commissioner Fife stated that the only concern he had was regarding noticing to condominium owners. He inquired if it would be possible to make a motion to approve this petition, except for not approving the language under Public Hearing Notice Requirements (21A.10.020) which stated, *or may emailed to the Homeowner's Association, or Condominium Associate, where one is available.*

Chair Woodhead inquired if other Commissioners disagreed with this proposal.

Commissioners did not have any concerns with removing that language.

[7:05:08 PM](#) **Motion:**

Commissioner Fife made a motion regarding Petition PLNPCM2009-00106, Noticing and Appeals Text Amendment that the Commission forwards a positive recommendation the City Council subject to the following conditions:

1. That the proposed amendments will improve internal consistency within the Zoning Ordinance as it relates to the public noticing requirements;
2. That the proposed amendments are consistent with changes in Utah State law that have taken place since the Zoning Ordinance was adopted in 1995;
3. That the proposed amendments will allow for improved customer service pertaining to fulfilling application requirements; and
4. That the proposed text amendments will continue to allow multiple opportunities for public input and participation through the public hearing process.
5. Advise staff to attempt informal communication with the Community Councils, to grant the Community Councils the opportunity to supply feedback regarding time frames, prior to the City Council review of this petition.
6. Those changes relating to change in the noticing requirement, regarding language added for the owners of condominiums stating, *or may be given/mailed to the Homeowners' Association, or Condominium Association, where one is available*, found in Section 21A.10.020, Item number A, 1; B, 1; and D, 2. Be deleted from this ordinance.

Vice Chair McHugh seconded the motion.

Discussion of the motion

Commissioner Muir stated that that he would like to advise staff that they make an effort to meet with the community councils between now and when the City Council reviews this to make sure there was a level of comfort in the process, timing, and communications between entities.

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

[7:07:18 PM](#) **PLNPCM2009-00105; Zoning Ordinance Text Amendment**—a petition initiated by the City Council to amend Section 21A.50.050 of the Salt Lake City Zoning Ordinance, *Standards for General Amendments*. The proposed amendment is not site specific. View: [Staff Report](#)

Chair Woodhead recognized Bill Peperone as staff representative.

Mr. Peperone stated that this petition was initiated by the City Council to differentiate between amendments to the Zoning Map versus amendments to text of the Zoning Ordinance.

He stated that this simply would make it easier for the City Council and Planning Commission to use when evaluating a text amendment versus a map amendment.

[7:08:39 PM](#) **Public Hearing:**

Chair Woodhead open the public hearing portion of this petition, there were no members of the public present to speak to the petition. Chair Woodhead closed the public hearing.

[7:09:04 PM](#) **Motion:**

Commissioner De Lay made a motion regarding Petition PLNPCM2009-00105, based on the staff report, that the Planning Commission forwards a positive recommendation to the City Council, to adopt the proposed text amendments for Standards for General Amendments.

Commissioner Dean seconded the motion.

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

Chair Woodhead announced a break at 7:09 p.m.

Chair Woodhead reconvened the meeting 7:18 p.m.

[7:22:10 PM](#) **Foothill Stake Planned Development/Conditional Use and Zoning Map Amendment**—a request by the Church of Latter Day Saints, represented by Bradley Gygi, architect, for an approval to allow for the redevelopment of the existing site by removing the existing meeting house building and constructing an addition to the existing stake office at property located at approximately 1933 South 2000 East. The property is located in City Council District Six represented by J.T. Martin. **View:** [Staff Report](#) **View:** [Public Comments](#)

- a. Petition PLNPCM2008-00795 Planned Development/Conditional Use**—a request approval to allow the LDS Foothill Stake to replace an existing chapel with an addition to the building along 2000 East. The new chapel/stake center would be approximately 27,000 square feet. As part of the Planned Development, the applicant is requesting a reduction of required landscaping for the parking lot.
- b. Petition PLNPCM2009-00074 Zoning Map Amendment**—the applicant is requesting approval to rezone the property from R-1-7000 (Single Family Residential) to Institutional.

Chair Woodhead recognized Kevin LoPiccolo as staff representative.

Mr. LoPiccolo stated that the Commission was scheduled to review a planned development and a zone change regarding this petition; however, the applicant was able to comply with all of the zoning standards and therefore had withdrawn the request for a planned development and was now only requesting a zone change.

Mr. LoPiccolo stated that there were two existing buildings that sat on the property, the building to the north would be demolished to build around the existing stake center, and the new church would be approximately 21,000 square feet. He stated that the underlying zone was R-1/7,000 Single Family Residential, and when the city adopted this infill ordinance several years ago they capped properties maximum lot sizes at 10,500 square

feet in this particular zoning district, although it does not apply to Institutional uses, which is what the applicant is requesting, and then forwarded to the City Council to comply with the Sugar House Master Plan.

He stated that some of the benefits of going from the Single-Family zoning to an Institutional Zone would be increased landscaping, and forty (40) percent open space.

[7:25:48 PM](#) Applicant Presentation

[7:55:51 PM](#) Public Hearing

Chair Woodhead opened up the public hearing portion of the petition.

The following people spoke or submitted a hearing card in **support** of the proposed petition: **Judy Short** (Sugar House Community Council) stated that this was an example where the petitioner had worked very closely with the community council as the project had progressed and changed. She stated that the community council did not want to see the big trees on the property taken out, so they were glad that the applicant had asked for an Institutional zone, which had a higher landscaping requirement; however, a few years from now this property could change into an Institutional use that would not be as compatible with the neighborhood. **Steve Warner** (2017 East Browning Avenue) Stake President stated that they were looking to consolidate the wards in the area, and the building would allow larger wards and would also aid the aging community in helping them to get around the building easier. **Dave Buhler** (1436 South Yuma Street) stated that this was a win/win project for the community and there would be over seventy (70) new trees planted in the area. **Elaine Brown** (1781 Blaine Avenue) stated she was supportive of this project, it was a positive presence in the neighborhood and the informal parking arrangement between the church and the Dilworth School was a great asset. She stated that this project was also aesthetically pleasing, energy efficient, and ADA compliant which were all plusses for the neighborhood. **Lance Olson** (1986 Hollywood Avenue) stated he liked the new plan because it would eliminate the old parking lot in the back.

Chair Woodhead closed the public hearing.

[8:07:04 PM](#) Motion:

Commissioner De Lay made a motion regarding Petition PLNPCM2009-00074, Zoning Map amendment, based on the findings in the staff report and testimony heard, the Planning Commission forwards a positive recommendation to the City Council.

Commissioner Chambless seconded the motion.

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

Commissioner De Lay suggested that the applicant try to make the shingles of the roof light colored, the use of native trees, xeriscaping, and low water grasses.

Commissioner Fife stated that the applicant had done a great job working with the community and should be looked to as an example.

The meeting adjourned at 8:10 p.m.

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on March 25, 2009.

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Tami Hansen