

SALT LAKE CITY PLANNING COMMISSION MEETING

In Room 326 of the City & County Building

451 South State Street, Salt Lake City, Utah

Wednesday, May 13, 2009

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

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless, Angela Dean, Michael Fife, Michael Gallegos, Prescott Muir, and Matthew Wirthlin. Staff members present were: Joel Paterson, Bill Peperone, Michael Maloy, Cheri Coffey, and Nick Norris.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Woodhead called the meeting to order at 5:51 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: Frank Gray, Community and Economic Development Director; Pat Comarell, Assistant Planning Director; Cheri Coffey, Programs Manager; Joel Paterson, Programs Manager; Paul Neilson, City Attorney; Nick Norris, Senior Planner; Bill Peperone, Senior Planner; Michael Maloy, Principal Planner, and Tami Hansen, Planning Commission Secretary.

5:52:17 PM **Approval of Minutes from Wednesday, April 8, 2009 and April 22, 2009**

Commissioner Wirthlin made a motion to approve the April 8, 2009 and April 22, 2009 minutes as written. Vice Chair McHugh seconded the motion. All in favor voted, "Aye". The minutes were approved unanimously.

5:53:05 PM ***Report of the Chair and Vice Chair***

Chair Woodhead acknowledged past Commissioners Robert Forbis, Jr. and Kathy Scott and presented them with plaques for the public service they provided.

5:55:31 PM ***Report of the Director***

Ms. Comarell stated that the Planning budget went to the City Council on May 12 and she thanked the Planning Commission for their support. She stated that the North Temple long range planning process was going to begin Thursday, June 18 at a charette with the community, and the Planning Commissioners were invited to attend. She stated that some Commissioners had expressed the desire to be more involved in long range planning efforts and there were several area plans that staff would like to update the Commission on including: Euclid, Northwest Quadrant, and the North Temple plans. She inquired how the Commission would like to handle those presentations, at the dinner work session or at a separate meeting.

Chair Woodhead stated that the Commission might consider a separate meeting because the dinner work session was so rushed. She stated that to get a sense of the plans it might be worth setting aside a couple of hours one evening to go through them.

Commissioner De Lay agreed, and stated she would even be willing to come in earlier before a regularly scheduled meeting.

Chair Woodhead stated that if possible staff could send out some tentative dates to get feedback on what would work best.

Ms. Comarell stated that Kathleen Hill had been appointed to the Planning Commission and would be able to attend the next meeting.

Public Hearings

[5:59:10 PM](#) **Petition PLNSUB2009-00388; Nilsson Construction Subdivision Amendment**—a request by Kevan Nilsson Construction to amend lots 8 and 9 of the Imladris Subdivision, located at approximately 540 West 400 North, in the SR-1A Zone, including allowing Lot 9 to exceed one and a half times the maximum lot size for the zone. This property is located in City Council District Three, represented by Eric Jergensen.
[View: Staff Report](#)

Chair Woodhead recognized Bill Peperone as staff representative.

[6:01:13 PM](#) **Public Hearing**

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

[6:01:37 PM](#) **Motion:**

Commissioner Wirthlin made a motion regarding the subdivision approval of Petition PLNSUB2009-00388, based on the findings listed in the staff report and testimony heard; the Planning Commission approves the Imladris Subdivision amendment as proposed, subject to the following conditions:

- 1. That all necessary building permits for these structures shall be obtained from the building department prior to installation of the structures;**
- 2. That all conditions of approval from previous Planning Commission actions shall remain in effect; and**
- 3. That the appropriate documents are recorded at the office of the Salt Lake County Recorder prior to issuance of a building permit on either of the amended lots.**

Commissioner De Lay seconded the motion.

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

[6:02:33 PM](#) **Petition PLNSUB2009-00305; Minor Subdivision**—a request by the Salt Lake City Property Management Division for a minor subdivision approval for a three-lot subdivision, located at approximately 1189 West 700 South, in a R-1/5000 Zone, including allowing Lot 2 to exceed one and a half times the max lot size for the zone. This petition also includes a request for the Planning Commission to declare a portion of city property as surplus. This property is located in City Council District Two, represented by Van Turner. [View: Staff Report](#)

Chair Woodhead recognized Bill Peperone as staff representative.

[6:04:56 PM](#) **Public Hearing**

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

[6:05:17 PM](#) **Motion**

Commissioner De Lay made a motion regarding PLNSUB2009-00305 based on the information and findings of fact found in the staff report and the absence of public input, the Planning Commission approves the application of the Poplar Grove Park Minor Subdivision including one lot that is in excess of the maximum permitted lot size and Declaration of Surplus City Owned Property, subject to the following conditions of approval:

1. That along 700 South, the thirteen (13) trip hazards on the sidewalk joints must be removed;
2. That two panels of sidewalk with excess cracking, which meet the criteria of APWA 291 for replacement, be replaced as per APWA 231;
3. That work shall be performed by a licensed, bonded, and insured contractor who shall obtain a Public Way Permit from the Engineering Department, unless the City decides to have City crews complete these improvements;
4. That the final plat should include three lots with Lot 3 consisting of the balance of Poplar Grove Park parcel; and
5. That the final plat include a ten (10) foot utility easement along the west lot line of Lot 1, along the rear lot line of Lots 1 and 2 and along the east lot line of Lot 2.

Commissioner Gallegos seconded the motion.

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

[6:06:18 PM](#) **Petition PLNHLC2009-00021; Boundary Adjustment and Map Amendment**—a request by the Planning Commission to reconsider the boundaries of historic districts for clarification purposes. The project affects properties in the City’s six locally designated historic districts. [View: Staff Report](#)

Chair Woodhead recognized Joel Paterson as staff representative.

[6:10:41 PM](#) **Public Hearing**

Chair Woodhead opened the public hearing portion of the petition.

The following people spoke or submitted a hearing card in *support* of the proposed petition: **Scott Hansen** (34 Haxton Place) stated that he and the neighbors welcome the change and support the proposed amendment.

Chair Woodhead closed the public hearing.

6:11:29 PM **Motion**

Commissioner Wirthlin made a motion regarding the city-wide Petition PLNSUB2009-00021 based on the comments, analysis, and finding of facts in the staff report, the Planning Commission transmits a favorable recommendation to the City Council to adopt the proposed map amendments.

Commissioner Muir seconded the motion.

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

POSTPONED Petition PLNPCM2009-00171 Citywide Historic Preservation Plan adoption—a request by the Historic Landmark Commission to consider recommendation of the Citywide Historic Preservation Plan to the City Council. This is a city-wide project.

Chair Woodhead noted that this item had been postponed.

6:12:27 PM **Petition PLNPCM2009-00398 Rescue Mission of Salt Lake Zoning Text Amendment**—a petition submitted by the Rescue Mission of Salt Lake, represented by Stephen Trost, to amend the definition of a “homeless shelter” as listed in Zoning Ordinance section 21A.62.040 Definitions and to amend Zoning Ordinance 21A.28.040 Table of Permitted and Conditional Uses for Manufacturing Districts by adding a homeless shelter to the table as a conditional use. The purpose of the zoning text amendment is to facilitate the relocation of the Rescue Mission of Salt Lake facility to property located at approximately 2945 West 900 South. The property is zoned M-1 Light Manufacturing and is located in City Council District Two represented by Van Turner. **View:** [Staff Report](#)

Chair Woodhead recognized Nick Norris as staff representative.

Mr. Norris stated that in February 2009 the Planning Commission heard a petition for a master plan amendment to the West Salt Lake master plan, and as part of that discussion the Planning Commission directed the applicant to amend their petition to a zoning text amendment. This text amendment allowed homeless shelters to be added to the table of permitted and conditional uses in the M-1 Light Manufacturing District and would amend the definition of a homeless shelter to identify it as an institutional use, and would include related services as part of that definition.

Mr. Norris stated that staff reviewed all of the areas in the City where this would apply. He stated that the land use policies for general areas of the City including: Capitol Hill, West Salt Lake, and the Northwest community planning areas were being reviewed. He stated that the Capitol Hill community plan was fairly silent on institutional uses and with industrial uses it identified many of the industrial areas as future conversions to business parks as well as the area directly north of North Temple around 400 West to mixed-use development.

Mr. Norris stated that the Central Community master plan did not include any M-1 zoning; however, there were a few policies that related to institutional uses, and social services should be located within walking distance to other social services, as well as a recommendation that some of the pressure be taken off some of the services by dispersing them; however, the plan did not specify the definition of “institutional”. Mr. Norris stated that the North West master plan included an area in the northern portion of the City that was zoned M-1. This area had extensive environmental issues associated with it and the plan noted that previous uses should be maintained there.

Mr. Norris stated that in addition to these community plans there were two city-wide documents, The Salt Lake Futures Commission Report, which specifically addressed the current location of the homeless shelters in the Gateway neighborhood and placed an emphasis on protecting those shelters in their current location from development pressures. It also recommended using partnerships to allow for the most efficient and effective locations of these services in the Gateway neighborhood, and recommended clustering of social services to promote efficiency. He stated that the Salt Lake Vision and Strategic Plan Final Report encouraged the provision of effective services in a constitutionally appropriate response to transients and homeless.

Mr. Norris stated that in the M-1 zoning district there were a number of issues with a number of uses, which was the reason why there were limits on what could and could not be done there. Many of the areas lacked the infrastructure that was common in other parts of the City including sidewalks, and curb and gutter. He stated that there is limited mass transit service and the subject property where the Rescue Mission would be located was approximately 3.25 miles away from a bus stop, with no sidewalks in between the two locations. He stated that industrial uses in the M-1 zone generally lacked other basic services as well as other social services, and the uses that existed there were industrial in nature.

He stated that staff supported changing the definition of a homeless shelter, but suggested that the Planning Commission forward a negative recommendation to the City Council regarding amending the table of permitted and conditional uses in the M-1 zoning district.

Chair Woodhead inquired if the Commission forwarded those recommendations, would the homeless shelter still be a conditional use in the M-1 zone.

Mr. Norris stated that the development was restricted in the area around the airport due to the noise and impacts from airplanes. In some areas residential uses were not permitted, but institutional uses were allowed provided they met certain construction standards. He stated by classifying this as an institutional use the residential prohibition was taken out, provided they met those standards.

Chair Woodhead inquired if this would be a permissive and not a conditional use in the M-1 zone.

Mr. Norris stated that the M-1 zone put specific prohibitions and conditions on certain types of uses by broad category and institutional uses were one of those allowed, but certain construction standards such as sound attenuation, had to be met, meaning that from the inside of the structure the noise generated from the airplanes would have to be deflected.

Chair Woodhead inquired what would happen to the Rescue Mission if the City Council adopted the staff findings.

Mr. Norris stated that they could build a facility on the site if they had conditional use approval and through the permit and building phase they would have to demonstrate that they met a certain level of sound attenuation on the inside of the building; however, the applicant would have to come back before the Commission for conditional use approval.

Commissioner Dean inquired what purpose was served by classifying homeless shelters as institutional, and what the impacts would be if homeless shelters were located in the current allowable zones.

Mr. Norris stated that it would not impact the CG or G-3 zones where homeless shelters were currently allowed, it would only allow for a clearer administration of the zoning ordinance. He stated that changing the definition of homeless shelters does not change the table of permitted and conditional uses in any zone. The Airport Overlay Zone sits on top of the base zoning in this area, and what the base zone allows the, Airport Overlay Zone may go further in regulating what was actually permissible in the area.

Commissioner Wirthlin stated that since the Commission was making a recommendation to the City Council, who was the final decision making authority, could staff explain what the characteristics of institutional uses were and how the Commission could justify a homeless shelter as that type of use.

Mr. Norris stated that this pseudo-public type of facility, like churches and schools, apply to a broad base of the community.

Commissioner Gallegos stated that the examples Mr. Norris gave were institutions that were not twenty-four hour purposes, so would there be a difference in how they were used, and would it matter that the homeless shelter would be twenty-four hour operated.

Mr. Norris stated that different institutional uses provided different needs to the community, some were twenty-four hours some were not and there was probably not a way to accompany all the different types of industrial uses under one category.

Chair Woodhead invited the applicant forward.

Mr. Steve Trost gave a PowerPoint presentation.

Mr. Trost summed up his presentation by addressing some of the surrounding property owner objections. He stated that some of the industrialists in the area were concerned about the area specific traffic dangers particularly around 900 South. He stated that through a design change, and by making this property a gated area, he felt that the homeless would be protected, and this problem would be eliminated. He stated that the mode of operation would restrict people from coming in and going out unless they were in Rescue Mission owned vans.

Mr. Trost stated that the second objection was that homeless people might trespass on the industrial properties, which would increase the risk for injuries and property losses. He stated that the gated community and the ingress and egress restrictions would help address that. Mr. Trost noted that the nimble response was that property values would diminish and he had three points to counter that argument; first, an economic study was done by the Home Economics Group in New York, which looked at fourteen Rescue Missions and found that in every case the market values had increased over time. Second, The Cook Group also did an analysis of the area and stated that properties would increase. And third, the property owner adjacent to their current property shared a common wall and use of an ingress and egress right-of-way. He stated that the property owner would testify that the Rescue Mission was a good neighbor and his property values had increased.

Commissioner Dean stated that as far as the issue of transportation access, even though this would be a gated community the two buildings on 900 South would remain as a public access for the hospital and the business development building. She noted that there may be a mixture of people that were brought to the facility by van, as well as anyone from the nearby residential communities who might use this facility. She stated that this is not a safe pedestrian area and inquired how Mr. Trost would address this.

Mr. Trost stated that the Rescue Mission's staff would make sure the children coming to the daycare would be safe and there would be accelerating and decelerating lanes to help with the flow of traffic. He stated that 900 South would be five lanes in the future with a center lane for turning across traffic.

7:02:47 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: **Jay Ingleby** (1148 Redwood Drive; Glendale Community Council) stated that in 2006 the master plan was approved for this area and it stated that these types of facilities were something that this area would prefer not to have, and would instead like to see economic services. He stated that if the area was filled with all industrial uses there was no room for shopping malls. He stated that this was a situation where this was the wrong location. He stated that there was no bus service in the area, there was a lot of traffic, and this would increase wanderers in the area.

Commissioner De Lay inquired if the Glendale Community Council had discussed the need for daycare or medical services in the neighborhood.

Mr. Ingleby stated that the community was becoming an old community and there probably was not a huge need for daycare in the area. He stated that there was a clinic at the Sorenson center as well as on 2100 South and this project was not anything that would make a huge change in the community because there were other things closer. He stated that there were three chemical plants in the area that could cause chaos if there was a problem there.

Chair Woodhead stated that Mr. Ingleby had been before the Commission before complaining about the heavy Industrial uses west of Redwood Road and close to the Glendale Community, so this was a less heavy use that would not bring trucks driving through the neighborhood and other things that he had talked about at other meetings, but he still sensed that this would be a bad thing for the community.

Mr. Ingleby stated that it was bad because it would increase the number of people wandering through the neighborhood asking where the Rescue Mission was located. He stated that there were a lot of scared senior people in the neighborhood and a lot of scams were already going on and this might increase this.

Randy Sorenson (Glendale Community Council) stated that the air quality is bad in the area and that people should not be subjected to that.

Bruce Baird (2150 South 1300 East #500) stated that the first fundamental issue was that the M-1 district was a mess to begin with, and it is both too broad and too narrow. He stated that because the City allows way too many incompatible uses next to each other this will be made worse by allowing an even more incompatible use. He stated staff had done an excellent job making a point, but there were two issues that he felt the Commission was

not understanding; first, the issue of making a homeless shelter conditional use under an institutional use in an M-1 zone, staff is firmly opposed to it, but conditional uses are unstoppable and it would be difficult to make conditions that would make a homeless shelter acceptable in all locations.

Mr. Baird stated that just because there was a homeless shelter that may fit some of the criteria in a M-1 zone, would the Commission like a homeless shelter next door to the Hilton or the International Center and if not, would it be acceptable next to the most intense of the M-1 uses. He stated it was inappropriate in both circumstances. He stated that there is no question that the homeless problem in Salt Lake City needs to be solved, but it should not be solved in a piecemeal fashion by creating a change under the M-1 zone. He stated that the first law of planning was to watch out for the law of unintended consequences and a text change was a way to open that door.

Commissioner Fife inquired who Mr. Baird was representing.

Mr. Baird stated that he represented a number of industrial businesses along the 900 South business area, and a number of them were listed in the letter he sent to the Commission which should have been included in the packet.

Robert Mace (2850 West 900 South) stated that he was the working safety supervisor for Rocky Mountain Recycling, which was located across the street from the subject property. He stated he was not against the shelter, just the location. He stated he drove a 50,000 pound truck and he could not stop quickly, and if there were an increase of children and adults in the area that would be dangerous. He stated he was concerned that if the Rescue Mission was crowded people turned away would be on the streets around the current businesses and if one of them threw a lit cigarette could be dangerous.

Commissioner De Lay inquired if a large credit card company wanted to build an office out there and the employees smoked and had to walk to their cars between shifts, would Mr. Mace be opposed to that.

Mr. Mace stated that he did not care if people smoked on their property, because the chances of a cigarette from their property coming over to his property was minimal, but although this would be a gated community they will provide showers and free meals for the public and if the public cannot get in right away and have nowhere else to go, they are going to be looking for a place to wait until the next day. He stated he has seen people crushed in dumpsters. He stated that his facility has piles of cardboard and newspaper and there will be people going in there to find a warm place to sleep.

Commissioner De Lay inquired if this was currently a problem.

Mr. Mace stated that in the past there were problems with this, but they had worked on cleaning the area up and had solved this problem.

Patrick Kons (2850 West 900 South) stated he was the general manager of Pacific Steel and the property was directly north of the proposed Rescue Mission in an M-2 zone. He stated that this meant heavier equipment to run the recycling center and they were also rail served, so there were tracks and because of this their facility had to be an open campus so a fence was not an option. He stated the M-2 zone was the reason the company moved out to the area so they could run their business and not have to worry about keeping people off the property and the railroad tracks. **Bill Panunzio** (3280 West Director's Row) was in opposition. **Dan Floyd** (3100 West 900 South) was in opposition. **Mike Streadbeck** (3040 West 900 South) stated he worked at a pallet company that was directly adjacent to the subject property to the west. He stated if the subject tonight is the Rescue Mission a

good thing? we would all agree that it is. Does it help people's lives? Of course it does. If the subject tonight is was this the proper place to put it? The answer is no, neither would it be the right place for an elementary school. He stated that because there are 60,000 pounds of pallets at his facility safety was a huge concern and hopefully there will never be a pallet fire. **Curtis Collard** (3280 West Directors Row) stated he owned a small paving company in the area and he thought the zoning change was a square peg in a round hole, and there were a lot of safety issues. **Mark Bond** (401 West 900 South) stated that he owned Metro Group, a metal recycling company. He stated that they were located in a M-2 zone and that they have had to comply with the rules to go into areas that allow heavy industrial activity and dangerous processes. He stated that he would like to have the industrial area protected so that they do not have to worry about additional dangers that come with more people in the area. **Larry Streadbeck** (3040 West 900 South) stated that the Rescue Mission does not seem to care much about what the adjacent properties are doing as much as they care about what they are doing. **Paul Wilde** (844 South Chestnut) stated he was with Eaton Metal Products, and they employed recovered addicts and convicted felons, they are not opposed to giving people another chance, but they spend thousands of dollars to train employees in safety. He stated that one of the unintentional consequences of making this text change was that manufacturing would be driven out of this area. **Forrest O'Dowd** (844 South Chestnut Street) stated he was the general manager at Eaton Metal Products. He stated that the company was against the text change that was proposed. **Tom Bingham** (136 East South Temple, Ste 1740) stated that he was president of the Utah Manufacturers association. He stated the area that the subject property was on was in the heart of manufacturing for Utah. He suggested that the M-1 and M-2 zones the City had created were preserved to make sure that manufacturers could operate safely and were not hampered by residential type businesses. He stated that this change could be disadvantageous to the City because manufacturing businesses paid the highest wages and were the number one contributor to the tax base in the State of Utah. **Larry Gibbons** (2950 West 900 South) stated he was the Business Development Manager with Rocky Mountain Recycling. He stated that the text change should be the number one reason why the Rescue Mission should not be here, it was a square peg in a round hole. He stated that trying to change the text was a convenient way to try to come in the back door, because there were legitimate reasons that this would not work. He stated that the City Council voted 5-2 that recycling businesses should be placed in this area and given tax advantages and other incentives, and they had the vision to keep this area M-1 and M-2 zones. He stated that there were heavy trucks continually up and down this area and Mr. Trost referred to 1600 people being homeless and where do they go? He stated if they are locked in or locked out what happens if they do not pass a breathalyzer test? They are walking the roads. There is a reason why these zones were put in place years ago, do not change it. **John Sasine** (2950 West 900 South) stated he was the owner of Rocky Mountain Recycling. He stated that he was in opposition of the text change. **Randy Webster** (2850 West 900 South) stated he was in opposition because of the safety issue. **Lee Tenenbaum** (2845 West 900 South) stated opposition because the area is too remote and dangerous for this type of facility. **Kelly Carter** (2954 Lazy J Circle) stated opposition. **Steve Low** (3040 West 900 South) stated opposition. **Bill McGrath** (976 Pioneer Road) stated he opposed the homeless shelter because it would act as a magnet for crime and vandalism. **Cambelt International** (2820 West 1100 South) stated they opposed because the area will not support these kinds of peoples issues. **Joel Frank** (Sims Metal Management, 3260 West 500 South) stated opposition because of safety. **Jeff Streadbeck** (3040 West 900 South) stated opposition. **David Hellberg** (2780 West Directors Row) stated he was in opposition because of safety issues and an inclination to crime. **Paul Evans** (260 East Boston Avenue) stated opposition.

The following people spoke or submitted a hearing card in *support* of the proposed petition: **Christian Harrison** (Downtown Community Council) stated that denying M-1 status was a preemptive strike on the actual applicants desire to move out there. He stated that Mr. Trost made a compelling argument because the uses currently permitted in the M-1 area were all uses that would be part of the Rescue Mission. He stated that the idea that there was some inherent difference between the Rescue Mission and permitted M-1 uses was a distinction without a difference. He stated that any City would dream of a these types of services being moved somewhere

where there was the least amount of impact on people, and then going above and beyond service standards for neighbors and the people in their facilities. He stated if it was safe enough for him to sleep in the area in a Motel 6 then it certainly was safe enough for a recovering drug addict to live there. And if it was safe enough for someone to eat at a Dee's restaurant in the area, it was safe enough for people to be fed a hot meal. He stated regarding the issues of conditional uses he would like to see the Commission discuss what types of specific uses they would like to see regarding homeless shelters. **Mickel Webber** (Downtown Community Council) stated that after living in the neighborhood with the current Rescue Mission they provided a valuable service that the City was unable to provide and would not provide. She inquired where the right place was for a homeless shelter and she urged staff and the Commission to find a solution if this was not the one. **Carla Wiese** (Downtown Alliance Economic Development Director) stated that the issue at hand seemed to be not where a homeless shelter should go, but changing the definition of the institutional use to include a homeless shelter. She stated that she found it interesting schools and rest homes were included in the institutional use, but homeless shelters were not. It seemed if it was safe to have a school in the area, it would be safe to also have a homeless shelter. She stated that the downtown area carries a lot of the weight in providing these social services, and if this was looked at from an economic standpoint the use of the central business as the commercial district would have to be included. **Jay Dee Clark** (91 West 1600 North) stated that he was a neighbor to the current Rescue Mission and also shared joint property with them. He stated that the Rescue Mission was a good neighbor and provided a great service. He stated that where they currently were located there was also a lot of heavy truck traffic and in thirty (30) years there had never been any accidents or mishaps concerning pedestrian/truck accidents. **Bill Kimball** (2420 West Directors Row) stated that he was representing the office on the east and partially on the south. He stated that they were not against the Rescue Mission; they think it would help with the crime that has been rampant in the area and would cut back on the drag racing. He stated that he only heard a few airplanes fly by every day; it was not really a noisy airport. **Carl Gray, Jr.** (650 South 300 East #705) stated that he lived at the Rescue Mission for 25 years and finally the recovery program came along and he then was able to get a job with the U.S. Forrest Services and was ready to live outside of the Rescue Mission. He stated he hoped the Commission would allow the Rescue Mission to expand. **Greg Weatheroy** stated that he use to be homeless and the Rescue Mission helped him to get back into society. **Michael Wiercinski** (6647 South 95 West #73) stated that he was helped by the Rescue Mission and now works for Central Valley Water Reclamation. He stated it did not matter where the Mission was as long as there was one and as far as safety in the area do the people that currently work there feel unsafe walking though the parking lot with chemical plants or pallets that may burn? **Richard Eaton** (1456 West 700 South) was in support. **Brady Snyder** (Rescue Mission) stated he worked at the Rescue Mission and if the Mission should be changed to an institutional use it seemed pretty obvious they were not only a residential use. He stated that there did not really seem to be a planning issue with the petition as much as more people had an issue with homeless people being in the area versus other types of people that might attend a church, school, or regular hospital. **Chris Croswite** (463 South 400 West) stated that he was the Executive Director of the Rescue Mission. He stated that homeless shelters should be changed to an institutional use simply because it is. He stated that the question of public safety and transportation was raised and regardless of what company develops in of M-1 and M-2 areas, they are going to increase public services and traffic use. He stated that those who are drunk or high were currently being taken to VOA detox and the Road Homes overflow drunken floor where people are staffed all night long, and this would continue to be done. He stated that there was rail service that already existed at the current location of the Rescue Mission, and there had been no issues. He stated that as far as the air quality, the people in the Glendale and Poplar Grove areas had chosen to permanently live there, the Rescue Mission would simply be temporarily housing people there. He stated that the Rescue Mission on 1165 South State Street would still exist and people that were walking would be more likely to walk there then five (5) miles out of town.

Chair Woodhead closed the public hearing.

Mr. Frank Gray (Director of Community Economic Development) stated that the City is working with shelter communities in the terminal areas and trying to look at long term planning over the next three to five years. He started that they were looking at what was working well in these areas, what could be improved, what kind of additional facilities those shelter may need, and where the appropriate locations would be. He stated that a number of alternative sites and configurations were being looked at. The definition of a homeless shelter had changed from a place of warehousing to a place of transition and the issues of providing temporary as well as long-term housing.

Mr. Gray stated that there are three very distinct issues that the Commission was dealing with and they needed to be dealt with in sequence. First, are homeless shelters an institutional or residential use? And if they is institutional it needs to be reclassified. Second, in what zoning districts as an institutional use appropriate? And if it is determined to be appropriate in an M-1 zone, then what are the conditions that would make it appropriate? Public transportation, sidewalks, co-located facilities, etc.?

Commissioner De Lay inquired where Mr. Gray envisioned homeless shelter being located in the future.

Mr. Gray stated that a variety of areas had been looked at, some residential and some heavy commercial.

Commissioner Gallegos inquired if this petition was premature because it seemed that the City was still researching the best locations for these types of uses.

Mr. Gray stated that the Commission did not need to solve the entire problem; just that the use table was broader than the request before the Commission and eventually other areas within that table would have to be dealt with.

Commissioner Dean stated that in the listing of permitted and conditional uses in M-1 zones it stated less than two acres for all of the uses. She inquired if there would also be a text change for that.

Mr. Norris stated that would have to be a separate text change.

Ms. Coffey stated that Mayor Becker had initiated a petition to do some fine tuning for four different text changes and that issue was included and would be coming before the Commission in June. She stated that there were a number of uses in the Manufacturing zoning districts that were being looked at and changed.

Commissioner Muir inquired if the Commission followed the prescription that Mr. Gray laid out, and changed only the first one, would staff be opposed to changing homeless shelters from residential to institutional.

Mr. Norris stated that staff does support that change.

Commissioner Muir inquired if the line was drawn at the M-1 Zone for an application for this type of use.

Mr. Norris stated that was correct. Staff's analysis stated that current city policies do not support adding that use in manufacturing zones.

Chair Woodhead announced a small break at 8:23 p.m.

Chair Woodhead reconvened the meeting at 8:33 p.m.

Chair Woodhead inquired of Mr. Norris if the Commission changed the category to institutional, what areas under the current zoning would the shelter be allowed in.

Mr. Norris stated that they would be allowed in the D-3 and General Commercial zones (CG), which was where they were already allowed.

Chair Woodhead stated that there probably was a benefit to the City in protecting the industrial zones, but if the Commission denied this, would this put shelters and other social services in jeopardy of not being able to locate in Salt Lake City, because there was not any affordable space available to them for the size that they needed.

Mr. Norris stated this was what Mr. Gray had stated that staff needed to do an analysis of other zones to come up with other locations for these types of services.

Commissioner Gallegos stated he was still concerned with the idea of changing homeless shelters to institutional uses and categorizing all related entities this way. He stated that if a shelter provided emergency shelter for homeless to get out of the elements versus providing extended stays with services, he did not feel comfortable with idea of classifying them the same.

Mr. Norris stated that the definition of homeless shelter currently did not differentiate between the two.

Commissioner Dean stated that it seemed staff was still in the works of revising so much of this and she wondered if this was a premature decision.

Mr. Norris stated that this was an applicant submitted petition, and staff was doing an internal review city-wide. He stated that the Commission had a legal obligation to act and they could not hold up the applicant pending what staff was currently working on.

Commissioner Muir stated that he had been involved in the Chamber's initiative a few years ago when they tried to manage this and provide some considerable bank support to create a cohesive campus, and the thought process a few years ago was that these shelters were moving from the extended housing service in providing more rapid transition into more permanent housing and jobs. He stated that he felt it was appropriate that the use and definition of the use was moving more toward institutional uses.

8:39:50 PM **Motion**

Commissioner Muir made a motion regarding PLNPCM2009-00398, based on the findings of facts and testimony heard the Planning Commission transmits a favorable recommendation to the City Council to amend the definition of homeless shelters as follows:

“Homeless Shelter” means a building or portion thereof in which sleeping accommodations are provided on an emergency basis for the temporarily homeless together with other services directly related to caring for the homeless. A homeless shelter is considered an institutional type of land use.”

Commissioner Fife seconded the motion.

Discussion of the motion

Commissioner Gallegos inquired if this motion would have any negative effects on any other service providers besides the Rescue Mission.

Mr. Norris stated that other social services are basically providing the same services or have other services nearby or adjacent to them. He stated that one thing that could be done with this definition would be to expand on what “other services” means. He stated that maybe putting in food services, case management, shower services, and treatment could be added to this.

Commissioner Muir stated he would go forward with the original motion.

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

Chair Woodhead requested that in the transmittal letter to the City Council the rationale Commissioner Muir stated when he made the motion was included.

8:44:23 PM **Motion**

Commissioner De Lay made a motion regarding Petition PLNPCM2009-00398 based on the analysis and findings in the staff report the testimony heard, the Planning Commission transmits a negative recommendation to the City Council regarding amending the table of permitted and conditional uses in the M-1 zoning district for the following reasons:

- 1. The current adopted policies of the City do not support locating a homeless shelter in the M-1 zoning district; and**
- 2. The M-1 zoning district is not adequately served by mass transit to support this type of land use; and**
- 3. The City needs to preserve industrial land for economic development.**

Commissioner Muir seconded the motion.

Commissioner De Lay stated that the motion was based on the reasoning that this would create a hazard and also the definitions of the M-1 zoning uses were so extremely varied and that in itself was a reason to deny this.

Vice Chair McHugh stated that it was not the fault of the applicant that these uses were varied and she did not feel that an application could be denied simply because the Commission did not like some of the uses in the zone.

Commissioner Muir stated that the challenge that the Commission faced was he did not see how through fences and setbacks that the Commission could absolutely mandate that every person was picked up at a source and delivered to the Rescue Mission’s front door, and then if it did not work out for whatever reason and they wanted to leave they would be returned to that source, unless a unique category was created for Mr. Trost’s business model. He stated that there were still plenty of opportunities in the CG and D-3 zoning areas for the City to work with the Rescue Mission and find them a better spot.

Commissioner Gallegos stated that he felt there was a significant incompatibility with the types of manufacturing businesses in the area and this type of service industry.

Commissioner Fife stated that he did not see a problem with the Rescue Mission being in this zone because they would be providing the same services that were already allowed in the M-1 zone. He stated that the arguments of some of the manufacturers were persuasive, and he would vote for this if there was even a half mile buffer between the M-1 and M-2 zones.

Chair Woodhead stated she was initially inclined to grant this petition for some of the same reasons Commissioner Fife talked about, but she was convinced that the industrial zone should be protected as a place for those businesses to function and there was a lot of value in that. She stated that she was a little troubled by the fact that people felt it was okay that hotel guests and kids going to other daycare facilities could walk around out there, but that it was homeless people who they did not want. She stated she had some negative feelings about that, but in terms of the zoning goal it was the right choice.

Commissioner Fife stated that he agreed and maybe other uses that were allowed in the zone should be relooked at, or atleast a buffer should be made between heavier industrial zones, because a hotel probably should not be going next to heavy industrial.

Chair Woodhead stated that she felt that denying some of those other uses should be looked at, over expanding uses.

Commissioner De Lay stated that one of the objects of these types of programs was to get people sober, working, and generally the homeless do not have cars, so they rely on public transportation to get to work, and this area could not provide that public transportation.

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

Chair Woodhead announced a small break at 8:53 p.m.

Chair Woodhead reconvened the meeting at 8:55 p.m.

8:55:37 PM Petition PLNPCM2009-00288; Declaration of Surplus Property—a request by Salt Lake City Corporation, Property Management Division, to declare the property located at approximately 1838 South 1500 East, former Garfield School, as surplus property. The zoning designation for the property is I Institutional District. The purpose for the declaration of surplus property is to facilitate the sale of the property. The property is located in City Council District Six, represented by J.T. Martin. **View:** [Staff Report](#)

Chair Woodhead recognized Michael Maloy as staff representative.

Commissioner Algarin recused himself from the meeting.

9:03:11 PM Public Hearing

The following people spoke or submitted a hearing card in *opposition* to the proposed petition: **Ruth Price** (Sugar House Community Council) stated that Council Member J.T. Martin held a meeting that 138 attending and only one was in favor of this petition. She stated that this was a land grab.

Chair Woodhead inquired if there was a Community Council trustee vote on this or other formal action.

Ms. Price stated that no formal action was taken, there was no vote, and no letter had been sent or representation.

Commissioner De Lay stated that part of this petition was that the City and several other bodies were trying to protect the Riparian Corridor easement there. She inquired if the community was in favor of that action.

Ms. Price stated that from 1997 to 2003 the view was that the Riparian Corridor and the Lowland Conservation easement zone was very restrictive, there were a lot of residents in the area who had protected it when the City had paved over it and it was the neighbors who had kept it pristine and clean and now they felt they were being punished for the land use quality from the golf courses, city snow plows, and other issues.

Chair Woodhead stated that this was not this issue the Commission was reviewing.

Ms. Price stated that it was contained to this issue because it did take a piece of land that connected to the RMF-30, which was privately owned for 90 years now and it did connect you to the Riparian Corridor and there was a recreation easement that was coming along in about two years.

Commissioner De Lay stated that was interesting because the City itself was very much in favor of protecting this green space.

Amy Price (1328 Allen Park Drive) stated she had been involved with this issue for many years because of property ownership and she felt there was some questionable information regarding this petition.

Chair Woodhead inquired about what Ms. Price meant by questionable information and if she had something specific in mind.

Ms. Price stated that the land along the creek would now be forced entry on property.

Chair Woodhead stated it was not faulty information; Ms. Price just disagreed with the recommendation.

Ms. Price stated she did feel it was faulty because it did not show a separate strip, which was along the creek and up the back that was dealt with separately in the past years.

The following people spoke or submitted a hearing card in *support* of the proposed petition: **Cindy Cromer** (816 East 100 South) stated that Mr. Maloy had stated that such petitions before the Commission were rare, and that was because the City liquidated a great deal of the property it owned during the Mayor Coridini administration to meet budget short falls. She stated that she believed that was what was happening now, the City needed the funds that a sale would generate and it did not have the funds to rehabilitate this historic school. She stated that the administration had tremendous authority over the disposition of public property, she urged the Commission to include protections for the Riparian Corridor as outlined in the staff report and protections for the historic school, which could be imposed at the time of sale. Preserving the original facades, which were visible from the street, and the architecture and the scale were appropriate to the neighborhood.

Chair Woodhead closed the public hearing.

Mr. John Spencer stated that he disagreed with Ms. Cromer that this was not being done due to budget insufficiencies. He stated that when the City Council was approached about acquiring this property it was with the specific purpose of acquiring property for a police precinct and a fire station. He stated that at that time the market was churning real estate wise and there were very few options. He stated that the fire station in Sugar

House needed to be replaced, it was imperative with all of the development that was proposed in the area, and the current fire station cannot meet those needs.

Commissioner De Lay inquired why Mr. Maloy had not recommended historic preservation with all of the feedback regarding the historic nature of the building.

Mr. Maloy stated that a letter was routed to all department heads of the City and asked if there was a need for this building, and other then concerns about the Riparian Corridor, there were no other comments. He stated that in the draft master plan for historic preservation in the City, there was a proposal that there be a separate board or committee that would review City-owned properties like this, and the City had not yet established this process. Mr. Maloy stated that to really make this effective a zoning petition would be necessary to make that designation a reality.

Chair Woodhead inquired if Mr. Maloy could respond to the questions the public had raised about the property line and ownership, and if it had always been one piece of property.

Mr. Spencer stated that it had always been one piece of property and had always been the intention of the City to preserve a trail corridor; right now it may not lead to anywhere, but it preserved future options. He stated that there were requests from people along Westminster to sell off portions of the school property so that they could enlarge the size of their lots and build bigger garages, etc. Mr. Spencer stated that Property Management did not view this as a wise decision because it would required subdividing the property and then not all of the neighbors could afford to buy a piece.

Commissioner Fife inquired if the Riparian Corridor could be kept as City property and then the rest could be surplus.

Mr. Spencer stated that it was possible and that option was being looked at and he had been working with public utilities to pinpoint exactly where the Riparian Corridor laid on the property.

Commissioner Fife suggested selling to the edge of the parking lot.

Mr. Spencer stated that would be possible, but discussion was leaning more toward preserving the corridor for future use.

9:18:30 PM **Motion**

Commissioner Dean made a motion regarding Petition PLNPCM2009-00288 that the Planning Commission declares the property located at approximately 1838 South 1500 East as surplus with the following recommendations:

- 1. The city should pursue designation of the original 1921 portion of the Garfield School building to the local historic registrar, and preserve the original portion of the building through whatever legal means the city deems appropriate.**
- 2. The city should ensure the preparation, recording, and retention of an easement that encompasses the existing riparian corridor along the western edge of the subject property. The easement should be sufficiently wide to ensure preservation and maintenance of the riparian corridor and future**

trail as recommended by the Salt Lake City Open Space Plan; however, the exact width and location of the easement is to be determined through administrative review.

- 3. Prior to sale the city should make all efforts to protect the riparian corridor, including the possibility of retaining that portion of the property.**

Discussion of the motion:

Commissioner Fife inquired if Commissioner Dean was suggesting an easement of that the City maintain ownership.

Commissioner Dean stated that she was suggesting both; that the City maintains ownership of a reasonable healthy Riparian Corridor and potentially also an easement along the north boundary if it needs to be accessed in the future.

Vice Chair Woodhead stated that the language “pursues the historic registrar” seemed vague.

Commissioner Dean stated she meant that the City would submit the application and have the Historic Landmark Commission review it, because the Planning Commission cannot say that it must be listed, they can only initiate the process of having it reviewed.

Chair Woodhead stated that the Commission was making a recommendation to Mayor Becker about what the nature and conditions of the sale would be.

Commissioner Muir suggested **an amendment that the historic registrar designation only pertains to the original 1921 portion of the building.** He encouraged the City to explore all options for adaptive reuse of this building, one of which might be housing. He stated that as much as he cared about the original building he did not want to encumber the development opportunities by imposing historic status on the back portion of the building.

Commissioner Dean accepted the amendment to the motion.

Chair Woodhead stated she wanted to make sure she understood what Commissioner Dean had stated about the Riparian Corridor, that the City should make efforts to protect it preferably to retain it if possible and if not to provide for an easement as suggested in the staff report.

Mr. Maloy inquired if the conditions he listed in the staff report would be sufficient.

Chair Woodhead stated that she understood that Commissioner Dean would like more than that and efforts should be made to retain the Riparian Corridor if possible and if not the easement would be used.

Commissioner Wirthlin inquired about what retaining ownership does versus the easement.

Commissioner Dean stated it would allow the City to maintain it at an appropriate level, whereas if somebody else owned it they could affect the vegetation.

Commissioner Wirthlin stated that with an easement they could maintain it as well; an easement was a legal document and would give the City property rights to maintain it.

Mr. Maloy stated he agreed with Commissioner Wirthlin and technically property would be subdivided for a use or a development.

Chair Woodhead stated that her understanding of the motion was that based on the findings in the staff report the Planning Commission was forwarding a recommendation that the property be declared as surplus and designated on the local historic registrar prior to sale, and that an easement be retained as indicated in the staff report, and that the historic designation be limited to the 1921 portion of the building.

Commissioner Dean agreed.

Commissioner Wirthlin seconded the motion.

Mr. Maloy stated that the Taylor home on 1812 South West Temple Street was a similar project to this one, where the Salt Lake Housing Authority wanted to preserve the existing home and then develop the rest of the site. He stated that typically when this was done, the whole property was included, not just the building itself. He inquired how administratively will this would be handled, and how would what was recommended be preserved versus redeveloped, be handled.

Ms. Coffey stated that this would be difficult to do because typically the entire parcel was placed on the historic registrar and then the Historic Landmark Commission made sure whatever was done on the parcel was compatible with the historic portion of the buildings, and they may find that it was appropriate to tear down the rear additions.

Commissioner Wirthlin stated that maybe some language could be added to the motion that would state that the building be preserved the best way possible and not limit it.

Ms. Coffey stated that it seemed that in the past, the Chief Administrative Officer of the City had noted that if there was a City-owned building the City should retain the easement on that.

Commissioner Muir stated that another alternative would be to write a development agreement as a condition of the sale that would speak to the historic preservation.

Chair Woodhead stated that the motion should reflect what Commissioners Wirthlin and Muir stated, that the motion should reflect that the City take legal action to preserve the 1921 portion of the building through whatever legal means they deemed appropriate.

Commissioner De Lay inquired if that was the sufficient or would that limit how the building could be sold. She inquired if this was the right language if the deed was being passed on, to protect this and limit it that way.

Ms. Comarell stated it was only a recommendation, the Commission was simply saying that this was a value to the community to save the building.

Commissioner Dean accepted the suggestion.

Commissioner Wirthlin seconded the motion.

Commissioners Dean, Gallegos, Muir, Wirthlin, and McHugh voted, “Aye”. Commissioners De Lay and Fife voted, “No”. The motion passed.

The meeting adjourned at 9:33 p.m.

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on May 13, 2009.

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Tami Hansen