

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**In Room 326 of the City & County Building**  
**451 South State Street, Salt Lake City, Utah**  
**Wednesday, October 28, 2009**

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

A field trip was held prior to the meeting. Planning Commissioners present were: Frank Algarin, Tim Chambless, Angela Dean, Michael Fife, Matthew Wirthlin, and Mary Woodhead. Staff members present were: Joel Paterson, Bill Peperone, and Ray Milliner.

A roll is being kept of all who attended the Planning Commission Meeting. Acting Chair Algarin called the meeting to order at 5:45 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time. Planning staff members present at the meeting were: Wilford Sommerkorn, Planning Director, Pat Comarell, Assistant Planning Director; Joel Paterson, Programs Manager; Bill Peperone, Principal Planner; Ray Milliner, Principal Planner; Paul Nielson, City Attorney; and Angela Hasenberg, Senior Secretary.

### **Work session**

Clarion & Associates discussed Phase 1 of the proposed sustainability zoning text amendments, including proposals for accessory dwelling units, alternative energy equipment, etc.

#### 5:52:09 PM **Approval of the minutes from Wednesday October 14, 2009**

**Commissioner Gallegos made a motion to approve the October 14, 2009 minutes with noted changes. Commissioner Wirthlin seconded the motion. All in favor voted, "Aye". Commissioner Dean abstained. The minutes were approved.**

#### 5:52:33 PM **Report of the Chair and Vice Chair**

Acting Chair Algarin stated there was no business to report.

#### 5:52:57 PM **Report of the Director**

#### **Update on North Temple Boulevard Design Elements.**

Ms. Comarell stated the third workshop regarding the North Temple Boulevard project would be held on October 29. She stated it would deal more with land use as opposed to design elements. Planning staff, as well as the consultants, had met with stakeholders around the different TRAX station sights to suggest what they liked

or did not like about the project. She stated the summary of these sessions would be presented at the workshop, and comments would also be accepted during that presentation.

She stated the final draft for the North Temple Boulevard project would contain three sections: First, a background of the entire community, including: demographics, traffic, and neighborhood connections. Second, policies relating to land uses and design guidelines related to land uses. And third, design elements for the UTA infrastructures, which would be constructed as part of this project in the next three years.

Ms. Comarell stated the Jordan River bridge was currently only half existing, and would totally be rebuilt. UTA would build to Redwood Road and after the City Council decided what they would fund; UTA would construct plans to finish the rest of the project.

She stated there were five major areas of focus in terms of design including: the street itself, the light rail would run down the center of North Temple with two traffic lanes and one bike lane on each side, an eight foot park strip, and a ten foot multi-modal pathway, which would be used for walking as well as children on bicycles in the area. Ms. Comarell stated each light rail station would reflect the surrounding neighborhood through the artwork and design work of the platform floors. The landscaping would have common elements along the length of the boulevard, and xeriscaping would be emphasized as opposed to grass. She stated at nighttime the boulevard would be an avenue of lights, including street and pedestrian lighting, as well as lighting within the TRAX stations and a new design of COS poles which would include an art element on top of the pole and reflective lighting.

Ms. Comarell stated this was a 30-50 year plan because there were areas currently where the new setback would not be met due to current building placement. She stated in the future when those buildings were replaced the fifteen (15) foot setbacks would be followed according to the master plan and zoning ordinance. The purpose of this setback was to provide activity and displays, or café patio sitting for businesses.

Commissioner Chambless inquired about the lighting in comparison to 400 South.

Ms. Comarell stated that 400 South basically only had street lights, which is not sufficient for the North Temple Boulevard for two reasons; first, because the boulevard was much wider and there would be trees, so the streetlight would not adequately light the sidewalks; second, to create an ambiance for evening strolling.

### **Briefing on the Proposition #1 public safety building and civic campus.**

Mr. Sommerkorn passed around a handout with a few statements regarding the briefing on the Proposition #1 public safety building and civic campus. He stated when planning staff and the Commission was at the point of actually doing amendments to the plan regarding this issue, it would be important to have some direction from the City Council about the options of where this building would be placed in the City.

Commissioner Fife inquired what the proper thing was to say to people of the opinion the civic campus would become a dead zone in the middle of the City.

Mr. Sommerkorn stated that would be part of the discussion held when going through amending the plan with regard to that issue. He stated he did not know if there was a good answer to that right now.

## Public Hearings

**Petition PLNPCM2009-00495; Zoning Text Amendment Relating to Salt Lake City Alcohol Regulations**—a petition initiated by Mayor Becker to amend the Salt Lake City Zoning Ordinance in matters related to City alcohol regulations. The amendments are proposed to ensure consistency with State law, provide clarity in the Zoning Ordinance and process, and to allow alcohol related establishments throughout the City in areas where they are appropriate

*This item was postponed.*

**6:06:49 PM PLNPCM2009-01108; Planned Development: CCRI Harmon's Social Hall Avenue**—a request from CCRI for a planned development located at approximately 55 South State (actual store faces 100 South and Social Hall Avenue). The project consists of a grocery store and parking. The petition is requesting surface parking along Social Hall Avenue and a setback greater than five (5) feet. There was a previous conditional use approved for this site: 410-527, July 26, 2001.

Acting Chair Algarin recognized Joel Paterson as staff representative.

Mr. Paterson stated this was a three phase process for the southern half of the block 74, the first phase was the proposed Harmon's store, and future phases would include an office tower and a residential tower. He stated the D-1 zone had a maximum setback requirement of five (5) feet, the purpose was to try to bring buildings out to the street frontage to create a pedestrian-oriented atmosphere. This would also help the setbacks in this area line up with the view corridor to the east. A loading dock would front onto 100 South, because of the configuration of the area it was difficult to provide loading anywhere else on the property. He noted the Transportation Division stated this design would work.

Mr. Wade Budge, with Snell & Wilmer introduced Mr. Dean Peterson, with Harmons, and Mr. Bill Williams with CCRI.

Commissioner Chambless inquired if this Harmon's would cater to the daily shopper that lives/works in the area.

Mr. Williams stated walk-in traffic was definitely encouraged, but the store could not survive on pedestrian traffic alone.

Commissioner Woodhead stated as far as parking habits, it seemed at the Gateway development cars first cruised the convenient parking before going to the underground parking, and she inquired if there was a way to prevent that practice.

Mr. Williams stated these spaces were visible enough for patrons to scan quickly to see if there were available spaces without holding up traffic to cruise through a full lot. It was also short-term parking, so if a customer was going in for their weekly groceries they would probably be in the store longer than what was allowed in that timeframe.

Commissioner Woodhead inquired how that would be enforced.

Mr. Williams stated all the details had not been completely worked out yet.

Commissioner Woodhead suggested a method stronger than signage, suggesting a timeframe should be used.

Commissioner Chambless inquired if this Harmon's would be a 24-hour operation.

Mr. Peterson stated no, it would be open from 6:00 a.m. to Midnight.

Commissioner Dean stated the intent of this design was good in some respects, but it was not well delineated yet. She stated the building was based on a suburban model as far as scale, which did not seem to fit well into the urban setting. She stated shade trees could also address the uncovered rooftop parking.

Mr. Peterson stated one of the challenges with putting trees on the roof was the lack of longevity; there were also a lot of financial restraints when discussing the aesthetics of the building. He stated the parking structure already exists, so there were some restrictions in regards to weight bearing and the edges may be landscaped as a buffer, but landscaping the entire garage would be very difficult.

Commissioner Hill stated on 100 South it seemed the developer was looking for permeability, which needed to carry to all sides of the building.

Commissioner Dean stated it seemed the applicant was not meeting the forty percent glazing requirement along Social Avenue, and inquired if this was something they had a variance for.

Mr. Paterson stated in order to allow the parking in this area; the glass was waived because the two could not coexist.

#### 6:40:50 PM Public Hearing

Acting Chair Algarin opened the public hearing portion of the petition.

The following people spoke or submitted a card in *support* of the petition: **Frank Call** (29 South State Street) stated he supported this petition, except for some safety issues where Social Hall Avenue exits onto State Street; it becomes sort of a dead end, except for a little 12 foot wide one way exit. He stated there was a safety issue with pedestrians in the area. He stated the exit to the parking structure should include a mid-street raised median, which would force the traffic coming out of the parking lot to turn right. **Chris Anderson** (29 South State Street) stated he supported this petition, instead of the funneling of traffic onto Social Hall Avenue, which gets a lot of pedestrian traffic at peak hours of the day and was definitely a safety concern. He said another exit from the parking structure would be beneficial.

Acting Chair Algarin closed the public hearing.

Mr. Williams stated the notion of bringing vehicular traffic onto Social Hall Avenue and then having an exit from there on 200 East was the preference. He stated they looked at many schemes to bring traffic down onto 100 South, but felt the Harmon's traffic would be more of a neighborhood type traffic and should be funneled as such.

Commissioner Woodhead stated she felt this was a good proposal, but had a few concerns about landscaping on the parking roof. She stated she understood there were economic issues regarding this, but it did seem there were a lot of buildings in the City that had rooftop landscaping, so it was possible. She inquired if because the plan

was not completely formalized if condition 7 of delegating final site plan approval to the Planning Director should be eliminated, and the plan should come back before the full Commission for approval.

Commissioner Dean agreed.

Commissioner Wirthlin stated he trusted the Planning Director to keep in mind the Commission's suggestions, make adjustment, and a final decision.

Commissioner McHugh agreed with Commissioner Wirthlin.

**6:53:03 PM Motion**

**Commissioner Wirthlin made a motion regarding Petition PLNSUB2009-01108, based on the staff report, discussion, public comments, and the items and information received by the Planning Commission, the Commission approves this conditional use proposal with the following conditions:**

- 1. Lighting be reviewed to insure that glare will not affect adjacent properties,**
- 2. The parking on Social Hall is screened to “grill height” of adjacent autos with either landscaping in or a low wall.**
- 3. More details are provided regarding the elevations of the final design of the structure to insure it meets the design criteria outlined in 21A.59.060.**
- 4. Issues raised by Salt Lake City Building services are addressed, including: loading park strip landscaping/beautification conformity, screening of loading, utility boxes and first floor glass.**
- 5. The Salt Lake City Transportation Division approves access and loading.**
- 6. The petition provided detailed elevation drawing to determine conformity to first floor glass and fenestration requirements.**
- 7. Staff also recommends the Planning Commission delegates final authority for the site plan, elevation/design review, and landscaping to the Planning Director, with the noted concerns of the Planning Commission included in the minutes concerning landscaping issues.**

**Commissioner McHugh seconded the motion.**

**Commissioners Wirthlin, McHugh, Chambless, Gallegos voted, “Aye”. Commissioners Woodhead, Dean, Fife, and Hill voted, “No”. Acting Chair Algarin voted, “Aye”. The motion passed.**

**6:57:18 PM PLNCPM2009-01132; Partial Street Vacation**—a request by William Coker for approval of a partial street vacation to accommodate a second location for the Red Iguana, located at approximately 866 West

South Temple. The request includes land between the front of the building and the public sidewalk. The property is in the CG General Commercial Zone, in Council District One, represented by Carlton Christensen.

Commissioner Gallegos recused himself from the meeting.

Acting Chair Algarin recognized Bill Peperone as staff representative.

Commissioner Chambless inquired if there would be adequate street lighting throughout this area.

Mr. Coker stated they would like to see more, but the restraint would be very visible and hope that as 900 West became more pedestrian and retail-oriented there would be some more lighting to accompany that.

### 7:03:33 PM **Public Hearing**

Acting Chair Algarin opened the public hearing portion of the petition. He noted there was no one present to speak to the petition, and closed the public hearing.

### 7:03:59 PM **Motion**

**Commissioner Dean made a motion regarding Petition PLNPCM2009-001132, declaration of surplus property/partial street closure; that the Planning Commission forwards a positive recommendation to the City Council to approve the proposed street closure located at approximately 866 West South Temple, subject to the following conditions:**

- 1. The applicant shall obtain approval of the street closure from the City Council.**
- 2. The applicant shall finalize the land acquisition with the Property Management Division.**
- 3. The applicant shall purchase the subject property for its fair-market value.**
- 4. The applicant shall process a Lot Line Adjustment through the Planning Division to appropriately consolidate his parcel with the surplus property.**

**Commissioner Chambless seconded the motion.**

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

7:05:28 PM **PLNPCM2009-00902; Amendments to Regulation of Utility Boxes**— a request by the City Council for a zoning text amendment to modify Chapter 21A.40.160, Utility Box Regulations, of the Salt Lake City Zoning Ordinance. The purpose of the amendments is to streamline the process of approvals, to clarify the intent of certain sections, and to revise the standards and factors necessary for conditional use approval. The proposed text amendments are city-wide.

Acting Chair Algarin recognized Ray Milliner as staff representative.

Mr. Milliner stated the City Council made amendments to utility box regulations in July 2008, and as part of this adoption they requested staff look at the regulations and come back after the implantation to work out other aspects if necessary.

He stated the issues with the City Council's adopted changes were they adopted a routine and uncontested process for some of the boxes and a conditional use process for others, so some were reviewed under the purview of the Board of Adjustment and others under the Planning Commission. He stated staff eliminated the routine and uncontested section from the code and made them all fall under the purview of the Planning Commission.

He stated staff also created five situations where a utility box would be considered an allowed use including: a subterranean box, a box located entirely within a structure, *a ground mounted box required to serve a single commercial customer located behind the minimum setback or within five (5) feet of the building, boxes for essential public uses/traffic lights, and ground mounted equipment used for transmission or distributors to other locations and configured as part of a system shall be allowed within the front line public utility easement, or on private property within ten (10) feet of a private property line on a private easement, which is mutually acceptable to the property owner and the utility.*

He stated any other utility box would fall under a conditional use, which would originate as an administrative use and then be subject to the following six criteria: location, setback, screening, design, view, and certificate of appropriateness (in historic districts).

Commissioner Woodhead inquired if there was a size limitation. She inquired if anything permitted Rocky Mountain Power from buying a residential lot and placing giant utility equipment on it without limitations.

Mr. Milliner stated at some point it would become a substation, which would be reviewed by the Commission.

Commissioner Woodhead inquired if there was a clear, delineated definition of both utility boxes and substations.

Mr. Milliner stated there are current definitions of both, but staff could make sure those definitions were clearer.

Commissioner Chambless inquired if the ordinance delineated dimensions of these utility boxes.

Mr. Milliner noted dimensions were not specified in these changes, and because of changes in the size of these boxes and new technology, staff decided to not include size as part of this.

Commissioner Dean inquired if a minimum separation element or maximum number per lot could be added to this ordinance so one neighborhood was not overtly burdened with a large number of utility boxes. She stated that in addition to the design issues there was a lot of concern regarding safety and maintenance access, she inquired if this needed to be specifically mentioned in the ordinance.

Mr. Milliner stated the place that would be applicable would be under criteria one, ***Location:*** *Utility boxes shall be located and designed to reduce its visual and environmental impacts on the surrounding properties.*

7:17:41 PM **Public Hearing**

Acting Chair Algarin opened the public hearing portion of the petition.

The following people spoke or submitted cards in **support** of the petition: **Alene Bentley** (Rocky Mountain Power) stated she appreciated Mr. Sommerkorn and the Planning staff for meeting with RMP to discuss engineering requirements, the operational access, and the safety requirements of this equipment. She stated when lines were buried the utility boxes were necessary to operate that equipment. And while Qwest was able to provide service to a greater amount of customers with ever smaller equipment, the community's electric needs were increasing exponentially, especially in commercial and economic sales. **Eric Isom** (Qwest) stated it was not an easy task to find balance between customers who wanted and needed utility services, but in turn did not want them visible in the community. He stated condition 5 under the permitted use review, which states: *Ground mounted equipment used primarily for transmission or distribution to other locations and configured as part of a system shall be allowed within the front property line public utility easement or on private property within ten (10) feet of the front property line on a private easement which is mutually acceptable to both the property owner and the utility. The equipment shall not be located within two (2) feet of the sidewalk.* He stated he met with planning staff this morning to talk about these conditions and for those customers who wanted to see utility boxes or cabinets placed further back on their property, he suggested the line that mentions the location being ten (10) feet of the property line be eliminated so the utility company could work with each individual property owner to see where they would like the utility box placed.

The following people spoke or submitted cards in **opposition** to the petition: **Philip Carlson** (SHCC Chair) stated this was an issue the Sugar House community was concerned about for a number of years; there were many utility box proposals with different outcomes depending on the placement of the boxes. He stated the community wanted the utilities in the neighborhood so they were not opposed to this, but he would like the Community Councils to review these changes before the Commission made a decision on this.

Mr. Sommerkorn noted for future reference, rather than notifying all 23 of the City's community councils of the proposed text changes individually, they were instead invited to an open house where comments were taken.

Commissioner Wirthlin noted the Planning Commission was not the decision-making body on this; the City Council was, so comments could also be given to them before a decision was made.

**Sarah Carlson** (1917 East 2700 South) stated she was involved with this a year and a half ago, she stated she had spoken with a lot of neighbors and business owners who were concerned about the uncontested use. She stated she had some serious concerns regarding how loose the guidelines were, and not just one particular lot that might become like a substation, but even the smaller boxes would be way too large and would become blight. She stated she would like to see more commitment by the utility companies to take care of the utility boxes they currently have, including graffiti, etc. before more boxes were allowed.

Acting Chair Algarin closed the public hearing.

Commissioner Woodhead stated the old ordinance did divide the size of the utility boxes into three tiers: small, medium, and large. She stated this distinction was removed from the new language and wondered if it would work to make A and B of the ordinance allowed uses, but make C still require some sort of conditional use approval.



Mr. Milliner stated that could be done.

Commissioner Woodhead stated she still felt there was a conflict with the definition of ground mounted utility boxes, which states, *ground mounted utility boxes and associated equipment that directly serve the property or local area in which the facility is placed, that are not primarily for transmission or distribution to other locations* and Condition 5, which states: *ground mounted utility boxes used for transmission or distribution for other locations*.

Commissioner Fife inquired if that should read *not used*.

Commissioner Woodhead stated maybe condition 5 should be conditional, or maybe the size limitation would take care of that.

Mr. Milliner stated in Condition 5 the language, *used primarily for transition or distribution to other locations* could be eliminated.

Commissioner Wirthlin inquired if the Commission was more concerned with the size of the boxes, the location, or both, and were small and medium boxes typically allowed or would they also fall under the location criteria as well.

Commissioner Woodhead stated they would fall under the location criteria as well, for them to be allowed uses. She stated when the boxes were larger than a certain size there could be problems that required review. She stated she was also concerned about the issue Commissioner Dean raised where someone could buy a piece of property and turn it into utility box central for the neighborhood, and she wondered how that could be dealt with.

Commissioner Dean inquired if Mr. Milliner wanted specific verbiage now, or would this be brought back before the Commission with the suggested changes.

Mr. Milliner stated the Commission could make a motion to continue this petition.

#### 7:34:47 PM Motion

**Commissioner Woodhead made a motion regarding Petition PLNPCM2009-00902, the Planning Commission continues, until planning staff brings back a revised recommendation.**

**Commissioner Chambless**

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

*The meeting adjourned at 7:36 p.m.*

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