

SALT LAKE CITY PLANNING COMMISSION MEETING

In Room 326 of the City & County Building

451 South State Street, Salt Lake City, Utah

Wednesday, September 23, 2009

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

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless and Michael Fife. Staff members present were: Joel Paterson, Casey Stewart, and Doug Dansie.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Woodhead called the meeting to order at 5:48 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: Joel Paterson, Programs Manager; Cheri Coffey, Programs Manager; Lynn Pace, Deputy City Attorney; Doug Dansie, Senior Planner; Lex Traughber, Principal Planner; Janice Lew, Principal Planner; Casey Stewart, Principal Planner, Bill Peperone, Principal Planner; Tami Hansen, Senior Secretary; and Angela Hasenberg, Senior Secretary.

Work session

Lex Traughber presented the Planning Commission with a summary of the amendments to the city alcohol regulations including the following information:

- A new section (21A.36.200) has been included in Chapter 36—General Provisions entitled, “Alcohol Related Establishments”. The land use tables include a footnote referring to this section for alcohol related uses as necessary;
- Criteria were created for alcohol related establishments permitted through the Conditional Use process;
- Taverns, Social Clubs, and Brewpubs are proposed in the less intense commercial districts (CN,CB) as Conditional Uses, and as permitted uses in more intense commercial districts;
- Provisions for Taverns, Social Clubs, and Brewpubs of less than 2,500 square feet in size as Conditional Uses to be located in the RB, RMU-35, RMU-45, RMU, RO, and MU Districts.
- Proposed elimination of the current “spacing requirements” with the exception of alcohol related establishments in the R-MU, MU, CN, and CB Districts.
- Alcohol establishments in the Manufacturing Districts (M1 & M2) are proposed only as Conditional Uses and specific criteria for these establishments are included;
- A provision for breweries, distilleries, and wineries was included as a permitted use in the M1 & M2;
- Because the State of Utah regulates the location of liquor stores, a provision to allow this use as a permitted use, as opposed to a conditional use, has been included in all zoning districts where this use is currently allowed, and;

- Definitions for Tavern, Social Club, Brewery, Distillery, Liquor Store, and Winery are proposed. Minor alterations to the definitions of Brewpub and Microbrewery are proposed to reflect the elimination of Chapter 6 of the Salt Lake City Code.

5:48:29 PM Approval of Minutes from Wednesday September 9, 2009.

Chair Woodhead noted that the vote of the minutes would be postponed to the October 14, 2009 meeting.

5:49:39 PM Report of the Chair and Vice Chair

Chair Woodhead stated that she and Vice Chair McHugh met with Councilmembers Carlton Christensen and J.T. Martin and talked about the Northwest Quadrant master plan. There was some discussion regarding Commission members individually testifying before the City Council at their public hearing meetings. She stated that Frank Gray and Councilmember Christensen agreed that it would be more appropriate if the Planning Commission addressed concerns as a group rather than as individual opinions at the City Council meetings.

5:52:18 PM Report of the Director

Petition 410-08-44; Saxton Grove Time Extension—a request for a one year extension for the Saxton Grove planned development, Petition 410-08-44.

5:53:13 PM Motion

Commissioner Gallegos made a motion to grant a one year time extension for Petition 410-08-44, Saxton Grove.

Commissioner Wirthlin seconded the motion.

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

5:53:54 PM Petition 410-08-52; Metropolitan Landing Condominiums Planned Development Time Extension—a request for a time extension for the Metropolitan Landing Condominium Planned Development located at approximately 961 South Redwood Road.

5:54:11 PM Motion

Commissioner Gallegos made a motion to grant a one year time extension for Petition 410-08-52, Metropolitan Landing Condominiums Planned Development.

Commissioner Wirthlin seconded the motion.

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

Public Hearings

5:54:46 PM River Glen Phase 1—a request by Iverson Homes LLC for an amendment to a previously approved residential conditional use planned development and residential subdivision. The proposal is located at approximately 1368 South Dokos Lane located in an R-1-7000 Single Family Residential zoning district. The property is located in Council District Two, represented by Van Turner.

- a. **PLNSUB 2009-00293; Conditional Use /Planned Development Amendment**—The request is to eliminate the east/ west public access strip between Dokos Lane and the Jordan River surplus canal.
- b. **PLNSUB 2009-00292; Residential Subdivision Amendment**—an amendment to the subdivision is required to reflect the elimination of the east/west public access strip.

Chair Woodhead recognized Doug Dansie as staff representative.

6:01:28 PM Public Hearing

Chair Woodhead opened the public hearing.

The following people spoke or submitted cards in *support* of the petition: **Jay Ingleby, Glendale Community Council Vice Chair** (1148 Redwood Drive) stated that this petition was heard at the Community Council meeting on September 16, 2009 and it was approved. He stated this easement would also aid in keeping children away from the canal in the area, and was extremely important. He stated that The Army Corp of Engineers needed to be involved since this was their property and there was a lot of work to be done, concerning the weed problem as well.

Commissioner Chambless inquired if Mr. Ingleby felt that the weeds in the area were a fire hazard.

Mr. Ingleby stated yes, especially in the summertime. He stated there were weeds by the riverbank, a road, and then more weeds. The threat of fire was always there, especially so close to residential areas.

Chair Woodhead closed the public hearing.

Commissioner Muir stated that he and Commissioner Chambless were both members of the Planning Commission when this petition was originally heard. He stated his recollection was that because this was a planned development, the Commission was encouraged to adopt greater density, due to the fact that this canal was sold to the City as open space. He stated this was taken into consideration when approving greater density, so if it was not functioning currently the way it was intended so be it, but he had an issue with implications that this was an oversight on the part of the Commission.

6:08:03 PM Motion

Commissioner Wirthlin made a motion regarding Petitions PLNSUB2009-0092 and PLNSUB2009-00293; River Glen Subdivision and Planned Development, based on testimony, the staff report, and discussion at the meeting, the Planning Commission eliminate the east/west public access strip between Dokos Lane and the Jordan Surplus Canal with respect to the River Glen Subdivision Amendment to reflect the elimination of that public access strip.

Vice Chair McHugh seconded the motion.

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

6:09:33 PM Petition PLNPCM2009-00171; Citywide Historic Preservation Plan Rehearing—a request by the Historic Landmark Commission to reconsider recommendation of the Citywide Historic Preservation Plan to the City Council. This is a city-wide project that was previously considered by the Planning Commission on July 8, 2009. However, adequate public notice was not provided at that time.

Chair Woodhead recognized Janice Lew as staff representative.

Chair Woodhead stated that this item was being re-heard do to some problems with the public noticing.

Ms. Lew stated that the Commission should have received the original staff report, as well as the minutes from the July 8, 2009 meeting. She stated a document from Clarion, the consulting group that produced the plan was also included in the packet, along with discussion regarding the Sustainability issue.

Chair Woodhead stated it was not so much an expansion of the Sustainability plan, but more of a flag to the City Council to be aware of possible conflicts between the sustainability goals and the preservation goals, and to be cognizant of those as they consider the plan.

Ms. Lew stated that was passed on to the City Council and those issues have been discussed. She stated that from this point the plan would be forwarded to the City Council after the re-hearing by the Commission.

6:12:44 PM Public Hearing

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

6:14:14 PM Motion

Commissioner Wirthlin made a motion regarding the Historic Preservation Plan, PLNPCM2009-00171, that the Commission re-affirms the motion made at the July 8, 2009 Planning Commission meeting which stated: based on the findings of facts presented in the staff report and testimony heard at the meeting, the Planning Commission forwards a positive recommendation to the City Council for approval with the recommendation that the sustainability plan and goals within the Preservation Plan be revised, updated, and expanded to prevent potential conflicts between the City’s preservation plan and the City’s sustainability plan and goals, and that the economic hardship section be clarified.

Commissioner Fife seconded the motion.

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

6:15:32 PM PLNPCM2009-00749; Planned Development Zoning Text Amendment—The Planning Division is proposing to amend the City’s Zoning Ordinance related to Planned Developments. The proposal includes the following changes:

- Remove Planned Development regulations from the Conditional Use Chapter of the Zoning Ordinance, thereby creating a stand-alone chapter entitled “Planned Developments”;
- Enhance the “Purpose Statement” and the desired “Objectives” of the Planned Development land use process;
- Reduce the minimum net lot area required for Planned Development eligibility, and;
- Better define “Planned Development” in the definitions chapter in the Zoning Ordinance.

The proposed zoning text amendment would apply citywide.

Chair Woodhead recognized Lex Traugher as staff representative.

Mr. Traugher noted the Planning Commission heard this as an Issues Only item at the August 26, 2009 meeting. He stated some of the changes made since that time included the reduction of street widths, which the Transportation Division and the Fire Department helped to revise. He stated the 20 foot minimum street width language was eliminated and revised to allow review of a proposed reduced public street width which would be part of the Planning Commission’s purview to make decisions on those matters.

Mr. Traugher stated the ZAP Taskforce asked that staff include all the zones in the table of minimum lot sizes for planned developments, which was done. And, to look at the minimum lot area sizes that were proposed for the SR-1, SR-1A, SR-3, and R2 zones, which were revised slightly as well. He stated that at the September 22, City Council meeting there was a petition to reduce the appeal timeframe regarding Planning Commission decisions from 30 days to 10 days, which would have an effect on particular chapters regarding planned developments, specifically the proposed section 21A.55.120, regarding those types of appeals. It is anticipated the City Council will adopt this, at which time that new language would be asserted into this proposed language.

Commissioner Chambless inquired if there were a maximum number of structures allowed in a planned development.

Mr. Traugher stated no.

Commissioner Fife stated in the purpose statement it mentioned this language would assist in the preservation of buildings, which were architecturally or historically significant, and inquired of what an example of this would be.

Ms. Coffey stated if a developer had a building of this definition, the Commission might for instance modify a setback in order to preserve that building.

Commissioner Fife inquired if that meant one building could become a planned development.

Ms. Coffey stated it could be a large piece of property with a historic building on it, so to make it economically feasible the developer might want to add a few more buildings, but in order to do that they might need some setback modifications or other exceptions that might be inhibited by the zoning.

Commissioner Muir stated another way to look at this would be legalizing a non-complying structure and through the PUD that setback would be approved.

Commissioner Fife stated he was also concerned with the Commission approving streets which do not meet the minimum requirements of Salt Lake City, because inevitably those private streets may be given back to the City in the future, so the minimum should be required.

Mr. Traugher stated the purpose of the planned development process was to allow flexibility, if it was warranted, the Commission would have the authority to make a decision in regards to that; however, when it came to those streets the City Departments and Divisions may not support it, it just allowed the possibility of looking at an alternative to what the City required as a minimum.

Ms. Coffey stated the ZAP Taskforce wanted this process separated from the conditional use process, because it was difficult to deny a conditional use, and this would make it easier for the Commission to choose to deny it.

Public Hearing

Chair Woodhead opened the public hearing.

The following person spoke or submitted a card in *support* of the petition: **Judy Short** (862 Harrison) stated the requirements regarding planned developments should require the size of lots in parts of the City, which developed prior to 1927. She stated there should possibly be a separate section to would deal with this, and one incentive for historic preservation would be to waive the acre requirements in all City and National Register districts, there was no acre requirement for a planned development in the TC zone, and historic properties should have access to the same flexibility that other buildings do.

Chair Woodhead closed the public hearing.

Mr. Traugher referred Commissioners to Page 4, second paragraph of the staff report. He stated there were other comments listed that were received from the ZAP Taskforce, including *using planned development regulations to encourage historic preservation, allowing older structures built prior to 1927 when zoning was adopted, the opportunity to go through the planned development process as opposed to the variance process*. He stated these were issues staff was aware of which would be addressed in a subsequent phase for this planned development amendment.

Chair Woodhead inquired if that meant it was not appropriate for these thoughts and ideas to be expressed in this portion of the document.

Ms. Coffey stated the planned development amendments would be in two phases. The easy stuff first in phase one and then phase two would include more complex issue as well as density bonuses, affordable housing, environmentally sound structures, etc.

Commissioner Fife stated the minimum planned development sizes, especially for single-family developments, were way too small. He stated it seemed that this would be used to get around zoning regulations.

Ms. Coffey stated this was tightened so a developer would have to meet one of the objectives in order to go through this planned development process.

Commissioner Fife stated that one of the objectives was a pleasing environment, and that did not seem like a high hurdle to get over.

Commissioner Muir stated the underlying intent was to enable infill development and be more flexible to help encourage density. He stated if that was achieved, it was a good thing.

Mr. Traugher stated that staff paid close attention to that when re-writing the purpose statement so this was not strictly a relaxation of standards for any given developer. He stated this should be used as a tool to entertain development that may be appropriate for the area, but could not meet the exact standard of any given zone, but could be a great project that would benefit the community and City.

Commissioner Gallegos inquired if the second phase of this process would address Home Owners Associations, more so than just the disclosure of infrastructure cost.

Ms. Coffey stated if the Commission wanted staff to look at that as part of phase two they would.

6:37:59 PM Motion

Commissioner Muir made a motion regarding Petition PLNPCM2009-00749, based on analysis and findings listed in the staff report and heard at the public hearing, the Planning Commission forwards a positive recommendation to the City Council regarding amending the text of the Zoning Ordinance as it relates to Planned Developments, for the following reasons:

- 1. The proposed amendments are consistent with the general purpose and intent of the Zoning Ordinance as stated in Zoning Ordinance section 21A.02.030;**
- 2. The proposed amendments are generally consistent with the factors of consideration for zoning amendments found in Zoning Ordinance Section 21A.50.050.**

Commissioner Hill seconded the motion.

Commissioners Hill, Chambless, Gallegos, Muir, and Wirthlin voted, “Aye”. Commissioner Fife and McHugh voted, “No”. The motion passed.

6:38:55 PM **PLNPCM2009-00807; Deseret Industries Thrift Store Sugar House Conditional Use**—a request by The Church of Jesus Christ of Latter-Day Saints, represented by Craig Ames of PGAW Architects, for conditional use approval to convert the former Circuit City building located at approximately 724 East 2100 South and the lot at 774 East 2100 South into a Deseret Industries thrift store and donation center. The conditional use is required to expand the structure by approximately 7,000 square feet and combining an adjacent lot. This property is located in City Council District Seven, represented by Soren Simonsen.

Chair Woodhead recognized Casey Stewart as staff representative, and Craig Ames and Scott Anderson as the applicants.

7:20:50 PM Public Hearing

Chair Woodhead opened the public hearing.

The following people spoke or submitted cards in *support* of the petition: **Judy Short** (Sugarhouse Community Council) stated neighbors really liked having the D.I. there and were glad they were staying. She stated that they had solved a lot of the problems identified at the community council meeting. One fatal flaw of the plan was that the doors abutting 2100 South led into the office spaces of the D.I. and not into the store, even if one of the doors was a real entrance into the store that would help. She stated that the historic house should be visible so even if it

was to be moved it should still be a presence, and traffic access should be from 800 East and the donation drop off should be on the south side of the building to prevent congestion.

Commissioner Fife inquired what Ms. Short thought about closing the entrance onto Lake Street.

Ms. Short stated she thought that was a great idea.

Commissioner Chambless stated right now the landscape plan of the parking lot resembled a sea of asphalt; he inquired how the Sugarhouse community council felt.

Ms. Short stated the landscaping should be tripled. She stated the applicant thought this was adequate landscaping, but it seemed very minimal.

Jeff Bair (1957 South 400 East) stated he was happy to see someone was planning on using this building. He was excited the façade on 2100 South was going to be more than a wall. 2100 South was a very busy street and exiting onto this street was a really bad idea. He stated that the drop off within the current property was a good way to control this traffic issue. There were piles of donations every morning in front of the current D.I. where people had left donations overnight and other people go through it and make a mess of it on the street. He was afraid that if the exit was on 2100 south, people would drop their donations off there, which would cause a lot of problems. Moving the drop off to the interior of the block would also save the mansion there.

The following people spoke or submitted cards in *opposition* of the petition: **Christian Harrison, Downtown Community Council Chair** (336 West Broadway) stated one of the problems downtown was rear-facing buildings and their detrimental effect on pedestrian traffic. He stated the amount of glass added to the façade was significant and would help pedestrians feel comfortable. He stated the entrance should be on 2100 South; and the doors facing that street should lead into the store and not be for the office.

Ira Hinckley (133 K Street) stated he was concerned this proposal included tearing down a historic mansion. There was no excuse to tear down a piece of heritage, there was plenty of room in the back to add on or restructure so there was room for donation drop offs.

Commissioner Chambless inquired of Mr. Hinckley what he would use the building for.

Mr. Hinckley stated it should be sold; someone might be interested in using it as a home or business.

Chair Woodhead closed the public hearing.

Mr. Anderson stated that the mansion was not a historic building, as far as being listed on any local or national register. It was an office building of which the majority was remodeled in 1988. He inquired if the issue was keeping this building or the 2100 South traffic issue.

Chair Woodhead stated that she had heard both, as well as the 2100 South streetscape and pedestrian access, the drop off location of the donations, and how that would interact with the 2100 South streetscape.

Vice Chair McHugh stated she did not think it was an issue of even moving the building, but that there is room on the property, if this plan was re-thought, without using the house property. Also, not exiting onto 2100 South.

Mr. Ames stated if the house was not part of the equation than it stands on its own, and would be grandfathered in and could be used as is.

Vice Chair McHugh stated she felt that even without the house the amount of property was significant enough to trigger a new conditional use.

Mr. Ames stated the 1995 conditional use was in place and goes with the property.

Mr. Stewart stated if the applicant was not changing the property boundaries or remodeling the building, then they could go forward.

Ms. Coffey stated there were provisions in the zoning ordinance stating if an applicant was modifying a conditional use over 1,000 square feet then it would need some type of approval.

Mr. Ames stated if the addition to the east of the building was not possible, Deseret Industries would make this work in the existing footprint and they would only need to obtain an interior remodel permit, change the signs, and open the business.

Commissioner Wirthlin stated everyone wanted to see improvements to this property, it was terribly planned the first time around and what was being proposed was a huge improvement, but he would like to hear from more Commission members.

Commissioner Muir inquired how a building typically was designated as historical, did it depend on the initiative of the property owner, or did the City go around and decide what pieces of property passed the criteria of historical designation.

Mr. Paterson stated the City Council's position at this point was to not designate a property unless the City had the consent of the property owner. When the City first created historic districts back in the late 1970s the City did nominate homes without that consent and there were issues with that.

Ms. Coffey inquired if Mr. Stewart knew if this house was included in the historic survey that was recently completed in the Sugar House district.

Mr. Stewart stated he did not know if it was or not.

Commissioner Muir complimented Deseret Industries on being great at policing their properties and keeping them clean. He stated his biggest concern was the large amount of parking. The desire in the Sugar House neighborhood was to make it walkable, and to see this D.I. look and operate like a big box store was concerning, especially when a lot of patrons and employees could use mass transit as a means of coming to the store. He stated one of the challenges in the Sugar House area was the scale and size of the blocks without intervening streets, he stated instead of being fearful of a street that ran through the block maybe one should be created with sidewalks to encourage people to use it.

Commissioner Hill stated she felt the entrance should be on 2100 South to promote a community where people could make serendipitous connections up and down the street which is vital to the City. She stated this should be a community building element which would create permeability and pedestrian quality. Traffic entrances and exits should function as pathway connections, with roads that look like and function as streets. She stated she also felt that historic home should not be demolished.

Commissioner Wirthlin stated the way the footprint of this existing building was; he did not see how anyone would destroy their business by moving the main entrance of the building on that north side.

Commissioner Hill stated she agreed there should be an entrance on both sides, but the fact that the applicant was not using the front façade as a main entrance was shocking.

Chair Woodhead stated that seemed to be the most critical issue.

Mr. Ames stated he would agree with Commissioner Muir, the block sizes in the area were too big, and he could not conceive of any serendipitous activity, crossing what had already been identified as a large traffic area, unless street intersections become smaller with more activity, there was not going to be huge amounts of foot traffic across a major arterial street.

Chair Woodhead noted there was some foot traffic on this block east to west.

Commissioner Wirthlin stated the house was not an issue, it had not been designated historic so right now someone could buy the property and tear the house down, so this was not something the property owner should be held to. He stated if someone wanted it they could buy it and move it to wherever they wanted, but his project should not be held up because of that house.

Commissioner Chambless stated given the space, the applicant had the opportunity to create a really nice spot, especially to encourage walkability. He stated the landscaping should be increased to preserve the integrity of the nearby neighborhood by closing Lake Street.

Commissioner Fife stated if the drop off was turned into a U-turn like it was currently at the drop off at the D.I. on 4500 South, then patrons could exit onto 700 or 800 East, which might be something to consider.

Mr. Anderson stated bringing in an employment center was part of the way to justify the additional space added to the existing building, and would be a destination for hundreds of people. He stated the office space abutting 2100 South will function as that employment center and the D.I. offices. If the building was limited than those types of uses would not be able to be in the building. He stated the need for space to accept donations and take them into the building required a flow that can be handled well which would be this design. Another concern was how close the donation area was to the traffic areas, and speed bumps would be put in to aid in the safety of these areas.

Commissioner Muir stated his main concern was the over parking of this proposal. He stated he could support this if there was a maximum parking count. A lot of what the applicant has done is a huge improvement, but 3 ½ to 4 stalls per 1,000 feet would be plenty, roughly about 200 total.

Commissioner Wirthlin inquired if one of the unintended consequences of that would be to push parking into the surrounding neighborhoods.

Commissioner Muir noted that he would also like to see the applicant develop 800 East, with on street parking a well.

Commissioner Gallegos stated there was a lot of discussion by the Commission regarding preservation, which was a big part of this plan, but there were still opportunities for alternatives.

Chair Woodhead inquired of staff if there was a way to add a condition to this with regards to the house on the property, as far as demolition.

Ms. Coffey stated if the applicant were to demolish the house they would have to have a re-use plan, which could be landscaping, so unless the Commission added to their motion language that stated the house should be preserved to mitigate specific issues, that was the only way to accomplish that.

Chair Woodhead stated the impact the Commission would be trying to mitigate was preservation of a historic home, when that home was not designated as such by any City processes.

Mr. Pace stated if the Commission felt so strongly about that specific home, or the Sugar House neighborhood, that this project could not be made compatible with the removal of that home, the Commission could make that motion, but the motion would also have to include why this could not be made compatible.

8:04:40 PM Motion

~~Commissioner Hill made a motion regarding Petition PLNPCM2009-00897, based on testimony from staff, public input, and concerns raised by the Commissioners, the Commission denies the request for conditional use approval to convert the formal Circuit City building located at approximately 724 East 2100 South and the lot at approximately 774 East 2100 South, into a Deseret Industries thrift store and donation center, because the plan is incompatible with the Sugar House master plan standards for walkability and community building components, demonstrates excessive parking, and traffic creates a hazard and impacts the neighborhood negatively and adversely, all of which cannot be mitigated by conditions the Commission is able to impose on the plan as it exists.~~

~~Commissioner Chambless seconded the motion.~~

Discussion of the motion

Commissioner Wirthlin stated he did not see how the Commission could agree that the issues that were raised could not be mitigated. He stated that the Commission's discussion was centered on the fact that they could be. He stated there was traffic before associated with Circuit City and there would not be adverse impacts on the neighborhood, and clearly excessive parking could be mitigated through a condition of the motion, as well as walkability issues.

Commissioner Hill stated she felt the applicant should place a retail entrance on the front of the building, not tear down the historic building, and the donation drop off on the west side or the back of the building. She stated she would be in favor of this petition if those conditions were met.

Commissioner Chambless stated that he would like to add some type of landscape barrier that would prevent a direct east to west thoroughfare for vehicles exiting 700 East attempting to reach 800 East. He suggested also closing Lake Street.

Commissioner Hill stated she would accept a condition regarding the traffic issues and the connection within the property.

Mr. Pace clarified that would mean some kind of a barrier, which would prevent a direct east/west connection from 700 to 800 East.

Commissioner Hill stated it should be some element of design that was more than just speed bumps.

Mr. Pace inquired if the Commission was going to limit the parking, what did they suggest the applicant do with the asphalt leftover.

Chair Woodhead stated it could be left to the applicant to decide what they wanted to use the space for, it just could not be used for parking.

Motion

Commissioner Hill made a motion regarding PLNPCM2009-00897, based on testimony from staff, public input, and concerns raised by the Commissioners, the Planning Commission approves the request for a conditional use approval to convert the building located at approximately 724 East 2100 South and the lot at approximately 774 East 2100 South, into a Deseret Industries thrift store and donation center, subject to the following conditions:

- 1. The applicant shall include a retail entrance on 2100 South.**
- 2. The applicant shall have the freedom to either preserve the building in its current location at 774 East 2100 South or move it, preferably to another location within the site, keeping the historic portions of the house intact.**
- 3. The applicant shall locate the drop off donation area on the west, south, or east side of the existing building, as long as the building at 774 East is not torn down.**
- 4. The applicant shall install a design barrier in the parking lot such that vehicles cannot drive straight through between 700 East and 800 East streets.**
- 5. The maximum number of parking stalls shall not exceed the rate of 4 stalls per 1,000 square feet of gross building area. The applicant may use the extra space as they see fit.**
- 6. In addition to the proposed glass on the north façade, the applicant shall incorporate a minimum of two areas of at least 20 square feet of transparent glass into the west façade.**
- 7. In addition to the bicycle parking spaces proposed, the applicant shall install bicycle parking for at least 4 bicycles along the north façade.**
- 8. The applicant shall consolidate all lots involved with the proposal into one lot via an appropriate City-approved process as determined by the Planning Director.**
- 9. If the applicant purchases the lot at 774 East 2100 south as part of the project and, as determined by the Planning Director, the existing curb cut on 2100 South for the lot is not necessary as a result of moving the building, the existing curb cut for the lot shall be removed and replaced with curb, gutter and park strip to match those on either side.**
- 10. All proposed signs shall comply with all the sign standards for the CB district, or be granted a variance through a separate variance process.**

11. The retention pond in the southeast portion of the property shall remain for both its original intended purpose and to serve as additional landscape buffer for the residential properties on the east side of Lake Street.
12. Final compliance with the conditions of approval shall be delegated to the Planning Director.

Commissioner Chambless seconded the motion.

Commissioners Hill, Chambless, Gallegos, Muir, McHugh voted, “Aye”. Commissioners Fife, Wirthlin voted, “No”. The motion passed.

Chair Woodhead announced a break at 8:21 p.m.

Chair Woodhead reconvened the meeting at 8:32 p.m.

8:32:26 PM PLNPCM2009-00870 The Road Home Conditional Use Permit—a request by The Road Home for a conditional use approval to allow a Homeless Shelter to be located in the St. Vincent de Paul Center for housing of the homeless each year from October 1 to April 15. St. Vincent de Paul Center is located at approximately 437 West 200 South in the D-3 Downtown Zone. The property is in Council District 4, represented by Luke Garrott.

Commissioner Gallegos stated he had a business relationship with the petitioner, and was a former board member of The Road Home.

Chair Woodhead inquired if Commissioner Gallegos could address this petition objectively.

Commissioner Gallegos stated he felt like he could without bias.

Chair Woodhead inquired if any member of the Commission felt Commissioner Gallegos should recuse himself.

Commissioner Chambless stated he did not see a problem, the Commission agreed.

Chair Woodhead recognized Bill Peperone as staff representative.

Mr. Peperone stated the petition was for the dining area of the shelter to be used as overflow during the winter months. The applicant had requested that winter months be defined as October 1 through April 15, this depending on the weather. He stated the idea was that The Road Home would first be used as a shelter facility, which could sleep up to 600 people. If there was a need for more shelter, people would be bused from the St. Vincent de Paul center to Midvale, where they could sleep another 350 people, and if there was still further need the dining area would be used, which could sleep another 80 people. He stated that in previous winters the overflow was needed.

Mr. Matt Minkevitch, Executive Director of The Road Home, stated their agency had provided a sheltering service throughout the course of the winter and the trigger for that was temperature. He stated they would not operate fully through April 15 if it was warm outside. There was an increased by 37% this last year in the number of people that used this facility as an emergency shelter. Most alarming was the increase in the number of families who are turning to The Road Home.

Chair Woodhead stated she lived in Poplar Grove and walked home several times a week and in the past year it had become more frightening in this neighborhood, more drug deals, a lot more garbage on the street, and fights. She inquired if Mr. Minkevitch knew why this had gotten worse recently.

Mr. Minkevitch stated there were a lot more people on the street this year. He stated The Road Home cooperates and collaborates with local law enforcement, and there was an ebb and flow to some of these activities, but it might also be helpful to revisit those collaborations to see what could be done.

Commissioner Chambless inquired if given expected changes in demographics there would be a greater need for shelter services.

Mr. Minkevitch stated there will probably always be members of the community who experience a onetime episode of homelessness and have circumstances beyond their control, which propelled them into that situation. He stated that currently 88% of those who had used the shelter within the course of the last five years were in this category. He stated there were others in a more chronic state of homelessness and the extent to which solutions were developed for that smaller percentage could greatly affect the configuration of the sheltering system as a whole. He stated that affordable housing in the future would make the difference; a lot of problems a family experiences vanish when they get out of the sheltering system and back into housing.

Commissioner Chambless inquired if law enforcement was adequate enough to work to achieve the goals of safety in the neighborhood.

Mr. Minkevitch stated their collaboration with the Salt Lake City Police Department was very healthy; they used the shelters surveillance system and had a presence on the Rio Grande Corridor. Yes, it would be better to have more officers on the beat, but that was probably more of a budget challenge.

8:57:01 PM Public Hearing

Chair Woodhead opened the public hearing.

The following people spoke or submitted cards in *support* of the petition: **Dennis Kelsch** (437 West 200 South) program manager for St. Vincent de Paul, stated without this program certainly lives would be lost because of the patrons inadequacies, so he supported this petition a great deal.

Pamela Atkinson (2040 Princeton) stated back in 1996-97 a lot of homeless died because of the low temperatures. She stated that the City of Midvale stepped in to help with additional sheltering, but they would not take in any who were inebriated, but St. Vincent de Paul would, so this petition was necessary.

James Woolf (432 9th Avenue) Director of Operations for The Road Home, stated that two times a day his staff cleaned up the neighborhood around the perimeter of the building. He stated this service was needed for the winter months, and he supported the petition.

Jason Mathis (175 East 400 South) Executive Director of the Downtown Alliance, stated the concerns of residences and businesses in the area were serious, this neighborhood carried a heavy burden; however, the Downtown Alliance had chosen to support The Road Home. He stated he wanted to be clear that the board members were not residents of downtown, they were commercial property owners. He stated that either The Road Home was allowed to continue to operate their shelter or residences and businesses in the area could find homeless people passed out, drunk, or dead on their doorsteps in the morning, so the choice seemed very clear. Sometimes it

was easy to blame the challenges associated with homeless people on The Road Home, which was a little like blaming a doctor because you are sick, or blaming the fire department because your house is on fire. They are trying to provide a valuable service for the entire community. He stated solutions could be removing the liquor store from the area, or at least limiting the hours, downtown is the only liquor store in the state open until 10:00 p.m. which seems odd. He stated that an increased presence in the downtown area was valuable, as well as supporting Salt Lake City's panhandling ordinance.

Commissioner Muir inquired if Mr. Mathis felt this location was a long term solution for this facility.

Mr. Mathis stated he did not, in fact the Downtown Alliance board did say they would support this use only for this year and possibly for a few additional years.

Commissioner Muir inquired if the board was actively working with the City on this issue.

Mr. Mathis stated they had regular conversations with Frank Gray along those lines; there is a great sense of frustration that solutions have not happened sooner. He stated many members of the board felt that one solution would be as property values rose in the neighborhood it would be helpful for these social service organizations to sell their property and move where property was not quite as valuable, giving them additional resources to help execute their mission.

Commissioner Muir inquired what Mr. Mathis felt The Road Home could do to help expedite that.

Mr. Mathis stated it would be helpful if the Planning Commission adopted a formal resolution stating the Commission would look for opportunities to find social service providers in other neighborhoods—and to also lift zoning requirements that stated only the central business district could offer some of these services.

Chair Woodhead inquired if limiting this petition from five (5) to three (3) years would help.

Mr. Mathis stated it was good to recognize this was not a long term solution, in fact one of the great successes The Road Home had was finding long-term housing for people who were chronically homeless, and anything the Planning Commission could do to help them with that would be really beneficial.

Chair Woodhead stated she had a scenario that when the City Creek project opened it might have a negative impact on the Gateway. She stated there were a lot of small businesses that had really struggled and inquired if the Downtown Alliance had a sense of what was going to happen in the Gateway neighborhood, and what the prospect for businesses in this area would be.

Mr. Mathis stated in the past six months about 24 new small businesses had opened up in the downtown area that had been successful near the City Creek project. He stated that ideally when people came downtown in the future it would not be an either or destination it would be to go to both the Gateway and City Creek projects.

Commissioner Gallegos stated it would be a good idea for the Planning Commission to get a briefing from Frank Gray on what the future plan was for these areas, and some possible solutions.

Chair Woodhead stated that would be a great idea.

Mr. Mathis stated he was disappointed the Planning Commission had denied the Rescue Mission's application; it seemed they had found a solution which was market based and would be better for them and their clients, and it

was the natural progression of the neighborhood, so it seemed counter-productive for the Planning Commission to deny that petition.

Commissioner Chambless stated relocation was only a shifting of the problem; it was not solving the problem.

Mr. Mathis stated dividing up the concentration of social services was helpful, in the past co-locating had made some sense, but it did place a great burden on one neighborhood.

Mary Gordon (Jade Market Business Owner) stated there was a huge concentration of services in the area and should be spread out to alleviate the intensity felt in the neighborhood. She stated as far as how many years should be applied to the petition a one year limit should be it, which would force the providers and those in the neighborhood to keep working in tensely on this issue for that time period.

The following people spoke of submitted cards in *opposition* to the petition: **Christian Harrison** (Downtown Community Council Chair) stated the people at The Road Home and St. Vincent de Paul were good people doing a good work. He stated for 30 years the 84101 neighborhood was in large the only zip code in the State doing this work, and now the neighborhood had the chance to inject their opinions and assert their expectations, which was that this service could not continue to operate as it had in the past. He stated this neighborhood was ground zero for all the anti-social and illegal behavior in the neighborhood, and needed to be remade a walkable area, which was not possible with these types of behaviors. One of the statements made by the applicant was this was the only option, which was not true; this was just the easiest option for them.

Mickelle Weber stated she lived at worked in the 84101 area and served on the Downtown Community Council. She stated that nobody wanted to see people out on the street freezing, but after years of abuse by the applicant and other homeless providers of their influence, and the bleeding heart nature of the community, there was no other choice than to oppose this. She stated the effects of these types of services were creating a detrimental effect on the neighborhood and there was no interest from these services to lessen that effect. Five years was too long, this was the second year in a row the applicant had “no other choice” please give consideration why everyone else in the neighborhood but the applicant was required to be a good neighbor. She stated these concerns were raised with the Salt Lake City Police Department, who had responded by saying this was a very low priority, these issues might not be illegal, but they were things that you would not want done in your yard or neighborhood.

Commissioner Chambless inquired of Ms. Weber what the solution was.

Ms. Weber stated the neighborhood was being reasonable in asking the applicant to partner with the neighborhood, even a number to call to let the applicant know that their patrons were affecting neighborhood properties and businesses.

Chair Woodhead closed the public hearing.

Mr. Minkevitch stated the burden in the Downtown Community council area was recognized, and the civility of their discourse was much appreciated. As far as solutions to this issue in relation to the St. Vincent de Paul center, if the detoxification center had more beds and a receiving center that could take a larger amount of people that would really reduce the number of people to provide shelter to, which might take longer than a year, but an increase would certainly help. He stated Mr. Harrison had made a comment about their service taking small steps and incrementally always looking for more; however, the development of Palmer Court, a 180,000 square foot former hotel, that was converted into 201 apartment units, including sixty (60) rent-by-the-week, in partnership

with the RDA to help provide an alternative for the housing which would be lost over at the Regis and the Cambridge is anything but a small step, it 201 big strides toward a solution.

Mr. Pace inquired if the applicant was familiar with the conditions recommended in the staff report, and if he agreed to those.

Mr. Minkevitch stated he had reviewed them with staff and felt they could comply with those conditions.

Commissioner Fife agreed one year was not enough time, but he would like the applicant to come back before the Commission next year and share what progress they were making toward solving this problem.

Commissioner Gallegos stated that to only allow for this conditional use one year at a time, put the applicant at a disadvantage regarding their future plans and development of the resources in which their services provided.

Commissioner Wirthlin stated he would agree one year would be short sighted and would not accomplish what needed to happen given the current economic crisis. He stated a conditional use shall be approved if reasonable conditions are imposed or can be imposed to mitigate detrimental effects and issues. He stated the Commission had heard a lot regarding detrimental effects in the neighborhood, and the conditions listed do mitigate those.

Commissioner Hill stated she was still upset about the disturbing images the Downtown Community Council provided. She stated lives were going to be lost if homeless people were not taken care of in the winter, but what about the lives that would be lost at the hands of the homeless people—those hurt, beat up, possibly killed by those on the streets. She stated the City and community supported the homeless population and it was disturbing to her. She stated she would like to deny this request all together because something needed to change, and this use should only be granted for one year.

Commissioner Muir stated he shared Commissioner Hill's perspective; this issue should be made an important objective of our community to bring about a solution. He stated that with the economic potential of that area this should be marshaled to the benefit of the community, which was possible. He stated a five year window was too long given the past track record within this community; they would default to the least avenue of resistance.

Chair Woodhead stated if the City wanted businesses to exist in this area they needed to make it more walkable, which meant these facilities could not exist in the heart of that. She stated the conditions of approval would be helpful, but they did not have anything to do with solving the long-term problem.

Commissioner Wirthlin agreed this petition was not a long-term solution; however, there seemed to be a sense among some to demonize the homeless people and it was wrong to make such a large generalization, but it was not only homeless people that were beating up everyone and causing all the problems that were being discussed.

Mr. Pace stated that often conditional uses were approved with conditions, but then nobody checked later on to see if they were being complied with, and an annual review would require staff and the applicant to monitor if the conditions were actually being followed.

Mr. Peperone clarified the Planning Commission would not be one of those reviewing boards on that annual review; the motion would need to add that aspect.

Commissioner Gallegos inquired if that was the case could the conditions be altered at a later date.

Mr. Pace stated the way the conditions were written currently, staff would review the compliance.

Vice Chair McHugh stated she would like the Planning Commission to be involved in this process.

Mr. Pace stated he was concerned about the direction of dialogue amongst the Commissioners because there seemed to be a suggestion that it was the applicant's responsibility to find the long term solution for the relocation of homeless services. He stated the current application was for an emergency winter overflow shelter and whether that was approved or not, there would be a homeless shelter across the street that existed and would continue to exist. The Commission needed to look at what the adverse impacts were of this proposal and establish if they could be mitigated.

Chair Woodhead stated the purpose of the expiration date within this staff report was to promote discussion about moving the homeless shelter.

Mr. Pace stated he was only making sure the applicant agreed to the timeframe and the other conditions, which they had.

Commissioner Hill inquired if the Commission approved this with the conditional use expiring in two years, a review by the Planning Commission, and the dining area may only be used as an overflow facility.

Mr. Pace inquired what the adverse impacts were of having this additional overflow and how could it be mitigated or not.

Commissioner Hill stated the conditional use was for five years, but it is more than likely that the problems have not been solved within that timeframe.

Mr. Peperone stated the five year time frame was to motivate the City to work on this issue, not the applicant. He stated that the Zoning Ordinance clearly stated what the City's attitude was regarding this issue. Homeless services were only allowed in two zones: D-3 and CG. To relocate this facility somewhere else within five (5) years, there was going to have to be a major education process regarding City officials to decide what other zones would be suitable. He stated he did not see that happening within a year or two, which was why he suggested the conditional use last five years.

Mr. Pace stated if the Commission wanted to discuss this further they could choose to move to Executive Session.

Vice Chair McHugh stated Mr. Peperone just spoke to the two zones and what it would take to motivate the City to act, not the applicant. She stated this advice should be taken.

Chair Woodhead announced a break at 9:49 p.m.

Chair Woodhead reconvened the meeting at 10:03 p.m.

Chair Woodhead stated she wanted to convey to the applicant that the Commission appreciates the work that they do.

10:04:24 PM **Motion:**

Commissioner Wirthlin made a motion regarding Petition PLNPCM2009-00870, based on the discussion, public hearing, staff report, and discussion amongst Commission members, the Planning Commission approves this application for a conditional use subject to the following conditions:

1. The applicant is required to submit to the City a security and maintenance plan. The security and maintenance plan may be approved by the Zoning Administrator with input from the Police Department.
2. The clients of the St. Vincent de Paul center must be continuously visually monitored by on-site staff or by closed-circuit video camera.
3. The Conditional Use Permit shall be reviewed on a yearly basis for compliance with the conditions of approval. The yearly review will be performed by the following City departments/divisions: Fire, Police, Planning, and Building Services.
4. Lining up for entrance into the St. Vincent's shall not begin prior to 6:00 p.m. nightly.
5. The Conditional Use shall expire on April 15, 2014. The applicant would be required to re-apply for a new Conditional Use approval if continued use of the dining area as a homeless shelter is desired.
6. The dining area of St. Vincent's may only be used as an overflow facility for the homeless once The Road Home and the Midvale homeless shelter have been filled to capacity, with the exception of those individuals who are impaired and unable to be bused to Midvale.
7. Building modifications as required by the Fire Department must be completed prior to use of the dining areas as sleeping space.

Commissioners Chambless, Gallegos, Wirthlin, and McHugh voted, "Aye". Commissioners Fife, Hill, Muir voted, "No".

The meeting adjourned at 10:05 p.m.

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Tami Hansen