

SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, August 25, 2010

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

A field trip was held prior to the meeting Planning Commissioners present were: Frank Algarin, Vice Chair; and Commissioners Charlie Luke and Michael Fife

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called 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; Joel Paterson, Planning Manager; Janice Lew; Senior Planner, Ray Milliner: Principal Planner and Doug Dansie; Senior Planner, Paul Nielson, City Attorney; and Angela Hasenberg, Senior Secretary.

Field Trip Notes (Taken by Joel Paterson)

Planning Commissioners visited the Salt Lake Clinic located at 333 South and 900 East. Planner Doug Dansie described the proposed project highlighting the following issues.

- Entrance to site from 300 South
- **Entrance to 400 South between residential properties near base of the “S” curve on 400/500 South.**

The Commissioners noted the following:

- Landscaping
- Open space
- Major entrances to the building and site.

Planning Commissioners visited the are to be rezoned; the properties south of OC Tanner between 2000 South and 2100 South and between State Street and Main Street. Planner Ray Milliner described the project highlighting the following:

- Opposition of several property owners along 2100 South
- Existing and Potential uses that would be Non-Conforming.

The Commissioners asked the following:

- What was the current zoning
- Why was the rezone proposed
- What would be a Non Conforming use

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Approval of Minutes from Wednesday, July 28 as amended.

Commissioner Woodhead made a motion to approve the July 28, 2010 minutes as amended. Commissioner Wirthlin seconded the motion. Commissioners voted, “Aye”. The motion passed unanimously.

[5:44:20 PM](#)

Report of the Chair and Vice Chair

Chair De Lay stated that there was nothing to report at this time.

[5:44:22 PM](#)

Report of the Director

Mr. Sommerkorn stated that the only item to report was the action the City Council took on the Zoning on Emigration Court where the zone on one frontage and are waiting on the other frontage. The Zoning for the Sports Complex had been approved by the City Council as recommended by the Planning Commission.

Briefing

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Chair De Lay noted that the need to create a subcommittee regarding the Yalecrest Overlay district was made unnecessary and there would not long be a need for a meeting in that regard.

PLNPCM2010-00229: Salt Lake Clinic - A request by INC Health Services, Inc. for a zoning map amendment to change the zoning at approximately 333/349/365 South 900 East and 911/933/937 + 959/963 East 400 South from I (Institutional), RMF-45 (Residential Multi-Family) and CC (Commercial Corridor) to UI (Urban Institutional). The applicant wishes to reconstruct the Salt Lake Clinic in a more urban form.

Chair De Lay recognized Doug Dansie as staff representative.

Mr. Dansie presented a PowerPoint presentation. He stated that basically this would be an introduction to this project which was a rebuild of the Salt Lake Clinic. He noted that this item would be on the next agenda as a public hearing.

Steve Dibble, Director of Facility Planning and Development for Intermountain Health Care spoke. He stated that they are proposing to change the zoning from Institutional to Urban Institutional. The Salt Lake Clinic has been absorbing properties and it is their hope that they will be all zoned the same, and has the properties be consolidated.

The Salt Lake Clinic was initiated in 1914 and in 1959 they moved to the current site and built the current building. In 1995, they became associated with Intermountain Health Care. During the last fifty years, the building has served well, but the City Building Officials have asked for major changes because there were many code issues. It was their proposal to rebuild the **building in its' existing location.**

Mr. Dibble presented a PowerPoint that detailed the specifics of the building plan.

Questions from the Commissioners:

[5:53:19 PM](#)

Chairperson De Lay asked about a neighborhood plan.

Mr. Dansie stated that it was background material.

Chairperson De Lay asked about safety concerns about the 4th South entrance.

Mr. Dibble stated that nothing had been decided yet.

Chairperson De Lay asked about the 3rd South entrance, and shifting the employee entrance to 9th East.

Mr. Dibble stated that currently there is a lot that is owned by IHC that is being used for surface parking on the North side and the proposal is to allow the staff to exit and enter through that location. He noted that the local Episcopalian congregation uses their lot on Sunday, and they would like to continue that practice.

Chairperson De Lay inquired about sustainability features.

Mr. Dibble stated that they are hoping for a silver rating.

Commissioner Fife asked about trees on the top level of the parking deck.

Mr. Dibble stated that was true.

Mr. Fife asked about open space on 9th East and whether it was permanent.

Mr. Dibble stated that the area is for future expansion. He added that there will be an Urgent Care Facility as part of this location.

Chairperson De Lay asked what the demographic served in the area was.

Mr. Joel Macy, Director of the Salt Lake Clinic answered responding that the Salt Lake Clinic is considered a multi-specialty facility that offers primary care as well as sub specialty care such as rheumatology, endocrinology and general surgery and a pharmacy.

Chairperson De Lay stated that the public hearing would be September 8, 2010.

Public Hearing

[5:59:03 PM](#)

PLNPCM2009-00346: Zoning Map Amendment: A request by Mayor Becker to amend the Salt Lake City Zoning Map for properties south of OC Tanner between 2000 South and 2100 South and between State Street and Main Street. The proposed Map amendment would change the current zoning from Business Park (BP) to Residential Mixed Use RMU-45 and Commercial Corridor (CC) to Residential Mixed Use RMU zone.

Chairperson De Lay recognized Ray Milliner as staff representative.

Mr. Ray Milliner stated that the application before the Commission is a Rezone request for the area at 2100 S. between Main Street and State Streets. The reason for the request was that approximately a year prior an individual came to the **Mayor's** office with a request to make changes to their property and it was noticed that it was zoned BP which is a zone that requires a minimum of five acres to do any kind of work, which would make the properties in the area ineligible for expansion or redevelopment. The Mayor stated that it would be appropriate to initiate a rezone for this area and that the Master Plan for the area calls for this entire area to be rezoned to a transit oriented zone. In addition to the BP area, another area was requested as well.

Staff had reviewed the information and had discussed the rezone with property owners. The **property owners have many concerns, primarily that the RMU would represent a "downzone"** from what it is currently existing on the property to the mixed use. Individuals have stated that they purchased the property specifically because of the CC zoning and they would like it to stay CC.

Questions from the Commissioners

[6:02:33 PM](#)

Commissioner Woodhead asked if they do the zone change, can property owners who want to do more complex developments do something with a planned unit development or some other process that would accommodate something larger in the RMU zone.

Mr. Milliner responded that he supposed they could. He stated that there would be issues involved; it would not be an ideal situation for a property owner to be functioning as a non conforming use.

Public Comments:

[6:03:59 PM](#)

Nick Powell stated his opposition.

Kent Powell spoke stating that he owned the corner of 2100 South and Main Street for over **twenty years. He stated he bought the property because of it's location and zoning.**

He bought the property to run a business to support his family, and eventually be able to retire and sell the property. He believes the rezone will affect negatively the resale of his property by 30-40%.

He stated that zoning has the right to vote on a contingency zoning to be able to fit into the budget or building plans. He would still have the CC zoning if he decided to sell his property. **He believes it's unfair** to change from commercial to residential.

Commissioner Woodhead stated that the zoning change would not be residential but mixed use.

Mr. Powell asked if he could sell his property to a person with a business like his, could he do it with the rezoning.

Mr. Milliner responded that they could do that, but it would be a non conforming use in the zone, which would be subject to chapter 38 which is the non conforming uses. The use would be

allowed to continue until such time as it was abandoned or the uses were changed. Mr. Milliner stated that the ability to function as a non conforming use would transfer to the new owner.

The Commissioners debated the zoning issues.

Robert Sherwood, franchise owner of Subway Sandwiches on 2100 South State Street. He stated that as a franchisee he ownly owns a business that is worth a value. The second that it becomes Mixed Use, or Residential Mixed Use, the business loses the value.

Director Sommerkorn clarified that in that area, a restaurant is considered a Mixed Use.

Chairperson De Lay noted that the limit of types of use causes issues with resale.

Mr. Sherwood brought up the deterioration of the residential areas surrounding the zone change. He suggested that perhaps a better solution would be to add more businesses.

Mr. Milliner stated that the primary purpose stated when the Planning Commission and City Council redid the Master Plan was to create a more walk- able and more viable mixed use in the neighborhood as it related to the trax station on 2100 South and 3rd West. The idea was to attract more people to walking, living and operating in the area to add vibrancy to the area.

Commissioner McHugh noted that the County Complex was across the street. She noted that restaurants would be necessary.

Mr. Milliner directed the Commissioners to the last page of the staff report and referred to a map there were two sections and one was a priority, and one was secondary. He stated that there could potentially be a recommendation to the City Council that the CC zone remain as it is, and that BP be changed. He noted that they had that latitude.

Ms Cindy Cromer stated that she was addressing the issue because of the historic resources. She stated that she thought it was wonderful that the City was initiating a petition that fixed it own mistake. The negatives were that there was no planning for the historic homes along Redondo, which have the potential for redevelopment. She stated that the neighborhood is too far away from trax to promote transit oriented development. She feels this is a piece meal approach.

Kurt Umphrey, owner of Jiffy Lube. He purchased a new lot in order to move his current business, Jiffy Lube, because South Salt Lake changed the zoning. He stated that the change in zoning would prohibit him from using the land the way he intended.

Close of Public Hearing:

[6:24:04 PM](#)

Discussion:

Commissioner Dean asked about the lot sizes on Redondo.

Mr. Milliner stated that the lot sizes are approximately one tenth of an acre.

Commissioner McHugh said that she is not in favor of changing the CC zone.

Motion:

[6:28:12 PM](#)

Commissioner Wirthlin made a motion in regard to PLNPCM2009-00346: Zoning Map Amendment in respect to the rezone between State Street and Main Street and 2000 South and 2100 South. The Planning Commission would like to forward a positive recommendation to the City Council to change the BP zone to RMU-45, and a negative recommendation to change the CC zone to the RMU-45.

Commissioner Luke seconded the motion.

Commissioners Gallegos, Wirthlin, Luke, Dean, McHugh, Fife, Woodhead and Algarin all voted “aye” the motion passed unanimously.

Public Hearing

PLNPCM-00376: Zoning: Text Amendment- A request by the Salt Lake City Planning Commission for a text amendment to grant the Historic Landmark Commission the authority to initiate petitions to amend the Zoning Ordinance and Zoning Map relating to historic preservation issues. This is a citywide policy issue affecting all City Council Districts.

Chairperson De Lay recognized Janice Lew as staff representative

Ms Lew stated that this was a petition that was initiated by the former Assistant Director of Planning, Pat Comarell.

Three changes in the ordinance were proposed.

- Chapter 6: Decision Making Bodies and Officials: this would add language that the Historic Landmark Commission could initiate petitions.
- Chapter 2: Amendment, changing the language to include that a member of the Historic Landmark Commission could initiate petitions.
- Chapter 34: Overlay Districts, more specifically, the Historic District Overlay. Within that, the historic designation of Historic Districts, the language would modify what was originally there it talks about the Historic Landmarks Commission forwarding recommendations regarding designations to the Planning Commissions as well as the City Council.

Ms Lew asked that if the Planning Commission concurs with the staff analysis and findings in the staff report, Staff recommends that the Planning Commission forward a favorable recommendation to the City Council.

Public Comments:

[6:31:25 PM](#)

Cindy Cromer spoke in support of the item.

Ms Lew stated that the Historic Landmarks Commission forwarded a favorable recommendation. She noted that she received an email of dissent from Jen Bennion.

Close Public Hearing:

[6:33:17 PM](#)

Comments:

Mr. Sommerkorn stated that this was basically a change in semantics, the ordinance states that the proposals to create a historic district the application is to be prepared by the Historic Landmarks Commission, forwarded to the Planning Commission and then would become a petition. The difference is in the terms application and petition.

Commissioner Gallegos asked Ms Lew about page 7, paragraph C, it says that, “any individual organization can request a Historic Landmark Commission consider initiating a petition.” Does that mean that anyone, even someone who is not a property owner?

Ms Lew stated that it could be an organization as well. She stated that it would be under the zoning process and have to be under the review process.

City Land Use Attorney Paul Nielson stated that the Historic Landmark can refuse any request.

Motion:

[6:35:07 PM](#)

Commissioner Fife made a motion in regard to PLNPCM-00376: Zoning: Text Amendment, giving the Historic Landmark Commission authority to initiate petitions he moved that they forward a favorable recommendation to the City Council to make the zoning text amendment.

Commissioner Dean seconded the motion.

Commissioners Gallegos, Wirthlin, Luke, Dean, McHugh, Fife, Woodhead and Algarin all voted “aye” the motion passed unanimously.

Meeting Adjourned

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