

SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, December 8, 2010

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

A field trip was held prior to the meeting Planning Commissioners present were: Michael Fife, Michael Gallegos, Mary Woodhead and Charlie Luke. Staff members in attendance were Nick Norris, Elizabeth Reining, Maryann Pickering, Ray Milliner and Lex Traughber.

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: Wilf Sommerkorn, Planning Director; Nick Norris, Planning Manager; Elizabeth Reining, Principal Planner; Maryann Pickering, Principal Planner; Ray Milliner, Principal Planner; Lex Traughber, Senior Planner; Paul Nielson, Land Use Attorney; and Angela Hasenberg, Senior Secretary.

Field Trip Notes:

PLNPCM2010-005914: 1229 E South Temple: Staff gave an overview of the proposal. Questions from the Commissioners regarded parking and if the property was used for residential purposes.

PLNSUB2010-00692, Mt. Olivet/Roland Hall – St. Mark's School Subdivision: Staff gave an overview of the proposal located at 1443 E. Sunnyside Avenue.

PLNPCM2010-00672 Harmon's Grocery Store Planned Development: Commissioners visited the site of the proposal for a new Harmon's, located at 1706 E 1300 South. Questions from the Commissioners included noise from the cooler and glazing issues.

PLNPCM2010-00561 Neff Rezoning: 163 West 1700 South. The Commissioners asked about neighborhood opposition.

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Work Session

1. Mayor Ralph Becker spoke on his vision for a green city. He thanked the Planning Commission for the great work and effects that the City was seeing.

Mayor Becker stated that the work on sustainability was one of the most important issues regarding the future of the City. He added that sustainability and livability were interchangeable terms. He discussed the era of suburban development and noted that it was not sustainable and that the City could not use the same resources, financial resources, energy resources or environmental effects and continue in a sustainable way for our communities.

Items of interest:

- Lessening dependency on fossil fuel
- Reducing air pollution and carbon emissions
- Self sufficiency, gardens and urban agriculture
- Waste, divert 50% of waste in our landfill by 2015
- Allow people to create their own energy
- Public Safety Building, net zero building that produces as much energy as it uses
- Transit Oriented Development and Street Cars
- Accessory Dwellings

The Mayor stated that he was aware that community was wary of the changes, and addressed the benefit of the Planning Commission and the benefits to creating a balance.

2. Clarion and Associates discussed the progress of the Sustainable City Code Initiative project.

- Bundle Three Amendments
 - Parking Options and Transportation Demand Management
 - Outdoor Lighting
 - Recycling and Waste Reduction
 - Housing Diversity

3. Outdoor Advertising.

Senior Planner Doug Dansie discussed issues regarding three future petitions that dealt with off premise advertising.

- Transit Shelter Advertising
- Existing Bill Board Ordinance
- Electronic Bill Boards

Mr. Dansie stated that the YESCO Company had offered a seminar/field trip to the Commissioners time and date would be arranged dependant on time and availability of the Commissioners.

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Approval of the Minutes

Commissioner Gallegos stated that he would like to make a clarification on the November 10, 2010 Minutes. He clarified that on page 8, it was it was the intent of the Commission to include the request to include the subdivision.

Commissioner Gallegos recalled the motion.
Second by Commissioner Wirthlin

New Motion: With regard to petition PLNPCM2010-00088, based on the findings presented by staff and staff recommendations, the Planning Commission declares surplus the 1.385 acre property between 700 West and 800 West on 900 South and forward a recommendation to the City to dispose of the property in a manner consistent with section 2.58 of the Salt Lake City Code specifically in regard to PLNSUB2010-0089, based on the findings presented in the staff report the recommendation by the Planning Commission approves the request for the subdivision at approximately 800 West and 900 South with two conditions, 1. The final plat is required and must be recorded with the County within

18 months of this approval, 2. All requirements found in the department and division comments must be satisfied.

Commissioner Wirthlin seconded the motion.

Vote: Commissioners Drown, , De Lay, Gallegos, Hill, Luke, McHugh, Wirthlin, and Woodhead all voted “aye”. The motion passed unanimously.

Approval of the Minutes:

Motion: Commissioner McHugh made a motion to approve the minutes as corrected.

Commissioner Luke seconded the motion.

Vote: Commissioners Drown, De Lay, Gallegos, Hill, Luke, McHugh, Wirthlin, and Woodhead all voted “aye”. The motion passed unanimously.

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Report of the Chair and Vice Chair

Chairperson Fife stated he had nothing to report.

[6:43:34 PM](#)

Report of the Director

Mr. Sommerkorn informed the Commission that the City Council had a briefing at a prior meeting in regard to the request for extension of the approval time period for Mount Olivet Cemetery and the federal land issue surrounding it. They would be considering that extension beyond the end of this year at their meeting of the following week. A related item was on the agenda which dealt with a subdivision. The City Council had considered an extension of the deadline on that particular ordinance.

Mr. Sommerkorn stated that the intention of the Planning Division was to provide a briefing in regard to the petitions that were pending for the Yalecrest neighborhood. There was one petition to designate the neighborhood as a Local Historic District; another petition proposed some changes to the Yalecrest Overlay District. The briefing should occur on January 26, 2011.

Mr. Sommerkorn stated that Chairperson Fife has asked Planning staff to categorize our agendas into two categories, administrative items, and legislative items.

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Public Hearing

Chairperson Fife gave procedural instructions for public commentary. He explained the difference between administrative and legislative items.

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PLNPCM2010-00672 Harmon's Grocery Store Planned Development - A request by Harmons Grocery for a planned development of a grocery store at approximately 1706 E 1300 South in the CN (Neighborhood Commercial) zoning district and in City Council District 6, represented by JT Martin. The planned development request includes modifications to building and parking setbacks, fence regulations and sign regulations.

Chairperson Fife recognized Planner Elizabeth Reining as staff representative.

Ms. Reining stated that over the summer, Harmon's purchased the Emigration Market located at the corner of 17th East and 1300 South. As part of renovations, and preparing to reopen the store, the applicant had applied for a Plan Development application that included keeping and expanding two non-compliant structures, constructing a non-compliant fence and adding two non-compliant signs.

Ms. Reining offered a PowerPoint presentation that showed two elevations. She discussed the glazed transition that had been proposed by the applicant that would be from 4.5- 5 feet above the sidewalk grade from translucent glazing to transparent glass.

The second non-compliant structure was an existing cooler in the rear yard set-back which runs along the eastern property line. Harmon's was proposing to remove the cooler and in its' place, place three larger coolers that would run along the property line and the single family residences.

The non-complying fence would run between the coolers and the single family residences, the fence, at times, would run 9 feet 6 inches and Harmon's side. The fence height would be at the behest of the impacted neighbors. Other portions of the wall would be 5 feet 7 inches and 6 feet 6 inches, with four feet going toward 1700 East. To further dampen the effects of the wall, Harmon's was providing landscaping to the impacted neighbors.

The last portion of the Planned Development was a request to add two additional Harmon's signs to the structure that would be over both the entrance vestibules one would be on 1700 East and the other the interior parking lot. Currently the applicant cannot do that because of the Emigration Market sign on 1700 East, which they hoped to keep.

Commissioner McHugh noted the benefit of keeping the sign was its historic significance.

Ms. Reining showed pictures of the intended layout of the store,

Ms. Reining added that staff supports the Planned Development because not only would it be a benefit to the surrounding community, but also it generally met the Planned Development standards. Staff differed in one situation, and that would be the height of the transition from translucent glazing to transparent glass, staff felt that it was lower toward the ground on 1700 East, that would create more of an inviting feel for pedestrians who would walk along 1700 E.

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Questions from the Commissioners

Commissioner McHugh asked about the parking stalls issue and pet rest areas.

Ms. Reining answered that the City requires twenty eight parking spaces for a store of that size, but because the applicant was offering pedestrian amenities, four bicycle racks, two pet waiting areas, and provides transit passes to their employees, it allowed for a partial parking reduction that allowed only twenty one parking spaces, and therefore met the requirement.

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Comments from the Applicant

Gene Peterson, President and CEO of Harmon's spoke on the matter. He stated that the Harmon's company was quite proud of the project and believed that they have done the project right. He stated that they believed that they had met the needs of the community; it was his hope that it would become a model for other smaller communities within the state, Harmon's goal was to promote the "neighborhood store" concept. He added that the store would be a full size supermarket inside of a 10,000 square foot store.

Commissioner McHugh offered that the glazing might be for a work area that pedestrians could look into.

Mr. Peterson stated that that was correct, that there would be a wall that would need to support utilities; therefore the view at the lower level would have been blocked.

Commissioner Woodhead asked what the downside to adopting the suggestion of staff to require that the glass be transparent at the lower level.

Mr. Muir stated that there was not necessarily a down side, but that the public would be able to see the backside of equipment.

Commissioner De Lay asked what the applicant's preference would be.

The applicant stated that he felt it would be appropriate to follow the line of the top of the work table, which would be approximately 33 inches to 35 inches high as seen from the inside.

Mr. Muir stated that they were looking for a gradated pattern from obscure to clear.

Commissioner Drown asked about the signage on the building. She stated that she appreciated that they were keeping the historic sign of the Emigration Market, and asked if the new sign would have the same font and be located under the current Emigration Market sign.

Mr. Peterson answered that no, the Harmon's sign would be only above the entry way in the parking lot. He added that they would like the Emigration sign to stand alone and be as it is.

Mr. Muir added that Harmon's had several meetings with the Community Councils in the area, and that the feedback was that they wanted to maintain the Emigration Market sign. He said that Harmon's was committed to creating walk- able configurations with local grocery stores.

Mr. Muir stated that Harmon's had been all over the world looking at model stores, and want it to be a special store.

Chairperson Fife noted his appreciation that a grocery store would fill the space, and that it was unexpected.

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Public Hearing

Jim Westerhaus, a resident spoke in favor of the project.

Chris Eisenberg, a resident, spoke in support of the proposal. He stated that the store had significant historical value, and that a grocery store was very important to the neighborhood.

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Close of Public Hearing

[7:01:30 PM](#)

Motion

Commissioner Wirthlin moved that in the case of PLNPCM2010-00672 Harmon's Grocery Store Planned Development the Planning Commission approves the planned development with the two conditions listed on page one of the staff report.

Commissioner De Lay seconded the motion

Commissioner Woodhead asked if the second condition should be added.

Amended Motion: Commissioner Wirthlin moved that in the case of PLNPCM2010-00672 Harmon's Grocery Store Planned Development. The Planning Commission approves the planned development with condition one as listed on page one of the staff report.

Commissioner De Lay seconded the motion

Vote: Commissioners Drown, , De Lay, Gallegos, Hill, Luke, McHugh, Wirthlin, and Woodhead all voted "aye". The motion passed unanimously.

[7:04:13 PM](#)

PLNPCM2010-00561 Neff Rezoning. A request by Jeremy Neff for a Zoning Map Amendment to rezone property located at approximately 163 West 1700 South from Community Business to General Commercial in order to bring the property and its use into conformance with the zoning district and to match the zoning of the adjacent property which is also owned by the applicant. The proposed zoning district is CG (General Commercial) and is located in Council District 5, represented by Jill Remington-Love.

Chairperson Fife recognized Maryann Pickering as staff representative.

Ms. Pickering stated that this was a request for a Zoning Map Amendment for a property located at approximately 163 West 1700 South. The request was to rezone from Community Business to General Commercial.

The applicant planned to expand his business which was currently operated on the property located on the south of the subject property.

Ms. Pickering stated that according to the applicant, the property had been historically used for uses that were more intense than what the current zoning district allows. She added that in 2004 the City Council did approve the same request. There were three conditions placed on the project, and the applicant at that time never acted upon those conditions, therefore, the zoning did expire. Because of that, this application was the same one that was presented six years ago.

Ms. Pickering said that the Ball Park Community Council did not comment, nor did they chose to have a presentation on the matter, because they knew that the prior Community Council approved it, and there were no additional comments at the time. She added that as of that time, Ms. Pickering had not received any comments from any members of the public.

Ms. Pickering noted that staff did feel that it met the four findings that are required by the zoning ordinance and would recommend that the Planning Commission transmit a favorable recommendation to the City Council to rezone the proposal.

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Questions from the Commission

None.

[7:05:43 PM](#)

Comments from the Applicant

None.

[7:05:53 PM](#)

Public Hearing

No one chose to speak.

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Close of Public Hearing

[7:06:08 PM](#)

Motion: Commissioner McHugh made the motion in regard to the Neff Rezoning Map Amendment PLNPCM2010-00561 . I move that we transmit a favorable recommendation to the City Council based on the discussion and findings of the staff report with the three conditions listed on the staff report.

Commissioner Drown seconded the motion.

Vote: Commissioners Drown, Gallegos, Hill, Luke, McHugh, Wirthlin, and Woodhead all voted “aye”. The motion passed. Commissioner De Lay was not present for the vote.

[7:07:34 PM](#)

PLNPCM2010-00594: Phillips Conditional Use for an Office/Reception Center in a Landmark site - A request by Bonnie Phillips for a conditional use to allow a reception center at approximately 1229 East South Temple. The purpose of the proposal is to allow space for small gatherings and meetings that foster respectful dialogue, understanding and community discussions. The property is zoned Special Development Pattern SR1-A and is located in Council District 3, represented by Stan Penfold.

Chairperson Fife recognized Ray Milliner as staff representative.

Mr. Milliner stated that the application was for a Conditional Use for Jane’s Home. The use that was requested was an office/reception center in a Historic Landmark site within a residential zone. The purpose of the conditional use was that the applicant would like to operate a use that would have non-profit organizations and others to come into the building and use the building for dialogue, meetings, and to have discussions.

Mr. Milliner added that the crux of the application was primarily the reception use, when reviewing the application, staff found that the building inappropriate for large scale functions, the applicants have agreed that this was not the case and not their intent. The application has agreed to a conditional approval that would limit the number of people on site at any specific time to twenty five people.

With regard to the parking, Mr. Milliner stated that the calculation for it was determined as a historic museum house which on this site, would require five spaces which the site already has, as a result, staff is recommending approval of the project pursuant to the conditions of approval on the first page of the staff report.

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Comments from the Applicant

The applicant, Bonnie Phillips spoke. She stated that the location was the home of her mother, who had left the home to a foundation that had been created by mother and daughter, “The Manor’s Golden Rule Foundation.” After the passing of her mother, it was decided that the purpose of the home would become a place where people could come and discuss community issues in small groups.

Ms. Phillips spoke to many of her neighbors and explained what the intent of the usage would be. Her intention was to find out the concerns of her neighbors and address them. She found that one of the categories that concerned her neighbors was the idea of a reception center. She assured them that the foundation was not interested in hosting parties or receptions, but rather a community center for discussion on issues that matter. She wanted to make clear that it was not intended to be a location for large groups.

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Questions from the Commissioners

Commissioner Gallegos asked about bedrooms that could be used for out of town guest, and whether that would impact the designation.

Ms. Phillips passed out a leaflet that discussed the foundation.

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Public Hearing

Cindy Cromer spoke. She distributed comments. Ms. Cromer stated that she remembered a time when the applicant's mother purchased the property, and remembered that the prevailing idea at the time was that the home was too large for a family and would therefore have to be divided. Ms. Cromer noted that it was truly amazing what had been accomplished, and at what age it was accomplished at.

Ms. Cromer stated that she had been opposed to residential structures converted to non residential uses in her neighborhood, and shared her concern that there would need to be provisions so that the building would continue as Jane wished it to.

Ideas for provisions:

1. Resident manager who would live on an adjacent parcel, which is the case now.
2. Conservation easements being handled by people who have expertise. i.e. The Utah Heritage Foundation, rather than the City of Salt Lake.
3. No administrative handling of changes to the conditional use. That everything be brought back to the Commission and that there would be a public hearing.

Incentives for preservation:

1. Broader consideration for historic properties.
2. Parking requirement modification for historic properties.
3. Change the zoning from SR1-a.

Michael Hall, the caretaker/neighbor spoke. He stated that he knows most of the neighbors in the area, and said that the foundation was intent on making sure everyone was happy about the proposed changes to Jane's Home.

He has worked for Jane and taken care of the home for 25 years. He invited all to come and view the project. He stated that there was a lot of interest in the use of the home, and have had many groups come and use it, but have been waiting to really utilize its proposed function until the application approval.

He reiterated that its intended use was not for that of a reception center. He noted that they try to incorporate the "golden rule" into all aspects of the home, including how they treat their neighbors as well as the people using the home.

Commissioner Gallegos asked a question regarding parking on T Street. He noted that there were many cars parked along the road, and was that a normal circumstance for that area.

Mr. Hall answered that the main parking for T Street is the University of Utah; he added that on South Temple there were normally plenty of spaces.

Brian Farr, a neighbor, spoke. He stated the he wholeheartedly supports the project.

Angela Mecham, a neighbor who has lived in the neighborhood 27 years, stated that she was not necessarily opposed to the project, but had concerns that the Zen Center across the street on South Temple attracted a lot of people, and was concerned about additional parking.

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Close of Public Hearing

[7:22:18 PM](#)

Questions from the Commissioners

Commissioner De Lay asked how close the Town Club was to the location.

Ms. Phillips answered that it was three blocks to the west.

Commissioner De Lay was concerned that five parking stalls would be enough.

Commissioners De Lay, Hill and Drown were concerned that applicant was limiting herself by selecting a small number.

Ms. Phillips reiterated her intent to only have small groups on the premises.

Mr. Milliner stated that a primary reason for the 25 person limit was parking. If there were to be receptions, then they would have to change the calculations. A different use would equal a different calculation for parking. He stated that if they were to eliminate the conditions of approval, they would also change the nature of the application.

Commissioner Fife added that he felt it was good to have the limit for potential future use.

Commissioner Woodhead was concerned about the stated legal limit for example, if a guest brought an additional person.

Commissioner McHugh added that if the applicant added more for that potential, there would always be the potential for even more people to come.

Mr. Hall stated that the largest groups have been twenty to twenty-five. He discussed the process of determining how a group is selected to use the home. He added that the groups are generally small.

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Discussion

Commissioner Woodhead asked about the provision Ms. Cromer proposed. She asked about the Preservation Easement being in favor of the Heritage Foundation instead of the City of Salt Lake.

Mr. Norris responded that in the past, the City has put some preservation easements in the hands of the Heritage Foundation, the Administration, recently had indicated that they City would rather retain control rather than pass it on to another entity. He stated that the Commission could make a recommendation either way.

Commissioner Woodhead also asked about the no administrative handling of the changes to the conditional use. She stated that she noticed that the Commissioners actually have the use in the conditions of approval.

Planning Director Sommerkorn stated that it basically would come down to what the Commission felt comfortable with. He added that he felt that our administrative procedures were more than adequate, and if the City found that there were substantial issues, then the issues would be sent to the Planning Commission as a matter of course.

Commissioner Woodhead asked that given that the use was actually one of the conditions of approval, does that make the administrative process less available.

Mr. Sommerkorn stated that it would be restricted.

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Motion

Commissioner McHugh made a motion regard to Jane's Home, Manor's Golden Rule House, PLNPCM2010-00594: Phillips Conditional Use for an Office/Reception Center in a Landmark site I move that we approve the proposed conditional use based on the analysis and findings and conditions of approval on the staff report, conditions 1-4 on page one.

Commissioner Woodhead seconded the motion.

Vote: Commissioners De Lay, Drown, Gallegos, Hill, Luke, McHugh, Wirthlin, and Woodhead all voted "aye". The motion passed unanimously.

Commissioner De Lay added that she agreed with Ms. Cromer that the SR1-A zoning maybe inappropriate for the historic mansions and would like to initiate that staff gives a report on the zoning.

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Motion: Commissioner De Lay initiated a motion that staff reports on SR1-A zoning in the City with specific vision about South Temple and its future.

Commissioner Drown seconded the motion.

Vote: Commissioners De Lay, Drown, Gallegos, Hill, Luke, McHugh, Wirthlin, and Woodhead all voted "aye". The motion passed unanimously.

[7:41:15 PM](#)

PLNPCM2010-00300 Sentry Electric Fence Security Systems Text Amendment – A request by Michael Pate for Sentry Security Systems to amend Chapter 21A.40.120 of the Salt Lake City Zoning Ordinance. The amendment would add language to regulate the use of electric security fences in Manufacturing and Commercial zones. Changes would be City wide.

Chairperson Fife recognized Ray Milliner as staff representative.

Mr. Milliner stated that the application was a request to modify the Zoning Ordinance Chapter 21A.40.120 to allow electric security fences in the M-1 and the M-2 Zone. The application had already been proposed to the Planning Commission in a work session, and directed staff to return with language to approve to forward on to the City Council for a review.

Staff modified the language based on the input of the Planning Commission; the primary issues were making sure that the fences did not have a negative impact on residential or retail type commercial. Language was added that would eliminate the fences from abutting residential zones and then making the fences a conditional use if they abut a commercial zone.

A definition was added to clarify their use.

An amendment was made to number 8 on the staff report regarding warning signs, and adds a sentence that would state “the signs comply with the requirements of the sign chapter, Chapter 46 of the Zoning Ordinance.”

Mr. Milliner stated that it was staff’s recommendation that the Planning Commission forward a positive recommendation to the City Council.

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Questions from the Commissioners

None

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Comments from the Applicant

Randy Moss, from Sentry Security Systems spoke. He stated that they do security systems across the country, and they agree with what the staff report states.

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Questions for the Applicant

Commissioner Woodhead asked for a refresher for the deterrent that the fence provides.

Mr. Moss stated that the way the system worked would be that a solar panel charges a twelve volt battery, the only power source the system had at all was a twelve volt battery, it then charges an energizer that stores power every 1.3 seconds and then discharges. When that happens, it puts the voltage out onto the fence for one ten thousandth of a second. He added that when touched, the fence was similar to touching a spark plug on a car.

Commissioner Fife added that there would be a fence prior to the electric fence being installed.

Mr. Moss agreed. He stated that because they lease these systems to the customer, his company assumes any liability; they make sure it is safe.

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Public Hearing

No one chose to speak

[7:47:24 PM](#)

Close of Public Hearing

[7:47:34 PM](#)

Questions from the Commissioners

Commissioner Drown asked about a statement made under the public comments written by Ms. Cindy Cromer that were provided at the open house and included in the staff report, how would the fencing be deactivated if necessary.

The applicant, Mr. Moss answered that they could install a notch box system, and would not mind adding it to the language if necessary.

Commissioner De Lay noted that there was no feedback from fire in regard to this issue.

Mr. Milliner stated that fire did not respond, but the police did respond favorably. The comment made was that anything that provides more security for spots they are in favor of.

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Motion

Commissioner Drown made a motion in regard to PLNPCM2010-00300 Sentry Electric Fence Security Systems Text Amendment the amendment chapter 21-a.40.120 the regulation of fences, walls, and hedges. I recommend that the Planning Commission forward a positive recommendation to the City Council with regards to the addition on qualifying provisions number 8, that it complies with the signage of chapter 46 and that the verbiage of the addition of a notch box.

Commissioner Wirthlin seconded the motion.

Vote: Commissioners De Lay, Drown, Gallegos, Hill, Luke, McHugh, and Wirthlin, all voted “aye”. Commissioner Woodhead voted “no”. The motion passed.

[7:51:15 PM](#)

PLNSUB2010-00692, Mt. Olivet/Roland Hall – St. Mark’s School Subdivision – Guy Kroesche, Stoel & Rives, LLP, representing Rowland Hall – St Mark’s School, is requesting subdivision approval of the property located at approximately 1443 E. Sunnyside Avenue. Proposed are two (2) parcels; one (1) parcel of approximately 13.087 acres in size (the “RHSM Parcel”), and one (1) parcel of approximately 28.446 acres in size (the “Revised Mt. Olivet Parcel”). This subdivision request is a result of City Council action amending the East Bench Master Plan and rezoning the subject property from Open Space (OS) to include Institutional (I) for the RHSM parcel pursuant to Salt Lake City Ordinance number 21 of 2006. The subject parcel is located in City Council District Six represented by J.T. Martin.

Chairperson Fife recognized Mr. Lex Traughber as staff representative.

Mr. Traughber stated that this was a request for a subdivision in response to a action that City Council took in 2006, which called for the rezone of the property and a Master Plan amendment from Open Space Density to Institutional.

Mr. Traughber stated that this was somewhat a formality, it was something that would have normally gone to an administrative hearing, but because of community concern, it was brought back before the Planning Commission. The proposed subdivision met all of the subdivision standards as outlined in the staff report. Staff recommended approval.

Mr. Traughber displayed a PowerPoint presentation that outlined the area of the subdivision.

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Questions from the Commissioners

Commissioner Woodhead asked for clarification of the past history of the request, she stated that she understood that there was a “precursor” petition before this, which came before the Planning Commission. She said that it was her understanding that the Planning Commission denied the request, but the City Council reversed the decision.

Mr. Norris stated that the City Council did not reverse the decision, but they did not agree with the Planning Commission’s recommendation.

Commissioner Woodhead asked if some piece of the request had been approved.

Planning Director Sommerkorn stated that the rezone had been approved, and said that the issue before the Planning Commission tonight was for administrative matter, which was one of the conditions of the rezone. It stated that a subdivision of the property be approved prior to the zoning becoming in effect.

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Questions from the Applicant

Mr. Guy Kroesche , spokesman for the applicant introduced Bill Adams, President of Mount Olivet Cemetery Association, Bob Steiner, Board Chair for Rowland Hall, St. Marks School.

Mr. Kroesche remarked on the prior comments directed at the prior decision of a past Planning Commission, he stated that at that time, the staff report was also negative. It noted that it was no longer the case, and that they have a favorable recommendation from staff that was unqualified except that the request must be satisfied through the Planning Commission.

He stated that they were thrilled to be there, that the process started in 2004, when Rowland Hall signed a contract with Mt. Olivet to purchase the 13 acre piece in question. There were a number of conditions that needed to be satisfied, among regular due diligence, there were conditions that included a Master Plan amendment through the City and a rezone through the City, both of which were accomplished before 2006 ordinance. In addition, there was a more difficult process wherein the applicant was required to get a Federal Act that would allow for the removal or the reversionary interest, which was accomplished in 2010. As a result, in order to close, the administrative action of approving the subdivision.

He emphasized, that all of the requirements for the subdivision had been approved; any objects the Planning Commission are not relevant to the issue before the Planning Commission.

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Questions from the Commissioners

Commissioner Gallegos asked if there had been any environmental reviews on the site.

Mr. Kroesche stated that there was a currant environmental assessment on the property; he stated that there was also a geotechnical assessment of the property.

Commissioner Hill asked for a response to the letter from Jim Webster, Mr. Crocia stated that there was a response sent to Jim Webster and was forwarded to the Planning Commission.

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Public Hearing

Steve Mason noted his opposition to the petition.

Cindy Cromer spoke on the matter and stated her opposition to the matter. She stated that she informed the City Council that it was one of the worst land use decisions of the last ten years.

Jim Webster stated that he feels that the community has been entirely left out of the process. He believed that the action was premature. He stated that the Bureau of Land Management was unaware of the geotechnical assessment of the property.

Commissioner Woodhead asked for clarification on who he represented.

Mr. Webster stated that at the time of the original request, he was the Chair of the Yalecrest Community Council. He added that he was asked by the current Chair to represent Yalecrest.

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Close of Public Hearing

[8:05:11 PM](#)

Response from the Applicant

Mr. Crocia stated that many of the statements made were not relevant to the subdivision application.

Mr. Crocia responded to Mr. Webster and said that there was no action taken by the Yalecrest Community Council in regard to this application. He stated that although Rowland Hall was applying for the request, but was doing so as an authorized agent for Mt. Olivet which owned the property. The application had a form which was signed and was approved. He added that this was a very public process; there were articles and public hearing. He encouraged the Planning Commission to focus on the facts.

He noted that comments made in regard to the BLM were inaccurate, that they had to deal with them in order to purchase the reversionary interest. He stated that the purchase price for the reversionary interest does go to the Federal Government because they actually own the interest. The purchase price for the property that would be paid by Rowland Hall would go to Mt. Olivet and help them maintain it in perpetuity.

[8:07:36 PM](#)

Motion

Commissioner Woodhead made a motion in regard to PLNSUB2010-00692, Mt. Olivet/Roland Hall – St. Mark's School Subdivision I move that the Planning Commission grant approval of the Mt. Olivet/Rowland Hall St Marks School Subdivision subject to conditions 1-2 set forth in the staff report. This motion is based on the staff report, public hearing, and the other presentations made this evening.

Commissioner Wirthlin seconded the motion

Vote: Commissioners De Lay, Drown, , Gallegos, Luke, McHugh, Wirthlin, and Woodhead all voted "aye". Commissioner Hill voted "no". The motion passed.

[8:08:49 PM](#)

PLNPCM2010-00064, Fine Tuning Zoning Amendments - A request by Salt Lake City Mayor Ralph Becker to analyze and adjust the Salt Lake City Zoning Ordinance (Title 21) to provide for clarity and efficiency of use as part of a code maintenance program. The subject Petition addresses several minor fine tuning text amendments that would apply citywide if adopted by the City Council.

Chairperson Fife recognized Lex Traughber as staff representative.

Mr. Traughber stated that this was a petition to clarify and make more efficient the Salt Lake City Zoning Ordinance as part of a code maintenance program.

He stated that the seven items listed on the front of the staff report were all inclusive.

[8:09:28 PM](#)

Questions from the Commissioners

Commissioner Woodhead asked about number five, and was interested in the definition of fraternities and sororities. She directed the question to council, and stated that the notion zoning for fraternities and sororities depended on their national affiliation seemed to be questionable. She wonder if it would have been better to worded to say that it applied to fraternities and sororities that are recognized by the University of Utah, as opposed to requiring that an organization of people actually be nationally recognized to have access to zoning.

Planning Director Sommerkorn agreed that it could be that way, but it was one of the requirements of the University of Utah, that the fraternities and sororities are nationally affiliated.

Commissioner Woodhead stated that she felt the University of Utah could do in terms it recognized as a "student club" would be different than who could be discriminated against with regard to zoning.

Mr. Sommerkorn stated that he understood her point.

Chairperson Fife asked for clarification, asking if the wording should be changed that the student fraternities and sororities be recognized by the University of Utah.

Land Use Attorney Nielson stated that there have been groups that had asked the University of Utah for recognition as a fraternity or sorority. The group would have been something that would have typically been viewed as a fraternity or sorority, including a rugby club that did not require that its' members be students of the University, and a religious organization that may not have required an enrollment requirement that the University would not be able to regulate or oversee. In those cases, the University did not accept them as fraternities or sororities.

Mr. Traughber added that the University of Utah required national affiliation to recognize a group as a fraternity or a sorority.

Mr. Norris stated that there were a number of ordinances that address fraternities or sororities.

Commissioner Woodhead wondered if it was necessary in order to create some sort of freedom of association risk.

Land Use Attorney Nielson asked if Commissioner Woodhead was concerned that a chapter that wanted to start could be regulated by the school, but not necessarily have a national affiliation.

Commissioner Woodhead agreed, stating that she was concerned about the City's interest. She compared the sororities and fraternities to businesses stating that the comparison could be made that businesses could be required to have a national affiliation, or had to be owned locally. She felt this could be a variation of that.

Land Use Attorney Nielson stated that he understood her concern and stated that they were valid.

Planning Director Sommerkorn stated that there were requirements in the Ordinance that stated it has to be a University approved, and a University regulated

Commissioner De Lay made the point that this ordinance did not include the area surrounding Westminster College.

Planning Director Sommerkorn stated that the Ordinance was specific to the area surrounding the University of Utah.

Land Use Attorney Nielson stated that fraternities and sororities are specialized uses that are related to the educational institution. He believed that some of the examples of non enrolled persons do not fall within the distinction.

Commissioner McHugh asked if the recommendation was to strike or change item number five.

Land Use Attorney Nielson stated that the City Attorney's office does not make recommendations on policy issues.

[8:16:35 PM](#)

Public Hearing

No one chose to speak

[8:16:41 PM](#)

Close of Public Hearing

[8:16:50 PM](#)

Motion

Commissioner De Lay made the motion in regard to **PLNPCM2010-00064, Fine Tuning Zoning Amendments** **I move to approve based on the findings of the staff report recommend a positive recommendation on items 1,2,3,4,6 and 7 and a recommend of further review of item number 5**

Commissioner Luke seconded the motion.

[8:17:58 PM](#)

Vote: Commissioners Drown, De Lay, Gallegos, Hill, Luke, Wirthlin, and Woodhead all voted “aye” Commissioner McHugh voted “no”. The motion passed.

[8:19:34 PM](#)

Meeting adjourned

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on December 8, 2010.

Angela Hasenberg