

**SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, February 10, 2010**

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

There was no field trip prior to the meeting. A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at 5:46 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, Cheri Coffey, Programs Manager; Wayne Mills, Senior Planner; Doug Dansie, Senior Planner; Nick Norris, Senior Planner; Nick Britton, Principal Planner; Ana Valdemoros, Associate Planner; Paul Nielson, City Attorney; and Tami Hansen, Senior Secretary.

Approval of Minutes from Wednesday, January 27, 2010

Commissioner Fife made a motion to approve the January 27, 2010 minutes as written. Commissioner Woodhead seconded the motion. Commissioners Hill, Dean, Fife, Gallegos, and Woodhead voted, "Aye". The motion passed. Commissioner McHugh abstained.

Report of the Chair and Vice Chair

There was no report from the Chair or Vice Chair.

Report of the Director

Mr. Sommerkorn stated the Gallivan Plaza was being renovated by the Redevelopment Agency (RDA). The master plan was approved by the Planning Commission and staff reviewed this and felt the renovations being made were in keeping with that plan, so there would be no need for them to come back before the Commission.

Mr. Sommerkorn noted there was a request for Planning Commissioners and Historic Landmark Commissioners to work together on subcommittee to review the proposed Eastside Apartments, a request by PEG Development for New Construction located at approximately 556 East 300 South.

Mr. Sommerkorn asked for volunteers to sit in on a subcommittee with members of the Historic Landmark Commission. Commissioners Gallegos, Fife, and Dean volunteered.

Ms. Coffey stated the APA was putting on a seminar on February 17, in the late afternoon, titled Planning Commissioners Phase II. She stated she would forward the information onto each Commissioner.

Follow-up Briefing

Petition PLNPCM2009-00510 North Temple Boulevard Station Area Plans—an amendment to the West Salt Lake and Northwest Community Master Plans regarding station area plans along the Airport Light Rail Line. Planning Staff will hand out draft copies of the plan and review the major components of the Plan with the Planning Commission. A Public Hearing for the plans will occur at a later date.

Acting Chair Chambless recognized Nick Norris as staff representative.

Mr. Norris stated there were a number of open houses held since the Planning Commission last reviewed this petition on January 10. He stated comments were mainly on the impacts of the light rail regarding their properties because of possible issues making left turns in and out, as well as zoning issues. He stated it seemed people were very much in favor of the direction the plan was going, they felt staff had heard their concerns and issues and had addressed those in the plan. He stated on January 21, staff made a fairly detailed presentation to the North Temple advisory committee, which was made up mainly of business owners along North Temple, community representatives, and some of the larger stakeholders. He stated there were not a lot of comments, the general consensus was they were fairly supportive; at this point most stakeholders were waiting to see what happened with the zoning in the area.

Mr. Norris stated a number of meetings were coming up with students at West High School, a class from the University of Utah, and the Salt Lake Science Center. He stated staff was interested in their concerns, how they used the light rail, and gathering that input which was important to address all of the future potential riders to build a community inclusive of everybody.

He stated this week staff would focus on the viaduct station and how that played into the whole corridor. He stated this was a complex station with a lot of complex issues and legal issues. He stated the City's primary responsibility was to bring various property owners and entities together to find solutions to address some of their needs. He stated another open house would be held on Friday, February 12, as well as a follow-up open house on Thursday, February 18.

Mr. Norris stated on February 24, staff was anticipating a public hearing on the 800 West, Fairpark, Cornell, and the 2200 West stations. There were approximately 1,200 property owners impacted by this plan, and they all had been noticed of that meeting.

He stated he would like to focus on the station areas, specifically the policies in the maps. There were some property owners that had addressed concerns and some of the boundary lines had been moved. One of the main concepts regarding the map was the idea of having a core where the most intense uses happen, and then a transition area. He stated transition areas were a similar mix of uses just on a different scale and mainly intended to separate stable areas, primarily the lower density neighborhoods from the core area, but also allow for the range of uses, particularly the various housing types that were important for creating neighborhoods full of options for people who wanted to live there.

Mr. Norris stated the station areas were critical to this plan, the core and transition areas would be reflective of how the area would be zoned. He stated the City wanted to make it to where desirable development dictates the process; currently the use dictates the process and they would like to move away from that through the creation of design standards and guidelines, where every project would reference those.

He stated a type of design menu would be ideal, where developers could pick and choose which elements to include. Each element would have a certain value, and each project would be required to hit the minimum value, which would also determine if the project needed to come before the Planning Commission, or if it could be reviewed administratively.

Commissioner Hill stated staff did a great job addressing the process part of this plan and it was a fabulous plan.

Commissioner Woodhead inquired when the current North Temple viaduct would be taken down, and if there was a sense of how traffic would be rerouted.

Mr. Norris stated it was scheduled for April 18, 2010. There were some issues UTA needed to work out with adjacent property owners in order for that to happen. He stated a traffic consultant was hired to come up with the best plan to direct traffic, and all of the community councils would get a chance to review that before demolition was started.

Commissioner Woodhead stated the element menu seemed like a really creative idea to help deal with those issues.

Mr. Norris stated the caveat was that was the way the City wanted to go, so some of it might change in the future, but the general concept of it should hold up. He stated the elements required to enliven a streetscape would be standard and would be required regardless of the use. He stated the guidelines would focus mainly on the actual design of the building, while the standards would focus on how the building addressed the public space in terms of function.

Commissioner Fife stated the public process of this project was tremendous, and it was a better project because of that.

Acting Chair Chambless inquired how long the area around the viaduct would be closed to traffic.

Mr. Norris stated construction would take approximately 18 months, which was a conservative estimation.

Acting Chair Chambless noted there were no more questions and thanked Mr. Norris.

Public Hearings

Petition PLNPCM2009-01358; East Bench Community Master Plan Amendment—a request by Paula and Joseph Sargetakis to amend the East Bench Community Master Plan Future Land Use Map. The amendment would change the future land use classification of the property located at approximately 1794 S. Texas Street from Institutional to Low-Density Residential. The property is located in City Council District six, represented by JT Martin. And **Petition PLNPCM2009-01359; Zoning Map Amendment**—a request by Paula and Joseph Sargetakis to re-zone the property located at approximately 1794 S. Texas Street from Institutional to Single-Family Residential in order to construct a single-family dwelling with a home occupation allowing for the distribution of homegrown produce for off-premise sales. The proposed zoning district is R-1/7000. The property is located in City Council District six, represented by JT Martin.

Acting Chair Chambless recognized Wayne Mills as staff representative.

Mr. Mills stated this particular property was the former site of an LDS church, demolished a few years ago. The applicant was proposing to build a single-family dwelling and a large garden on the site. They would then take the produce and sell it off-site.

Mr. Mills stated the Future Land Use map showed this property as low-density, single-family residential. He stated in 1995 there was a City-wide rezoning process and this property was zoned Institutional at that time. This proposal would take this property back to the single-family, low-density, residential status. He stated the applicants did not propose a zoning district, if this property was subdivided in the future that property would need to comply with the R-1/7,000 zoning standards and lots would need to be created that were compatible with the surrounding neighborhood. He stated one of the conditions staff recommended was related to the maximum building coverage on the property.

Commissioner Woodhead inquired if the Commission could require the applicant to come back with this project as a planned unit development, which would give them more flexibility to have a bigger structure for a greenhouse, or a storage building, so they would not have to build one building that included every possible use.

Mr. Mills stated there were different minimum areas required in order to ask for a planned development. He stated the applicant would have to show there were accessory structures the same size in the area so they could have them as well.

Ms. Coffey stated part of the sustainability regulations the city was looking at right now had to do with accessory structures like greenhouses, etc. She stated this meant in the future there might be some exceptions for those types of uses that were not counted as part of the normal accessory structures. She stated the idea was for the City to be more supportive of those types of things.

Acting Chair Chambless invited Paula and Joe Sargetakis, the applicants to the table.

Mrs. Sargetakis stated she was trying to get a sense of how people felt about this project, it was a huge expense to purchase the property and if there was a lot of negativity they would not go forward with the purchase. She stated it was their goal to keep the footprint of the building as small a scale as possible, so it would be one story. She stated there was the possibility of working with 10,000 square feet, but it would not be a huge rectangular building, the goal was to have as much of it planted as possible.

Acting Chair Chambless inquired if they currently lived in the neighborhood.

Mrs. Sargetakis replied yes.

Commissioner Woodhead inquired if they had the option of having a smaller home with accessory buildings, would they pursue that.

Mrs. Sargetakis stated they had not yet spoken with an architect, but they wanted this to be done in a "green" format.

Commissioner Hill stated she was excited about this project, but she would like some clarification regarding the square footage of the residence.

Mrs. Sargetakis stated the greenhouse building and the support buildings for that would be between approximately 3,000 to 4,000 square feet, and the home would be the remainder at max 7,000 square feet. She stated these numbers were based on building this project according to a LEED related fashion.

Commissioner Dean stated the Sargetakis' had mentioned they would not have any employees, which seemed like a big endeavor as far as upkeep of the site and the structures; she inquired how they planned on managing this.

Mrs. Sargetakis stated it took a long time to create a garden of this type. She stated the hardest time would be for planting and harvesting, which was maybe two days where there was a big push and they would rely on friends and family to come help. She stated they would also like to utilize interns from the University of Utah and Westminster, but essentially what they planned on doing would be quite manageable for two people.

Mr. Sargetakis stated he could not imagine there would ever be more than six or eight people on the site at any given time.

Commissioner McHugh stated there could not be employees because that was part of the rules for a home occupation license, so there was that safeguard.

Commissioner Dean stated if the Sargetakis' should ever choose to sell or subdivide the remaining structure would have to also comply with the R-1/ 7,000 zone.

Acting Chair Chambless inquired if they had planned on making this a community garden.

Mrs. Sargetakis stated in the beginning they did, but when they found out they could not sell their product on site they took a different direction.

Mr. Sargetakis stated eventually they would like to add an educational component to this.

Commissioner Hill stated it was clear the Sargetakis' were passionate about food and entertaining, she inquired if the Commission were to say only a 7,000 square foot envelope was allowed, would they still want to move forward with this project.

Mrs. Sargetakis stated they would not because they would not be able to do the greenhouse the way they would like, or they would need to build up, which they did not want to do.

Acting Chair Chambless inquired about building down.

Mrs. Sargetakis stated it was an option; they had not done soil samples, water flows off the site, etc. So it might be a possibility, but there was not much that could go below with the gardens around the site without interfering with planting.

Public Hearing

Acting Chair Chambless opened the public hearing.

The following people spoke or submitted cards in **support** of the petition: **Judi Short** (862 Harrison) stated in December the Land Use Committee had the Sargetakis family come to discuss their project, after they left everyone felt this plan was magical because it was something nobody had ever proposed before. She stated this was a big undertaking and they wished them well. She stated they also came before the Sugar House Community Council, most of the concerns regarded traffic, the size of the house, and what happened if this failed. She stated Mr. Mill's staff report addressed all of these issues; he did a great job

with that. She stated she was not imagining the residence and the greenhouse would all be one huge building, but this could be a great example for this quadrant of the City.

Commissioner Woodhead inquired if Ms. Short was comfortable with the 10,000 square foot limitation for the residence.

Ms. Short stated it was large; she liked the idea of a planned unit development, but on the other hand if the LEED certification worked better if all the structures were attached than it seemed okay.

Commissioner McHugh stated a greenhouse attached to a residence would look different and not look like a big, solid building.

Carlyle Harris (2371 Blaine Circle) stated he hoped this petition was approved; the neighborhood was supportive of this type of development. He stated if this site was parceled the size of the homes that could be built there would change the character of the neighborhood. He stated traditionally there had been a walkway between the two neighboring properties into the back lot where there was a school. He stated the neighborhood children use that to go back and forth on that easement. He stated he would like that to be part of the proposal, to connect the neighborhoods because with the slope there it was inconvenient to take a different route. He stated there were existing barriers so bicycles could not get through, which made him think that was a pretty standardized pathway for the community to use.

Ron Price (2418 Blaine Avenue) stated his property was located to the northeast corner of this property. He stated there was a lot of support for this project, and he appreciated the openness of the applicants with the neighborhood. He stated he did not plan on pushing for access to the pathway which had existed there for the past 45 years. He stated he would rather see them there, rather than have that be an issue that would cause them to walk away from the project. He stated he had not realized the building might be 10,000 square feet, if there was a way it was not necessarily one building he would be more accepting of that, but he felt either way this would be a great project.

Acting Chair Chambless closed the public hearing.

Commissioner Fife stated the applicant seemed very sincere, but if this were anyone else this might be a clever way to build a 20,000 square foot house. He stated if the Commission approved the rezoning and the applicants ended up not buying this lot it was being opened up for someone else to build a monster home there.

Commissioner Woodhead stated she had that same concern, and inquired if the Commission could put some limitations on this. She inquired if the Commission could ask the residential part of the project not be greater than 7,000 square feet.

Mr. Nielson stated the Commission was making a recommendation to the City Council, and they could recommend a condition of approval of the rezone as far as size limitations, which was included in the staff report.

Commissioner Woodhead stated the staff report limited just the footprint, but could the Commission limit the residential part of the footprint.

Mr. Mills stated he wanted to clarify the 10,000 square feet was maximum building coverage including accessory buildings and the principal structure. He stated it would probably not look like a giant box.

Mr. Sommerkorn stated as far as putting a square footage limit on the size of the home, he would be really cautious about that because the City's zoning ordinance currently did not put limitations on residential square footage. He stated there were many ordinances around the State that did have that limitation, and they were very explicit, but that was not the case here.

Commissioner Woodhead inquired if they could suggest the City Council enter into a development agreement with the applicant, which would limit the size of the residence.

Mr. Nielson stated that was a possibility.

Commissioner Dean inquired if the primary structure could be limited to 4,000 square feet and then if the applicant needed additions to that, some sort of variance would be allowed for accessory structures up to a certain limit.

Mr. Mills stated the only way the property owners could get a variance to try to exceed the accessory structure size, would be through the Special Exception process. He stated through the rezoning process an applicant could not be allowed to build something bigger as far as an accessory building goes, that was not permitted by ordinance.

Mr. Sommerkorn agreed. He stated the same caution would apply to the limitation of the size of the square footage of the home.

Motion

Commissioner Hill made a motion regarding Petition PLNPCM2009-01358; Master Plan Amendment, based on the discussion and findings in the staff report, the Planning Commission transmits a favorable recommendation to the City Council to amend the East Bench Community Master Plan, by designating the property located at 1794 South Texas Street as Low-Density Residential on the Future Land Use Map.

Commissioner Woodhead seconded the motion.

Commissioners Hill, Dean, Fife, Gallegos, McHugh, and Woodhead voted, "Aye". The motion passed unanimously.

~~Commissioner Hill make a motion regarding Petition PLNPCM2009-01359; Zoning Map Amendment, based on the discussion and the findings in the staff report, the Planning Commission transmits a favorable recommendation to the City Council to amend the Salt Lake City Zoning Map by rezoning the property located at 1794 South Texas Street from Institutional to R-1/7,000 Single Family Residential with the following conditions:~~

- ~~1. The total building coverage on the property is limited to 8,500 square feet. This condition applies only to the property in its current configuration. If the property is subdivided in the future, the lots created must meet applicable zoning regulations. If the City Council adopts any future amendment to the City Code that would allow for additional building square footage associated with urban agriculture uses, this condition shall no longer be in effect.~~

Discussion of the Motion

Commissioner Woodhead inquired why Commissioner Hill decided on 8,500 square feet instead of 10,000 square feet.

Commissioner Hill stated she had asked the applicant where they were at with the square footage and they had stated 10,000 to 12,000 square feet. She stated that was a lot of building footprint for that scale and for the density in that neighborhood. She stated that she and Commissioner Dean had discussed the numbers and what would work in that space and they had come to the conclusion that 8,500 square feet was a fair and cooperative number as far as this project.

Commissioner Woodhead stated she was conflicted because by making the footprint smaller it might encourage the applicant to build up, which would actually result in a bigger negative impact on the neighborhood.

Commissioner Dean stated it already had a height limit of 28 feet, so any portion of the building could be that high.

Commissioner McHugh stated, but the whole thing could be 28 feet, instead of the small portion the applicant proposed. She stated she was inclined to go with the staff recommendation because Mr. Mills spent a lot of time analyzing this.

Commissioner Woodhead inquired if the Commission went with the 8,500 square feet would the applicant be able, based on the Planned Unit Development process, build a couple of extra buildings, would this allow more than 8,500 square feet total.

Mr. Mills stated the recommendation was, the condition of approval for the rezoning was based on the 10,000 square feet. He stated if the applicant came back and requested some sort of special exception or a planned development they would still be bound by the 10,000 square feet because it was conditioned on the rezone.

Commissioner Woodhead inquired if that included all buildings on the property.

Mr. Mills stated yes, that would include total building footprint coverage.

Commissioner Hill stated conceivably the building could have three floors from the backside of the building if the Commission was binding this land to a particular configuration. This was an ideal situation for the community, but it seemed Pandora's Box was being opened as far as a future monster home.

Commissioner McHugh stated the full Commission agreed this was a wonderful project, so the applicant should be allowed to implement their dream, which included 10,000 square feet.

Commissioner Woodhead stated Commissioner Hill did not include anything about the mentioned pathway on the property. She stated the Commission could not include that in the motion because this was one piece of land and there was no legal evidence of a legal easement. She stated that was not in the scope of the Commission's authority to create that right.

Amended Motion

Commissioner Hill amended the motion regarding Petition PLNPCM2009-001359, based on the discussion and finding in the staff report the Planning Commission transmits a

favorable recommendation to the City Council to amend the Salt Lake City Zoning Map by rezoning the property located at 1794 South Texas Street from Institutional to R-1/7,000 Single-Family Residential, based on the following conditions:

- 1. The total building coverage on the property is limited to 10,000 square feet. This condition applies only to the property in its current configuration. If the property is subdivided in the future, the lots created must meet applicable zoning regulations. If the City Council adopts any future amendment to the City Code that would allow for additional building square footage associated with urban agriculture uses, this condition shall no longer be in effect.**
- 2. The applicant shall enter into a development agreement with Salt Lake City limiting the total floor area of inhabitable residential space to 7,000 square feet. This excludes garage space.**

Commissioner Woodhead seconded the motion.

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

PLNPCM2009-00591 Edmonds Place a request by Brian Park for partial street closure and sale of excess right-of way property located at approximately 346 and 362 North Edmonds Place. The subject property is located in an SR-3 (Special Residential) zoning district, in Council District 3, represented by Stan Penfold. *The Planning Commission is being asked to provide a recommendation to the Mayor regarding the declaration of this property as being declared surplus and sold.*

Acting Chair Chambless recognized Doug Dansie as staff representative.

Mr. Dansie stated in the 1980s there was an Argyle Court/Edmonds Place redevelopment plan that was done, connected and made into one. He stated formally Argyle court ended in a cult-de-sac; currently it is a through street.

Acting Chair Chambless invited Brian Park, the applicant to the table.

Mr. Park stated this was a new development area; he had been there for eight (8) years. He stated it is a dangerous neighborhood with drug dealers and homeless people in the area. He stated this house had been empty for 10 years before the resident now had bought it. He stated they call the police a lot, especially at night.

Acting Chair Chambless inquired about the street lighting in the area.

Mr. Park stated he had a sensor light on his own property, but there were no street lights.

Acting Chair Chambless inquired how long it took for the Police to respond to his call.

Mr. Park stated it was about 20-30 minutes later.

Commissioner McHugh stated the Commission was only recommending that this property become surplus, and not who buys it etc.

Mr. Sommerkorn stated staff had made a recommendation regarding how to dispose of at least a portion of this property, to make sure the home next to it had at least a 50 foot frontage.

Public Hearing

Acting Chair Chambless opened the public hearing.

The following people spoke or submitted cards in **support** of the petition: **David Bolinder** (362 North Edmonds Place) stated he bought his property in 2008 and he had problems with transients as well, and he appreciated Mr. Park being diligent in calling the Police. He stated the property was zoned as a duplex, which was why there were two driveways. He stated he hoped he could purchase this property and keep it in tact, the way it should be. **Cindy Cromer** (816 East 100 South) stated she was concerned this was a property owner initiated petition, which meant he paid the filing fee. She stated if both property owners wind up benefiting from some kind of declaration of surplus it seemed inequitable that one property owner should pay the filing fee to bring the matter forward in the City. She stated the petition should be paid for equitably as well.

The following people spoke or submitted cards in **opposition** to the petition: **Robert Lund** (622 West 500 North) stated he was with Neighborworks Salt Lake, and they were the ones that built Argyle Court and had tried for nine years to acquire this property. He stated it was their strong belief that the second driveway should remain with Mr. Bolinder and not be sold to Mr. Park.

Acting Chair Chambless closed the public hearing.

Commissioner Woodhead inquired about the second part of condition 1, where it states *50 feet of frontage on a deeded street and the driveway remains functional*. She inquired if that was the south driveway.

Mr. Dansie stated he wrote it that way because even though there was a curb cut, that did not have to be there, it could be moved.

Commissioner Woodhead stated if Mr. Park straightened his fence, the driveway would have to be slightly reconfigured.

Mr. Dansie stated that would be a possibility.

Commissioner McHugh inquired if condition 1 could state *A driveway remains functional*, instead of *The driveway*.

Mr. Dansie stated yes.

Commissioner Fife stated if this were a duplex, the same driveway could be used to access both units.

Commissioner Woodhead stated it sounded like the applicant did not own the north driveway, so you would not want to rely on that as the only access.

Commissioner Dean stated the matter of surplus was clear at this point, so regardless of who owned it the City did not need that information at this time.

Motion

Commissioner Dean made a motion regarding Petition PLNPCM2009-00591; Partial Street closure and sale of excess right-of-way property at 346 Edmonds Place, the Planning Commission transmits a favorable recommendation to the Mayor and City Council that the property be declared surplus and sold with the following conditions:

- 1. Enough land be sold to the property owner at 362 North Edmonds, to insure that the property has at least 50 feet frontage on the deeded street and the south driveway remains functional and is accessible on the property.**
- 2. The remaining land is sold according to the City regulation relating to disposition of the real property.**

Commissioner Fife seconded the motion.

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

The meeting adjourned at 7:33 p.m.

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on February 10, 2010.

Tami Hansen