

**SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, January 13, 2010**

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

A field trip was held prior to the meeting. Planning Commissioners present were: Frank Algarin, Tim Chambless, Michael Fife, Michael Gallegos, Matthew Wirthlin, and Mary Woodhead. Staff members present were: Cheri Coffey, Bill Peperone, and Ana Valdemoros.

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at 5:44 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; Everett Joyce, Senior Planner; Kevin LoPiccolo, Planning Supervisor; Nick Britton, Principal Planner; Bill Peperone, Principal Planner; Nick Norris, Senior Planner; Paul Nielson, City Attorney; and Tami Hansen, Senior Secretary.

Approval of Minutes from Wednesday, November 18, 2009 and December 9, 2009

Commissioner Gallegos approved the minutes from Wednesday, November 18, 2009 as written. Commissioner Woodhead seconded the motion. All in favor voted, "Aye". The minutes were approved.

Commissioner Woodhead approved the minutes from Wednesday, December 9, 2009 as written. Commissioner Muir seconded the motion. All in favor voted, "Aye". The minutes were approved.

Report of the Chair and Vice Chair

Acting Chair Algarin stated he had nothing to report.

Report of the Director

Mr. Sommerkorn stated the Chair and Vice Chair were scheduled at noon on January 26, to meet with the City Council Chair and Vice Chair.

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 Algarin recognized Nick Norris as staff representative.

Mr. Norris stated this was a preliminary introduction to what would be the first public draft regarding the North Temple Boulevard plan. He stated this was a working document and changes would be made over

the next few weeks. He stated staff would give a follow-up briefing to the Planning Commission for additional input on the content of the plan, which would likely happen at the first meeting in February, followed by a public hearing at the second meeting in February depending on the types of comments staff received over the next few weeks.

He stated this was the beginning of the public adoption process and the planning team would be making presentations to various community councils as well as holding open houses with the intent of gathering additional input on the plan. He stated an advisory committee was set up with UTA to deal with some of the construction issues, and this was a great resource in reaching out to some entities, which were not always involved in the public processes.

Mr. Norris stated the purpose of the plan was to:

- Turn North Temple into a boulevard street that is the main street that connects neighborhoods to one another;
- Create compact, walkable, transit-oriented neighborhoods around each station;
- Increase transit ridership;
- Improve the overall safety of the community;
- Establish guidelines for street design and connectivity that will accommodate all users;
- Create opportunities for affordable and accessible living options while increasing the residential densities near the stations by providing a mix of housing types;
- Provide for a diverse mix of uses and building types around the transit stations; and
- Create long term economic stability to the station areas.

He stated art in transit was a major component of the project and would be managed through the Art Council to come up with themes by working with local artists to build partnerships, and then picking the art that would enhance the corridor, as well as specific neighborhoods and communities.

Mr. Norris stated design was a large factor in this project including the physical form and design of buildings, the role of standards and guidelines and how they differed, and also how to incorporate those guidelines into the zones.

He stated sustainability was divided into four main topics which included: environmental, social, economical, and equality and the plan gave detailed definitions of those topics. the North Temple plan was the first transit-related, planning specific document the city had created and the idea was to build off this concept for other transit stations throughout the city.

Mr. Norris stated four types of stations were identified: an urban center station, an urban neighborhood station around 800 West, a mixed use employment station (Cornell Station near the Rocky Mountain facility), and a special purpose station (the Fairpark and maybe University stops).

Mr. Norris stated the vision of this project was the beginning of each station area and plans. Three subareas were also identified in each station area: core, transition, and the stable area. He stated the core area was the most likely to see the highest impacts from the transit station and also where staff felt it was the most appropriate, based on the community input, to put the most intensive development types and uses. He stated within the plan there were key characteristics of what that would look like and how the zoning should describe that to incorporate those concepts in the zoning ordinance. Transition areas were generally scaled down and less intense than the core areas, and contained a broad mix of uses. He stated an example of this would be the Euclid neighborhood, which encompasses a very broad mix of land uses, and was something the community saw as an asset, as well as a factor that could be expanded and allowed to increase in terms of intensity and scale.

Commissioner Muir stated obviously this was based upon proximity, as well as land use, but to learn from 400 South, should there be another overlay that dealt with the likelihood of turnover and gave some sense of a reasonable timeline, as well as if that timeline was problematic what should be done.

Mr. Norris stated it was appropriate to build a timeline into this plan, and it was made clear though this entire process that this was a long range plan and would take twenty to twenty-five years to bring about a lot of change. He stated large scale; transit-oriented development that was appropriate in this area would take about ten years to materialize, and then an additional ten to fifteen years to mature.

Commissioner Muir inquired if there were land use tools to hasten that development, for example if existing buildings were made non-conforming this would enforce that if any remodeling was done immediate compliance would need to take place.

Mr. Norris stated some of those issues could be explored through zoning. He noted unfortunately there was not a strong transit-oriented market in this valley, so stimulations to create that type of market needed to be created.

Ms. Coffey stated there were a few inquiries over the last several months from private developers who knew about the North Temple project and were inquiring about different types of development to take advantage of the proximity.

Mr. Norris stated each station had a set of key policies and strategies to implement this plan and were mostly consistent throughout the document. Mobility was a key point throughout the document as well. North Temple would be recognized as a major public space and residential density was a key factor to support a vibrant business community, and to accommodate future growth. One of the key components for the special purpose station which would service the Fairpark was to build a very strong relationship with the state of Utah, who owned land on both sides of the station as well as the Fairpark and the old, white ballpark on the south side of the road. He stated the state had a 20-25 year plan to build office space there and the city would like to work with them to create some sort of private/public partnership so that space does not just operate during 8:00 a.m. to 5:00 p.m. hours only.

Commissioner Chambless stated North Temple had remained remarkably unchanged for 39 years and suggested the City actively pursue those relations.

Mr. Norris stated the city was working with the state and the non-profit organization that ran the fair, to activate the livestock barns that have frontage on North Temple to come up with ways to have more community access through the Fairpark, maybe pedestrian and bicycle trails that were open to allow people to get to and from their neighborhoods more conveniently.

Commissioner Chambless stated the light rail was indeed a catalyst to achieve a private/public partnership.

Mr. Norris stated the plan was to try to capture the public investment made in the project, not just by the city, but by UTA, and also county wide through the transit sales tax.

Commissioner Chambless stated Rocky Mountain Power came before the Planning Commission in the Fall of 2001, and said they had the technology to downsize their plant, but the economics did not benefit them. He inquired if they had any plans to at least change the appearance of their current building.

Mr. Norris stated not that he knew of. Rocky Mountain Power has a very large frontage that was mainly surface parking or outdoor storage and there were probably ways to consolidate that.

He stated primarily the Cornell station was for businesses in the area even though there was quite a bit of residential area around it, including two mobile home parks, which was a good base to start with and

which provided various levels of housing. He stated this area was also ripe for redevelopment, so hopefully with the introduction to the light rail line this would be an area where some fairly quick redevelopment could happen and could also help to integrate Redwood Road into the core area more effectively.

Mr. Norris noted that 1950 West and 2200 West were grouped together, this would be a future station and would not be built as part of the initial construction phase, and there was no trigger to determine when it would be built. He stated this was an area with a lot of development issues and constraints, particularly regarding airport height limits. He stated this area would primarily be an office and economic center for the city; there were currently 18,000 city employees within a half mile of 2200 West. This was a unique area with a lot of various and necessary truck delivery traffic and it was a challenge to find ways to continue to support a lot of those businesses. There were also a lot of land intensive businesses the team felt could transition to something else and still remain in the area to provide the services they do.

Public Hearings

PLNPCM2008-00206 Christian Center Maranatha Place of Worship Conditional Use—a request by Maria Novoa and Melquiades Flores for conditional use approval for a Place of Worship located at approximately 755 West 800 South. The subject property is located in an M-1 (Light Manufacturing) zoning district in Council District 2, represented by Van Turner.

Acting Chair Algarin recognized Ana Valdemoros as staff representative.

Ms. Valdemoros stated the request was to add approximately 150 seats for the use of the congregation, which would require approximately 30 additional parking stalls, 28 of which were in the offsite parking lot and two of them would be located in the rear of the property.

She stated this petition was presented to the Poplar Grove Community Council and at their meeting they were in favor of this project. She stated the adjacent neighbor Mr. Sheldon stated he was opposed because he believed there were some access issues and people in the neighborhood were trespassing on his property to get to the church parking lot. Mr. Sheldon was aware this was a civil matter and he would need to resolve it through that process. He was also opposed to this because the sign for the church was written in Spanish and he felt this church would be detrimental to his property value.

Commissioner Muir stated in Attachment C: City Department Comments, Building Services indicated if the intensification of use was greater than fifty percent, additional landscaping requirements contained in Chapter 21A.48 would apply. He inquired if this was the case.

Ms. Valdemoros stated this petition was heard at a DRT meeting and that comment was discussed. She stated Barry Walsh stated the church's parking lot had existed since 1981 and therefore the landscaping requirement did not apply.

Commissioner Dean inquired where the area of parking was the neighbor had contended.

Ms. Valdemoros stated it was in the rear of both properties.

Ms. Coffey stated the issue was pedestrian access, not vehicular access.

Ms. Valdemoros stated there was a locked gate the neighbor claimed somebody cut to access his property.

Mr. M. Flores stated the Mr. Sheldon owned the lot in back of the church, which was probably only a 10 to 12 foot wide and 89 foot long space. He stated the previous owner of the building used the parking lot space in the back to store chimney manufacturing equipment. He stated they did not use this space, there was a sidewalk to access the building and they would like to buy that property when Mr. Sheldon was

ready to sell it. He stated before they bought the building homeless people used to sleep on Mr. Sheldon's property and they cleaned up the garbage, painted their building, and put lighting in and everything was much nicer than before.

Mr. Flores stated he also owned a fruit and vegetable market in the area and had lived in the area for about 14 years. He stated the church would be a good force in the community and he would ask the Commission to approve this petition.

Commissioner Gallegos inquired if the church shared the alleyway with Mr. Sheldon.

Mr. Flores stated yes.

Commissioner Dean inquired if the two rear stalls were the ADA stalls. She stated the overall distance from the building to the property line was 15 feet and she inquired if that provided adequate circulation space with the ADA ramp.

Ms. Valdemoros stated they were the ADA stalls.

Mr. Flores stated there was enough space to turn around cars in that area.

Commissioner Chambless inquired if Mr. Flores had talked with Mr. Sheldon.

Mr. Flores stated they had talked many times; the problem was Mr. Sheldon did not want to change anything.

Commissioner Chambless inquired if the lighting that was installed was motion sensor or if the lights were kept on all night.

Mr. Flores stated they were on all night.

Commissioner Woodhead inquired if the lighting impacted the residential neighbors.

Mr. Flores stated no, the light was shielded. He stated additional motion lights could be added if there was a problem in the future.

Public Hearing

Acting Chair Algarin opened the public hearing.

The following person spoke in *support* of the petition: **Tony Lapez** stated he was a friend of the church, and he would like the Commission to support this petition. He stated the church had done a lot of work to the area in the past year and there was a lot of community activities they would like to host to give the community an opportunity to be involved on the west side of the city.

Acting Chair Algarin closed the public hearing.

Motion

Commissioner Wirthlin made a motion regarding Petition PLNPCM2008-00206, based on testimony heard at the meeting and the findings listed in the staff report; the Planning Commission approves the conditional use petition subject to the following conditions:

1. **Compliance with City Department/Division requirements as addressed in the staff report. If additional requirements are stipulated by the City Departments/Divisions for improvements to the structure, the applicant shall satisfy said requirements prior to a Certificate of Occupancy being issued.**
2. **The applicant shall record an off-site parking agreement with the Salt Lake County Recorder's Office per Chapter 21A.44.020 (L) of the Salt Lake City Zoning Ordinance.**
3. **The applicant shall submit a signed written waiver of spacing requirement starting stating they will not object to the location of a social club, tavern, brewpub, or microbrewery that wishes to locate within a 600 foot pedestrian travel measurement of the place of worship.**

Commissioner Gallegos seconded the motion.

Commissioners Gallegos, Fife, Dean, Chambless, Wirthlin, Muir, and Woodhead voted, "Aye". The motion passed unanimously.

PLNPCM2009-01231: Thatcher Company Street Closure and Declaration of Surplus Property—a request by the Thatcher Company for a Street Closure and Declaration of Surplus Property for approximately 985 feet of west Fortune Road at 1905 West. The property is zoned M-1 Light Manufacturing and is accessed only by property in the ownership of the Thatcher Company.

Acting Chair Algarin recognized Bill Peperone as staff representative.

Commissioner Wirthlin stated condition 8 sounded too ambiguous to be a condition of approval. He stated he would feel more comfortable if the condition suggested the City could restrict the right-of-way.

Public Hearing

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

Motion

Commissioner Wirthlin made a motion regarding Petition PLNPCM2009-01231, the Planning Commission approves this application for the declaration of surplus property and the closure of approximately 980 feet of Fortune Road, based on the findings of fact and testimony heard, and subject to the following conditions:

1. **The declaration of surplus property is contingent upon approval from the Salt Lake City Council for closure of a portion of Fortune Road.**
2. **The applicant shall finalize the land acquisition with the Property Management Division.**
3. **The applicant shall purchase the subject property for its fair market value.**

4. **All utilities infrastructure that is located within the right-of-way to be purchased, also be purchased and made private improvements.**
5. **All requirements of the various City departments/divisions be met by the applicant prior to, or concurrent with, the purchase of the Fortune Road right-of-way.**
6. **The multiple land parcels belonging to the Thatcher Company be combined into a single lot to avoid any possibility of creating a landlocked parcel.**
7. **The two parcels belonging to Acme Land Holdings be combined into a single lot to avoid any possibility of creating a landlocked parcel in the future.**
8. **The intent of this declaration of surplus property and partial road closure is for site security and the City reserves the right to object to the use of the Fortune Road right-of-way for the expansion of buildings or uses on site, and that the City restricts the potential future use and expansion of buildings on the right-of-way.**

Commissioner Chambless seconded the motion.

Commissioners Gallegos, Fife, Dean, Chambless, Wirthlin, Muir, and Woodhead voted, “Aye”. The motion passed unanimously.

Mr. Nielson inquired if Commissioner Wirthlin meant for condition 8 to be in the form of a restrictive covenant.

Commissioner Wirthlin stated it should be a restrictive covenant in the deed of that right-of-way, regarding future use and expansion.

PLNPCM2009-00167; Nonconforming and Noncomplying Zoning Text Amendment—a request by the Salt Lake City Council to amend Chapter 21A.38 of the Salt Lake City Zoning Ordinance, relating to nonconforming uses and noncomplying structures regulations. The purpose of petition is to simplify and clarify the existing regulations and to ensure consistency with State Law.

Acting Chair Algarin recognized Kevin LoPiccolo as staff representative.

Mr. LoPiccolo stated the purpose of this petition was to clarify this zoning text and make it more consistent with state law. He stated some items were added back in that were missing since the citywide rewrite of the zoning ordinance in 1995.

He stated there were concerns with residences wanting to hold on to the fabric of existing neighborhoods, especially in the avenues. After looking at the viability of a lot of these types of buildings that exist around the city, a lot of them were compatible with the neighborhoods around them and staff did want to recognize that and maintain and retain them.

Mr. LoPiccolo stated a hearing officer could hear the petition for a change of use for a continuation of a non-conforming use, through the public process, but each petition that was appealed would not need to come before the Planning Commission.

He stated another change added was on Page 8, under non-complying structures, particularly any expansions or other work that might be done to a non-complying structure could be seen as an expansion and an owner would not be able to do that; however, staff wanted to allow for modifications like solar panels.

Mr. LoPiccolo stated staff also included a section on ADA requirements, there were times when older structures were being improved, such as including a ramp and other accessibility tools, which might create a greater non-compliance, but it was important to realize ADA additions were exempt from this.

He stated inline additions were also added, which simply was an extension of a noncomplying structure—the foundation was extended in line with the existing structure.

Commissioner Dean stated assuming there were some nonconforming uses the city did want to eventually go away, what would be the process. She inquired if there were any tools to enforce the reality of abandonment.

Mr. LoPiccolo stated that section was not changed, but the city could require documentation that the applicant was marketing the building or if tenant improvements were issued through the building department, something to show good faith on the applicant's part they were pursuing a sale etc.

Ms. Coffey stated state law was pretty favorable toward the property owner, so the city had to give some type of allowance for the property owner to prove they did not have intent to abandon a use.

Mr. Sommerkorn stated the term abandoned was not clearly determined in the state ordinance, so from the city's standpoint it's ordinance was pretty low standard, after a lot of discussion it was determined that for now that would be left alone.

Mr. LoPiccolo stated the city did not really deal with too many abandonment issues.

Commissioner Chambless inquired where the line should be drawn between being reasonable and fair and being progressive.

Mr. LoPiccolo stated the owner had one year after the doors were closed without the use being considered abandoned. After that documentation would need to be provided to the city, if it did turn blight then enforcement and fines began.

Ms. Coffey stated part of this project would be for staff to look at each nonconforming uses in the City and to analyze if the zoning could be changed to make them conforming.

Commissioner Woodhead stated Commissioner De Lay had mentioned staff should speak to the lending community, because when people had nonconforming uses they had a hard time getting financing.

Mr. LoPiccolo stated that was addressed in 2005 or 2006, and was done through rebuilding letters, which assured the owner the city recognized that particular use.

Commissioner Woodhead stated lenders were still uncomfortable, even after the city had written a letter stating it was legitimate, they were still hesitant to allow financing.

Ms. Coffey stated she did not know if the lending community would be at ease unless the property was actually rezoned.

Mr. LoPiccolo stated that was the final answer for all properties, to have the right zoning for the right use.

Commissioner Chambless inquired where arson fit into the criteria.

Mr. LoPiccolo stated that would be a function of both the building and fire departments to determine if a fire was an act of arson.

Public Hearing

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

Motion

Commissioner Gallegos made a motion regarding Petition PLNPCM2009-00167; Zoning Text amendment to Chapter 27A.38: nonconforming uses and noncomplying structures and Chapter 21A.62: definitions, the Planning Commission forwards a positive recommendation to the City Council based on staff analysis and findings and clarifying the appeal process regarding change of use.

Commissioner Woodhead seconded the motion.

Commissioners Gallegos, Fife, Dean, Chambless, Wirthlin, Muir, and Woodhead voted, “Aye”. The motion passed unanimously.

Petition PLNPCM2008-00937, Zoning Text Amendment for Charitable Facilities—a request by Mayor Becker to amend the Salt Lake City Zoning Ordinance, regarding Eleemosynary Facilities. The purpose of the request is to redefine and allow such facilities as appropriate in various zoning districts. The proposal includes allowing the use as a conditional use within low density and medium density multi-family/mixed use residential zoning districts. The proposal also includes allowing the use as a permitted use in high-density multi-family/mixed use zoning districts as well as in transit corridor, public lands and institutional zoning districts. The proposed text change affects all residential, mixed use, transit corridor, public lands and institutional zoned properties city-wide.

Acting Chair Algarin recognized Everett Joyce as staff representative.

Mr. Joyce stated this was an item in the zoning ordinance until 1995 when it was unintentionally taken out. He stated the key item in this definition rewrite was there were certain things that eleemosynary facilities were not, including shelters. He stated staff looked at where these types of facilities should be allowed in the city as well, which was included in the staff report.

Public Hearing

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

Motion

Commissioner Woodhead made a motion regarding Petition PLNPCM2008-00937, the Planning Commission transmits a positive recommendation to the City Council based on the staff report and testimony from staff.

Commissioner Dean seconded the motion.

Commissioners Gallegos, Fife, Dean, Chambless, Wirthlin, Muir, and Woodhead voted, “Aye”. The motion passed unanimously.

The meeting adjourned at 7:17 p.m.

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on January 13, 2010.

Tami Hansen