

## **SALT LAKE CITY PLANNING COMMISSION MEETING**

**In Room 326 of the City & County Building**

**451 South State Street, Salt Lake City, Utah**

**Wednesday, July 28, 2010**

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

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at 5:45 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time. Planning staff members present at the meeting were: Wilford Sommerkorn, Planning Director, Cheri Coffey, Assistant Director; Michael Maloy, Principal Planner, Katia Pace, Associate Planner; Michael Maloy, Principal Planner; Paul Nielson, City Attorney; and Angela Hasenberg, Senior Secretary.

### **Approval of Minutes from Wednesday, June 23, 2010**

**Commissioner Woodhead made a motion to approve the March 10, 2010 minutes as written. Commissioner Wirthlin seconded the motion. Commissioners voted, “Aye” Commissioners Dean and Algarin abstained. The motion passed.**

### **Briefing:**

- 1. PLNPCM2010-00448 & PLNPCM2010-00461- YNC Yalecrest Neighborhood Character Overlay District – A request by the Salt Lake City Council to amend the Salt Lake City Zoning Ordinance and Map. The proposed zoning text amendment will create a new overlay district to limit demolition of homes that define the character of the Yalecrest neighborhood and preserve existing streetscape building setbacks. The proposed zoning map amendment will apply the YNC Yalecrest Neighborhood Character Overlay District to property located approximately between Sunnyside Avenue and 1300 South, and between 1900 East and 1300 East. The property affected is located in Council District 5, represented by Jill Remington Love, and Council District 6, represented by J.T. Martin. (Staff contact: Wayne Mills at 801-535-7282 or wayne.mills@slcgov.com or Michael Maloy at 801-535-7118 or michael.maloy@slcgov.com)**

Chair De Lay recognized Michael Maloy as staff representative.

Mr. Maloy stated the Planning Department appreciates the community of Yalecrest, and that the care and effort that went in to the correspondence that the Planning Department has had regarding this issue.

Mr. Maloy noted that this was a zoning amendment, it technically had two parts, part one was zoning ordinance itself, and part two is the zoning map amendment.

Mr. Maloy gave an overview of the background of the issue as well as a comparison to other ordinances and regulations that the City had. He stated that other potential issues will be discussed such as possible amendments to the draft that was part of the packet.

Background:

- March 9, 2010, City Council adopted temporary zoning regulation for Yalecrest Neighborhood.
  - Any structure that had been proposed to be demolished were those that were a threat to public safety.
  - Any significant remodels or alterations would comply under the historic guidelines under the six month temporary regulation.
- Temporary zoning regulation to expire September 10, 2010.
- July 6, 2010 City Council modified was regulated by temporary zoning regulation and adopted a statement of legislative intent.

Mike Maloy stated that the City Council modified the temporary zoning regulation and modified the area of the Overlay slightly and adopted a legislative intent which has two parts, they are as follows:

**City Council Legislative Intent Part 1:**

- “Within the area of the revised temporary regulations, the Administration, Historic Landmark and Planning Commissions provide recommendations for proposed regulations that include refining what constitutes a demolition, requiring that proposed demolitions of homes built prior to 1942 be reviewed by the Historic Landmark Commission and that the front setback of the existing structures must remain the same for any proposed building plans for new construction or remodeling,. This would be an expedited process to be completed prior to the temporary regulations expiration date on September 10, 2010”

Mr. Maloy clarified that this did not mean that the City Council would adopt or make a decision prior to that date, but simply wanted a recommendation from the Planning Commission as well as the Historic Landmark Commission. He further noted that the second part of the legislative intent was still in play, and was perhaps the section the public had most concern about. He discussed the fact that this area

was already designated as a national historic district, that designation was part of an incentive program, as opposed to a local designation that would involve more regulations and compliance requirements.

#### **City Council Legislative Intent Part 2:**

- “The City form 6-7 working groups that would work independent from the City with the assistance from architects suggested by the American Institute of Architects AIA. This process would include:
  - a. A timeframe of approximately 6 ½ months to be completed by January 15, 2011.
  - b. Review of 2005 survey maps and data for accuracy.
  - c. Identify what is important about the neighborhood.
  - d. Identify issues of incompatible infill.
  - e. Identify design features to be preserved.
  - f. Determining appropriate level of preservation.
  - g. Become familiar with what tools are available and determine what appropriate tool(s) could be used for the area.
  - h. At the appropriate time, when broad based support has been achieved with the area, request review by the Historic Landmark Commission.

Planning Process:

Prepare Draft Ordinance

Open House was held on July 21, sixty three people signed in on the roles and attended the meeting.

- Planning Commission Briefing
  - Wednesday, July 28, 2010
- Historic Landmark Commission Public Hearing
  - Wednesday, August 4, 2010
- Planning Commission Public Hearing
  - Wednesday, August 11, 2010
  
- City Council Meetings
  - Dates to be determined

Mr. Maloy defined components of the Ordinance:

Define “Demolitions” - the ordinance defines demolition as an act or process which results in the removal or intentional destruction of a principal building further defined as:

- 50% or more of the roof area as measured in plan view;
- 50% or more of the exterior walls of a building as measured contiguously around the exterior of the building walls; and
- Any exterior wall facing a public street

A “retained wall” is defined as follows:

- The wall must retain studs, or other structural elements, and the entire exterior wall finish;
- The wall cannot be covered or concealed by a wall that is proposed to be placed in front of the retained wall. Open, covered porches are not considered a concealing wall; and
- The retained wall must be attached to an adjacent contiguous wall on at least one corner.

Prohibit demolition of “Significant Structures” unless:

- The structure is determined a dangerous building by the Building Official;
- The Historic Landmark Commission finds that demolition is required to rectify a condition of economic hardship; or
- The Historic Landmark Commission determines that demolition is appropriate according to applicable standards.

Determine whether a building is considered a Significant Structure using the following set of standards:

- The structure must be at least 50 years old. The Planning Division recommends that the 50 year standard is used because it is the common planning and preservation standard utilized when analyzing a property for its historic contribution to the City.
- The building meets at least one of the following criteria:
  - The building is historically or architecturally significant because of the period, style, method of building construction, or important association with a famous architect or building; or
  - The building has an important association with one or more historic persons or events, or with the broad architectural, cultural, political, economic, or social history of the City; or
  - The building is one whose loss would have a significant negative impact on the historical or architectural integrity or urban design character of the neighborhood;
- The original character has been retained since the building was constructed. This includes scale, massing, materials, architectural features, and associated spaces that characterize the structure.

Mr. Maloy stated that there would need to be an established process to determine if a structure was significant, and standards for process of reviewing applications for demolition of Significant Structures the process was as follows:

**Establish a process for determining if a structure is significant.** The process includes:

- Notification to surrounding property owners and a 30 day public comment period.
- Review by the Planning Director to determine if the structure meets applicable standards.
- Review by the Historic Landmark Commission if the Planning Director deems it appropriate.

**Establish standards and process for reviewing applications for demolition of Significant Structures:**

- The Historic Landmark Commission may approve the demolition of a significant structure if they determine the following:
  - The demolition is required to rectify a condition of economic hardship; or
  - The streetscape within the context of the overlay district would not be negatively affected; and
  - The Historic Landmark commission finds that the reconstruction plan is consistent with a set of standards; and
  - The site has not suffered from willful neglect.
- In making the decision on demolitions of a Significant Structure other than cases of economic hardship, the Historic Landmark Commission can approve, approve with conditions, deny, or defer the decision for up to one year to allow time for consideration of designation of the structure as a Landmark Site to the Salt Lake City Register of Cultural Resources

**Establish standards and process for determining economic hardship.**

Mr. Maloy stated that this process was one already established by the City.

- The process includes:
  - Application submittal including all relevant information necessary to determine if the economic hardship standards are met.
  - Establishing a three person Economic Review Panel who reviews the evidence submitted by the applicant and submits a report to the Historic Landmark Commission
  - Historic Landmark Commission review of the Economic Review Panel report in a public hearing. The Historic Landmark Commission makes the final decision on the economic hardship application
- The Economic Review Panel and Historic Landmark Commission will review the application to determine if denying the demolition would deprive the property owner of all reasonable economic use or return on the property taking into consideration the following:
  - The current level of economic return on the property.
  - The marketability of the property for sale or lease, considered in relation to any listing of the property for sale or lease. And price asked and offers received, if any, within the previous two (2) years.
  - The infeasibility of alternative uses that can earn a reasonable economic return for the property.

- Economic incentives and/or funding available to the applicant through federal, state, city or private programs.

**Establish standards for reviewing reconstruction plan associated with the demolition of a Significant Structure.**

- In reviewing all demolition applications, the Historic Landmark Commission will review and approve, approve with conditions, or deny a reconstruction plan based on a set of standards that address scale and form, composition of principal facades, and relationship to the street in relation to surrounding structures.

Mr. Maloy explained that the addition of the Front Yard Building Setback was also included in the Legislative Intent offered by the City Council.

**Front Yard Building Setback.** Require that the existing setback between the front property line and the front of an existing building is maintained in order to preserve the character of the streetscape.

Mr. Maloy noted that since the inception of the draft to that point, the Planning Department had received 56 emails, 8 of which were in favor of the proposed ordinance, 35 opposed, and 13 who are in favor of an ordinance with changes.

Items for Discussion:

- Potential modification of proposed demolition definition

The most significant concern was the 50% proposal on the roof itself. There were several single story homes in the area. A limitation of roof demolition would prohibit any addition of a second story. The community opposes this option.

Chairperson De Lay asked why the ordinance was written as such if the planning staff knew of the opposition.

Mr. Maloy responded that when an ordinance is written, research is done regarding other communities that have dealt with similar problems, and what has worked, what was legally supported. It was found that other cities in the nation have the same regulations. Additionally, if you were removing the roof structure and if the intent is to preserve the character of a community, the roof structure does impact the community. The ordinance was written to enhance the community character.

Another issue noted by Mr. Maloy was the proposed setback regulations. The concern was that there were some unusually large front setbacks, and the homeowners would like to bring the buildings up to the streetscape, which in urban design is encouraged, and there for modifications could potentially be made.

- Potential modification of proposed front yard setback regulation.

**Alternative Options:**

1. No Changes- Planning Commission may recommend denial of proposed amendment.
2. Ordinance as Proposed- recommend approval of proposed amendment.
3. Demolition Delay- recommend approval of proposed amendment with additional modifications

#### Demolition Delay Option:

- Waiting period would give the City time to determine:
  - Whether the structure would be contributing to a possible local historic district;
  - Whether the structure could be designated as a Landmark Site;
  - If there are resources the property owner could use to preserve the building; and
  - If there are resources the property owner could use to preserve the building; and
  - Notifies the public of the proposed demolition and gives them an opportunity to consider options and provide comments.
- After one year, if no other designation is made, a demolition permit would be issued.
- Building could be demolished if deemed a Hazardous Structure by Building Official.

#### Results

- Allow time for designation process as landmark, historic or conservation district if warranted.
- Complements the objectives of the community work groups in their explorations of options/tools for preserving neighborhood character (this being the facilitation part of the character retention discussions).
- May save structures for up to one year that property owners are planning to demolish or longer if designated.
- Property owner may be able to demolish after one year, even if structure is significant if no other preservation action has been realized.
- Would delay but not deny plans property owners maybe have for their properties.

Mr. Maloy described the new the new Overlay district.

[6:16:35 PM](#) **Questions from the Commissioners:**

**Chairperson De Lay opened the briefing to questions from the commissioners.**

Commissioner Wirthlin asked for a reminder of why the section was removed from the overlay zone.

Assistant Planning Director Cheri Coffey answered that the homes located eastern and southern part of the original zoning map were built in the 40's, the City Council found that there were a lot of homes of that type in Salt Lake City and therefore, chose not to include them in the temporary ordinance.

Commissioner Fife asked how a demolition would normally be handled.

Mr. Maloy stated that currently, without the new temporary regulations, if a structure is going to have more than 75% of the structure demolished, a building permit is required and demolition was to happen in a healthy and safe manner. If the demolition request has a reuse plan, ex: A single family home will be reconstructing and a single family home will be built in its place, then there would be no loss of residential housing. If these requirements were met the demolition would be approved. If there was a net loss of more than 5 units, in regard to a multi family unit, then there would be additional review required.

Commissioner Fife stated that there is no review for what would go in after the demolition.

Mr. Maloy answered that there was no design review other than what is currently required under the zoning regulations, such as what is the height, what are the setbacks, basic requirements that are for single family homes.

Commissioner Fife asked if these are part of the existing ordinance.

Mr. Maloy stated that they are part of the building code.

Commissioner Fife asked how this was different than the new temporary regulations.

Was it just the design guidelines or historic designation?

Mr. Maloy stated that the design guidelines were a very significant difference, it would also change the definition of demolition, there is a different criterion for demolitions in a historic area, HLC review, processing would be different because it would require Historic Landmark Commission review.

Commissioner Fife asked how many significant structures would be impacted.

Chair De Lay added that the guidelines for HLC were vague and are unclear and one's definition of significant does not always match another's definition of the same thing.

Mr. Maloy stated that most of the structures in this particular area are considered likely to be significant.

Commissioner Woodhead stated that the City Council initially mentioned the date 1942, fifty years makes it 1960, what difference will the age make in the number of residences that are part of this?

Mr. Maloy stated that those numbers were not part of the analysis. He said that there are maps that show the estimates of dates of construction, and the information could be provided at a later date.



Commissioner Woodhead asked if there were structures that built between 1942 and 1961 that are culturally significant.

Mr. Sommerkorn stated that there are some, however, the majority was built prior to 1942.

Commissioner Woodhead asked if the roof issue and the availability for people to build second stories was a real concern of the public, and had the City thought of alternative ways to structure the ordinance to give more flexibility.

Mr. Maloy stated that it was a potential modification. Mr. Maloy stated that he had a conversation with a resident who felt the ordinance was taking too much of the rights of the homeowner. Mr. Maloy noted that when you take away the façade or the roof, what are you saving. The roof lines really do impact the look of the neighborhood.

Commissioner Woodhead suggested that there might be a way to let people add second stories if they are set back, and not have the issue be the roof.

Mr. Maloy responded that there was a potential for considering dormers, there has been a concern that there has been story and half architecture is not sufficient. There was still demand for people to be able to create a full second story.

Commissioner Dean noted that the intent is obviously to maintain the character of the neighborhood, and the two elements are limited demolition and limited roof modification, allowing for the additional second story to be on the opposite side of the house. It seems that it doesn't completely protect the character if you simply say 50%, unless you create a front setback.

She also stated that there isn't anything listed for modifications, so if a citizen had an existing front porch, they are not modifying the setback or do not have a demolition of 50% or more, yet they completely rebuild the porch in a different style in way that is not compatible, there is no protections there, is that correct.

Mr. Maloy said that was true, the assessment is correct.

Commissioner Dean asked if there were other ways to protect the façade.

Mr. Maloy stated that there are established setbacks.

Commissioner Hill wanted to understand the intent of the legislation, and asked what spurred the City Council initiative that the City does this?

Planning Director Sommerkorn stated that our understanding was that the City Council wanted initially to create a Historic District, that has not been approved, and so to allow for some time for the second part of the legislative intent putting together working groups. The concern was that on September 10, the temporary legislation went away. The issue had been the demolition of homes in that neighborhood, and if there was a possibility of way to prevent additional demolitions once that period ended. That was what prompted this, in order to prevent demolitions that would impact the character

of the neighborhood in the meantime, and allow the process to go forward and to see if there were other areas that would be interested in other Historic regulations or perhaps conservation guidelines, or something along those lines that would be determined from those areas. This was an attempt to try and address prevention of demolitions that would impact the character of the neighborhood in the meantime.

Commissioner Hill asked if there were any way to create a moratorium to give a window of time to study the issue.

Mr. Sommerkorn replied that was what the prior time was to be intended for, and that it expires September 10, and under State code, you could only do that once. Any new regulation that would have gone into place would have had to been a permanent regulation.

Commissioner Algarin asked if there were 28 demolition applications that were proposed before the new regulation. Would the number increase with the new regulation?

Mr. Maloy stated that there would have been.

Commissioner Algarin further asked if when the research was done in other areas, was it done in areas that were already deemed an historic area.

Mr. Maloy noted that these regulations in many cases were not done by communities with historic designation already established. The demolition delay approach has been seen in communities not directly associated with historic districts.

Commissioner Algarin stated that it seemed to him, that the limitations are way too excessive, and the number of houses that have been remodeled had proven the need. The problem seemed to have been with the "monster size" remodeled homes. He was concerned about the few numbers of residents in support of the ordinance, and the large number that were against. He stated that on the field trip they found that the large majority of the remodeled homes were done in good taste and fit in with the neighborhood, and also a number of homes that seemed to need to be demolished. There needed to be a way to compromise.

Chairperson De Lay stated that she had clients that live in the area and the reason they want to remodel is that they appreciate the area and want to stay in it. When their families grew overtime, they needed to expand their homes. Ms De Lay stated that in many cases, adding a second story to a home means that 100% of the roof needed to be demolished, not 50%, and that perhaps the ordinance should have read that the remodel would be a 100% demolition of a roof in order to finish a second story.

Chairperson De Lay wondered how many contractors /remodelers were asked for their input. She stated that she had experience with Landmarks, and though she was in favor of the process of protecting our historic properties, it was a nightmare to work within. Ms. De Lay's recommendation was to scrap the ordinance, but find a compromise.

Commissioner McHugh stated that the regulations need to be taken into consideration, they could not know what people will do in the future, and they were not in the family planning business. She noted that she liked the ordinance, that perhaps it needed tweaking, but it could not be let go so that the historic character is preserved.

Chairperson De Lay asked for comments for staff.

Commissioner McHugh stated that she disagreed with the year wait on the demolition. However, she felt that roof lines needed to be addressed.

Commissioner Hill asked for more study, for more time to do the right thing for the City, and have some way to do research on character preservation guidelines because the intent is to protect and preserve the charm and dignity of the City, and create a place where people want to be. Their intent was to protect that the wrong things do not happen, and make a smooth transition for the right things to happen.

Planning Director Sommerkorn asked if on the roof additions, that it should have been allowed but with design guidelines or design standards?

Commissioner McHugh stated that it would be a lot of pressure for those in favor of the ordinance.

Commissioner Dean asked if this neighborhood was not significant for an historic overlay.

Mr. Maloy stated that it was an ongoing debate; it was his understanding that there was a basic criterion for it to be considered. Both sides of the issue state that they were the majority. There had been some advocates that stated that it shouldn't be a popular vote, but what would be in the best interest for the City in the long term.

Assistant Planning Director Coffey stated that the area is in the National Registry, so therefore, it would probably have met the City's criteria for local register. That decision is ultimately at the discretion of the City Council and that they will take all of the feedback. She also wanted to note that there are several neighborhoods in the City that are national historic districts that don't have the local regulation on them. Yalecrest had the development pressure that was why this issue was in front of the Planning Commission.

Commissioner Woodhead stated that she thought that this ordinance was going in the right direction, but that it needed some tweaking. She stated that she appreciated the effort of the City staff to acknowledge that the historic designation regulations might have been too onerous for the homeowners, and so found a middle ground that wasn't just set on height, but on design elements.

Commissioner Woodhead agreed that the Planning Commission is not in the family planning business, but did concede that people like bigger homes and that they could recognize that. She further stated that she believed that one of the most important things to come out of this ordinance was the process that determined historic significance, that they have seen the Historic Landmarks sometimes is not as consistent such things.

Commissioner Hill stated her agreement with Commissioner Woodhead, and wondered if the wording should be 'character overlay' and that the historic district requirements are too stringent that the second story is not the issue, but the preservation of the character and the nature of that area was. maybe there is a way to the demolition, even as you've defined it, is a trigger point where if there is a roof coming off and a second story coming on, that it would automatically trigger the character guideline and any client or developer or homeowner would not have any worries getting it through the process.

Mr. Maloy asked if perhaps if there were some design guidelines that were specific to the complete removal of a roof, that it would be subject to the design principles.

Commissioner Hill added that maybe the wording be changed to character guidelines, rather than design guidelines, for that neighborhood specifically, and that a homeowner would be able understand the "feel" of the neighborhood.

Commissioner Fife stated that as they were driving through the neighborhood, there were many houses that had already been demolished and rebuilt beautifully with one glaring example of where one person made an error. He was concerned about the fairness of one neighbor being able to tear down his home and remodel because he did it before a certain date, and another not being able to because he did not apply before a certain date.

Commissioner Woodhead stated that if that were an issue, the City could never have zoning laws.

City Attorney Paul Nielson stated that this issue did not fall into the category of "takings" this was more along the lines of legal non-conforming uses. Zoning laws change all of the time, to adapt to changes in the community.

Commissioner Algarin stated that anyone who has ever done any remodeling goes in with the intention of one thing, and in the process find that there might be changes due to safety. He asked how the ordinance would adjust for that.

Commissioner De Lay stated that she agreed with the idea of "Character Overlay" because it follows the idea of the neighborhood, they want to keep the character.

Mr. Maloy responded that the proposal was not being considered by the City because there had been a wide belief that historic district designation was too onerous. He stated that the Community, Community Council, City Council, were still exploring does the district designation make sense, was this the best solution. What does the community really want.

He also reiterated that the demolition delay approach was less onerous than the current draft. The demolition delay would ultimately allow someone to actually demolish their property, whereas, the current proposal, there would have been several properties that would not be allowed for demolition.

Commissioner Algarin stated that in his opinion, the new ordinance was still very onerous.

Commissioner Woodhead added that she didn't believe that the new ordinance was more or less onerous, but worse.

Chairperson De Lay stated that in two weeks there would be a public hearing.

### **Public Hearing:**

**7:03:11 PM PLNPCM2009-00734 – Cannon Wards Parking Expansion – A request by Troy Anderson, architect, for a conditional use to expand an existing parking lot at approximately 1315 South 1200 West. The subject property is located in the R-1/5,000 (Single-Family Residential) zoning district in City Council District 2.**

Chairperson De Lay recognized Katia Pace as staff representative.

Ms. Pace stated that this was a request for a conditional use for an expansion of an existing parking lot. The parking lot served two LDS wards; it was located at approximately 1315 South 1200 West. The LDS Church purchased the property approximately 5 years ago in order to expand the south parking lot.

At the time there were seventy one parking spaces, they would have like to have one hundred spaces. The intent was to add an additional 20 parking spaces but due to the setbacks and buffer requirements of the City, this was not a possibility, and would only allow them thirteen additional spaces.

There was a dilapidated home on the property that had been boarded and vacant for five years.

The ordinance 18.97 requires that if there was a conditional use for a parking expansion, it would require a housing mitigation. A request was made to the applicant for a report for a housing mitigation. Due to the condition of the house and calculating the requirements from the city, a fee was assessed in the amount \$1575.00. This amount would be placed in the Salt Lake City Housing Trust Fund.

This project was presented to the Community Council they were in favor of the demolition and parking expansion.

Ms. Pace gave a PowerPoint presentation, detailing landscaping and setbacks.

Ms. Pace stated that the application complies with the zoning ordinances and recommend that the conditional use be approved with some conditions.

**7:10:57 PM** Chairperson De Lay opened the hearing to questions from the Commissioners.

Commissioner Fife stated that the Korean Presbyterian Church twenty feet high within ten feet of an alley. He stated that we are requiring this applicant to have a forty foot setback, and that seemed excessive.

He asked if this was a planned development, would they be able to get more parking spaces.

Assistant Director Coffey answered that if it were a planned development, the applicant would have to prove that it had a benefit to the public.

Commissioner Fife asked if there was not a public safety interest in the parking lot.

[7:12:03 PM](#) Chairperson De Lay asked the applicant to speak.

Mr. Lou Brown introduced himself as the real estate representative for the LDS Church. He also introduced Robert Marshall, architect and Steve Whitehead, Kurt, McConkie and Richard Kafusi

Mr. Brown made comments and presented a PowerPoint presentation outlining the need for increased parking and the safety benefits of the additional parking.

Community Council Representative Jay Engleby, first vice chair of the Glendale Community Council spoke in favor of the application.

Community Council Representative, Randy Sorenson, Chair of the Glendale Community Council also spoke in favor of the application; he stated that it was a benefit to the community.

Matt Johnson, Bishop of an LDS ward that attends the building. He added his support of the application, adding that there is a lot of crime in the area.

Richard Kafusi, Stake President of the wards, echoed his support of the application. He reiterated that the building was an eye sore, and that there is a lot of crime in the area.

[7:33:21 PM](#) **Motion: Commissioner Gallegos made the motion in regard to PLNPCM2009-00734 – Cannon Wards Parking Expansion address of 1350 So 1200 West Street, based on the findings and conditions in the staff report, recommends approval by the Planning Commission.**

**Commissioner Algarin seconded the motion.**

**Commissioners Gallegos, Wirthlin, McHugh, Firth, Woodhead, Dean, Hill and Algarin voted aye, the motion passed unanimously.**

[7:34:48 PM](#) **PLNPCM2010-00013 - Salt Lake Community College Alley Vacation - A request by the Salt Lake Community College for an Alley Vacation at approximately 1650 South that runs east-west, between Edison Street and State Street. The abutting properties are zoned I Institutional and R-1-5000 Single Family Residential. The properties are currently used for parking for the school.**

Chairperson De Lay recognized Ana Valdemoros as staff representative.

Ms Valdemoros stated that the Community Council has requested to vacate an alley across the street from their property. The alley appears nonexistent, Salt Lake Community College owns four parcels in the area, and would like to make an addition to the College.

The Community College had spoken property management for the City to make the arrangements on the value of the property; staff recommends approval with the following changes to the conditions: consolidation of ALL parcels into one.

Mr. Algarin asked questions regarding setbacks

Ms Valdemoros stated that it was a State owned property; she stated that we do not regulate what they do in the parking lot.

Assistant Director Coffey added that Ms Pace's application was in a residential zone, and this application is for a institutional zone.

Planning Director Sommerkorn added that this was not street frontage, and that made the difference.

Rob Askerlund, Assistant VP for facilities for Community College, and spoke in support.

[7:39:33 PM](#) Motion: Commissioner Wirthlin made the motion in regard to **PLNPCM2010-00013 - Salt Lake Community College Alley Vacation** based on the findings of the staff report and the testimony heard tonight, propose that the Planning Commission approve as proposed with the following conditions: that condition one be amended to all parcels combined into one.

Commissioner McHugh seconded the motion

**Commissioners Gallegos, Wirthlin, McHugh, Firth, Woodhead, Dean, Hill and Algarin voted aye, the motion passed unanimously.**

[7:39:52 PM](#) PLNPCM2009-010337- Amendments to the Use Table Sustainability Regulations - A petition by Mayor Ralph Becker to create new language in the Salt Lake City Zoning Ordinance to create a series of regulations promoting sustainability throughout the City. Regulations are City wide

Chairperson De Lay recognized Ray Milliner as staff representative.

Commissioner Woodhead asked about accessory structures and whether they would be part of the vote.

Assistant Director Coffey stated that there were two separate parts to this issue and accessory structures would be handled by planner Casey Stewart

Mr. Milliner stated that the Planning Commission reviewed the application one month prior, the Planning Commission asked for clarification on the following issues. He also stated that he received an email from Commissioner Dean, and would like to address those issues first.

First question was solar array and large energy wind systems are covered in the ordinance, should there also be consideration of solar thermal systems and ground source geothermal systems along with ordinance?

Mr. Milliner responded that geothermal systems are mechanical use for a specific building; it would be an allowed use for a building permit. Solar thermal systems were something he was not familiar enough with, but was willing to do research.

Question 2, page 12 indicates under permitted zones that residential equals none, which means there is no residential uses, and this is for the solar arrays, I assume that they are still permitted, but perhaps to no change to residential at this time, please clarify.

Mr. Milliner stated that the clarification is that the solar arrays are the larger structures, and so the thought of staff was that having these large scales, large

type, solar arrays would not be appropriate in residential zones. The smaller solar array panels on a roof, maybe a 5x5 in your backyard, is being addressed in the accessory structures, and so we consider those accessory structures. He stated that staff did not intend to limit solar panels in residential areas, but restricting the very large solar arrays.

Commissioner Dean stated that this needed to be defined similar to the wind where **it's said to the capacity of 100 kilowatts or greater, for the solar** also, to distinguish that?

Mr. Milliner agreed that a modification of the definition would help make things more clear.

Question 3, Setbacks states a six foot minimum setback from the property line, please clarify the reason, it seems the solar setback should equal the building setback.

Mr. Milliner stated a six foot setback would be a buffer for the entire property.

Question 4, issues regarding height, what is the reason behind this specific dimension? Could we limit the height to the allowable building height in the zone or set some dimension such as three feet above the building roof.

Mr. Milliner stated that right now staff is proposing a 20ft height limit for the larger solar arrays, twenty feet was a standard height offered by Clarion, and research, changes would be made if necessary.

Question 5, page 13 relating to large wind energy systems, staff is proposing they be allowed in zones with no residential uses and large lot areas that would provide a buffer between uses, why not allow in residential or mixed use zones as a conditional use, if lot size and conditions allow, it seems other defined restrictions with regard to lot size and set backs would handle the potential conflicts.

Mr. Milliner stated that the rationale that staff used was that these large wind energy systems are for the large scale type. He further stated that if someone wanted an accessory windmill they could have that in their yard, but in residential zoning, it **didn't seem there would be a location that you could place one and further**, it would cause a significant amount of public outcry if the City said that they would place one in a public place.

Question 6, off street parking and loading requirements for large wind systems seem to run counter to sustainability goals, is it appropriate to pave an agricultural field where these may be located to accommodate the occasional access.

Mr. Milliner answered that he felt it was a good comment, the criteria was based off of input given to staff by the transportation division. If the Commission feels that it was excessive, the staff could take it out.

Questions from the Commissioners:

Commissioner Woodhead was concerned about an item on page 6, which are the qualifying provisions for urban farms, there was testimony in a prior meeting about what buildings should be required to have building permits, and hoop houses were



still in the ordinance, and the her understanding is that hoop houses are temporary structures and it seems excessive to require building permits.

Commissioner Fife suggested that the wording be changed to accessory buildings associated with urban farms.

Commissioner McHugh stated a question regarding an item on page 8, was there **more clarification on "on site" sales and events, number 13e, "the sales stand should be a non permanent structure, it must be removed immediately following the sale."** She stated that the wording made it seem that it could be an entire season, and the wording be changed to **"following a sale everyday"**.

Mr. Milliner stated that his intent was basically that when a vendor is finished with his stand, the table would be taken down.

The **definition of "sale"** was discussed.

Assistant Director Coffey stated that there is a limitation of 45 days in the ordinance, but it could be changed. She stated that the wording could adapted to fit the concerns.

Commissioner McHugh noted that the issue for her was not whether the business or sale were to be every day, she was concerned about the tables and signs stay up continually.

Commissioner De Lay asked for more clarification from Commissioner McHugh.

**Commissioner McHugh stated "it must be removed immediately following the sale each day."**

Commissioner Woodhead asked **about the issue of "hours of operation" on page five, number 6: "all urban farm related uses shall operate only during daylight hours". If irrigation was one of the uses, that happens at night, and asked if that is considered a "use".** She suggested that **the phrase "all uses EXCEPT irrigation shall operate only during daylight hours."**

Commissioner Woodhead asked about the duration of seasonal farm stands, **"shall only operate during the intermountain region harvest season."** She asked if this applies to

[7:57:57 PM](#) Commissioner Hill made a motion to table the item.

Mr. Milliner stated that this was a project that has been presented to the people at Wasatch Community Gardens, time had been spent with Kyle LaMalfa from the **Farmer's Market**, and time had been spent with Jeff Williams from the Agriculture Department. The individuals that had provided significant amounts of feedback and discussion are the one this most impacts.

Chairperson De Lay clarified that it was his opinion that there was enough data.

Mr. Milliner stated that was his opinion.

[7:57:57 PM](#) Commissioner Dean seconded the motion.

City Attorney Nielson stated that this was listed on the agenda as a public hearing.

Mr. Milliner stated that it was his preference not to table the issue, if it was to be tabled, he would need extensive information on what was lacking.

[7:59:33 PM](#) Chairperson De Lay opened the public hearing.

Rick Gregory spoke asking about solar easements, looking at page 12, his concern was that easements were something that needed to be individually negotiated, and therefore confrontational. He would like the ordinance to be more specific.

**Anne Cannon spoke in concern for "provide information regarding limitations of agriculture in the riparian corridor." She asked where the information was provided.**

Mr. Milliner stated that it was found in section page 8 number 2.

[8:08:41 PM](#) Chairperson De Lay closed the public hearing.

Vicky spoke about the public input, the open houses and said that approximately 30 residents came and listened. The process is ongoing. She stated that it was the hope that these changes would go through because this is something that would help the City from a sustainability standpoint.

Assistant Director Cheri Coffey added that this was brought out in December; she stated that a majority of the people were interested in urban farming. Vicky's group has a large listserv grouping that they distribute information to, and they have been forwarding all of the information that we have been providing. Ms Coffey noted that this ordinance had been discussed and questions have been answered.

[8:11:52 PM](#) Commissioner Fife made the motion on **PLNPCM2009-010337-Amendments to the Use Table Sustainability Regulations** based on the information provided in the staff report and the recommendations of staff, moves that a positive recommendation be forwarded to City Council on these recommendations with the following changes: page 5, number 1: change to read **that "accessory buildings: accessory buildings with urban farms are subject to the standards in chapter 21 A-40."** Page 5 number 6: change to read **"hours of operation: all urban farm related uses shall only operate only during daylight hours, except irrigation."** Page 8 number 13-b, **"signs must be removed immediately following the sale each day."** 13-e add the words **"each day"** to each sentence.

Commissioner Woodhead amended a change that page 11, number 4 to delete the **wording that states" duration of the intermountain region harvest season"**

Commissioner Fife agreed to the changes.

Commission Dean added: Page 11: define the solar array to this particular section **of the ordinance as "systems about 100 kilowatt sizes"** Off street parking, page 14 item 12, proposes that the parking requirement be removed. Page 14 number 12 under qualifying provisions to remove the last sentence.

Commissioner Fife agreed to the changes.

Assistant Director Coffey asked for the authority to make sure there is consistency based on the changes in the motion.

Commissioner Fife agreed to that suggestion.

City Attorney Nielson added a change that would change identifying specific companies. Commissioner Woodhead supported the amendment.

Commissioner Fife agreed to that suggestion.

**8:19:07 PM** Commissioners Gallegos, Wirthlin, McHugh, Fife, Woodhead, Dean, all voted aye, Commissioner Hill voted "nay" the motion passed.

Meeting adjourned at **8:19:26 PM**