

**SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, June 9, 2010**

Present for the Planning Commission meeting were Chair Babs De Lay and Vice Chair Frank Algarin; and, Angela Dean, Michael Fife, Michael Gallegos, Matthew Wirthlin, and Susie McHugh. Commissioners Mary Woodhead and Kathleen Hill were 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: Cheri Coffey Assistant Director, Joel Paterson, Manager; Nick Norris, Manager Wayne Mills, Senior Planner; Casey Stewart, Principal Planner; Mike Maloy, Principal Planner, Nole Walkingshaw, Senior Planner, Paul Nielson, City Attorney; and Angela Hasenberg, Senior Secretary.

Field Trip Notes (Taken by Nick Norris)

Planning Commissioners visited the Hampton Inn/Foothill Dental mixed-use project and the Westminster mixed-use project. Planner Casey Stewart explained the Hampton Inn/Foothill Dental proposal, there were no questions. Planner Michael Maloy provided an overview of the Westminster mixed-use project.

Approval of Minutes from Wednesday, April 14, 2010 was postponed until June 23.

Report of the Chair and Vice Chair

Chair De Lay stated that there had been no recent meetings with the City Council.

Report of the Assistant Director

Assistant Director, Cheri Coffey offered that the Historic Landmark Commission was looking at a preservation plan that had been sent to the City Council, and Public Hearing had been held. A current issue was that the Landmarks Commission cannot initiate petitions, however, the Planning Commission could and there was a request to ask the Planning Commission to initiate a petition to amend the zoning ordinance that would allow the Landmarks Commission to initiate petitions that relate to historic preservation.

5:49:56 PM Motion:

Commissioner Wirthlin made a motion to approve.
Commissioner Mc Hugh seconded the motion.

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

5:50:48 PM Motion:

Commissioner Gallegos made a motion to move item PLNPCM2010-00096 to be heard first.

Commissioner Fife seconded the motion

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

Unfinished business:

PLNPCM2010-00096 North Temple Boulevard and Vicinity Rezoning: A request by the Salt Lake City Planning Commission regarding the adoption of the TSA Transit Station Area Zoning District and amending the official zoning map by rezoning certain properties along North Temple Boulevard and other properties in close proximity to the Airport Light Rail Line between approximately 300 West and 2400 West. The properties are located in Council District 1 represented by Carlton Christensen, District 2 represented by Van Turner and District 3 represented by Stan Penfold

Chair De Lay recognized Nick Norris as staff representative.

Mr. Norris offered responses to three issues presented at the May 26 Planning Commission Meeting. He also noted that although this wasn’t a public hearing, the hearing before the City Council would be a public hearing, and all emails and information would be forwarded to them.

The items in question were: outdoor storage, surface parking lots at corners and using LEED certification as guidelines.

1. Outdoor storage: The question was asked whether the Planning Commission approved as an accessory behind primary buildings or whether it should be included all inside buildings and exactly what it would be.
2. Surface parking lots: Staff would like to adopt the language that is exists in the TC-75 zone which requires a 60 foot setback from either a front or a corner side yard, if no building will be placed in either of those locations, it would have needed to be completely landscaped.
3. Clarification of the development guidelines with LEED standards. Staff understood that they were given direction to take that element out temporarily to allow more time for research and better administer standards for our application process.

New issues:

1. All Seasons Mobile Home Park: Staff recommends to remove this area from the proposed zoning which would leave the existing zoning of MH, mobile home park in place.
2. Building Setbacks along the Jordan River: Questions were asked about what would be an appropriate distance whether it should match building height, height maximum was 75 ft., most properties were fairly large, and there was one parcel that might have had an

issue. The Riparian Corridor Overlay measured from the annual high water mark, public utilities was in the process of mapping the information for the Jordan River and did not have a definite answer however, it was estimated that it would be measured at the top of bank, give or take a foot, in that case, having used the best measurement, development would have been prohibited on 46 percent of the lot. If property lines were used, it have brought the line 30 ft closer than the high water line, and that would prevent development on 69 percent of the lot.

Mr. Norris stated the other option is to allow the Riparian Corridor Overlay which would require a 50 foot no build setback from the annual high-water mark, and then add limited development between 50 and 75 feet. Developed parcels would allow development in the additional 25 feet, undeveloped parcels only minor development such as accessory structures would be allowed.

Chairperson De Lay asked if the State Corps of Engineers were consulted or is this very standard in the state, or was this a new invention.

Mr. Norris stated that he did not know the answer to the question, staff consulted with Public Utilities regarding this issue, and they felt that the Riparian Corridor Overlay would do the job it was intended to do in this particular location.

Commission Dean clarified that if a building were built to a 75 foot height, that it is then the required setback, from the high water mark.

Mr. Norris responded that it could be measured a number of ways, from 1.) High water mark 2.) Property lines, which are two different points and it will vary depending on the distance the property line is from than annual high water mark of the river.

Mr. Norris stated that in Other section of the proposed ordinance, rear yard building setback is equal to building height. Mr. Norris suggested adding wording that stated “all buildings must be setback a minimum of 50 feet, for any additional height over 50 feet the setback must increased for every additional foot of height.”

Mr. Norris addressed the issue of extending the zoning to 200 North. Staff's recommendation was based on the nature of the area, the fact that it belongs in a National Historic District, a survey that was done, and the fact that the majority of the homes on the block are still contributing, and contrary to what was heard at the prior meeting, the boundary does follow property lines, no property are split, and staff recommends no changes to the zoning in the area.

5:59:34 PM Motion:

Commissioner Fife made the motion in the matter of **PLNPCM2010-00096 North Temple Boulevard and Vicinity Rezoning**: The Commission forwarded a favorable recommendation to the City Council with the following modifications:

- a. To amend the official zoning map to add the TSA zoning district to properties on and near North Temple as indicated in attachment C of the staff report.
- b. Amend chapter 21A.44.040 Transportation Amend Management

Comment [MSOffice1]: Repeat, these are not conditions, these are not conditions, these are not conditions.

- c. Amend chapter 21A.46.095 Sign regulations for transit corridor and transit station area districts as indicated in attachment A for the following reasons as stated 1-4.
- d. Remove the LEED standards as a development guideline and replace it with the ICC National Green Building standard.
- e. Clarify location of surface parking lots on corner properties as stated in the memo dated June 1, 2010.
- f. Add language to the district that would require a 50 foot set back from the annual high water mark of the Jordan River
- g. For buildings taller than 50 feet a setback requirement of one foot per building height.
- h. Remove the All Seasons Mobile Home Park from the zoning proposal and maintain the existing zoning in that area.

Commissioner Dean seconded the motion.

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

6:05:02 PM Public Hearing:

PLNPCM2010-00146 - Redwood Road Surplus Property - A request by Salt Lake City Property Management Division to surplus a property at approximately 650 South Redwood Road. The property is a former employee health clinic. The property is located in the CC (Commercial Corridor) zoning district and in Council District 2 represented by Van Turner.

Chairperson De Lay recognized Cheri Coffey as staff representative.

Ms. Coffey stated that the ordinance reads that there has to be a public hearing for properties to be declared surplus. The Mayor declares property as surplus, but a public hearing is necessary.

Ms. Coffey described the property as an old employee’s health clinic that is no longer needed; departments have indicated that it is not necessary any more.

Public Hearing:

No one from the public chose to speak

6:05:13 PM Close of Public Hearing

6:05:19 PM Motion:

Commissioner Fife made a motion in the matter of PLNPCM2010-00146 - Redwood Road Surplus Property Based on the information in the staff report and the public hearing that

the Commission forward a favorable recommendation to the Mayor to declare the property located at 650 South Redwood Road surplus and dispose of the property in the manner consistent with section 2.58 of the Salt Lake City Code.

Commissioner Gallegos seconded the motion.

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

PLNPCM2010-00145 - Landfill Surplus Property - A request by Salt Lake City Public Services to surplus a property located at approximately 1800 South 5800 West. The property is the eastern border of the Salt Lake City/County Landfill. The property is located in an OS (Open Space) zoning district and in Council District 2 represented by Van Turner

Chairperson De Lay recognized Nole Walkingshaw as staff representative.

Mr. Walkingshaw noted that the comments that Ms. Coffey made regarding surplus property apply to this issue as well.

Mr. Walkingshaw stated that the request was to issue a favorable recommendation to the Mayor to declare this as surplus property in order to enable the Rocky Mountain Corridor to continue a utility corridor in that area.

6:07:15 PM Questions from the Commissioners:

Commissioner McHugh asked if mattered about engineering what plans UDOT had regarding the Mountain West View Corridor.

Mr. Walkingshaw stated that Mountain West View Corridor would not be effected.

6:08:04 PM Public Hearing:

No one chose to speak

6:08:11 PM Close of Public Hearing

6:08:20 PM Motion:

Commissioner Wirthlin made a motion in the matter of **PLNPCM2010-00145 - Landfill Surplus Property** based on the public hearing and the staff report, the Commission forwarded a favorable recommendation to the Mayor. With the following conditions:

1. That the applicant shall finalize the land acquisition with the Property Management Division.
2. That the applicant shall purchase the subject property for its fair-market value.

Commissioner Gallegos seconded the motion.

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

6:08:51 PM

Proposed Ordinance, Title 14, Chapter 14.54 - A request by the City Council to develop a policy regarding the dedication of private streets to public ownership. (Staff Contact: Wayne Mills at 801-535-7282 or wayne.mills@slcgov.com)

Chairperson De Lay recognized Wayne Mills as staff representative.

Mr. Mills stated that are different types of private streets in the city. Private streets have been created prior to any formal subdivision or regulatory process and in many instances the property owners do not know that the streets are private. Sometimes the ownership goes to the middle of the street, and sometimes the ownership is lost. Other types of private streets include: private access ways that are located in condominiums and apartment projects, and private streets that were created in subdivisions or in planned developments.

Mr. Mills said that in order to create a private street today, it would have to be part of a planned development, because the ordinance states that all lots must front on a public street. In many cases a private street created in a planned development does not meet a city street standard.

In the past, the City has received requests to take ownership of private streets. The City has handled these requests in a number of different ways, but has not had guidelines to follow. City Council had requested that a work group be formed to develop a proposed policy for their consideration. The work group consisted of representatives from all applicable divisions in the City. The policy was proposed as an ordinance to the Mayor for his review. The Mayor then requested that it be presented to the Planning Commission prior to moving forward for feedback.

Questions from the Commissioners:

City Land Use Attorney Paul Nielson noted concern regarding City liability.

Commissioner McHugh noted that the city could decline to take ownership of a public street.

Mr. Mills stated that City Attorney Lynn Pace was involved in the writing of the proposed policies.

6:16:53 PM Public Hearing:

Mr. Justin Baer representing Capital Park Home Owners Association spoke *against* the ordinance. He stated that the Capital Park Home Owners Association had an application before the Planning Commission to dedicate the private streets in the PUD. He noted three main objections the HOA has against the ordinance:

1. Property ownership section 14.54.020 subparagraph C provides that the petition must be signed by property owners representing 100% of the total lineal footage of the street.

This would mean that if the street is dedicated to the city, everyone who lives along the frontage of the street would have to sign a petition. The concern is that it would be an alienation of property. Two specific instances could occur. First, was the possibility that someone lives along the street that does not have an ownership interest in the street. If the owners of the street want to dedicate to the City, but yet someone who did not own the property was given an absolute veto right that could potentially prevent the dedication if they live along the street. Second, a situation that specifically pertains to the Capital Park Home Owners Association was that there were several residents of the HOA that do not abut any of the private streets of the subdivision but live along 12th Street. This requirement of 100% of the residents along the street sign the petition, but not the owners who do not, do not get a voice.

Commissioner Fife and Mr. Baer debated street ownership issues.

2. City Standards, Page 2 subparagraph 2 subsections D, third sentence.” provides that there are certain City Standards that the City will not consider waiving or reducing, grade service width, as they relate to health, safety and ability to provide services.”

Mr. Baer believed that this issue should provide flexibility that the City itself should take over dedication. Mr. Baer made the point that within the staff report it states that when the street owners had not been able to afford to make repairs, in some instances the City has taken care of it.

3. Compelling Public interest. Mr. Baer made reference to a letter that is part of the public record.

Mr. David Hirschi representing Capital Park Home Owners Association spoke *against* the ordinance. He explained that the ownership of an HOA and the Covenants, Conditions and Restrictions (CC&Rs) and how the governing body work. He noted that decisions can be made upon vote of a majority of the homeowner, or a supermajority of the homeowners.

Mr. Hirshi wanted to emphasize that flexibility was a good thing while dealing with planning.

6:27:29 PM Close of Public Hearing

Questions from the Commission:

Chairperson De Lay asked what would happen if the City did not want a street.

Mr. Mills replied that the City could deny the dedication. The ordinance does not guarantee that the City will take over a street.

Mr. Mills stated that the City will not take a proactive approach to taking over private streets. The objective of the ordinance is to create a process for when requests to take over a private street came into the City.

Commissioner McHugh asked about the use of the word “compelling” in the ordinance, if it would be used in the case of traffic.

Mr. Mills said that within the ordinance are several review standards. This has been set up so that if the City has to take on the burden of maintaining the street, there needed to be a public benefit.

Commissioner Fife made a point that if the HOA owned the street, the members of the HOA owned the street. It would be the body of the HOA that would determine the vote.

6:30:15 PM Motion

Commissioner Gallegos made a motion in the matter of Proposed Ordinance, Title 14, Chapter 14.54 based on the information from the staff report and public hearing The Commission forwarded a favorable recommendation to the City Council to adopt the ordinance.

Commissioner Wirthlin seconded the motion.

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

6:33:14 PM

Hampton Inn/Foothill Dental mixed use project—a request by Wade Olsen to develop a mixed use project to include a hotel, dental offices, and retail space on the properties at approximately 1345 and 1355 South Foothill Drive. The property is located in the CB zoning district within Council District 6 represented by J.T. Martin (Staff contact: Casey Stewart at 801.535.6260 or casey.stewart@slcgov.com).

- a. **PLNPCM2010-00236 Conditional Use**- a request for conditional use approval for the proposed hotel use, hotel building height, and hotel building size.
- b. **PLNSUB2009-00383 Planned Development and Conditional Building and Site Design Review** - a request for Planned Development and Conditional Building and Site Design Review approval for the Hampton Inn/Foothill Dental mixed use project. The applicant is requesting the Planning Commission modify the setback requirements for a proposed parking structure located along 2300 East and limitations on a dumpster location. The applicant is also requesting modification to design requirements for transparent glass along 2300 East.

Chairperson De Lay recognized Casey Stewart as staff representative.

Mr. Stewart stated that this is a mixed use, a redevelopment of what is known as the Scenic Motel located at 1345 South Foothill Drive and Foothill Dental.

The applicants are requesting to combine the two properties into one property.

Mr. Stewart showed a PowerPoint presentation that outlined the property areas.

1. Conditional use process is required for:
 - a. Hotel use
 - b. Building height, the request is asking to exceed the maximum of 30 ft and would like to be less than 35 ft.
 - c. Building size, anything over 20,000 sq ft in total floor area in the CB district requires conditional use review.
2. Planned Development:
 - a. Location of a parking structure. Because this is a double frontage lot, fronting on Foothill Drive and 2300 East, it poses setback challenges with the parking structure. The request is to make the setback requirement 3ft rather than 35 ft.
 - b. Location of the dumpster. The request is for a dumpster to be located in the South East corner, because it is a double sized lot, the request is for the dumpster to be located in the front lot. The dumpster would be screened with a fence and would not be seen from 2300 East.
3. Design Elements:
 - a. Glass. The frontage along Foothill Drive does meet the 40% glass requirement, but the request is for a 25% glass requirement along 2300 East, the reasoning is because there would be rooms and other features that require privacy.

Mr. Stewart noted that the applicant has revised the plan after speaking with several departments. Revisions include: there were two parking spaces closer to Foothill Drive; they have pushed them back to allow for more landscaping complying with the parking lot setback requirements. The building space of the proposed dental building would be extended further toward Foothill Blvd to gain more street frontage and office space and brings it closer to pedestrian action. The applicant modified the Porte-cochere and brought it closer to the building to reduce the impact of circulation through the site. The proposed parking structure would be accessed from 2300 East or from Foothill Drive.

Comment [MSOffice2]: Font color (shows up blue on my screen)

Mr. Stewart noted that although there are some modifications to the design guidelines, staff feels that the project meets the intent of the zoning district of the East Bench master plan and recommends that it be approved subject to the conditions listed on the staff reports.

Mr. Stewart said that he received an email from the East Bench Community Council that supported the project. He also received another email that was opposed to the project stating that there was too much building and too much parking on the space.

Mr. Stewart stated that staff feels that the project does meet the requirements, conditions and standards and recommends that the petition be approved.

6:42:38 PM Questions from the Commissioners:

Commissioner Gallegos asked questions regarding traffic and parking. The commissioner asked for clarification on the stall usage, i.e. one stall per two units and asked if this was the current requirement. He also asked what other businesses use 2300 East as a thoroughfare.

Mr. Stewart answered that it was the standard. He noted that Red Robin uses 2300 East as an exit.

The applicants Darlene Batatian, and Steve Alder gave a PowerPoint presentation giving an overview of the project.

- Modified elements of the site plan, and working with the residents, they terraced the building back from one to three stories; this softened the view having one story on Foothill Blvd.
- Incorporated materials that are more relevant to the local neighborhood, using brick as the facing material.
- Site improvements include: consolidating driveways creating one entrance from Foothill Blvd. and one entrance from 2300 East.
- Plan will meet all of the lighting and signage requirements.

6:58:36 PM Questions from the Commissioners:

Commissioner Dean asked about concerns regarding the parking and the façade along 2300 East. She asked questions about the pool and the maintenance room and its location.

The Applicants responded that the pool and maintenance room were below ground.

Commissioner Dean asked about the sidewalk on 2300 East and was concerned about the 3 ft setback and safety issues, she suggested losing parking spaces to add landscaping and improve the safety issues.

The applicants responded that they agree with that issue, and that they agreed that the landscaping would be too little, but explained that on the upper level of the parking structure they had extended the setback to 15 ft and gone over the top of the structure with landscaping to allow for a larger landscape buffer along the pedestrian edge.

Discussion ensued between the Commission and the Applicants in regard to adding additional landscaping and trees.

7:09:36 PM Public Hearing:

Steve Alder, from Sunnyside East Association (SEA)

1. The SEA believes the Planning Commission correctly opposed the zoning change originally, and appreciates the careful consideration.
2. The SEA finds that the developer has, nevertheless, cooperated in good faith and SEA members believe that the accommodations have helped plans to fit the neighborhood
3. Foothill Blvd needs a new planning document.

David Stohl was a Dentist that occupies part of the location stated that the proposed site plan was a large improvement over how the site was currently and supported the project.

7:12:42 PM Close of Public Hearing

7:19:07 PM Motion:

Commissioner Algarin made a motion in the matter of PLNPCM2010-00236 Conditional Use and PLNSUB2009-00383 Planned Development and Conditional Building and Site Design Review that the Planning Commission approve the application based on staff recommendations with the following conditions:

1. **Compliance with all City department requirements outlined in the staff report**
 - a. **For this project. See *Attachment C* of the staff report for department comments.**
2. **The property owners shall combine the two lots into one.**
3. **Final planned development site plan approval is delegated to the Plan Director.**
4. **All access onto Foothill Drive, a state road, must be approved by the state department of transportation.**
5. **Allowed modifications from standards:**
 - a. *Building height up to 35 feet*
 - b. *Parking structure setback reduced to three feet from 2300 east property line.*
 - c. *Dumpster can be located where shown, on second level of parking structure within what would normally be considered the front yard adjacent to 2300 E.*
 - d. *No public pedestrian entrance required for façade facing 2300 E.*
 - e. *Reduction from 40% to 25% for required glass content along 2300 E.*
 - f. *No additional canopy trees within the parking areas as required for each six parking spaces.*

Commissioner Gallegos seconded the motion

Commissioners Algarin, Gallegos, Wirthlin, and McHugh all voted “aye”, Commissioners Fife and Dean, voted nay. The motion passed.

7:20:25 PM Issues Only:

Westminster Mixed Use Planned Development – a briefing to discuss a request by Lynn Woodbury for a new mixed-use planned development to be located at approximately 2120 South 1300 East. The proposal is to construct a six story mixed-use development that will include 41 residential dwelling units and approximately 22,500 square feet of commercial space. The proposal includes a Planned Development, amendment to the Homestead Village Subdivision,

and approval through the Conditional Building and Site Design Review process. The property is zoned CSHBD-1 Sugar House Commercial Business District. The property is located in City Council District Seven, represented by Søren Simonsen.

Applicant Lynn S. Woodbury 2733 East Parley's Way spoke regarding their upcoming plans, which were:

1. Approval of a planned unit development, including modifications to the existing Homestead Village property, the Chevron property and properties they already own.
2. Subdivision plat amendment to reconfigure the properties and boundary line adjustments.
3. Building and site design review.

7:42:00 PM Meeting adjourned.