

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

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

A field trip was held prior to the meeting Planning Commissioners present were: Michael Fife, Michael Gallegos, and Charlie Luke. Staff members in attendance were Nick Norris, John Anderson, Nick Britton and Elizabeth Reining.

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at 5:45 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time. Planning staff members present at the meeting were: Wilf Sommerkorn, Planning Director; Nick Norris, Planning Manager; John Anderson, Principal Planner; Nick Britton, Principal Planner; Doug Dansie, Senior Planner; Michael Maloy, Principal Planner; Elizabeth Reining, Principal Planner; Paul Nielson, Land Use Attorney, Stephanie Duer, Public Utilities; and Deborah Martin, Senior Secretary.

[5:32:41 PM](#)

Work Session

PLNPCM2010-00612 Accessory Dwelling Unit – A request by Mayor Ralph Becker for a zoning text amendment to allow accessory dwelling units within single-family and multi-family residential districts. This request is part of the Sustainable City Code Initiative Project.

Principal Planner Mike Malloy gave a presentation regarding Accessory Dwelling units. He addressed the common concerns regarding accessory dwellings and their uses.

[6:11:13 PM](#)

Public Hearing

[6:11:33 PM](#)

Approval of Minutes from Wednesday, October 27, 2010.

Commissioner De Lay made a motion to approve the October 27, 2010 minutes as amended. Commissioner McHugh seconded the motion. Commissioners voted, “Aye”. The motion passed. Commissioners Wirthlin, Gallegos, Woodhead, Luke and De Lay abstained from voting.

[6:14:04 PM](#)

Report of the Chair and Vice Chair

Commissioner Fife stated that the Planning Commission was still in need of an additional Commissioner and noted that the Commissioners on the panel represent every district save District 5, which was Jill Remington-Love's district. He asked that if anyone was interested in serving on the Planning Commission, and reside in District 5, please look at www.slcgov.com website and select the "get involved" section to apply.

[6:16:07 PM](#)

Report of the Director

Planning Director Wilf Sommerkorn noted that several meetings ago, the Planning Commission considered an amendment to the Zoning Ordinance that would allow the Historic Landmarks Commission to initiate petitions for designations of historic districts. The ordinance as it existed stated that they could only consider an application and make a recommendation on that and forward it. The Planning Commission did approve the amendment.

Mr. Sommerkorn stated that since that meeting, it was found that there was another section in the ordinance that deals with amending the Zoning Ordinance; in that section it discusses where petitions will come for amendments i.e., the Mayor, the City Council, and the Planning Commission. Mr. Sommerkorn said that the Historic Landmark Commission needed to be added to the list.

He stated that the adjustment will be made and the he wanted to make sure the Planning Commission was made aware that the adjustment would be made when the City Council considered it.

Mr. Sommerkorn added that some actions that were taken by the City Council at the meeting the previous night were

- The Code Amendment for the M-1 zoning district west of the airport and north of I-80 was approved by the City Council.
- The Zoning Amendment and Master Plan Amendment for the 8th Avenue Market where Hatch Chocolates would go, was approved.
- The Zoning Map Amendment for the IHC Clinic at 9th East and 4th South was approved by the Council.

There was also a public hearing for the Amendment for the Central Community Master plan for the block East of Library Square where the Public Safety Building would go. There was a public hearing but there was no action taken.

Mr. Sommerkorn stated that the Historic Landmark Commission took action to recommend to the Planning Commission that the application be forwarded and a petition be created to designate the Yalecrest Neighborhood as a Historic District with the overlay and the boundaries that they recommended was the entire boundary of the National Historic District. Mr. Sommerkorn added that there will be a work session for a briefing and discussion tentatively scheduled in January of 2011.

[6:21:10 PM](#)

Other Business

Petition 410-08-44 Saxton Grove Planned Unit Development located at approximately 321 and 365 South 870 West. A Request for time extension for a planned development.

Chairperson Fife recognized Doug Dansie as staff representative.

Mr. Dansie stated that this was a request for a time extension for a project that was previously approved, it had been extended once, but due to the economy the applicant has asked for an additional year extension.

[6:21:32](#)

Motion

Commissioner De Lay made the motion to extend the request for Petition 410-08-44 for the period of one year.

Commission Wirthlin seconded the motion.

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

6:22:23

PLNPCM2010-00549 Zoning Map Amendment for Residential Mixed Use (RMU) - A petition initiated by Sattar Tabriz to rezone property located at approximately 1370 and 1380 South West Temple Street from Residential Business (RB) to Residential Mixed Use (RMU). The property is located within City Council District 5, represented by Jill Remington Love

Chairperson Fife recognized Elizabeth Reining as staff representative.

Ms. Reining stated that Mr. Sattar Tabriz has requested that 1370 and 1380 South West Temple Street be rezoned from residential business to residential mixed use. The request was because it better aligns with the future land use plan for the area. It also allows more development options for the property. Although there are no concrete plans for the area as of yet, there are concepts

6:23:36 Commissioner Dean recused herself from the item.

Ms. Reining stated that the property was located across the street from Spring Mobile Ball Park south of 13th South. It is located directly south of Meditrina’s Restaurant and is south east of the 1300 South Trax station.

Ms. Reining gave her recommendation of approval to the Planning Commission.

6:24:12

Statement from the applicant

Mr. Sattar Tabriz stated that he was the owner of the property. He stated that there is interest in use of his property but they would require a change in zoning. He stated that the rezone would increase the options of use and fits in with the future land use plans.

Questions from the Commissioners:

None.

[6:26:38](#)

The Chair opened the public hearing and no one in attendance chose to speak. The Public hearing was closed.

6:26:39

Motion:

Commissioner Luke made the motion in regard to PLNPCM2010-00549 Zoning Map Amendment for Residential Mixed Use (RMU), based on the findings of the staff report and the testimony from staff, he recommends the Planning Commission forward a favorable recommendation to the City Council.

Commissioner Gallegos seconded the motion.

Vote: Commissioners Drown, De Lay, Gallegos, Hill, Luke, McHugh, Wirthlin and Woodhead all voted “aye”. Commissioner Dean abstained from the voting. The motion passed.

[6:27:31](#)

PLNPCM2010-00322: Water efficient landscaping/Tree Protection - A request by Salt Lake City for a zoning text amendment to regulate water efficient landscaping and tree protection.

Chairperson Fife recognized Doug Dansie as staff representative.

Mr. Dansie stated that he didn't have a lot to add based on the prior meeting's briefing. He noted that the staff report was a modification of the original with a correction.

Mr. Dansie added that in addition to the many notices that were sent in regard to this request; he did send an additional email to many landscape architecture professionals. From that, he received a comment from one person, and the email was included in the staff report.

[6:30:13](#)

Questions from the Commissioners

Commissioner Woodhead asked if when the notices were sent, were they sent to garden club members? In her opinion, it seemed that they would have interest in the request.

Stephanie Duer, from Public Utilities responded that the request only applies to commercial developments and residential developments over a certain size.

Commissioner Woodhead stated that she understood it to apply to single family homes with over a quarter acre.

Ms. Duer replied that very few properties within Salt Lake City that are over a quarter acre.

Commissioner Woodhead added that people who would choose bigger lots would not want a landscape architect telling them what type of plants to plant.

Ms. Duer noted that the request applies to areas that are larger than a quarter acre of landscape-able area, not a quarter acre lot. She added that a landowner would not be required to work with a landscape architect; they would need to have their water budget and plan approved by either a certified irrigation professional, or a landscape architect.

Commissioner Woodhead stated that it seemed like too many restrictions. She stated that she was not in favor of the idea that plants would need prior approval.

Commissioner De Lay stated that she was in support of the request.

Commissioner Woodhead added that she could see why one would support this, but it seemed that there would be other ways to “incentivize” water conservation without turning gardening into something that requires this level of approval.

Mr. Dansie stated that he understood her concern and that was why the majority of single family homes were excluded. He added that the list is pretty elaborate, and does not exclude much.

Commissioner Woodhead stated that she was concerned that selection would be limited.

Ms. Duer said that she was a landscape professional for over twenty years, and that she was a member of a garden club, and that she gardens, as well. The plant list was developed over a number of years with input from several groups like garden associations, the Red Butte Gardens, experts like Doug Dansie, and the list has grown from the first one in 1995 and includes over 56 pages and is as open as possible, and it also includes approved plant lists, such as Utah Native Plants Society, Plant Select, The Utah Water Wise Plant List and the Colorado list. She stated that the lists are expansive and have a beautiful plant pallet.

Mr. Dansie added that in response to Commissioner Woodhead’s concern, he said that the plant list is a product of what grows here.

Ms. Duer stated that native plants only encompass 25 percent of what was included, and the list had a large focus on “adaptive” plants, so there were plants from the Mediterranean and areas of South Africa, Eastern Europe.

Commissioner Woodhead expressed her concern that some plants that are traditionally grown in Utah, but might not be water wise plants would be excluded from the list.

Ms. Duer responded that 20% percent of the landscape is allowed to have those types of plants, and that they were not excluded or prohibited, but just limited.

Mr. Dansie pointed out that many lots that met the size restriction would be foothill lots and would have natural landscaping.

Commissioner Dean asked about backflow requirement and whether or not it would need an inspection.

Ms. Duer stated that backflow requirements are necessary.

Commissioner Dean asked if there would be a qualified person to survey the plants prior to the issuance of a Certificate of Occupancy or Temporary Occupancy can be issued. She also asked in regard to residential properties, a lot of homeowners hold off on it, how the City would address that.

Mr. Dansie answered that this requirement did not apply to most homeowners, but to commercial properties or apartment buildings. He stated that the key to the enforcement would be approval up front. He added that the request is mostly regarding irrigation, and not really plants.

Ms. Duer added that audits regarding irrigation budgets would be part of enforcement.

[6:42:36](#)

Public Hearing

Judy Short stated that she felt the ordinance was great; however, it did not go far enough. She was concerned about the transference of landscaping when a property is sold.

She stated her concern regarding city trees.

[6:46:47](#)

Close of Public Hearing

Commissioner Hill asked for clarity regarding watering large gardens and trees. She asked how it would impact community gardens

Ms. Duer stated that most properties and community gardens would be exempt. She stated that it would mostly apply to new building.

Commissioner De Lay asked if the ordinance could be made stronger regarding trees.

Mr. Dansie stated that a comment that had been made was that this ordinance was limited in scope, and if the Planning Commission felt that it didn't go far enough, staff was open to dealing other things.

Ms. Duer stated that there was a document referenced called the Salt Lake City Irrigation and Landscape Design which was still in construction. That document was intended to do, and the code will enforce, was that trees will be required to be on their own irrigation zone. This would prohibit the over watering of trees, and newer landscaping could be sustained, including their trees, during a drought situation.

Commissioner Dean asked for clarification if a person owned a single family home on a two acre lot, new construction, and they would like an urban farm on an acre to irrigate. How would this ordinance work for them.

Ms. Duer responded that one acre of the landscape would be covered by the code, and the acre that was the urban farm would not.

[6:49:52](#)

Motion

Commissioner De Lay made a motion in regard to PLNPCM2010-00322: Water efficient landscaping/Tree Protection, based on the findings of the staff report and testimony heard tonight, I move that the Planning Commission send a favorable recommendation to the City Council to adopt the proposed sustainability ordinance text amendment concerning landscaping and tree protection, with the corrections as discussed in the meeting.

Commissioner McHugh seconded the motion.

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

[6:52:30](#)

PLNSUB2010-00088 and PLNPCM2010-00089: Utah Paperbox Subdivision - A request by Salt Lake City for a declaration of surplus property and preliminary subdivision approval at approximately 800 West 900 South. The property is located in the M-1 (Light Manufacturing) zoning district in Council District 2, represented by Van Turner.

Chairperson Fife recognized Nick Britton as staff representative.

Mr. Britton stated that there were two petitions before the Planning Commission the first was for a surplus property request, and the second was for a subdivision.

Mr. Britton said that the property in question was on 900 S., between 700 and 800 W. and was on the south side of the street. It was a former Union Pacific property. In August 2010, this property was rezoned from open space to light manufacturing. The proposal was to split the parcel; the City would retain a portion of the property.

The City is the actual applicant; however, representatives of Utah Paper Box were present. Mr. Britton added that members of the Glendale Community Council called and stated their support of Utah Paper Box.

[6:55:15](#)

Questions from the Commissioners

None.

Statement from the Applicant

None.

[6:55:32](#)

Public Hearing

Jay Engleby from the Glendale Community Council spoke in support of Utah Paper Box.

[6:57:56](#)

Close of Public Hearing

[6:57:59](#)

Motion

Motion: With regard to petition PLNPCM2010-00088, based on the findings presented by staff and staff recommendations, the Planning Commission declares surplus the 1.385 acre property between 700 West and 800 West on 900 South and forward a recommendation to the City to dispose of the property in a manner consistent with section 2.58 of the Salt Lake City Code specifically in regard to PLNSUB2010-0089, based on the findings presented in the staff report the recommendation by the Planning Commission approves the request for the subdivision at approximately 800 West and 900 South with two conditions, 1. The final plat is required and must be recorded with the County within 18 months of this approval, 2. All requirements found in the department and division comments must be satisfied.

Commissioner Withlin seconded the motion.

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

[6:59:50](#)

Firm Marketplace Planned Development a request by the Woodbury Corporation to develop a retail shopping center located at approximately 247 West 1400 South. The property is located in Council District 5 represented by Jill Remington.

- a. PLNSUB2010-00584—a request for minor subdivision approval for a 2 lot subdivision.
- b. PLNPCM2010-00572—a request for Planned Development approval for a retail shopping center. The applicant is requesting the Planning Commission modify the location of required landscaping.

Chairperson Fife recognized John Anderson as staff representative.

Mr. Anderson stated that this was a request from the Woodbury Corporation for a Planned Development as well as a minor subdivision at approximately 247 West 1400 South, the proposed development would consist of an 8.9 acre retail shopping center with an 81,261 sq ft anchor store and 9100 sq ft of other retail space.

Mr. Anderson added that the minor subdivision would create two lots; the larger would be 6.14 acres, and the smaller 2.05. The Planned Development substantially meets the zoning standards, with only two minor changes, the first would be the elimination of landscaping along interior property lines, and the perimeter landscaping along the south property was proposed at five feet, rather than the required seven feet. Mr. Anderson highlighted that the applicant had provided much more landscaping than what was needed, and had provided at least thirty seven more trees than what was required.

Mr. Anderson provided a PowerPoint presentation that illustrated the site map.

[7:02:41](#)

Questions from the Commissioners

Commissioner McHugh asked for clarification regarding a two lane drive thru, was that accurate and would they need specific permission for that.

Mr. Anderson replied that the applicant would need a conditional use, but that element had been removed from the site plan.

Commissioner McHugh added that she appreciated the designated and landscaped sidewalk to get to the front of the store, and that it was uncommon.

Mr. Anderson stated that this design was very pedestrian friendly.

Commissioner Dean asked a question regarding the trax line to the east of the project and asked where the nearest stop would be.

Mr. Anderson answered that the stop would be a block and a half away.

[7:06:23](#)

Comments from the Applicant

Mr. Woodbury stated that his team was present and available to answer question. John Anderson, Engineer and Site Planner, Scott Bishop , and Brad Benson were present.

Mr. Woodbury noted that they felt they had added adequate landscaping and have made the project as readily accessible to pedestrians as they possible could.

[7:08:14](#)

Public Hearing

Mark Allano spoke; he owns the property south of the project. He stated that his concern was the boundary and visual barrier. He is not opposed to the project but is concerned about the buffers separating his property from the project. He was also concerned about adequate lighting.

[7:11:53](#)

Close of Public Hearing

[7:12:04](#)

Questions from the Commissioners

Commissioner Dean asked if the area in question was residential to the east.

Mr. Anderson said that the area to the east was residential, but there is no direct tie to the development.

Commissioner Woodhead asked about the traffic issue on High Avenue.

Mr. Anderson stated that certainly the traffic would increase, because at the moment, High Avenue does not currently provide access to anything.

Commissioner De Lay asked how many businesses were on High Avenue.

Mr. Anderson replied that there were two, but only one business is accessed from that street. He added that Transportation had reviewed that plans approved the development.

Commissioner Hill asked if there was a row of trees as a buffer currently, and would that row be removed according to the plan.

Mr. Anderson answered that there would not be trees because the adjacent area was not residential and trees were not required there.

Commissioner Hill stated that it would seem that a buffer of trees would be a good addition.

Mr. Anderson offered that it could be a request given by the Planning Commission, but was not a requirement.

Commissioner McHugh added that in that area there was a trax line that adds to the distance of the space between the residential and the proposal.

[7:16:28](#)

Motion

Commissioner McHugh made the motion that in regard to PLNPCM2010-00572, PLNSUB2010-00584, Firm Marketplace Planned Development. Recommends that the Planning Commission approve these two petitions as per staff recommendation based on the findings in the staff report and the testimony heard tonight.

Commissioner Luke seconded the motion.

Commissioner Hill made the request to amend the motion to include that on the south and east property lines that there would be trees as a landscape buffer that would include one shade tree for every 120 sq ft of landscaping and a minimum of 50% of every landscape area planned within an approved ground cover with the appropriate density to achieve complete cover within two years.

Commissioner Woodhead seconded the amended motion.

Vote for Amendment: Commissioners De Lay, Drown, Woodhead, Hill, Dean, Gallegos voted aye, Commissioners Wirthlin, Luke and McHugh voted no. The amendment passed.

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

[7:20:56](#)

Meeting Adjourned

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on November 17, 2010.

Angela Hasenberg