

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**In Room 326 of the City & County Building**  
**451 South State Street, Salt Lake City, Utah**  
**Wednesday, September 22, 2010**

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

A field trip was held prior to the meeting Planning Commissioners present were: Emily Drown, Michael Fife, Angela Dean, and Matthew Wirthlin.

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; Joel Paterson, Planning Manager; Doug Dansie, Senior Planner; Casey Stewart, Senior Planner; Mike Maloy, Principal Planner; Wayne Mills, Senior Planner; Paul Nielson, City Attorney; and Angela Hasenberg, Senior Secretary.

**Field Trip Notes** (Taken by Joel Paterson)

Planning Commissioners visited the Questar Site.

Planner Doug Dansie described the proposed project and the request to modify the maximum front yard setback and parking that is located in the front yard.

The Commissioners asked what options are available for crafting a recommendation with conditions.

Planning Commissioners also visited the Woodmen Mixed Use site, located at approximately 2120 S. 1300 E.

Planners Mike Maloy and Wayne Mills described the project and the requests for Planning Commission consideration. The Commission asked questions about changes that have been made to the project since the previous Planning Commission meeting and what comments have been received from the public.

The Commission asked how this project affects the Redman Building, will they have shared parking. The Commissioners asked about the number of housing units and about traffic impacts on 1300 E and 2100 S.

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**Approval of Minutes from Wednesday, August 25, as written.**

**Commissioner Woodhead made a motion to approve the August 25 2010 minutes as written. Commissioner Dean seconded the motion. Commissioners voted, "Aye". The motion passed unanimously.**

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**Report of the Chair and Vice Chair**

Chair De Lay stated that there was nothing to report at this time.

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**Report of the Director**

Mr. Sommerkorn stated that the City Council approved the rest of the rezone for the park development on 3<sup>rd</sup> South and 6<sup>th</sup> East.

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**Unfinished Business:**

**PLNPCM2010-00476: Building Height in M-1 Industrial Districts**—(Tabled from September 8, 2010)  
Consider draft text created by Planning Staff and vote on the final motion.

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**Motion: Commissioner Wirthlin made a motion to bring the item off the table.**

**Commissioner Woodhead seconded the motion**

**Vote: Commissioners Dean, Drown, Fife, McHugh, Wirthlin and Woodhead all voted “aye”, the motion passed unanimously.**

Chairperson De Lay recognized Casey Steward as staff representative.

Mr. Stewart stated that this was an item that was presented two weeks prior for consideration and was a presentation for a project bidder for the FBI Building. The request would have applied to all of the M-1 zones in the City.

At the previous meeting, discussion was held regarding allowable heights, whether or not to allow the increased setback that was initially proposed, or to perhaps include a public review process for the extra height.

The motion was made to include three conditions: 1. that the extra height be reviewed through the conditional building and site design review process, 2. That the extra height is only available to the area otherwise known as “The International Center” or described as west of the airport and north of I-80; and 3. That the extra height is based on increased building setback.

Mr. Stewart stated that he took the motion taking into consideration the Planning Commission’s intent to approve some type of amendment for increased height.

Based on this, Mr. Stewart stated he create three options: A. included all three requirements; B. required the increased setback but would not require a public review process; and C. would require a public review process, but would not require the increased setbacks. The reason for that would be that the setback would be handled through the building and site design review process.

Mr. Stewart stated that some of the questions from the prior meeting were what type of height the Commission would be inclined to approve, options were 75 feet, 80 feet or 85 feet. Mr. Stewart indicated that he used 90 as a reference, but would allow discussion for the proposed heights.

Mr. Stewart noted that one point is the conditional building and site design review process was more geared toward pedestrian oriented developments, the buildings would be brought closer to the street, required glass

on the façade to improve interaction, and other design requirements. An industrial area wasn't typically developed that way. Industrial areas have bigger buildings setback farther, and that could pose problems for future projects if the process was approved. Another issue would be that any building above 60,000 square feet in size was required to implement some type of public space, a plaza or a park. In the case of the FBI Building, that could pose a problem.

Mr. Stewart added that staff recognized that this was the best process at this time to deal with building design.

Staff recommendation was to go with the conditional building and site design review process, realizing that certain requirements may need to be waived, and limit it to west of the Airport, north of I-80. In Addition, change the height requirement to 85 feet. The proposal for the FBI project could work with the 85 feet height, and therefore staff felt it would be a reasonable accommodation. Anything between 65 feet and 85 feet would have to go through the conditional building and site design review process.

### **Questions from the Commissioners:**

Commissioner Woodhead asked about the design review process and the ability to waive certain requirements.

Mr. Stewart answered that yes, each requirement could be considered and determined as to whether they would be appropriate for the site.

Commissioner Woodhead asked if it incorporated the Master Plan standards for a particular zoning district or area, and would it be different for an M-1 district and the Master Plan.

Mr. Stewart replied that the process and standards don't invoke Master Plans; they would be strictly building standards.

Commissioner Dean expressed a concern about making a change without having guidelines in place. She asked what tools or guideline that could be incorporated into the language now that would be in place to help with the decisions regarding this item and future items yet to come.

Mr. Stewart stated that there were existing designs requirements that could fit well with the M-1 zone and gives flexibility of seeing different aspects to the site.

Chairperson De Lay asked for input from Mr. Sommerkorn.

Mr. Sommerkorn asked to clarify, the conditions in the site design ordinance and chapter, were they required conditions, or were they guidelines or options.

Mr. Stewart replied that they were standards for design review. They were standards to be met, but there was a provision within the ordinance that allows each individual requirement to be modified.

Commissioner McHugh asked if the Commission felt there needed to be additional requirements.

Commissioner Dean asked what sort of conditions for approval on a height variance, what would be some of the issues, what would be some concerns the Commission would want to add to the design guidelines.

Chairperson De Lay asked if there were specifics items Commissioner Dean would like changed.

Commissioner Dean offered that she was interested in the negative impacts that the Commission should look to mitigate with additional height in the M-1.

Mr. Stewart stated that typically industrial areas are fairly minimal, the process was fairly detailed, and added that he did not think there should be additional requirements. He stated that more likely requirements should at certain times, be waived.

Commissioner McHugh stated that essentially because we did allow taller buildings, we would subject them to more substantial design review, and that would add flexibility to waive some other requirements when they are not appropriate. The ordinance as it was written, would allow that.

Program Manager Joel Paterson added the provision in the building conditional site design review that allowed one to modify or waive the design criteria in that chapter refers back to the purpose statement of the zone. Most of the design guidelines were surrounding pedestrian.

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**Motion: Commission McHugh made the motion that in regard to PLNPCM2010-00476: Building Height in M-1 Industrial Districts, I move that we forward a favorable recommendation on the text amendment to alter building heights in the M-1 zone district west of the Airport and north of I-80 with the language of option C, and with the height of 85 feet.**

**Commissioner Woodhead seconded the motion.**

**Vote: Commissioners Dean, Drown, Fife, McHugh, Wirthlin and Woodhead voted “aye” Commissioner Fife voted “no”, the motion passed.**

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### **Public Hearing**

**Woodmen Mixed Use** – a proposal from Lynn Woodbury, in behalf of Woodmen Properties LC, for a new development located at approximately 2120 S 1300 East. The proposal is to construct a six story mixed-use building that will include 41 residential dwelling units, approximately 15,579 square feet of commercial office space, and approximately 13,677 square feet of retail space. The proposal also includes a parking structure that contains 266 parking stalls. The property is zoned CSHBD-1 Sugar House Commercial Business District. The proposal requires review of the following four related petitions:

- a. **PLNSUB2010-00183 Homestead Village Lot 3 Amended** – a request by Lynn Woodbury to amend the Homestead Village subdivision located at approximately 2120 S 1300 East; and
- b. **PLNPCM2010-00184 Woodmen Mixed Use Building & Site Design Review** – a request by Lynn Woodbury for building and site design review of a new mixed-use development to be located at approximately 2120 S 1300 East; and
- c. **PLNPCM2010-00185 Woodmen Mixed Use Planned Development** – a request by Lynn Woodbury for a new mixed-use planned development to be located at approximately 2120 S 1300 East; and
- d. **PLNPCM2010-00552 Woodmen Rooming House** – a request by Lynn Woodbury for a conditional use for a rooming house located at approximately 2120 S 1300 East.

Chairperson De Lay recognized Mike Maloy as staff representative.

Mr. Maloy stated that three letters were distributed that evening, two letters were from commercial developers or property owners within the Sugarhouse Business District that have some concern over one aspect of the project, specifically the building setback. The third letter was from a Metrics association that operates within

the Sugarhouse Business District that expressing support for this project. Mr. Maloy stated that one letter requested that it be read into the record.

Mr. Maloy stated that he worked on this project along with Wayne Mills; Mr. Mills processed the Subdivision amendment application, and also the Conditional Use for the Rooming House.

Mr. Maloy stated that this project is consistent with the Master Plan, but wanted to illustrate the overall objectives for the Sugarhouse Land Use Plan. It encouraged provisions for different housing types, densities and cost for all of the residents to live and work in the same community. It encouraged housing on or along alternative transportation routes to encourage affording residents the ability to reduce their reliance on the automobile. It also included student housing along the business district.

Mr. Maloy noted that the applicant designed the project with the idea that if the market were to change or if Westminster could not lease the apartments they could be converted into more traditional apartment housing.

Another policy was to direct a mixed land use development with Sugarhouse Business District. There was residential, commercial, retail, a restaurant, community, space. This was truly a vertical mixed use project.

Another policy was to connect the trail system within Sugarhouse, specifically the Hidden Hollow natural area. This project facilitates that connection.

Another key element is the lack of a building setback. Mr. Maloy presented a PowerPoint presentation that depicted the building setback, and stated that every residential unit had a usable balcony. Therefore, there are some varieties in the architecture.

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#### Comments from the Applicant

The applicant, Lynn Woodbury, Vice President of Development and Architecture for Woodbury Corporation, Lance Bolen with Colina Properties, and Derek Payne of VCBO Architecture, and lead designer and architect for the project.

Mr. Payne gave a PowerPoint presentation. He stated that the project is west of Sugarhouse Park. The PowerPoint illustrated the project. An important change was that the building was wider, and the conference center has increased in size, they indicated that Westminster College was interested in using the conference center. He noted that there would be student units, adding more residential units. Each unit would hold four students.

Mr. Payne addressed sustainable buildings. He stated that both Woodbury and Westminster College have committed to building LEED certified buildings with silver standards.

Mr. Woodbury added that there would be a rooftop plaza above the first level above 13<sup>th</sup> East.

Mr. Payne addressed the setback issue, 1300 East has no remnant of the historic core which was why the setbacks were set in place, and the idea of this development was to make it pedestrian friendly, connecting to the college, the draw, and Hidden Hollow.

Mr. Woodbury stated that primary retail is basically from the north side, and they have tried to build a strong pedestrian connection between the sidewalk on 1300 E going into the interior and core of the project.

He stated that he believed that their intent falls within the Master Plan goals.

Commissioner Fife asked if the building to the south was stepped back.

Mr. Payne stated that it was an existing building, but was off the street.

Commissioner Wirthlin asked about the south east corner, and stated that it didn't seem pedestrian friendly.

Mr. Payne answered that it is a public access that allows access to the draw.

Mr. Woodbury added that the stairway was away from the street at least fifteen feet. It would give articulation to the street corner. He added the solid wall would have green wall treatment.

Commissioner Dean stated that she shared the concern about 13<sup>00</sup> East. She acknowledged the challenge they have with multiple front sides, but argued that 1300 East would be as much a front as you could have. The Design Guidelines specifically state loading docks need to be on the back side. She stated she would feel more comfortable if the dock was maybe on the North West corner, closer to the retail. She also added that she hoped they could add space for recycling within the trash collection space.

Mr. Payne stated that Westminster planned to handle the trash responsibility. He added that the challenge they face accommodating the trail created a unique topography of the site, that it really was a narrow property to work from, and 1300 East was really the only viable option to work from. He stated it was not ideal, but they have a access ramp to the parking structure, and the property fall away steeply as you go to the west. To accommodate that, it would be hard to find a back door.

Commissioner Dean asked about access from the parking structure, or to the north near the gas station.

Mr. Woodbury stated that there are grade challenges, and for trucks to maneuver to pick up dumpsters in different locations. He suggested decorative treatments that would make the trash bay disappear.

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## Public Hearing

Sugarhouse Community Council, Judy Short spoke. She stated that she sent a letter and offered that the date was incorrect. She stated the comments from developers answered the issues in the letter. She stated that the Sugarhouse Community Council was excited about the project because it does tie in number items that are in the Master Plan and bring them to fruition. This project will bring students walking to the area, and improve the safety of the Hollow. The pedestrian easement would create a nice access to Hidden Hollow.

She stated that she likes that although there is parking for the students, they will not be in and out of them all day, they will utilize their bikes and walking to campus. She stated that it is comfortable and make a big difference.

She stated that they are still concerned about traffic, and hope for a Hawk light.

She stated that Business District is very excited about the increase in foot traffic. She is concerned about aggressive climbing vegetation, and would like that they be very careful about invasive weeds into the Hidden Hollow.

Ken Jones, on behalf of the Pratt Coalition which is the primary sponsor of Parley's trail stated that they see this project as a integral part of getting the completion of the trail as a type one trail through the entire Sugarhouse Business District. This project allows it to happen on a legal side in that it created the lot that will

become the trail through the area. The trail cannot happen without the subdivision. He said that he appreciated the stairwell access from 1300 East to provide public access to the draw at the southeast corner of the project. He stated that they feel like the project was positive.

Craig Mecham, a property owner in Sugarhouse, he owns property to the south of the project and feel that he has contributed substantially to the project. He stated that his major concern is the step back. He wants to ensure that step back changes apply to all who apply, and make it uniform.

In regard to the trash removal, he stated that they had agreed to move their trash to accommodate for the Parley's Trail and hoped that the applicant could be accommodating as well.

Russ Callister spoke, he stated that he was employed by Craig Mecham and he stated that he agreed with the step back requirements issues brought up by Mr. Mecham.

Steve Perry, representing the Redman Building, he stated his support of the project. His concern is that he would like to continue communications with the Woodbury Group in regard to parking. He stated that additional parking is integral to the ongoing success of the Redman Building. He stated that the Woodbury Group had agreed to additional parking.

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Questions from the Commissioners

Commissioner Wirthlin asked for clarification from the applicant regarding the drive approach from 1300 East. He asked for details regarding trucks blocking the sidewalks.

Mr. Woodbury stated that it was not a loading area, the amount of use will be at the most two times a day.

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Close of Public Hearing

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Executive Session

Commissioner Fife asked if they were setting a precedent with the step back issue.

Mr. Mills stated that it would be looked at on a case by case basis as to whether or not a step back would be appropriate for that particular site. He stated that it would be like any other project.

Commissioner Woodhead stated that she believed what the ordinance required they do. She stated that every petition is looked at in a case by case basis.

Mr. Maloy stated that there is no historic connection at this location. It has a very different context.

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Motion:



Commissioner Dean stated that she moved to approve PLNSUB2010-00183 Homestead Village Lot 3 Amended, PLNPCM2010-00184 Woodmen Mixed Use Building and site Design review, PLNPCM2010-00185 Woodmen Mixed Use Planned Development and PLNPCM2010-00552 Woodmen Rooming House subject to conditions 1-8 listed in the staff report with conditional to relocate the waste service entry and mechanical equipment along 1300 E to a different façade.

Commissioner Woodhead seconded the motion.

Commissioner Woodhead asked if it was a reasonable condition to require, and that the applicant has given an entire façade to accommodate trail access.

Commissioner Dean stated that it was more of a traffic flow issue, even in late hours there will be traffic.

Commissioner Wirthlin stated that he was less concerned after hearing the details of what would be held on that corner.

Vote: Commissioners Drown, Dean voted aye, Commissioners McHugh, Fife, Woodhead and Wirthlin all voted no. Motion failed.

**Motion:**

**Commissioner McHugh stated that she moved to approve PLNSUB2010-00183 Homestead Village Lot 3 Amended, PLNPCM2010-00184 Woodmen Mixed Use Building and site Design review, PLNPCM2010-00185 Woodmen Mixed Use Planned Development and PLNPCM2010-00552 Woodmen Rooming House subject to conditions 1-8 listed in the staff report excluding condition 9 from the past motion to relocate the waste service entry and mechanical equipment along 1300 E to a different façade.**

**Commissioner Fife seconded the motion.**

**Vote: Commissioners McHugh, Fife, Woodhead, Wirthlin all voted “aye” Commissioners Drown and Dean voted no, the motion passed.**

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Public Hearing

**PLNPCM2010-00412: Questar-** A request by Aaron Dunyon, representing Questar for additional setback for a building located at 333 South State. The subject property is located in a D1 (Downtown) zoning district in Council District 4.

Chairperson De Lay recognized Doug Dansie as staff representative

Mr. Dansie stated that this was a request to increase the setback. Prior to 1995 in the Downtown Zoning District, the zoning was set up that you could gain extra height if a building was set back more, the gain would be four feet for every foot setback. Historically, a good example is the LDS Church Office Building is all tall as it is because of its setback. A bad example was the plaza between ZCMI Center and the Kennecott Building, and created a wind tunnel.

In 1995, the zoning ordinance was re-written, and a five foot maximum set back placed into the Downtown Zone.



Mr. Dansie gave a PowerPoint presentation that provided the images for the building with the canopy that had been approved.

Mr. Dansie stated that the application was approved over the counter with the canopy, but now the applicant has requested a change that would remove the canopy.

Staff's recommendation was that the design that met the ordinance was better than the design without the canopy because the design of the plaza itself did not warrant an exemption for that rule.

Commissioner Woodhead asked about the request to remove the parking requirement, she acknowledged that they do not have the authority to do that, but does the fact that piece of that cannot be waived, does it affect the whole design.

Mr. Dansie answered that parking the D1 zone needs to be behind a structure hidden from the street. They are planning on having parking on the corner, it had been flagged on their building permit.

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Comments from the applicant

John Dahlstrom, from Wasatch Commercial Management, Eric Mygatz, and Peter Emerson from EDA Architects spoke. Mr. Dahlstrom stated that would like to show the Planning Commission the reason the project would work well without the canopy.

Mr. Mygatz gave a PowerPoint presentation that showed three elements that proposed that maintaining the open space without a cover is beneficial for three reasons. 1. They propose that there be a restaurant use that would be able to utilize al fresco dining open to the sky or that might be open to a tree canopy, 2. This project occupied a location that will eventually be a gateway to a midblock connection, and would open the block in future development. 3. That the massing of the building the way that had been shown, pushing the taller mass back to create an area for dining and would reinforce more strongly the intent of the D1 zone which would be to lower the midblock mass of the building in deference to future development.

His presentation demonstrated a plan of the building, addressing the edge along State Street. He stated that because of the location, the al fresco dining would be close to the bus stop. He stated that by setting the mass back, they would be able to create the opportunity. He addressed a meeting area for the staff that would open up to the open area and accommodate open space.

He added information regarding the massing of the building.

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Close of Public Hearing

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Commissioner Woodhead asked about the design elements and whether they were added in the site plan.

Mr. Mygatz stated that the site plan the Planning Commission had includes a canopy element. The proposal is that they remove the glass covering and replace it with a tree canopy.

Commissioner Woodhead stated that no, they did not have the completed site plan that shows a pergola, and therefore, we can't approve plans without know what the applicant can do.

Commissioner Fife stated that the canopy seemed to enhance the ideas that they presented.

Commissioner Dean asked about the midblock connection and the future plans.

Mr. Dansie stated that by ordinance and RDA agreement, they require a north south and east west midblock walkway. There was a walkway already along the east side of the Chamber of Commerce building, so as part of this it has been called out they need to continue the walkway through to the Heber J Wells building.

Commissioner Woodhead reiterated that they cannot make a decision without plans.

Chairperson De Lay asked if it would be reasonable to ask for the item to be tabled.

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Motion

**Commissioner Woodhead made the motion as to petition PLNPCM2010-00412: Questar- for a conditional use to allow construction of an office building with a setback beyond that required by the current ordinance, based on the staff report that the likely detrimental effect of the proposed request will be to create a dead zone on State Street in violation of the goals of the Downtown Master Plan and because we have no proposal from the applicant for any specific plans to either plant or build a structure, the detrimental effect of the dead zone cannot be mitigated by this application.**

**Commissioner McHugh seconded the motion.**

Commissioner Wirthlin asked why the item was not tabled.

Commissioner Woodhead stated that she believed they made a choice not to come with plans, and because they came with no alternative proposal for the space, it seemed appropriate to turn it down rather than to table.

**Commissioner Drown proposed a substitute motion to table the item to wait for additional information from Questar.**

**Commissioner Wirthlin seconded the motion.**

**Vote: Commissioners Drown, McHugh, Dean, Wirthlin all voted "aye", Commissioners Fife and Woodhead voted "no" motion passed to table the motion.**

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**Other Business**

**Election of Chair**

Commissioner Woodhead nominated Michael Fife as Chair

Commissioner McHugh seconded the motion

There were no other nominations; Michael Fife became the new chair.

Commissioner Woodhead nominated Angela Dean as Vice Chair  
Commissioner Drown seconded the motion.

Commissioner McHugh nominated Michael Gallegos  
Commissioner Fife nominated Mary Woodhead, Commissioner Woodhead respectfully declined.

After receiving a majority vote, Angela Dean was elected as Vice Chair.

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Meeting Adjourned.

