

SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, April 13, 2011

Present for the Planning Commission meeting were Chair Michael Fife, Vice Chair, Angela Dean, Commissioners Emily Drown, Babs De Lay, Kathleen Hill, Charlie Luke, Michael Gallegos, Susie McHugh, Matthew 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 and Everett Joyce

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; Everett Joyce, Senior Planner; Elizabeth Reining, Principal Planner; John Anderson, Principal Planner; and Paul Nielson, Land Use Attorney; and Angela Hasenberg, Senior Secretary.

Field Trip Notes taken by Nick Norris:

PLNPCM2011-00155 Fairmont Tennis Court Community Garden Surplus Property Request: 968 East Sugarmont Drive, Commissioners and staff visited the tennis courts. Staff gave an overview of the project. Questions were regarding where water would come from and whether concrete would be removed.

PLNPCM2011-00045 Conditional Use for a Waste Transfer Station: 1141 South 3200 West. Commissioners and staff visited the waste transfer site. Staff gave an overview of the project. Staff identified one complaint related to odor associated with the expansion of the facility.

5:32:22 PM

Work Session

PLNPCM2010-00591: Zoning Text Amendment, Environmental Performance Standards Regarding Noise A request by Salt Lake City Mayor Ralph Becker to modify Environmental Performance Standards (Section 21A.36.180) in regards to noise. (Staff Contact: Elizabeth Reining at 801-535-6313 or elizabeth.reining@slcgov.com)

Chairperson Fife recognized Elizabeth Reining as staff representative.

Ms. Reining discussed a proposed ordinance to add a section to the Environmental Performance Standards, which was found in chapter 26 of the Zoning Code. She stated that in the past year and a half there had been conflict with some non residential uses, specifically clubs going in near residences. The conflict comes because of noise issues late at night.

Ms. Reining stated that the Police and Valley Health Department are working to enforce the current rules; however, the intention was to create an ordinance that would eliminate the conflicts in the future.

The proposed changes would ask those specific uses that operate between the hours of 10:00 pm and 7:00 am that if they were within 300 feet of a residence, they would show that they had gone to the Health Department and they know the noise levels.

If the location abuts a residence directly, they turn in an acoustical study that proves that they meet the current regulation. This would not change the current ordinance, but asks that they prove that they meet the standards of the City and the Health Department.

Commissioner McHugh asked if it only impacted those businesses open from 10:00pm until 7:00am.

Ms. Reining responded that it was true, and it would not impact all uses.

Commissioner De Lay asked if it would impact the Arts Festival.

Ms. Reining explained that the Ordinance would apply to permanent spaces.

Commissioner Gallegos asked about noise levels of bass and the vibration, and wondered if the test would pick that up.

Ms. Reining explained that the tests were done by decibel, the regulation was 60 decibels before 10:00 pm and 55 decibels at the property line after 10:00 pm. She added that she does not think that they measure the bass levels but that they measure the overall noise.

Ms. Reining suggested that this issue be brought up with the Health Department as they are working on changes to their code as well.

Ms. Reining noted that the ordinance change had gone to an open house and the only comment received suggested the inclusion of drive thru restaurants.

Commissioner De Lay suggested the ordinance should include outdoor speakers and was interested in whether any club owners had been talked with.

Ms. Reining stated that she would include that when she presented this issue again.

Open Meetings Training: Senior City Attorney Paul Nielsen will conduct annual training related to conducting open meetings.

Chairperson Fife recognized Senior City Attorney Paul Nielson.

Mr. Nielson presented a PowerPoint presentation that discussed the open public act.

5:54:13

Open Public Hearing

Chairperson Fife opened the formal meeting of the Salt Lake Planning Commission.

5:55:07

Approval of Minutes:

Motion: Commissioner Gallegos moved to approve the minutes of March 23.

Second: Commissioner Luke seconded the motion.

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

5:55:12

Report of the Chair:

Chairperson Fife stated he had nothing to report.

Report of the Vice Chair:

Vice Chairperson Dean had nothing to report.

5:55:13

Report of the Director:

Planning Director Wilf Sommerkorn informed the Planning Commission that the City Council passed the Ordinance to prohibit electronic billboards. He noted that the important for the Planning Commission was that when the Commission recommended

this to the City Council, a statement was made that they would be willing to look again at the provisions of electronic billboards. The City Council made a similar statement and the City will be again looking at the issue of electronic billboards, whether they were appropriate and where they would be appropriate and what ways they would be appropriate.

He stated that the ordinance was amended for a variety of reasons, part of which had to do with the issue of content, and the Legislature passed a bill in regard to illumination, stating that if you were to adopt standards for illumination of electronic bill boards, those standards have to apply to all electronic signs, on-premise or off-premise. The ordinance would apply to on premise electronic signs. Mr. Sommerkorn stated that it might be an issue for the business community.

Commissioner De Lay noted several large signs in the City and the difficulty enforcing rules.

Mr. Sommerkorn surmised that the Planning Commission might be addressing the issue sooner because of whom the ordinance applies to.

Mr. Sommerkorn stated that he attended the APA conference in Boston, and gave a brief overview.

Report from Nick Norris, Planning Manager:

Mr. Norris discussed a petition that was brought before the Planning Commission several months prior that discussed noticing. He stated that there was a new directive to revamp the noticing chapter, there would be a slight change to the standard requiring every process follow the same requirements. The changes would be changing the wording to "Calendar Day" instead of "day" and other small issues. The request was to withdraw the fine tuning portion of the petition.

Commissioner Wirthlin made the motion to approve.

Commissioner Woodhead seconded the motion.

Vote: unanimous. Motion passed unanimously.

PLNPCM2010-00782 Zoning Text Amendment, 5 Foot Maximum Rear Setback for Accessory Buildings: A request by Salt Lake City Mayor Ralph Becker for a zoning text amendment to remove the requirement for a 5 foot maximum rear setback for accessory buildings. There would be no change to the minimum setback requirements. The text amendment would affect all R-1, R-2 and SR districts. **Related provisions of Title 21A- Zoning may also be amended as part of this petition.** (Staff contact: John Anderson at 801-535-7214 or john.anderson@slcgov.com)

Chairperson Fife recognized John Anderson as staff representative.

Mr. Anderson stated that this was a request from the Mayor's Office to amend the Zoning Ordinance. The proposal was to eliminate the five foot maximum rear setback for accessory building. He stated that there was also a provision that stated that accessory buildings could not be more than five feet away from a rear property line.

He noted that several changes were made to the ordinance. He said that the change had become problematic for some people.

Mr. Anderson gave a PowerPoint presentation that illustrated the issue.

Mr. Norris added that the suggestion for the change in the ordinance came from lot sizes in the Avenues. He stated that the change worked well for that area because the lots were generally small, but it did not work for homes on larger lots. He said that trying to apply the new standard to all lots just did not work.

Mr. Anderson stated that there was an open house and a resident made the comment that they were concerned about the continuity of the neighborhood, that the neighborhood design would stay the same.

[6:13:48](#)

Public Hearing:

Chairperson Fife opened the public hearing, seeing that no one chose to speak. He closed the public hearing.

[6:13:53](#)

Motion:

Commissioner Wirthlin made the motion in regard to PLNPCM2010-00782 Zoning Text Amendment, 5 Foot Maximum Rear Setback for Accessory Buildings: I move that the Planning Commission forward a positive recommendation to the City Council for the proposed modifications in the staff report to remove the existing language that requires a five foot maximum rear setback for accessory dwelling structures in chapter 21A.403050

Commissioner McHugh seconded the motion.

[6:14:16](#)

Vote:

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

[6:24:24](#)

PLNPCM2011-00045 Conditional Use for a Waste Transfer Station: A request by Rendegade Oil for a conditional use to allow a waste transfer station at 1141 South 3200 West. Located in the M-1 Light Manufacturing District in Council District 2 represented by Van Turner. (Staff Contact John Anderson at 801-535-7214 or john.anderson@slcgov.com)

Chairperson Fife recognized John Anderson as staff representative.

Mr. Anderson stated that this was a request from Rendegade Oil to expand an existing solid waste transfer station by 1,138 sq. ft.

Mr. Anderson gave a PowerPoint demonstration that illustrated the location of the Waste Transfer Station.

Mr. Anderson explained the function of the Waste Transfer Station, he stated that they take water from car washes and other places that might be polluted or dirty in some manner, and clean the water to be reused.

Mr. Anderson stated that there had been one comment from the public and it was in regard to the smell. He referred the complaint to Salt Lake Valley Health and the City's Zoning Enforcement for solutions to current problems.

[6:26:54](#)

Questions from the Commissioners:

Commissioner Gallegos asked about the regulatory organizations, he asked if the State Department of Environmental Quality would come in to play in this example.

Mr. Anderson stated that there was recommendation from the State

Commissioner De Lay asked if there was record of any complaints regarding health hazards.

Mr. Anderson responded that he was unaware of any.

[6:28:11](#)

Comments from the Applicant:

Mr. Peasley, the applicant stated he was very satisfied with the information as given by Mr. Anderson.

6:28:28

Public Hearing:

Chairperson Fife opened the public hearing, seeing that no one chose to speak. He closed the public hearing.

6:28:40

Motion:

Commissioner Luke made the motion in regard to PLNPCM2011-00045 Conditional Use for a Waste Transfer Station based on the findings listed in the staff report and the testimony heard tonight, I move that we approve the proposed expansion of the conditional use for solid waste transfer station with the condition listed in the staff report.

Commissioner Gallegos seconded the motion.

6:29:22

Vote:

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

6:30:23

PLNPCM2011-00155 Fairmont Tennis Court Community Garden Surplus Property Request - A request by Rick Graham, Salt Lake City Public Services Director, for Declaration of 0.76 acres of Fairmont Park Tennis Court property to be declared surplus property for open space in order to allow the property to be used for a raised bed community garden. The property is located at approximately 968 East Sugarmont Drive. The City would retain ownership of the property but would lease the property to the community garden organization. The tennis courts are currently unused and are falling into disrepair. The subject property is located in an Open Space (OS) zoning district and is located in Council District 7, represented by Søren Simonsen (Staff contact: Everett Joyce at (801) 535-7930 or Everett.joyce@slcgov.com). Chairperson Fife recognized Everett Joyce as staff representative.

Mr. Joyce stated that the petition was for surplus property located at 968 East Sugarmont Drive. The City would be leasing the property for a community garden. This location was considered Open Space land and was considered a significant parcel and for it to be leased it had to go through a surplus property process. This issue was before the Planning Commission in order to forward a recommendation to the Mayor's Office for administrative processing.

He stated that the community garden would be located on the tennis courts on Fairmont Park.

Mr. Joyce gave a PowerPoint demonstration.

Mr. Joyce stated that ordinarily community gardens would not be able to get a permit for use in an Open Space Zone, but due to a petition that had a public hearing on April 5, 2011 by the City Council; community gardens would be a permitted use in an Open Space Zone.

Mr. Joyce stated that staff's recommendation was to transmit a favorable recommendation to the Mayor to declare the property surplus for the purpose of allowing a lease on the property to allow a temporary community garden subject to ordinance approval and to permit community gardens in Open Space Zoning district.

[6:33:31](#)

Questions from the Commissioners:

Commissioner Luke asked if City staff was looking for other possible sites around the City where other community gardens could be established using this petition as a model.

Mr. Joyce stated that in the open space ordinance community gardens were listed as an appropriate use, and he believed that other sites were being looked at.

Planning Manager Nick Norris stated most zones would allow community gardens as permitted use. It was part of the Sustainability Code.

Commissioner Luke stated that he thought community gardens were a good idea and hoped there would be more.

Mr. Norris said that RDA used this technique for temporary land use.

Commissioner Woodhead asked if it was a private group that established this community garden.

[6:36:45](#)

Public Hearing

Chairperson Fife opened the Public Hearing.

The applicant spoke and stated that they would be working with the Boys and Girls Club that was adjacent to the property. She described the community garden and said that they would be utilizing raised garden beds. She noted that because the Boys and Girls Club was involved, it increased the potential for longevity.

She said that it was far less expensive to build planter boxes and place them on to the tennis courts, rather than tear up the concrete. Due to the nature of the raised beds, it would make the project ADA accessible.

Commissioner McHugh asked about the water source.

The applicant stated that a neighbor had offered use of their water source. She also stated that there was a ditch that was also a source of water that they were working on.

[6:41:28](#)

Close of Public Hearing

[6:42:33](#)

Commissioner De Lay made the motion in regard to PLNPCM2011-00155 Fairmont Tennis Court Community Garden Surplus Property Request I move that the Planning Commission transmit a favorable recommendation to the Mayor's Office to declare the property surplus for the purpose of allowing a lease on the property for a temporary community garden subject to ordinance approval to permit community gardens within the Open Space Zoning district.

Commissioner Gallegos seconded the motion.

[6:42:57](#)

Vote:

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

[6:43:40](#)

Meeting adjourned

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on April 13, 2011.

