

SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, February 9, 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, Susie McHugh, Matthew Wirthlin and Mary Woodhead. Commissioner Michael Gallegos was excused.

A field trip was held prior to the meeting Planning Commissioners present were: Michael Fife, Emily Drown, Charlie Luke, Matthew Wirthlin, and Mary Woodhead. Staff members in attendance were Nick Norris, Wayne Mills, and Thomas Irvin

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; Doug Dansie, Senior Planner; Wayne Mills, Senior Planner; Thomas Irvin, Principal Planner; Ana Valdemoros, Associate Planner; Paul Nielson, Land Use Attorney; and Angela Hasenberg, Senior Secretary.

Field Trip Notes:

Planning Commissioners visited the following locations:

PLNPCM2010-00800-Alpine Auto Brokers, 749 South State Street. Staff gave an overview of the proposal including the issue of future expansion to include outside sales and display. Questions were asked regarding the Conditional Use in the future if needed for outdoor space

PLNPCM2010-00556 and PLNPCM2010-00557, 2705 E Parley's Way Master Plan and Zoning Map Amendment. Staff gave an overview of the proposal.

Questions were asked regarding:

- Process, particularly the Non Conforming issue and re-using existing building versus rezoning.
- Responsibility of drainage issues. Draining issues were explained by staff.
- What Commissioners can comment about at the Public Hearing. Staff answered that Notice was given so Planning Commissioners can make a recommendation if they chose to.
- Parking and site plan. Staff explained those issues would be addressed if the zoning change was approved or through the site plan review process.
- Other uses allowed in the CS zoning. Staff defined others uses allowed in CS zones versus CB zones.

5:33:32

Work Session

PLNPCM2010-00614: Sustainability Code Amendment Project: Recycling and Construction Waste Management proposed regulations – A request by Salt Lake City Mayor Ralph Becker to add Recycling and Construction Waste Management regulations to the Zoning Ordinance and possibly to the Site Development ordinance in order to implement sustainability goals.

Chairperson Fife recognized Ana Valdemoros as staff representative. She stated this item was part of the Sustainability Code Amendment that the Mayor had proposed, it related to recycling and waste reduction.

Ms. Valdemoros stated that there were many purposes for the new amendments to the ordinance. She noted that an important item was as a City to better manage and extend the life of our landfills by encouraging recycling and waste reduction practices and that would lessen the amount of materials added to the landfill.

The four proposed regulations include:

1. Indoor and Outdoor facility for recycling for all zones
 - Commercial, Industrial, or Multi-Family would need to provide recycling station area.
 - ***Excludes*** single residential zones.
2. A Centralized Neighborhood Recycling Station.
 - Applies only to new residential subdivisions.
3. Converting parking spaces to accommodate Recycling Stations.
4. Require a waste management plan for new construction and demolition.

Ms. Valdemoros asked for direction on two issues from the Planning Commission.

1. Conversion of Parking Spaces
 - Appropriateness
 - Street Parking
2. Centralized recycling pickup areas.
 - In new residential, pickup would be handled by citizens.

Questions from the Commissioners

Commissioner De Lay asked about the parking conversion and asked who would enforce the new green standards.

Mr. Norris responded that the primary mechanism for enforcement was actually through the permit and inspection process. The problems would incur with follow up, and that would fall under the zoning enforcement process.

Commission De Lay asked what type of recycling processes we had at this point. She asked if the City would require the recycling of newspaper, plastic, cans, and glass.

Commissioner McHugh stated that the recycling of glass was through community bins.

Commissioner De Lay added that the City did not require recycling, will we require new developers to recycle, including glass.

Ms Valdemoros stated that we would

Commissioner Dean stated that there should be some research done on what other items could be recycled other than what was on the list, in terms of construction/demolition debris. Items like chip board, carpet, glass, foam products, cardboard, insulation were all recyclable.

Commissioner Dean asked about the sizes of the recycling rooms and suggested larger spaces would be required for recycling. She also suggested using the IBC occupancy levels to indicate size for recycling.

Commissioner De Lay asked if recycling would be tied to the other sustainability ordinances, would they be looked at as one package or would they be submitted independently.

Mr. Norris stated that they would be submitted independently.

Commissioner Woodhead stated her support of the code amendment.

Commissioner Dean asked about the expansion of what was happening, and the different stages and steps. She noted that on page 3 of the staff memo, a list of goals in the purpose statement and specifically number 4, which states a reduce in need for all materials creating a civic infrastructure buying and utilized recycled products, and number 6 which talks about the economic drivers. Commissioner Dean asked what the economic drivers would be, would we be giving recyclers more incentive and opportunities to come into the City.

Ms Valdemoros stated that they had not looked into that, but certainly could.

Commissioner De Lay stated her agreement with Commissioner Dean and asked about adding a five cent glass tax.

Mr. Norris stated that it was not part of the Planning Commission scope.

Commissioner Hill stated that she agreed that new developments should be required to have recycling services.

Mr. Norris asked for direction regarding recycling centers in new developments, staff is concerned about a fairness issue because residents of the new developments would need to take their recycling to a recycling center rather than place it in a blue bin on the curb. Staff wondered if it would be a "disincentive" to not recycle because of the added effort.

Commissioner Dean stated that it was dependent on how the other trash was picked up, if they had to bring their refuse to a common location or if they placed it on the curb.

Mr. Norris stated that it might be something that with the increase in use would change.

Commissioner Woodhead added the distance would be an important element.

Mr. Norris stated that the ordinance stated that there would be one center for every certain number of lots, and it was also dependent on the size of the lot. The larger the lot, the further the center would be.

Chairperson Fife suggested that it might need to be a specific number of feet, and also added that it did not seem like a fairness issue because there are cluster boxes for mail in new developments.

Assistant Director Cheri Coffey asked if it would be helpful if the Recycling Coordinator from the City to speak

The Commissioners agreed that it would be helpful.

5:51:35

Open of Public Hearing

5:51:50

Approval of Minutes

Commissioner Woodhead made a motion to approve the minutes.

Commissioner Wirthlin seconded the motion.

Commissioners Drown, Dean, De Lay, McHugh, Wirthlin, and Woodhead all voted “aye”
Commissioners Luke and Hill abstained, the motion passed.

5:52:05

Report of the Chair

Chairperson Fife stated he had nothing to report.

Report of the Vice Chair

Vice Chairperson Dean referred to Commissioner De Lay to report on the subcommittee findings

Commissioner De Lay stated that there were four meetings, two that were subcommittee meetings regarding bill boards. She noted the time restraint of a decision by April to make decisions. She noted that CED Director Frank Gray had attended a meeting and clarified the Mayor’s position that management wants all billboards to be taken down in the City and not allow billboards. He said they did not add value to the City and should not be protected by amortization.

She stated that the options for the Planning Commission were to:

1. Create an ordinance
2. Not to create an ordinance, making the petition lapse, thereby allowing all sign companies to go electric
3. Prohibit or place a moratorium on them.

Commissioner De Lay stated that there was not a map that illustrated where the billboards were, and the City had no budget for policing the existing signs.

Commissioner De Lay noted the discussion about incentives for sign companies to move existing signs from residential areas and reduce density.

Commissioner De Lay stated that Doug Dansie and Nick Norris were to look at other places within the County where the signs companies could place new signs in new commercial areas and place billboards in fair trade.

Commissioner De Lay said that there would be one additional meeting and thus far had no recommendation to the Planning Commission.

Chairperson Fife asked when the next meeting was scheduled.

Mr. Norris stated that the next meeting available would be February 23, 2011.

Chairperson Fife asked if an option was to disband electronic billboards in the City.

Mr. Norris stated that only the electronic billboard section had a time constraint. Mr. Norris added that if action was not taken, the default to the current regulations that indicate that electronic billboards would be allowed.

Commissioner McHugh asked if discussion was made regarding moving billboards out of residential areas.

Commissioner De Lay stated that there had been and stated that the hope was to find a reasonable compromise.

Chairperson Fife said that an idea would be to prohibit them for the current time, and later address the issue.

[5:59:10](#)

Report of the Director

Mr. Sommerkorn had nothing to report.

[6:00:57](#)

Public Hearing

PLNPCM2010-00800 - Alpine Auto Brokers Conditional Use: A request by Tyson Aoki for conditional use approval of an automobile sales business located at 749 South State Street. The subject property is located in the D-2 (Downtown Support) Zoning District in Council District 4, represented by Luke Garrott.

Chairperson Fife recognized Thomas Irvin as staff representative.

Mr. Irvin stated that this was a request by Tyson Aoki to open an automobile dealership at 749 South State Street. Mr. Irvin said the location was currently a D-2 zone, the property surrounding

it was also zoned D-2 with the exception of an area to the east where there was an RMF-75 apartment complex.

Mr. Irvin stated that although this was listed as a car dealership, the business would be more of a brokerage and all sales would be handled within the building. The owner did not intend to use the lot to the south of the property; vehicle access would be off of 8th South pedestrian access would be off of State Street. The applicant did not intend to be open during business hours, and would be appointment only and his customers would be from the internet.

Mr. Irvin stated there was another dealership that was located on the other side of 8th South, and was more of a traditional auto dealership.

Mr. Irvin said that the zoning review noted that there was not to be auto repair on premise or auto storage on the lot.

Mr. Irvin added that the Community Council suggested that a stipulation be placed that if the applicant did seek to expand their conditional use to use the outdoor area of the lot for vehicle sales and that the applicant would need to repeat the application process.

Mr. Irvin stated that staff recommends approval with the two conditions listed on the staff report.

6:02:48

Questions from the Commissioners

Commissioner De Lay asked for the definition of 'storing automobiles'.

Mr. Irvin answered that there were sections in the ordinance that discussed automobile lots that require extra buffering and landscaping requirements, storage facilities that require screening. Mr. Irvin stated that in this case, it was not taken into consideration for this application because there will be no automobile storage.

Comments from the Applicant

Mr. Aoki stated that the sales would be by appointment only.

Commissioner Dean asked what if there would be changes to the façade.

Mr. Aoki stated that other than adding a sign, there would be no major changes.

Public Comment

Michelle Wirthlin, was the owner of the property. She stated that she wanted to be clear that classic cars were kept on property that had no bearing on the applicant.

6:06:47

Motion

Commissioner De Lay made the motion in regard to **PLNPCM2010-00800 - Alpine Auto Brokers Conditional Use** based on the findings of the staff report and testimony heard this evening, I move that the Planning Commission approve the request for conditional use for automobile sales business located at 749 South State Street subject to conditions 1 and 2 as listed on the staff report.

Commissioner McHugh seconded the motion.

6:07:01

Vote

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

6:08:15

2705 E. Parleys Way Master Plan and Zoning Map Amendment – a request by Ballard Spar LLP representing Walmart Stores, Inc. to amend the East Bench Community Master Plan and the zoning map for the property located at 2705 E. Parleys Way. The amendments are proposed to facilitate the construction of a new Walmart store. The property is located in Council District 7 represented by Søren Simonsen. (Staff Contact: Wayne Mills at 801-535-7282 or wayne.mills@slcgov.com)

- a. **PLNPCM2010-00556: Master Plan Amendment** – a request to amend the future land use classification of the subject property from Community Business to Community Shopping as shown on the East Bench Master Plan future land use map.
- b. **PLNPCM2010-00557: Zoning Map Amendment** – a request to rezone the subject property from CB Community Business to CS Community Shopping

Commissioner De Lay recused herself from the hearing.

Commissioner Woodhead disclosed that in her professional capacity as a lawyer, she had represented clients who were adverse to Wal-Mart, however, had not represented them for more than five years and were not land use related.

Commissioner McHugh stated that she did not feel it was a conflict.

Commissioner Dean agreed.

Chairperson Fife reminded the Commission that this was regarding zoning only, and not whether or not this was to approve Wal-Mart.

Chairperson Fife recognized Wayne Mills as staff representative.

Mr. Mills stated that this was a request by Ballard Spar LLP, representing Wal0-Mart stores to amend the East Bench Community Master Plan and the zoning map for the property located at 2705 E Parley’s Way. The request was to rezone the property from CB Community Business to CS

to Community Shopping, and to also amend the future land use map in the East Bench Master Plan.

Mr. Mills gave a PowerPoint presentation that illustrated the area surrounding the proposed site.

Mr. Mills provided a brief history of the property which included:

- Kmart was the prior occupant and received a building permit in 1968 to open a retail store.
- The property was zoned B3, a zoning designation that no longer exists.
- Retail stores were permitted uses at that time.
- In 1995 the City had a comprehensive zoning re-write, and amended the zoning for the entire City, and the area was changed from B3 to community business
- Retail stores were still included as a permitted use and Kmart was still considered a permitted use.
- 1995 the structure became a non complying structure.
- CB building regulations changed and the building became a non complying because it was too large and did not the building configuration standards.
- In 2004 the City adopted an ordinance that added additional definitions for retail type uses. The new uses included department stores, mass merchandising stores and super stores.
- In 2005 the City Council adopted another ordinance amending the commercial land use charts.
- In November 2005, CB zone retail goods establishments became the only allowed uses in that zone.
- Kmart became a nonconforming use with a non conforming structure.
- February 2005, Wal-Mart purchased the property.
- 2008 Kmart closes.
- 2008 Wal-Mart requests a change in zoning.

Mr. Mills stated that the current status of the property is a non-complying structure with a non conforming use. The Kmart type use could continue on the property, but it was strictly regulated. This applied to what portion of the building could be demolished before you lose the non-conforming use right. A rezone would allow Wal-Mart to demolish the building and rebuild new.

Mr. Mills said that in the event that the property was not rezoned, Wal-Mart can still occupy the building and currently had a building permit with the City to do remodeling and move in.

Mr. Mills noted that there were two petitions before the City, the first being the amendment to the East Bench future land use map. The East Bench Master Plan was adopted in 1987, and was one of the oldest Master Plans in the City. At the time of the Master Plan, Kmart was in business and the Land Use Map designated the area as 'neighborhood business' which was the B-3 Zoning, in 1995, the entire City was rezoned, all Master Plans were also amended to reflect the new zoning.

Many Master Plans in the City have been updated, and follow the new regulations, however, the East Bench Master Plan had not been updated, and the text references some very old land use regulations with the City.

The request from the applicant was to amend the future land use map and the East Bench Master Plan from CB, Community Business to CS, Community Shopping.

Mr. Mills stated the second petition was the consideration for the rezone. The existing zoning was CB and the purpose of that district is to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods and the design guidelines were intended to facilitate retail that was pedestrian in its' orientation and scale, while also acknowledging the importance of transit and automobile access to the site.

The requested rezone would be to CS; the purpose of that district is to provide an environment for efficient and attractive shopping center development at community level scale.

Mr. Mills added that both zoning districts allow many of the same types of land uses such as mixed use, retail, office, and residential. The CS allows uses that require larger land areas, such as big box retail.

Through the study process staff received a lot of public comment. The petitions were presented to Sugarhouse, East Bench, Sunny Side East, and Wasatch Hollow Community Councils.

Mr. Mills clarified an error in the staff report where he stated that the property was located in the East Bench Community Council area, it was actually located in the Sugarhouse Community Council area but in the East Bench Master Plan area.

Sugarhouse Community Council recommended denial of the petitions. The East Bench Community Council recommended approval. The Sunny Side East and Wasatch Hollow Community Councils did not make a formal recommendation or denial.

Staff created a site on Open City Hall and received 97 comments from that site along with a multitude of emails and letters that have been documented were included in the staff report for review.

Mr. Mills stated that there were two alternatives for consideration for denial.

- Denial based on it not being in the best interest for the City.
- Denial until the East Bench Master Plan was reviewed and updated if necessary.

Mr. Mills added the two considerations for approval were

- Approval with no conditions.
- Approval with the condition of a development agreement.

Mr. Mills stated that if the application was denied, the Planning Commission was an Advisory Board, a recommendation board in this matter. The decision by the Planning Commission was a recommendation that would go the City Council who would be the final decision maker. If the City Council chooses to deny the petitions, Wal-Mart will still be able to move into the building with site remodeling and operate under the non-conforming use stipulation. If the petition was approved, Wal-Mart would be required to request plan development approval. In the CS zoning district, all new construction or new uses require plan development approval by the commission.

Mr. Mills noted that staff recommendation on the staff report was to hold a public hearing, accept public comment and schedule a vote at a later date. However, the hearing had been advertised in such a way that the Planning Commission can make their recommendation at the current meeting.

[6:25:28](#)

Questions from the Commissioners

Commissioner McHugh stated that the vote was 46-44 in the Sugarhouse Community Council. She asked about leakage and asked if changing the zone was actually necessary to fix the leakage in the roof.

Mr. Mills stated that it did appear that way.

Commissioner Luke asked for clarification on the location in the Sugarhouse Community Council.

[6:27:32](#)

Comments from the Applicant

Christina Coronado introduced the team representing Wal-mart in the two applications presented to the Planning Commission. Troy Herald, CLC Associates, project engineer; Joe Perrin, A-Trans Engineering, traffic engineer; Shad Vermesh, BRR Architecture; Delia Garcia from Wal-Mart.

Delia Garcia spoke stating that she manages public affairs for Wal-Mart, in Utah and stated that she was part of the team working on the proposal for 18 months.

Ms. Garcia stated that they spent the majority of the prior year determining whether they would move forward with the application.

Ms. Garcia answered the question of why they were here. She stated that they had developed a proposal that would achieve the goal of servicing their customers on the East Bench, but also achieve the concerns address with the prior application. She noted the specifics of building size, sustainability features and traffic impact.

Ms. Garcia stated that they had conducted a poll, met with stakeholders and council members to ensure they met the concerns. They met with supporters and opponents. They read Open City Hall, created their own website and really tried to determine what the issues were. The determination was that there were four key messages:

- Wal-Mart could do better than remodel the existing building.
- Size matters, people really do care about the reduction in building size.
- Resource conservation. How could they be more efficient.
- Traffic, would reducing building size improve traffic.

Ms. Garcia stated that they have a better proposal that has more beneficial impact.

The rezone had been requested because Wal-Mart proposes to build a new, smaller, more energy efficient supercenter.

Two factors prevent it:

- Super Center is a non-conforming use.
- Salt Lake City zoning caps demolition of non-conforming uses at 50% of the value of the building.

Ms. Garcia gave a PowerPoint presentation of the proposed building.

The proposal includes 92,000 sq feet, the height the maximum would be 33 feet in the front to screen a/c, but the average height of the building would be 26 feet. The landscaping would be increased.

Ms. Garcia described other benefits that would relate to rebuilding.

- Park and Ride
- Lighting and energy savings
- Water usage
- Traffic impact
- Adding pedestrian walk-ways
- How would they fit into a transportation corridor

Benefits of Rezoning

- Building a new smaller more energy efficient building
 - 23% smaller building
 - Achieving energy savings
 - Water savings
- Fulfilling community priorities
 - Redevelop an existing property and make it better.
 - Reducing trip miles
 - Integrating adjacent mixed uses
 - Creating and connecting pedestrian walkways
 - Connecting trails and transit systems
 - Installing water detention facilities
 - Civil engineering elements
 - Redoing parking lot
 - Lowering the building on the site by 2', making the profile lower
 - Addressing the water detention issues that currently exist, i.e. grading
- Improving community experience
 - Landscaping
 - Planting more trees and shrubs
 - Improving the truck circulation in an around the site
 - Pedestrian level lighting
 - Shaded walkways
 - Reducing hardscape

[6:44:46](#)

Questions from the Commissioners

Commissioner Woodhead asked about the possibility of an approval with a development agreement. Would Wal-Mart enter into a development agreement?

Ms. Garcia stated that they would be.

Commissioner Hill asked if that would include architectural design or urban design details.

Ms. Garcia stated that they would be happy to include that in a development agreement.

Commissioner Woodhead asked about the building permit for a remodel and wondered if Wal-Mart had figured out a way to do a re-model consistent with the City's 50% requirement.

Ms. Garcia stated that it was possible to remodel the building, but it would not be an ideal situation.

Commissioner McHugh stated that Clarion and Associates was hired by the City because of the expertise on sustainability. They presented on December 2, 2010 and discussed transportation management. Commissioner McHugh asked Clarion and Associates if traffic could be reduced by reducing the size of a building. The response was that it would not

Ms. Garcia answered that she was not familiar with that report, but had a traffic engineer available.

Dr. Joseph A. Perrin of A-Trans Engineering spoke. He stated that the report was absolutely wrong, and that the empirical data came from IT Trip Generation Manual, Kevin Young of Transportation had reviewed the information and determined that square footage is how traffic is calculated, and it was a direct relationship based on actual empirical data.

Commissioner McHugh stated she felt the information was controversial.

Dr. Perrin stated his credentials and assured her of his qualifications and stated that the numbers were based on the size of the building and the type of the business. He stated that there are other Wal-Marts in the valley that have had traffic counted, and the data supported his statements.

Commissioner Luke asked about the building permit and asked what control staff would have over the remodel.

Mr. Norris responded that there would be very little control

Commissioner McHugh asked if it were possible to do energy efficient things with a remodel.

Ms. Garcia stated that they could, but Wal-Mart could be even more energy friendly, efficient by rebuilding and reducing the size of the building.

Commissioner McHugh asked if they had intentions of LEED certification . She stated that they would need to offer more than just a smaller building.

Ms. Garcia stated that they had discussed LEED, Wal-Mart does not subscribe to LEED membership, and their buildings are not LEED certified. Ms. Garcia noted that they do subscribe to LEED principles on sustainability. They work with EngeryStar and are working toward green standards.

Commissioner McHugh offered the idea of wind power.

Ms. Garcia stated that they were not planning on it for this building, but they were open to different ideas.

Commissioner Dean asked if it would be possible for the application to go through a plan development with the current CB zone.

Mr. Norris replied that they could not. It would not apply because the use is not permitted.

Commissioner Hill asked if Wal-Mart was willing to change the plan for the development that the public was really looking for.

Ms. Garcia stated that are constraints with this property.

Commissioner Luke asked if Wal-Mart would be willing to be LEED certified as part of the development plan.

Ms. Garcia stated that she did not have an answer, that it would be need to be evaluated.

Mr. Norris clarified that an applicant cannot receive LEED certification prior to a building being constructed and occupied. The City did not have an enforcement mechanism for that.

Mr. Norris added that could be done would be that they could make recommendations like water efficiency similar to what would be recommended for a LEED certified building.

Commissioner Dean stated that she thought that it might be a difficult way to go, and asked for examples of what had been done in the past and how successful had they been.

Planning Director Sommerkorn stated that he could not give specific examples, but it had been done in the past, but not recently. He stated he did not favor it because it amounted to 'contract zoning' and everyone in the zone should be treated the same. He stated that was not in favor doing development agreements as a condition for a rezone.

Commissioner Luke asked if the conditions could be part of the planned development phase if the Commission decided to rezone the property.

Mr. Norris responded that if the Commission were to place conditions on a planned development, they have to be tied to the approval standards for the planned development and meet the objectives of the planned development.

[7:09:58](#)

Public Hearing

Kim Peterson, First Vice Chair of the East Bench Community Council said the after a vote, the Community Council would be in **SUPPORT** of the rezoning of the old Kmart on Parley's Way to accommodate a new Wal-Mart facility that meets building code and uses green or high efficiency standards would be preferable to remodeling a 40+ year old building.

Mr. Peterson stated that he personally was in **SUPPORT** of the rezone. He would like to see a new small building as opposed to a remodeled larger building.

Commissioner Woodhead asked if the vote was 44-42.

Mr. Peterson clarified and stated it was 46-44.

Judi Short, Land Use Chair for the Sugarhouse Community Council spoke in **OPPOSITION** to the rezone. She complimented Planner Wayne Mills for his job on the staff report. She stated that approximately 25% were in favor of the rezone and 75% were against. The Parley's Foothill development committee report to NOT support the rezone was approved by the Sugarhouse Community Council three separate times.

The following Community Members were in **OPPOSITION** to the rezoning: Judi Short, Jan Brittain, Robert Neville, Rosalie Neville, Bret Jordan, Rawling B. Young, Andrea Burrows, Travis Pearce, Susan Lewon, Thomas Lindgren, Karen Curtin, Heather Barth, Eric Hartman, Betty Lynn Davies, Marjorie N. Tucker, Tim Harker, Jeffery S. Carter, Annie Cannon, Jill Burke, Jan Haug, Martha Farney, Jay Lems, Wayne Adams, Becky Richards, Rob Richards, Jean C. Stringham, Bill Wegesser, Cecilia Uriburu, Rob Wilkinson, Kathy Adams, Sarah Carlson, Philip Carlson, Monica Strong, Richard Kanner, Kenner Kingston, Jaelene V. Myrup, Maureen Mathison, Scott Kisling, Sheila O'Driscoll, Mary Mabey, Grant Stringham, David Noall, Peter Barth, Kathleen Kingston.

Points of Discussion were:

- The Zone Change would allow Wal-Mart to much freedom; Wal-Mart has not proven to act responsibly.
- The area within a two mile radius is not dense enough.
- Traffic increases.
- Noise due to trucks stocking store after hours.
- Unattractive parking lot
- No public transit.
- Against livability of the neighborhood.
- Concern about conformity to Master Plan.
- Concern about Wal-Mart reselling the property.
- Noise problems.
- The site, infrastructure and neighborhood is not compatible with the site.
- Amendments proposed are not well suited to the Foothill Corridor Area.
- CS zoning would be extremely detrimental to the cohesive feel of the City's neighborhoods CS zoning by its very nature will encourage people to drive to the destination vs walking. This contradicts the City's goal and clean air.
- Salt Lake County recorded lists the building in fair to good condition.
- Concern about other stores closing due to Wal-Mart.
- A Wal-Mart at the entrance to the City would give Salt Lake a negative look and would not be as attractive as other smaller businesses would be.
- Garage Bays should be used for auto repair.
- Wal-Mart does not listen to what the community wants.
- Concern for safety of children and ruin the sense of community.
- Concern for drop in home values in the area.
- Concern of lack of full disclosure of what would actually be built there.
- Rebuild is unnecessary.

The following community members were in **SUPPORT** of the rezone: Pati Allred Sorenson, Steven Parkin, Craig Swett, W.J. Christiansen, Todd Lindsey, Dan Ellison, Debbie Workman, Tarilyn Powell, Emilee Curl, Tvae Lybbert, Rebekah Schaff, Amanda Bitner, Debra Cayias, Frank Corbett, Melanie Wolcct-Klein, Boyn Vogeler, Greg Cayias, Amanda Duce, Gail Groves, Stephen Hertz, Janee Bales, M. Blaine Hofeling, Elaine Brown, G. Kevin Jones, Kim A. Peterson, Grace Sperry, Carleen Wallace, Ed Sperry, Edward Golden, Daniel Ivan, Jim Brown, Steven Maese, Kelly Ann Booth, Jonathan Williams, Nancy Lou Day, Dennis Walker, Scott Workman, David Bitner, Bill Bleak, Michael Oakford, Sadie Arave, Annette Powell, Jessica Jones, Randall Young, Lael Carter, Samantha Moll, Bruce Jensen, Lisa Seig, Ray Pugsly.

Points of Discussion were:

- Rezone allows for more extensive beautification of site, specifically the correction of current slop in parking lot which is too steep for comfortable parking.
- Would allow for more landscaping and additional trees.
- Huge improvement of building.
- Better use of property.
- Better more efficient building, more aesthetically pleasing.
- If there has to be a Wal-Mart, it should be the best one possible.
- Wal-Mart owns the property; they should be able to do with it whatever they want, especially if it is ecologically friendly.
- Wal-Mart is a helpful and useful place with reasonable prices.
- Excitement over improvements.
- A new building would be earthquake safe, green and public friendly, the improvements would improve the neighborhood.
- A remodel would not be better than a new building and is not progressive.
- A rebuild would create construction jobs.
- Wal-Mart provides jobs.
- Any business that occupies the space should have to come up to code, a new building is the only way to accomplish that.
- Wal-Mart would be a good neighbor.
- There are not enough places to shop in the area; especially the East Bench and Wal-Mart would add jobs.
- The current building is an eye sore.
- The name Wal-Mart should not be the reason a new store cannot be build.
- The current facility is too big, and too old. A new facility would serve the community better.
- Other businesses would benefit from additional traffic in the area.
- We can't improve the future by remodeling the past.

[9:17:16](#)

Close of Public Hearing

Final Comments

Ms. Garcia stated that she had a conversation who was not in favor of the rezone, and that person asked whom she thought would win tonight. Ms. Garcia responded that it was not about winning, but about sharing information and that Wal-Mart customers win either way.

Ms. Garcia stated that goal was balancing priorities and Wal-Mart wanted to be sure to address the concerns of the community, reducing the building size, reducing traffic and reducing energy consumption.

Ms. Garcia added that a zoning was the only avenue available to fulfill the concerns of the community and be able to build a more energy efficient, smaller store.

Remodeling versus rebuilding, remodeling would only be greener in principle, but when the principle was applied to the specific building, in order to make the existing building as energy efficient as a new building, the demolition would place them above the 50% demolition rule.

The hope was that they would be able to build a new building with skylights; a remodel would not have them because the roof would have to be removed.

Wal-Mart knew what they were going into, in 2005; they bought a non-complying structure that would have allowed up to 75% demolition, which was implemented after in November in 2005.

Ms. Garcia agreed that there would indeed be additional traffic, in part because there was no store currently in operation there. The goal would be to minimize the traffic impact; the way to do that would be to reduce the size of the building.

In closing, Ms. Garcia said the final question was whether the site itself was appropriate for CS. The size of the parcel was over 10 acres, consistent with CS zoning, it is at the connection of two arterial roads and the freeway interchange and those characteristics support the rezone.

Commissioner Luke asked what the competing interest Wal-Mart was weighing. If Wal-Mart was unable to build the energy efficient model it hoped to, will it still open a remodeled less efficient building. Would the green pursuit trump the opening of the store.

Ms. Garcia stated the ultimate goal would be to serve its' customers. If the only option were to be to open a remodeled store, they would.

Commissioner McHugh stated that West High was over 100 years old and was retro fitted, was earthquake safe, and was not on the list of endangered schools. She stated that it could be done.

Commissioner Dean made the point that the building was not the issue, but focus again on the Master Plan. The question should be was the Master Plan appropriate, was it outdated.

9:26:48 pm

Comments from the Commissioners

Commissioner Luke stated the position was not a good one to be in as a Planning Commissioner. The piece of property had a big box built on it 40 years ago, the Master Plan had changed since then, the zoning had changed since then, but the store remained. Now what was left was a building with a non-conforming use. Now if the owner of that property wanted to have a big box store there, they could.

Commissioner Luke added that his personal experience of remodeling his small brick bungalow and the expense involved proved to him that it would have been cheaper to tear the existing home down and rebuild than to add the energy efficient elements and remodel the current structure.

He believed that if the desire was to push Wal-Mart out of that property hoping the City could wait it out, that Wal-Mart would tire of their old energy deficient building, it would still be their building to sell. As long as the structure is there, it would always be a non-conforming use.

Regardless of the zoning, the only way to have a say as to what goes onto the property would be through a rezoning.

Mr. Luke noted that if the parcel was rezoned, Wal-Mart would have to come back to planned development where the Commission could place conditions on the property. Without that, Wal-Mart was not obligated to do anything. The remodel would then be on Wal-Mart's terms.

Mr. Luke said waiting it out would not be planning, but would be patience.

The right and responsible thing to do would be to rezone and therefore enable the Planning Commission to ensure the changes.

Commissioner Drown thanked the audience for participating in the public process. Commissioner Drown discussed the exiting movement toward green building, green energy and growth and the future.

Commissioner Drown stated that she felt that the decision would have to be what would be what is best for her, her children, her family and each member of the community.

Commissioner Wirthlin stated that the meeting was a robust discussion and appreciated it.

Commissioner Wirthlin pointed out that much of the discussion was irrelevant to the issue before the Planning Commission. The discussion really needed to be whether the current zoning of CB was most appropriate vision for the site, or if it would be more appropriate to rezone to a CS zone.

Talk of a new store, or new owners, type of store, or green store was frankly irrelevant. The issue was really what was wanted long term for the property.

Commissioner Wirthlin stated that it had been done; the Master Plan was a thoughtful, deliberate, careful process. He stated that he was not hearing anything different now or over the past 12 years he's lived in the community to suggest that there was anything appropriate for the site other than what was currently zoned, even though the current use of the site was a non conforming use.

Commissioner Wirthlin stated that was what a non-conforming use statute, if there was a use that was non-conforming, the idea was that the community would want it to go away, disappear. Regardless of who owns it, or the beauty of the building.

Commissioner Wirthlin stated that patience was needed for the statute to take effect.

Commissioner Wirthlin added that the last time this issue was placed before the Planning Commission, there was a unanimous denial. Nothing had changed. The Master Plan was still in place, the community had not changed their minds as to whether it was an appropriate zone for the site.

Mr. Wirthlin stated that the Master Plan might be outdated, but the particulars regarding this site were not. The community closest to the site say they feel the same way.

Commissioner Dean stated that she completely agreed with Commissioner Wirthlin. She stated that there should not be a rush to modify. She felt that 25 years was not too long for a Master Plan and was comfortable with the CZ zone as is.

Commissioner McHugh chose not to speak.

Commissioner Woodhead stated that she agreed Commissioner Wirthlin, and wanted to express her appreciation of the people from Wal-Mart and their openness to discussion with the community. Commissioner Woodhead felt the zoning was appropriate.

Commissioner Hill agreed with Commissioners Wirthlin and Woodhead. Commissioner Hill discussed the importance of vision and the Master Plan.

Commissioner Hill stated that Wal-Mart needed to take into consideration the desires of Salt Lake City's residents for a sense of community that had been undermined by the suburban model. Salt Lake wanted a neighborhood feeling, commercial districts, that encourage small business and walkability. Commissioner Hill stated that if you want success, first you must define the outcome. That is the idea behind the Master Plan. She added that the land belongs to the people and it's the stewardship of the developers, citizens and Planning Commissioners to make sure they do the right things with the land.

Commissioner Fife stated his appreciation of the comments from the community and the Planning Commissioners. He agreed with Commissioner Wirthlin and found the current zoning appropriate.

[9:44:48](#)

Motion

Commissioner Wirthlin made the motion that based on the robust discussion, the community input and the reasoning set forth in the materials presented in the staff report and the evidence received this evening in respect to PLNPCM2010-00556

Master Plan amendment and PLNPCM2010-00557 Zoning Map amendment, he moved that the Planning Commission forward a recommendation of denial of both petitions.

Commissioner McHugh seconded the motion.

Comment:

Planning Director Sommerkorn noted that there was discussion regarding the Master Plan, he stated that the Master Plan was 25 years old, and did not use the same terms that we use today. The East Bench Plan from 25 years ago only referred to one commercial area and it called it neighborhood business. It designated this area as neighborhood business, but also designated Foothill Village as neighborhood business.

Planning Director Sommerkorn added that currently the zoning for Foothill Village was CS, but this parcel was CB. The zone is not the same as it was in 1995. Mr. Sommerkorn said that the plans really need to be rewritten so that the Commission could be apples to apples.

Vote: Commissioners Drown, Dean, Hill, McHugh, Wirthlin and Woodhead all voted “aye”. Commissioner Luke voted “nay” The motion passed.

[9:48:20 PM](#)

Meeting adjourned

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on February 9, 2011.

Angela Hasenberg