

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

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

A field trip was held prior to the meeting Planning Commissioners present were: Michael Fife, and Michael Gallegos. Staff members in attendance were Nick Norris, Doug Dansie, Lex Traughber, Everett Joyce and Michael Maloy.

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at 5:30 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; Nole Walkingshaw, Planning Program Supervisor; Maryann Pickering, Principal Planner; Doug Dansie, Senior Planner; Lex Traughber, Senior Planner; Everett Joyce, Senior Planner; Michael Maloy, Principal Planner; Ray Milliner, Principal Planner; Daunte Rushton, Planning Intern; Daniel Echeverria, Planning Intern; Paul Nielson, Land Use Attorney; and Angela Hasenberg, Senior Secretary.

Field Trip Notes taken by Nick Norris:

PLNSUB2011-00187: Salt City Plaza, located at approximately 154 W 600 S. Staff gave an overview of the project. There were no questions from the Commissioners.

PLNSUB2011-00196 View Street Mixed Use Subdivision, and **PLNSUB2011-00307 View Street Mixed Use Planned Development** located at approximately 1325-1339 E 2100 South and 2004-2012 View Street. Staff gave an overview of the project. There were no questions from the Commissioners.

PLNPCM2011-00207: Olivera Alley vacation, located at approximately 1370 E Bryan Avenue. Staff gave an overview of the project; there were no questions from the Commissioners.

5:35:20

Work Session

PLNPCM-2009-00615: Small Neighborhood Business Amendment. A discussion regarding the Small Neighborhood Business Amendment. Present report and proposed text amendments. Discussion Only. (Staff contact: Nole Walkingshaw at 801-535-7128 or nole.walkingshaw@slcgov.com)

Mr. Walkingshaw, along with Ray Milner, Principal Planner and Planning Interns Daunte Rushton and Daniel Echeverria gave a presentation that was recorded as part of the Channel 17 broadcast of the Planning Commission meeting.

Mr. Walkingshaw stated that Small Neighborhood Business Amendment was a project he had been working on with Ray Milliner, Daniel Echeverria and Daunte Rushton for 18 months. The project was initiated to take a look at the business that are located within and adjacent to neighborhoods that overtime had rezoned and are now considered non conforming uses.

Mr. Walkingshaw stated that the intent was to create a new zoning classification for those properties had a very low intense city zoning districts in order to legalize those uses and eliminate the tag of non compliance against these properties.

Mr. Walkingshaw added that extensive research had been done for the project, more than 1,000 people were interviewed, and an inventory had been created of all the small businesses that are within neighborhoods.

Mr. Walkingshaw added that this was a different type of ordinance change being that each individual location would be different and what abuts it would also be very different, therefore the zoning would be consistent with the zoning along the block face of the neighborhood, therefore height and setbacks would be that of the neighborhood surrounding it

The following points were made by Mr. Walkingshaw:

The Purpose:

- To identify nonconforming uses
- Apply appropriate zoning
- Encourage small commercial in neighborhoods
- Mitigate Impacts

Leads to:

- Vibrant walkable neighborhoods
- Viable businesses
- Ability to get financing
- Predictability

Goals:

- The goals initially set out for this project include:

- Conduct a comprehensive inventory of businesses located in the residential neighborhoods.
- Identify nonconforming uses, and apply appropriate zoning to commercial uses in primarily residential areas.
- Work with business owners, property owners, community leaders, citizens, and interested parties to achieve the goals of the project.
- Conduct a formal survey of business owners and residents.

Ordinance:

Compatibility

- Compatibility with neighbor development standards is important.
- Height and setback standards are based upon the standards of the abutting zone.
- Parking standards are based upon the walkability provisions and exceptions found in Section 21.44.020 M Parking Exemptions for pedestrian friendly development.

Public Process

- Staff has briefing the Planning Commission and the City Council in the fall of 2010.
- Staff has briefed the Avenues, Capitol Hill, East Central, East Bench and Bonneville Community Councils.
- Staff has briefed the Salt Lake City business Advisory Board.
- Presented information at both the 2010 and the 2011 Salt Lake City Neighborhood business conferences.
- Held an open house where over 5,000 invitations were mailed.
- Open City Hall topic.

6:06:31

Public Hearing

6:07:45

Approval of Minutes from June 22, 2011:

Motion: Commissioner Woodhead moved to approve the minutes of June 22, 2011.

Second: Commissioner Luke seconded the motion.

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

Report of the Chair and Vice Chair:

Acting Chairperson Wirthlin had nothing to report.

Report of the Director:

Planning Director Wilf Sommerkorn stated that the City Council had been briefed on the change in the ordinance that would, in certain zones the maximum setback requirement for accessory structures of five feet. The City Council would be meeting in the near future to approve the change.

Mr. Sommerkorn added that in the following week the City Council would be briefed on the Wal-Mart rezone petition.

Planning Manager Nick Norris referred to the June 22, 2011 Planning Commission Meeting where the change in noticing requirements was addressed. Mr. Norris stated that there was a section that was omitted from the staff report that referred to conditional use requirements. He stated that the noticing requirements for all other public meetings would be the same for the conditional use requirement.

6:10:10

PLNPCM2010-00785: Special Exceptions--a request by Salt Lake City Mayor Ralph Becker to transfer the approval authority in the Salt Lake City Zoning Ordinance for special exceptions from the Board of Adjustment to the Planning Commission. In addition to the transfer of approval authority, the Petition will address several minor fine tuning text amendments in various sections of Title 21 that reference special exceptions, including the removal of Chapter 21A.14. The applicable text of Chapter 21A.14 will be moved into Chapter 21A.52. Related provisions of Title 21A-Zoning may also be amended as part of this petition; the changes would apply citywide if adopted by the City Council. (Staff contact: Maryann Pickering at (801)535-7660 or maryann.pickering@slcgov.com.)

Chairperson Fife recognized Maryann Pickering as staff representative.

Ms. Pickering stated that this item was a request from Mayor Ralph Beck request a zoning text amendment to transfer the approval authority within the Zoning Ordinance for special exceptions from the Board of Adjustment to the Planning Commission. In addition to the transfer of approval authority, it would address several minor amendments of various sections of title 12 where ever special exceptions are referenced.

Ms Pickering said that at the briefing of June 22, 2011 a brief overview was given and presented some proposed text.

Staff had modified the information. The modifications are part of the routine fine tuning amendments and maintenance to the code. Staff was working to create a more streamlined process for the special exceptions to make it easier for applicants.

Ms. Pickering addressed the following section of the code as found on page 2 of the staff report.

Ms. Pickering stated that there would also be instances where the Historic Landmark Commission (HLC) would be authority to approve special exceptions when they are reviewing a project within a Historic Overlay District.

Ms. Pickering further addressed the next section: **“Chapter 21A.14 – Routine and Uncontested Matters**

Ms. Pickering stated that this section would be entirely eliminated. Staff has found that there was no clear process and is confusing. Staff had evaluated the uses listed and have removed certain sections, and other sections will be moved to section 21A.52.

Ms. Pickering addressed the following section **“Chapter 21A.24 – Residential Districts**

Ms. Pickering stated that this was a “clean-Up” section that transfers approval authority.

Chapter 21A.26 – Commercial District

Ms. Pickering stated that there was a section that allowed for additional height on commercial districts and the authority would be transferred.

Chapter 21A.34 – Overlay Districts

Ms. Pickering stated that the effected item was located in the Yalecrest Compatible Infill Overlay district. She added that there was a duplicate section in another section of the ordinance that specifically stated that anyone within that Compatible Infill District has the right to apply for a variance or a special exception on their property.

Chapter 21A.36 – General Provisions

In the current Zoning Ordinance, the Board of Adjustment has authority to review certain home occupations. These changes will transfer that authority to the Planning Commission.

Chapter 21A.38 – Nonconforming Uses and Noncomplying Buildings

Ms. Pickering stated that it would deal with home occupations and would be another transfer of approval authority.

Chapter 21A.40 – Accessory Uses, Buildings and Structures

Ms. Pickering stated that staff had removed the requirement for special exception for automatic amusement devices.

Chapter 21A.44 – Off Street Parking and Loading

Mr. Pickering noted that currently there was a routine and uncontested matter where people have to get approval to create an unpaved parking lot within certain zoning districts, the change would make that issue an approved use if you are within the four zoning districts that are listed in the staff report.

Chapter 21A.46 – Signs

This change allows the Historic Landmark Commission to give approval for signs.

Chapter 21A.52 – Special Exceptions

Ms. Pickering explained that section 52 had been re-written and one major change would be the process for special exceptions, people will apply for it and based on the noticing text amendment the City will send out a notice of application to the effected property owners and tenants and make them aware of the application and inform them that they can submit comments of objection or support. If there are no comments received and staff feels that the application meets all requirements that are contained in chapter 52, the application can be approved administratively. If the issue is too complex and staff feels that they could not make a proper decision at that point it will be forwarded to the Planning commission.

Another change addresses unit legalizations. The Good Landlord program and the Accessory Dwelling Unit ordinance make it unnecessary to list this item with another approval process.

Ms. Pickering stated that with the analysis and findings Staff believed that the proposed text amendments are for the purpose of maintaining, updating and clarifying the zoning ordinance and was consistent with the current City policy.

Ms Pickering addressed Purpose Statements and stated that a new Purpose Statement was only being written for Chapter 52 which was the special exception chapter. The changes will impact one overlay zone, and the is the Yalecrest Compatible Infill Overlay.

Ms. Pickering stated that the proposed changes were a matter of code maintenance. She added that should the Planning Commission reject the changes, there would be no changes to the process as they exist today, the routine and uncontested matters and special exceptions would still be in effect.

6:17:09

Questions from the Commissioners:

Commissioner Wirthlin asked what effect, if any, would these changes have regarding the length of the Planning Commission Meetings.

Ms. Pickering responded that she did not believe there would be an impact because more applications could be approved administratively.

Commissioner Woodhead asked if the changes would eliminate the need for the Board of Adjustment.

Planning Manager Nick Norris responded that it was a separate matter.

6:18:17

Public hearing

Chairperson opened the public hearing, seeing no one chose to speak he closed the public hearing.

6:18:26

Motion: Commissioner De Lay made the motion in regard to PLNPCM2010-00785 Based on the findings listed in the staff report, testimony and plans presented, I move that the Planning Commission transmit a favorable recommendation to the City Council with conditions 1-4 as listed in the staff report.

Commissioner Luke seconded the motion.

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

6:20:19

PLNSUB2011-00187: Salt City Plaza - A request by Jeff Stockert of Salt City Plaza LLC for a planned development located at approximately 154 W 600 South in the D-1 Central Business District. The purpose is to construct multiple hotels and a shared parking structure located in Council District 4 represented by Luke Garrett (Staff contact: Doug Dansie at 801-535-6182 or doug.dansie@slcgov.com).

Chairperson Fife recognized Doug Dansie as staff representative.

Mr. Dansie stated that this was request for a planned development for multiple hotels on a single site. Mr. Dansie stated that this issue had come before the Planning Commission before and had been granted approval.

Mr. Dansie stated that this site was presently a Quality Inn, the proposal would be to demolish the Quality Inn portion and redevelop the area into three hotels.

Mr. Dansie gave a PowerPoint presentation that described the previous plans and showed the area the proposal would encompass.

Mr. Dansie said that the proposal was to move ahead with demolishing the motel and build a Holiday Inn and a Staybridge Suites that would be new construction. Instead of underground the proposal includes a parking structure where the former fourth hotel would have been.

Mr. Dansie added that there was comment from a neighbor that expressed concerns about water drainage onto this property. Another comment came from the Community Council they support the new hotel, but are concerned about the amount of stucco used on the building.

Mr. Dansie listed the conditions for recommendation:

The parking structure have retail office, hotel or other active uses facing 600 South and that autos not be visible on the 600 South façade.

- Access from the public sidewalk to the main entry be provided.
- Public way improvements are installed (lighting, street trees).
- Drainage issues onto adjacent properties are resolved.
- Final landscape plan to be reviewed by the Planning Director.

6:26:50

Questions from the Commissioners

Commissioner Woodhead asked about the walkability throughout the middle of the site.

Mr. Dansie said the Staybridge Hotel has no frontage, but shares parking so they would need to create pathways.

Commissioner Gallegos asked if there was circulation on the interior of the hotel on 5th south.

Mr. Dansie explained the entrances and exits.

Commissioner Dean asked about sustainability ordinances and waste management issues.

Mr. Dansie responded that he had not addressed that issue.

6:30:01

Comments from the Applicant

Commissioner Dean asked the applicant what accommodations they had in the facility as well as on the site to handle waste, specifically recycling.

The applicant, Mr. Jeff Stockert explained the location of the waste management.

Commissioner Dean asked more specifically if the plans had accommodated for the separation of waste, as in recycling.

Mr. Stockert stated that recycling would happen in the area outlined.

Commissioner Dean asked if roof color had been determined.

Mr. Stockert responded that the flat roof color had not been determined, but in other projects in Salt Lake City, the roof color had been white.

Commissioner Dean recommended that they use white roofs on this project.

The Commissioners discussed walk ways and sidewalks. They asked for more specific renderings to see those details.

Commissioner Dean suggested an additional condition to the motion to make sure there was safe access to all the sidewalks that navigate through the project.

Commissioner De Lay stated that she believed there would be landscaping in the areas of concern and that the applicant would want its guests to be safe.

Commissioner Woodhead suggested the wording of "safe access to sidewalks throughout the project."

6:38:18

Public Hearing

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

6:38:33

Motion:

Commissioner Dean made the motion in regard to PLNSUB2011-00187 I move that based on the findings listed in the staff report, testimony and plans presented, I move that the Planning Commission grant the planned development to allow multiple hotels and a parking structure with conditions as listed in the staff report, with the additional conditions of onsite recycling handling is adequately addressed, and that flat are roofs are white, and sidewalks and all access points through the entire interior of the project are to be approved by the Planning Director

Commissioner Woodhead seconded the motion.

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

Swaner Business Park Planned Development-- a request by New Concepts Construction to amend a subdivision plat to create a new lot located at approximately 1303 South Swaner Road in the M-1 Light Manufacturing Zoning District. The property is located in Council District 2 represented by Van Turner (Staff Contact: John Anderson at 801-535-7214 or john.anderson@slc.gov.com).

- a. PLNSUB2011-00099- a request to amend Lot 2 of the Cambridge Industrial Park Subdivision.
- b. PLNSUB2011-00278- a request for a Planned Development. The applicant is requesting the Planning Commission waive the requirement for perimeter parking lot landscaping.

Chairperson Fife recognized Mr. John Anderson as staff representative.

The Commissioners noted that the staff report was omitted from their packets.

Mr. Anderson stated that this is a request from Janae Whiting representing New Concepts Construction for a Planned Development and a Subdivision Plat Amendment located at 1321 Earl Drive. The parcel of property is Lot 2 of the Cambridge Industrial Park and there are currently two office buildings located there. At this time the lot is completely developed and there has been no application to modify the existing buildings, landscaping or parking lots.

The applicant is proposing to split the lot in two so that each building would be located on its own separate lot. The first lot, Lot 2A is proposed to be 1.126 acres and to be addressed at 1303 South Swaner Road. This lot would have frontage on both Swaner Road and Earl Drive. The second lot, Lot 2B is proposed to be 0.996 acres and to be addressed at 1321 South Earl Drive.

Mr. Anderson gave a detailed PowerPoint presentation that encompassed the information in the staff report.

Mr. Anderson stated that he had received no negative comments.

Questions from the Commissioners:

Commissioner Dean asked about access points and circulation flows.

Mr. Anderson explained the access to the shared parking facility and entrances.

6:44:43

Public Hearing:

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

6:45:12

Motion:

Commissioner Dean made the motion in regard to PLNSUB2011-00278 and PLNSUB2011-00099 based on the findings listed on the staff report, I move that the Planning Commission approve these petitions, I feel that we had adequate information based on the presentation and information provided on the maps to make a decision tonight.

Commissioner Gallegos seconded the motion.

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

PLNPCM2011-00207: Olivera Alley vacation--a request by Baldomero and Lourdes Olivera, property owners, represented by Pamela Wells, are requesting that the City vacate a portion of the alley located adjacent to the applicant's property at approximately 1370 E. Bryan Avenue. The alley runs north to south and abuts a total of three properties. The subject property is zoned R-1/5,000 (Single Family Residential) and is located in City Council District 6 represented by J.T. Martin (Staff - Lex Traughber, (801) 535-6184 or lex.traughber@slcgov.com).

Chairperson Fife recognized Mr. Lex Traughber as staff representative.

Mr. Traughber stated that was request to partially vacate an alley adjacent to the property located at 1370 E Bryan Avenue. The alley runs north to south and abuts a total of three properties.

Mr. Traughber gave a PowerPoint presentation that illustrated the request.

Mr. Traughber stated that the applicant would like to build a garage. He added that the applicant had received a special exception to have an alternative location for their garage.

6:49:15

Public Hearing:

Chairperson Fife opened the public hearing.

Mr. Craig Morrow, a resident of 1360 E Bryan west of the property. He spoke in **support** of

the application.

Seeing no others choosing to speak, Chairperson Fife closed the public hearing.

6:50:13

Motion:

Commissioner Luke made the motion in regard to PLNPCM2011-00207 I moved that based on the analysis and findings identified in the staff report and the testimony heard tonight and the discussion, I move that the Planning Commission forward a favorable recommendation to the City Council to partially vacate and close the southern portion of the alley with conditions as noted in the staff report.

Commissioner Woodhead seconded the motion.

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

6:51:28

PLNSUB2011-00320: Tannach Properties LLC Planned Development - A request by Tannach Properties, LLC for a planned development approval located at approximately 245-265 South State Street in the D-1 Central Business District. The purpose is to allow two principal buildings on one lot; to exclude parking calculations for the galleria common corridor and residential restricted use spaces within the commercial ground floor; and to allow signage on a restored water tower and additional general building signs that reflect historic facades on the State Street elevation for a mixed-use development at 247-2655 South State Street. Council District 4, Luke Garrott. (Staff Contact: Everett Joyce at 801-7930 or everett.joyce@slcgov.com).

Chairperson Fife recognized Mr. Everett Joyce as staff representative.

Mr. Joyce stated that this is a request for planned development approval for specific elements related to a two building mixed-use condominium development. The project would combine multiple parcels into one lot. Redevelopment of the site includes a new residential/commercial structure with underground parking and retaining the Cramar Building located on Floral Street.

Requested is modification of the zoning regulations to allow more than one principal building on a lot; to exclude a galleria common corridor area and residential use spaces from the commercial use ground floor area from the required parking calculations for commercial uses and to allow additional signage for a historic water tower and general building name signs on the State Street building facades. The Planning Commission has final decision-making authority for this application.

Mr. Joyce gave a PowerPoint presentation that illustrated the elements of the project.

Mr. Joyce stated that staff did recommend approval of the petition based on the conditions of :

1. All parcels involved shall be consolidated into one lot via the State Street Plaza Condominium.
2. Final planned development site plan approval is delegated to the Planning Director.
3. Allowed modifications from zoning regulations:
 - a. More than two principal structures on one lot;
 - b. The Cramar Building is an existing structure and would not require any additional off street parking. The off street parking requirements for the ground floor includes the commercial tenant spaces, however, the proposed galleria commons area and residential use access and storage areas on the ground floor do not apply towards the required off street parking calculations; and.
 - c. Allow signage on the restored water tower located on the roof of the proposed development and allow multiple general building signs for the Rex Theater and the Oscar Groshell / JB Forshee facades on State Street.

6:58:33

Public Hearing:

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

6:59:01

Motion:

Commissioner Wirthlin made a motion in regard to PLNSUB2011-00320 Based on the staff report and presentation this evening and discussion, I move that the Planning Commission approve the planned development application with conditions as proposed subject to conditions 1-3 of page one of the staff report.

Commissioner Gallegos seconded the motion.

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

7:06:22

View Street Mixed Use Planned Development — A request by Rinaldo Hunt for Baron Real Estate to construct a mixed use planned development located at approximately 1325-1339 E

2100 South, and 2004-2012 View Street (1345 East). The property is primarily zoned CN Neighborhood Commercial District, and partially zoned R-1/5,000 Single-Family Residential District. The property is located within Council District 6, represented by J.T. Martin. (Staff contact: Michael Maloy at 801-535-7118 or michael.maloy@slcgov.com)

- a. PLNSUB2011-00196 View Street Mixed Use Subdivision – A preliminary subdivision request to combine five parcels into one parcel.
- b. PLNSUB2011-00307 View Street Mixed Use Planned Development – A planned development request to construct two buildings that contain approximately 30 residential apartments, along with commercial office and retail space.

Chairperson Fife recognized Mr. Michael Maloy as staff representative.

Mr. Maloy stated that this petition had two parts, one was a preliminary subdivision petition to combine five existing parcels into one parcel. The second part is a planned development. Because this property was zoned CN there was a maximum lot size restriction within the zone. The proposed single lot exceeds that. Under the planned development ordinance, the Planning Commission could approve this as a modification of the subdivision ordinance.

Mr. Maloy gave a PowerPoint presentation.

Mr. Maloy discussed the project stating that it would be a mixed use project and there would be thirty units containing one and two bedrooms, as well as office space and some ground floor neighborhood commercial spaces. Mr. Maloy stated that the applicant wanted to take advantage of some on street parking credits. Mr. Maloy reminded the Commission that on street parking was allowed through the code, if the parking was available, then they can use it and reduce their onsite parking.

Mr. Malloy added that currently, the application did comply with the parking regulations of the City.

Chairperson Fife commented that he had eaten at the Dodo located across the street from this project, and to say there was available on street parking seemed like an exaggeration.

Mr. Malloy stated that although it may not be constantly available, there was enough to qualify it as on street parking, and that was what the code allowed.

Mr. Malloy said that the project was two buildings, and used PowerPoint to illustrate the details.

Mr. Malloy added that a concern for the Community Council was that the projects renderings showed that they used a very reflective glass. The applicant has assured staff that they would use a glass that was permeable.

Mr. Malloy stated that another recommendation from the Sugarhouse Master Plan was that the fronts of buildings should face public streets.

Commissioner Gallegos asked about the location of the business suites.

Mr. Maloy showed the images that illustrated the location which was along the 2100 South frontage. The south side of the building would be commercial uses and the remaining portion would be residential.

7:16:38

Questions from the Commissioners:

Commissioner Woodhead asked about the courtyard spaces and wondered if there were doors from the units that lead directly into those spaces.

Mr. Maloy answered that there would be open spaces to allow entry.

Commissioner De Lay asked if the Urban Forester had evaluated the trees on the property to determine if any were historic.

Mr. Maloy responded that no, the Urban Forester had not, he explained that the Urban Forester would look at trees that were located along the public right of way, or in public space. Mr. Maloy said that he could be consulted.

Commissioner Fife asked how much parking they were able to eliminate because of the on street parking.

Mr. Maloy responded that he did not recall off hand, but the applicant would provide those details later.

Commissioner De Lay asked if this project had been brought before the Planning Commission before.

Mr. Maloy answered that it had, a previous proposal was a cedar building that another staff planner had reviewed. It was Mr. Maloy's understanding that the proposal was withdrawn more than a year ago.

Commissioner Gallegos asked regarding the parking, would the residents and the businesses share the on-site parking.

Mr. Maloy responded that there were some flexible parking spaces.

7:18:57

Comments from the Applicant:

Rinaldo Hunt and Monte Steel represented the applicant.

Commissioner Luke asked about how much on-site parking the applicant was allowed to forgo

because of the on street parking.

Mr. Hunt asked if he was asking about the parking credit that was issued because of their pedestrian friendly attributes.

Commissioner Luke said yes.

Mr. Hunt described the current parking situation on site between the two parking areas, one in the rear, and another along to the west of the building, there was approximately eight to nine on-site spaces that service a total of fifteen total residential units. He added that the current apartments were non compliant and under parked.

He stated that the new proposal would offer thirty four parking spaces and nine on the street. He added that the calculation allows twenty five hundred square feet that would be exempt from parking. He stated that the incentive was intended to encourage walkability from the commercial space and encourage pedestrian transit.

Commissioner Luke asked if there would be reserved spots for residents and for the businesses.

Mr. Hunt said that that point it had not been determined. He added that the nine spaces allowed on the street would be convenient for patrons and business owners.

Commissioner Gallegos asked if Westminster College students were a potential market for the project.

Mr. Hunt said that they would be more than welcome.

Commissioner Dean asked about making accommodations for dedicated recycling on site. She added that she would like to see a white roof on the flat roofs.

Commissioner Fife asked if there was office space as part of the project.

Mr. Hunt said that it would be mixed use. He added that the hope was to have businesses opportunities on the ground floor that would be conducive to foot traffic, and the upper levels would be more conducive to office space.

Commissioner Hill asked questions regarding brick versus concrete, and wondered if they would consider using it.

Mr. Steel said that they are considering recycling the older brick, and are looking at options of reclaimed brick.

7:28:07

Public Hearing:

Judy Short, Sugarhouse Community Council spoke in **Support** of the project. She stated that Mr. Maloy did a wonderful job representing the Community Council's point of view. She said she appreciated the comments regarding materials. She stated that the Sugarhouse Community Council voted and the vote was 14 to 7 in favor of the project. She noted that she felt the 7 against had to do with the materials that would be used. Ms. Short said that the Community Council was aware of the tension on View Street regarding parking. She said there is natural tension between walkability, mass transit and life. She stated like the Community Council like the idea that they were going to plant 27 trees that mitigates the loss of trees.

Ogden Stewart, Ron Snarr, Rachel Lee, Karen Anthony, Patrick DePaulis, Jim Aguttes, Fiona Halloran, Jerry Bittle, Sheila Bittle, Rich Howell, and Hollie Howton all spoke in **Opposition** of the project.

The public made the following points.

- Congested streets
- Safety issues to children and animals
- Overflow of parking from the Dodo onto View Street
- Not enough street parking to accommodate so many units
- Inconsideration of the people who live on the street
- 1300 East is too congested, as is 2100 South with no traffic light to be able to turn on View Street
- Opposition to entrance of the proposal from View Street
- No parking spaces for friends and family on the street
- The size of the project is too large
- Spillage from Westminster College
- Concerns over Westminster College charging for parking
- The project does not fit the neighborhood

John Mortensen, spoke in **support** of the project. He stated that he appreciated the office space availability and thinks it was ideal for this area.

8:00:07

Questions from the Commissioners

Mr. Maloy clarified the extent of the planned development approval along with the preliminary subdivision. He stated that the transportation issue was significant for the neighborhood. Mr. Maloy added that he did look at standard traffic generation models for a single family home at peak hours during week days, it would be .77 per unit, for a low rise apartment it would be .46 per unit.

Commissioner Woodhead asked how many cars are theoretically on the street. Commissioner

Woodhead questioned how many parking spaces were used with the fifteen unit apartment building.

Commissioner Fife responded that there were eight or nine.

It was established that there were approximately 36 units and 34 parking spaces.

Rinaldo Hunt clarified that there were 32 units proposed, 28 residential units and 4 commercial. He added that there are 34 parking spots.

Commissioner Dean asked how many parking spaces they would have to provide if they did not have the pedestrian friendly reductions.

Mr. Hunt responded that they would have to have 42.

The Commissioners discussed the issue of tabling the petition.

Commissioner Luke stated that he felt that the developer was being put in a bad position because these were established City ordinances.

Commissioner Dean said that the issue could be the illegal lot size.

Commissioner Luke stated that he felt the developer could not be held accountable for the Dodo's spillage.

Mr. Maloy stated that the request was actually for a preliminary approval, the final approval is a part of the building permit review, the engineering approval, the technical aspects of the project. Mr. Maloy reiterated that the applicant has said that they would comply with whatever parking regulation that the City currently required.

Mr. Maloy added that the Planning Commission could not require the applicant to provide more parking than what is required by City code.

Commissioner Dean stated that she interpreted the issue as a property line issue, and whether the project would be compatible with the neighborhood. She said that if the applicant would not make concessions regarding the parking, then the project was not compatible.

Mr. Hunt stated with recommendations from staff, they pursued the planned development application because staff felt the end result was a more enhanced product than what would be achievable through strict application of land use regulations. He said that based on the staff report and the proposed development, they meet at least one objective and also meet the land use regulations laid out in the Sugarhouse Masterplan, and therefore would be appropriate for the site.

Commissioner Woodhead stated she was very conflicted, and asked if there was anything that the City could offer to help solve the parking problem.

Commissioner Gallegos asked what the rules regarding on street parking were.

Planning Manager Nick Norris stated that the City did have resident permit parking program that is administered through the Transportation Department.

After discussion the Planning Commission suggested that there should be modifications to the parking regulations within the City.

Commissioner De Lay summarized what she felt the Planning Commission would want amended in the motion:

- Exterior material/colors to be approved
- Work with the urban forester in regard to tree choice in the landscaping
- Dedicated recycling area garbage bins on the interior of the project
- Roof color to be white
- Low reflectivity glass to reduce glare

Commissioner De Lay stated that the parking should not be an issue because the parking in the plan is sufficient for City rules.

Commissioner Woodhead suggested that they make a recommendation to transportation to look at the neighborhood and look at the area for future development as it relates to the parking load on the streets.

8:25:24

Motion:

Commissioner De Lay made the motion in regard to PLNSUB2011-00196 and PLNSUB2011-00307 I move that based on the testimony heard and the information in the staff report that the Planning Commission approve these petitions for preliminary sub division comprised of one lot and for a mixed use plan development with the conditions 1-7 of the staff report with the additions of designs and building to be non-reflective glass, roof color to be white, exterior materials to be approved by the Planning Director, to work with the urban forester to make tree choices, and dedicated recycling areas by the garbage bins.

Commissioner Wirthlin seconded the motion.

Mr. Maloy wanted to add that there are some specific standards applicable to planned developments in the CN zone, he wanted to state for the record that the applicant is aware that the standards of approval included section 20A.55.090. Mr. Maloy read a-h of the code,

21A.55.090: SPECIFIC STANDARDS FOR PLANNED DEVELOPMENT IN CERTAIN ZONING DISTRICTS:

Planned developments within the TC-75, RB, R-MU, MU, CN, CB, CSHBD districts, South State Street corridor overlay district and CS district (when the CS district is adjacent to an area of more than 60 percent residential zoning located within 300 feet of the subject parcel to be developed, either on the same block or across the street), may be approved subject to consideration of the following general conceptual guidelines (a positive finding for each is not required):

Vote: Commissioners Hill, Woodhead, Gallegos, and Dean all voted "no" Commissioners Luke, Wirthlin, and De Lay all voted "aye". The motion failed 4 to 3.

8:31:33

Motion:

Commissioner Woodhead made the motion as to PLNSUB2011-00196 and PLNSUB2011-00307 that the Planning Commission table their decision with the request that the petitioner return to the Planning Commission with a more detailed plan that reflects compliance with the elements set forth in the recommended motion by the City, and a presentation that established that the concerns had been now met with regard to those issues, and that the petitioner come back with a parking study indicating that there was sufficient availability on the surrounding streets to support the parking that goes beyond what is available on the site.

Commissioner Gallegos seconded the motion.

Commissioner De Lay asked if the Planning Commission had the power to put the cost of a traffic study on the applicant.

Planning Manager Nick Norris stated that he would need to verify with the ordinance, but he believed that the Planning Commission did have the authority to require an impact study.

Commissioner Luke questioned the necessity of the traffic study.

Commissioner De Lay asked for a re-read of the motion.

Commissioner Woodhead made a motion in regard to PLNSUB2011-00196 and PLNSUB2011-00307 that the Planning Commission table the petition to allow the petitioner to come back and provide the details to the questions set forth in the recommended motion provided by the City in the staff report. Proof that the final planned development complies with the applicable City comments and regulations, that under the direction of the Planning Director, staff shall review the final landscape plan, lighting plan, and architectural elevations- including window translucence- for compliance with all Sugar House Community Mast Plan policed and City Code regulations, and dealing with landscape buffers, landscaping, side yards that those things come to the Planning Commission as opposed to going to the

Planning Director, so that we have a more complete plan to review. The applicant provides a parking study to show the street parking upon which your plan depends. The public hearing will be closed.

Commissioner Gallegos seconded the motion

Land Use Attorney Paul Nielson answered the question regarding the Commissions' authority to require a traffic study, a parking study would be entirely different.

Vote: Commissioners Dean, Wirthlin, Luke and De Lay all voted "no", Commissioners Woodhead, Hill, and Gallegos all voted "aye". The motion failed 4-3.

8:40:06

Motion:

Commissioner Dean made the motion in regard to PLNSUB2011-00196 and PLNSUB2011-00307 based on the staff report and the presentations and public hearing, I move that the Planning Commission deny the petition based on the issue that the scale of the project once combined with the planned development appears to be out of character with the amount of impact that the neighborhood can take.

Commissioner Hill seconded the motion.

Vote: Commissioners Delay, Luke, Woodhead, Wirthlin all voted "no" to deny, Commissioners Hill, Gallegos, Dean all votes "aye" the motion failed 4-3.

8:43:16

Commissioner Woodhead made the motion in regard to PLNSUB2011-00196 and PLNSUB2011-00307 I move that the Planning Commission approve the proposed plan development based upon the information on the staff report, the information received in testimony tonight, the information received from staff during the public hearing and in addition to condtions 1-7 and the addition of the following conditions, that there be a dedicated recycling area provided in the project, that there would be a white roof, and the windows be non reflective to the standard required by the City as approved by the Planning Staff, and that the developer work with the urban forester to develop an appropriate landscape plan within the parking strip including consideration of maintaining the existing trees if possible. With the specific standards of 21A.55.090.

Planning Manager Nick Norris pointed out that the Planning Commission did not have the authority to condition the urban forester to go on to private property and determine the value of existing landscaping.

Commissioner De Lay seconded the motion.

Vote: Commissioner Gallegos, Dean and Hill all voted no, Commissioners De Lay,

Wirthlin, Luke and Woodhead all voted “aye”. The motion passed.

Planning Director Wilf Sommerkorn addressed the parking issue, he stated that indeed the applicant was following the requirements of the City, but if the Planning Commission would like to make a recommendation to do something, he would recommend that.

Commissioner De Lay suggested that the Mayor’s office, the Sugar House Community Council, the neighborhood, the Dodo Restaurant and the developer work out an impact plan, land use and traffic plan.

Land Use Attorney Paul Nielson stated that the Planning Commission was authorized to initiate a petition to amend the text of the planning ordinance.

Commission Wirthlin wanted to add for the record that in regard to the outburst of two members of the public earlier in the meeting, volunteers and elected officials deserve to be treated with respect and civility.

8:48:51

Meeting adjourned.

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on August 10, 2011.

Angela Hasenberg

