

SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, March 23, 2011

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

A field trip was held prior to the meeting. Planning Commissioners present were: Michael Fife, Michael Gallegos and Kathleen Hill, Staff members in attendance were Joel Paterson, John Anderson and Lex Traughber.

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; Joel Paterson, Planning Manager; Casey Stewart, Senior Planner; Michael Maloy, Principal Planner; Lex Traughber, Senior Planner; John Anderson, Principal Planner; Ana Valdemoros, Associate Planner; Paul Nielson, Land Use Attorney; and Angela Hasenberg, Senior Secretary.

FIELD TRIP NOTES:

PLNPCM2011-00004 – Salt Lake Community College Alley Vacation – Staff described the proposed alley vacation and pointed out the exact location of the alley which is located in the south parking lot of the campus. Staff noted that the alley includes an over-head power line that provided power to a property recently purchased by the College. The building has since been demolished and no longer needs power from the overhead line. Staff noted that Qwest would likely have a representative attend the public hearing. They have concerns about obtaining an easement for its lines within the alley.

PLNPCM2011-00032 – Southeast Apartment & Retail Building at the Sugar House Loop – Staff described the proposed project and the differences between this application and an earlier project that the developer proposed, which was approved by the Planning Commission. The Commission asked questions regarding the subterranean canal, its location and possibilities of developing a trail along the canal. The Commission asked about the on-site access to the proposed underground parking structure and the access from Highland Drive. The Commission asked questions regarding the proposed architecture, building height, mix of uses and type of housing units proposed.

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Approval of the Minutes for the February 23, 2011 Planning Commission Meeting

Commissioner Woodhead made a motion to approve the minutes for February 23, 2011 as corrected.

Commissioner Luke seconded the motion.

Vote: Commissioners Gallegos, Luke and Woodhead all voted “aye”. Commissioners Hill and McHugh abstained from the vote. The motion passed.

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Report of the Chair and Vice Chair

Chairperson Fife stated he had nothing to report.

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Report of the Director

Mr. Sommerkorn stated the Council would be taking action on proposals from the Planning Commission at the April 5th meeting. He suggested anyone wanting to see how the proposals are addressed and handled should attend the meeting.

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PUBLIC HEARINGS LEGISLATIVE PETITIONS

PLNPCM2011-00004: Salt Lake Community College Alley Vacation - A request by Salt Lake Community College for an Alley Vacation at approximately 123 East 1700 South that runs north to south from 1700 South to approximately 1650 South. The adjacent properties are zoned I (Institutional), R-1-5000 (Single Family Residential) and C-C (Corridor Commercial) located in Council District 5 represented by Jill Remington.

Mr. Anderson stated this was a request from Salt Lake Community College to vacate a north to south running alley located at approximately 123 West 1700 South. He said it may sound familiar to the Commission because there was another alley vacated on the same property in July of 2010. Mr. Anderson stated the east/west alley vacation was heard by the Planning Commission and approved by the City Council in February. He stated the reason Salt Lake Community College put off vacating both alleys at the same time was because the owners of the Baxter Building were still using the alley to access their property. Mr. Anderson explained the Baxter Building as well as the billboard had been removed. He stated the only comment he received was from Qwest. They had some issues with the vacation. Mr. Anderson explained Qwest was working with Salt Lake Community College to figure out how to accommodate the power lines. Mr. Anderson stated Staff's recommendation was for the Planning Commission to forward this petition to the City Council with a positive recommendation.

Chairperson Fife asked the Applicant if he would like to speak.

The Applicant stated they had nothing to add to Mr. Anderson's comments.

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Public Hearing

Chairperson Fife opened the public hearing seeing there was no public in attendance that wanted to speak on the issue the public hearing was closed.

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Mr. Rob Vigil, Right of Way Engineer -Qwest Corporation, stated Qwest was currently working with Salt Lake Community College to relocate the aerial and cross box facilities in the area. Mr. Vigil reviewed the reasons vacations are generally not opposed by Qwest and the issues that would arise if the vacation was granted today before the equipment was moved. He asked that there be some sort of suspension on the vacation until the matter was resolved.

Chairperson Fife asked if anyone was being served by the line other than the college.

Mr. Vigil stated there are other customers to the North that receive services from the line as well as customers along 1700 South.

Commissioner McHugh said Salt Lake Community College was one of the customers serviced by the line therefore it would be in their interest to be accommodating.

Mr. Vigil stated the college was working to accommodate Qwest. He said the issue was not that Salt Lake Community College was unwilling to work with Qwest rather the issue was the access to the equipment for maintenance purposes if the vacation was granted prior to the relocation of the equipment.

Commissioner McHugh asked how long the relocation would take.

Mr. Vigil stated once Salt Lake Community College paid the bill to relocate the facilities, the job would be drawn up, drafted and issued for construction. He estimated a minimum of 90 days from the date of payment.

Chairperson Fife clarified the Community College was paying to have the lines moved.

Mr. Vigil stated that was correct.

Chairperson Fife asked why Qwest would anticipate a problem.

Mr. Vigil stated Qwest did not anticipate a problem but experiences have taught them this was a better route to take to avoid legal issues.

Commissioner McHugh asked what was being moved.

Mr. Vigil stated poles, aerial cables and a distribution cabinet would need to be moved.

Chairperson Fife asked if Qwest could refuse service to the college if they did not grant Qwest an easement.

Mr. Vigil stated no, Qwest could not deny the College services.

Commissioner Hill asked who would pay if the vacation was approved at the meeting.

Mr. Vigil stated basically Qwest had the right to be on the property so whoever triggered the move would pay for it. He said Qwest's concern was that in the event the College decided they did not want the equipment moved then Qwest would be left with limited ability to access, maintain and replace the equipment.

Commissioner Woodhead asked if the College did not want the equipment moved did Qwest need to move it.

Mr. Vigil stated no, it would not need to be moved.

Commissioner Woodhead stated then the issue was the access to the equipment and right now an easement by necessity of access existed.

Mr. Vigil stated Qwest would have an easement by the public way.

Mr. Sommerkorn stated the request was premature. He said the best way to take care of the issue was to see if the College had any objection to granting an easement for the utility purposes.

Commissioner Woodhead asked if the Planning Commission could make that part of the motion.

Mr. Sommerkorn stated yes that was acceptable.

Mr. Frank Baker, Salt Lake Community College, stated Salt Lake Community College had entered into contracts with Rocky Mountain Power and Qwest and had paid \$23,088 to move the equipment. He explained the issues with the easement to the south of the College and what was being done to solve the issues. Mr. Baker stated the College did not use the subject poles

Chairperson Fife clarified the college does not need the poles.

Mr. Baker stated no, Salt Lake Community College planned to have the poles removed by Rocky Mountain Power and had already paid for that as well.

Mr. Sommerkorn asked if Mr. Baker would have any objection to granting any kind of utility easement for access to the utility lines.

Mr. Baker stated not at all.

Chairperson Fife asked if a condition stating an easement would be granted should be added to the potential motion.

Mr. Nielson stated yes and advised the Commission to be specific with the language in order to not allow Qwest to have an easement over the entire property only necessary access for Qwest to accomplish the purposes they are pursuing.

Chairperson Fife asked for a motion adding the condition.

Commissioner Hill stated she would make the motion but she wanted to be clear about the conditions. She said she was inclined to go with staff recommendation for the motion, not allow for any easement and let Salt Lake Community College work it out with Qwest themselves.

Commissioner Gallegos stated Salt Lake Community College did not have an objection to an easement.

Commissioner Hill stated she understood that but it seemed if Salt Lake City was vacating the alley and giving the property to Salt Lake Community College, Salt Lake City should not be allowed to make the decision. She said she would not want to bind Salt Lake Community College in any way.

Mr. Nielson stated whenever the City vacates an alley they always do so subject to existing easements and although this easement was not necessarily expressed in a written document it existed by prescription. He said adding it to the motion would prevent anyone from having to go through any litigation caused by the vacation of the alley.

Commissioner Hill stated the condition needed to state subject to the existing easement.

Mr. Nielson stated that was correct.

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Motion

Commissioner Hill made a motion in regard to PLNPCM2011-00004 Salt Lake Community College Alley Vacation; the Planning Commission to forward a motion to the City Council recommending approval with the following conditions:

- **Compliance with all departmental comments**
- **Subject to all existing easements**

Commissioner Luke seconded the motion.

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

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PLNPCM2010-00612 Accessory Dwelling Units – A request by Mayor Ralph Becker for a zoning text amendment to allow accessory dwelling units within the following single-family and multi-family residential districts: FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-1A, SR-3, R-2, RMF-30, RMF-35, RMF-45, and RMF-75.

Mr. Maloy reviewed the history of the Accessory Dwelling Unit Text Amendment as outlined in the Staff Report. He stated the Staff Report reflected some key concerns that needed to be addressed. Mr. Maloy said Staff recommended the Public Hearing because it would be informative and gave the recommendation that the issue be tabled because Staff was looking for specific policy direction from the Planning Commission before continuing with the ordinance. He reviewed the issues with detached accessory dwellings throughout the City and how they apply to the new ordinance. Mr. Maloy said these accessory dwelling units would be located within single family and multifamily zones and restricted to only single family land uses. He gave the example that if someone had a twin home within a single family or multifamily zone they would not be eligible to add a third unit or accessory dwelling unit it would also not be allowed for a condominium therefore, only a detached single family home would have the ability to add an ADU.

Commissioner McHugh asked what if there was already a mother-in-law apartment in the structure.

Mr. Maloy asked if she is presuming the mother-in-law apartment was legal or illegal.

Commissioner McHugh stated either way.

Mr. Maloy stated if it was legal it could continue operating under present terms.

Commissioner McHugh stated under this ordinance another building could not be added in the back yard.

Mr. Maloy stated that was correct, if there all ready was a recognized mother-in-law apartment another unit could not be added. He reviewed how parking could be addressed and the modifications that may be allowed for an accessory structure. Mr. Maloy explained the suggested distances of a quarter-mile or half a mile from transit stations and indicated the amount of residences that would be included in the ordinance within those distances. He explained this restricted the location of ADU's if the Planning Commission supported this option.

Chairperson Fife stated if bus stops were included that would cover the whole City.

Mr. Maloy stated yes and that because bus stops can be moved, community members wanted the stand to be fixed rail not bus stops.

Mr. Gallegos stated some of the comments, to stay with fixed rail, may be the result of UTA cutting back services.

Mr. Maloy reviewed the illustrations included in the packet and emphasized the idea of an ADU within the buildable area of the single family structure. He indicated the allowable placement of a single family dwelling and the addition of an accessory dwelling unit after all the setbacks and regulations were applied. Mr. Maloy reviewed illustrations of ADUs that were attached and detached to the principle existing structure as well as over a detached garage. He explained the

feedback on ADUs above a detached garage were not supported by many in the community as most people do not like the over height accessory building at the rear of the yard. Mr. Maloy stated one of the largest changes to the proposed ordinance was the definition of owner occupancy. He explained this was modeled after Provo City's ordinance that was upheld in the State Supreme Court. Mr. Maloy said it had been reviewed with the City Council Attorney, Neil Lindberg, who recommended some additional changes which were not included in the packet. He reviewed the changes indicating what a property owner would have to provide to the City to demonstrate whether or not they own and occupy the property. Mr. Maloy stated the language was confusing so it will be changed and brought back to the Commission for approval. He said language about design guidelines outside of Historic Districts was added requiring the accessory dwelling unit to be compatible with the existing home and that a detached cottage could not be taller than the primary structure. Mr. Maloy stated the concern with privacy was addressed by subjecting accessory dwelling units to the same provisions for hobby shops (no windows on certain sides of the structure).

Commissioner McHugh asked if a new ADU was required to have a business license, would the existing legal ADUs have to get a business license because the City wanted to know what was out there.

Mr. Maloy stated if a unit was legal under the separate provisions of the good landlord program and the business licensing requirement they would need to come in and get a business license. He said they would not go through the ADU process because they would be treated as a legal land use. Mr. Maloy reviewed the issues and questions regarding the fees associated with the good landlord program and the licensing indicated that the ADU ordinance was tied very closely to the implementation of that program. He stated that ordinance could precede the ADU ordinance but the ADU ordinance cannot be put into effect until after the other program was up and running.

Commissioner McHugh stated in the ADU Staff Report it was stated, a number of times, that it was less intense than alternatives. She asked what the alternatives would be that were more intense. Would it be that the zoning could be changed and apartments built in the R1 zones?

Mr. Maloy stated the idea of increasing density within the urban core was more sustainable than encouraging sprawl within the valley. Up zoning properties to the point where redevelopment of single family homes into something denser would lead to more intensive development than establishing an ordinance to allow ADUs.

Commissioner Gallegos asked if the City had an idea of how many illegal mother-in-law apartments there were or if an estimate had been made.

Mr. Maloy stated he did not have the exact figure however, through this process he learned that the Buzz Center and the Building Permits Division kept records of unresolved inquiries regarding multi unit structures which was around 2500. He said the Planning Division had approved several hundred since the beginning of the unit legalization program and there are about 100 different cases pending right now.

Commissioner Gallegos stated if right now there are about 2500 illegal units with mother-in-law apartments or accessory dwelling units that are possibly not up to code or following requirements, do we think it best to create an Accessory Dwelling Unit Ordinance and risk having other illegal accessory dwelling units that would now be even more difficult to find. He started if anything it seemed it could exacerbate the problem with illegal ADUs.

Mr. Maloy referred to the study published by the American Planning Association concluding that illegal units already exist so whether or not an ADU regulation was in place was not going to change that fact. He also stated he did not believe because there was an ADU ordinance in place that it would incite further infraction.

Commissioner Luke stated it seemed that if the law was a lot looser or accessory dwelling units were more acceptable there would be individuals that would go ahead and build them without having the units up to code. He stated it would cause the same types of issues that are going on now just on a much larger scale.

Mr. Maloy stated that was not Staff's conclusion from the data received.

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Commissioner Woodhead asked what experiences other cities had with owner occupancy requirements. It seemed to her that people have a lot of questions as to whether it was necessary and enforceable.

Mr. Maloy stated he mentioned in the staff report that the best practice guideline from the American Planning Association was not to require owner occupancy. He explained he did not really explore that issue in his report because the community had indicated if the provision was adopted the supporters would rather have the owner occupancy standard. Mr. Maloy explained Provo City had problems but when the City conducted follow up inspections the owners had gone through the process to show owner occupancy. He stated they had not had a single appeal or legal challenge on that specific provision. Mr. Maloy explained when the code was applied, Provo City did not have any issues and it had been very effective in eliminating the ADU or proving the owner occupancy.

Chairperson Fife asked what happened when the property was sold.

Mr. Maloy stated the ADU license would not be transferable and the new owner would need to go through the process to permit the unit and apply for a business license. He stated that a note on the deed indicating an ADU would need to be included. Mr. Maloy said this would appear on the transfer of the title and would be conveyed to the new property owner.

Commissioner Woodhead asked whether Portland and Seattle generally have owner occupancy requirements.

Mr. Maloy stated he did not recall that specifically and he did not really look into that issue because he believed if Salt Lake City were to have ADUs, the owner occupancy requirement was a necessary element.

Commissioner McHugh asked what Staff thought about the comments to trial run this in some zones and not all zones.

Mr. Maloy stated Staff introduced the idea of limiting the number of permits per year to 25 and prior to the December draft this was not included. He explained it was city wide with no limitation. Mr. Maloy stated rather than only allowing it in certain neighborhoods and then later on trying to broaden the geography of where they are allowed, he would rather recommend starting city wide and if necessary narrow it down. He said the public hearing noticing referred to it as a city wide regulation but the option to limit the areas could be listed as an alternative in the Staff Report. He explained if the provision was to start out in small areas if it is to be broadened later, the process would have to start again. Mr. Maloy stated most of the comments he received stated that the 25 permits per year seemed to reduce the unintended consequences and fear that there would be a landslide of ADUs in the city. He said that according to the few figures in the staff report other cities had not had a huge increase of ADUs but that the ADUs tended to scatter when the program was implemented. Mr. Maloy said he thought that was because of the number of restrictions that go along with the ADU such as having to adhere to current building code which would not be easy to meet and possibly unaffordable.

Commissioner Woodhead asked if there had been any thought to instead of doing 25 for the whole city maybe 5 per City Council District, something smaller and wide spread so that the effects in the areas can be seen.

Mr. Maloy stated that was another option but he thought the 25 city wide was very limited already. He stated Planning Division Management was worried about the fluidity of some of the boundaries, Community Council boundaries change from time to time so maybe City Council boundaries could be used.

Commissioner Luke asked whether there was much discussion on whether or not to start out with an ADU within and existing structure like a mother-in-law apartment and not having a separate structure.

Mr. Maloy stated no, that conversation had not taken place. Planning Staff was trying to find a balance between having ADUs, at all, versus having so many restrictions that it became virtually unusable and could not be used within an existing home.

Commissioner McHugh stated that before 1995 the units were legal because in 1995, the zoning changed from R-2 to R-1 in many areas of the City.

Mr. Maloy stated that was correct under certain provisions.

Commissioner Hill asked about the Historic Overlay Districts. There was a lot of push back with some of the constraints that happened in those neighborhoods and she had noticed several places where the provision stated in the Historic Overlay where an ADU may be possible that the Historic Overlay guidelines take precedence. She asked with regards to design are there going to be places created where people could not afford to build a 650 square foot accessory dwelling unit within the provision that would also comply with the Historic Overlay standards.

Mr. Maloy stated that particular issue had not been discussed with the Historic Landmark Commission. He said they were more concerned with design compatibility and not changing the character of the neighborhoods.

Commissioner Hill stated there was more than just the way the design looked on paper. It showed up in the landscape and those ordinances are pretty specific with materials.

Mr. Maloy stated it had been his experience with the Landmark Commission that if anyone were to try and create an exemption within the Historic District regulations it would create a significant departure from the regulations currently applied.

Commissioner Hill stated she was worried about the cost of materials and would hate to price out someone in a historic district just because of the codes.

Mr. Maloy stated that issue would be something the Historic Landmark Commission would explore. He explained they did talk about the idea of a new ADU in a Historic District, although it may be compatible with the historic character, should reflect current construction.

Commissioner Hill stated the provision as stated in the staff report that the Historic District regulations override the provision.

Mr. Maloy stated the provision for new construction was already in place regarding materials and designs.

Commissioner Luke clarified Mr. Maloy was referring to developments or neighborhoods that had restrictive ordinances that would override the proposed ordinance.

Mr. Maloy stated private requirements such as CC&R's would have to have an active HOA enforcing it but that was an entirely private requirement.

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Chairperson Fife opened the Public Hearing and asked if there was anyone from the Community Council that would like to speak on the issue.

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Mr. Dave Van Langeveld, Greater Avenues Community Council, stated the Council had major concerns over the proposal and had discussed the issue as a community council a number of times. He thanked Mr. Sommerkorn and Councilman Penefold for attending their January meeting and presenting the proposal to them. Mr. Van Langeveld stated in March the Council took a position in opposition to the proposed ADU ordinance which was relayed to Major Becker's office and to Mr. Maloy.

Commissioner Woodhead stated the Commission reviewed the submitted letters and was very familiar with the concerns.

Mr. Van Langeveld stated with all they had tried to accomplish in the Avenues over the decades such as trying to upgrade buildings and make the homes into single family homes the proposal was completely contrary and basically shoves aside the idea of a Master Plan. He stated they also felt that it undid some of what the community was trying to put in as part of the SR-1A Overlay in the Avenues. Mr. Van Langeveld stated it was kind of like passing an ordinance that undid all of the zoning put in place over the years.

Commissioner Woodhead asked if Mr. Van Langeveld felt there was a bright line separating single family, one house that was it and apartments because it seemed to her that he was looking at the past history of apartments. She stated she lived in different apartments in the Avenues when she was in college and knew how much the area had changed for the better since then.

Mr. Van Langeveld stated he recognized there were mother-in-law apartments that should be legal. He stated the question was, as part of the legalization do they have to go through the requirements as they become ADUs and are they limited to a number that can be legalized within a year. Mr. Van Langeveld stated the other issue was the parking where are people going to park because there are already parking issues. He stated the letters addressed each of the issues in depth and there were proposals in the Staff Report that offered better options that should be looked at.

Commissioner Woodhead stated some of her favorite accessory dwelling units are in the Avenues, there are a number of old houses with little cottages on their property. She said the structures were good examples of accessory dwelling units that are detached from the principle structure.

Mr. Van Langeveld stated some of the old carriage houses would be adequate for that kind of dwelling but the concern then became if garages were turned into dwelling units. He stated he didn't know if that issue had been addressed by anyone.

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Mr. George Kelner, Yalecrest Neighborhood Community Council, stated he too wanted to speak in opposition to the proposed ordinance because it had not been presented to the communities properly. He stated the City was asked to attend meetings in order to present the proposal to the neighborhood which they have not done. He stated he felt the ordinance would cause a significant change to the neighborhood. Mr. Kelner stated was also told there would be a video available on the Planning Division Website that could be shown at the meetings. He said had not seen nor been able to find the video. He stated he thought a lot more people would have attended the meeting if they would have known about it but there was nothing on the web for this meeting until Monday. Mr. Kelner stated he didn't think people had the notice to be aware of the issue. He said his neighborhood had the same issues as the Avenues such as traffic and parking they have worked for many years to clean up illegal mother-in-law apartments, to deal with privacy issues and try to preserve the character of the neighborhood. He said many people in his area are concerned and opposed to the provision. Mr. Kelner said it frightened him to think those with garages on the property lines could turn the garage into a dwelling unit and affect his privacy. He said they strongly opposed the way the provision was currently written and to have a vote when the public had not been informed of what this does would be inappropriate.

Ms. McHugh stated on Staff's behalf the Commission received a lot of letters from the Yalecrest Neighborhood.

Mr. Kelner stated they tried to get the information to the neighborhood. He stated he asked Cheri Coffey if someone could attend a meeting and she told him that if Planning Staff attended one meeting they would have to attend all the meetings in the city and Planning didn't have the staff to do that.

Ms. McHugh stated according to what she had, Staff did attend the meeting.

Mr. Kelner said no, no one from the City came to the Yalecrest Council meeting to discuss the proposition.

Mr. Maloy stated what Staff typically did when a city wide ordinance was proposed was conduct Open Houses and they have done that on more than one occasion.

Mr. Kelner stated the Open Houses go from 4:30 p.m. to 6:00 p.m. when people are not able to come all the way down town and attend a meeting. He stated he didn't think it was a very user friendly way of getting information out.

Mr. Sommerkorn explained it was one of the methods used. He said in regard to going to the Community Council meetings there are 24 Community Councils in Salt Lake City and for someone to attend all of the meetings it would be a full time job. He stated however if a Planner was requested specifically by City Council member to attend a meeting with them and that was what happened in a couple of cases.

Chairperson Fife asked if the proposed ordinance was on the Open City Hall website.

Mr. Sommerkorn stated yes it was.

Commissioner Woodhead stated there were a lot of comments from the Yalecrest area. She asked Mr. Kelner, in his opinion, would his view be different if the accessory dwelling was limited to the existing home and not something like the garage or another building.

Mr. Kelner stated it would be somewhat different he would still be concerned with the traffic and parking problems it would create. He stated he lived on a narrow street and parking was a major problem now, the addition of more dwelling units would make it worse.

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Ms. Esther Hunter, East Central Community Council, explained the Council's name change and how it affected the layout of the East Central Community Council. She explained it was mainly an R-2 zone with either multi family or single family homes. Ms. Hunter said it was nothing for the area to have duplexes, triplexes and up, a huge amount of those are illegal. She explained they believe ADUs will happen anyway, people get creative. Ms. Hunter said one of the concerns had been about the guidelines and enforcement. She stated she appreciated the changes that had been made she had personally heard the information on the proposed ordinance at different

community meetings and had many opportunities to give input. She said they are concerned that if the 25 units a year idea was put into only the fixed transit zone it would pack the old neighborhoods and small lots which are already impacted with a lot of the illegal things. She said other lots in the City would not be affected as much. Ms. Hunter said if it can be dispersed across the entire city it not only gives data about different areas of the City, how it was applied and what could be modified but it wouldn't pack and impact the older neighborhoods. She explained the parking problems that occur when ADUs are added to smaller areas. Ms. Hunter stated they asked that if there were exceptions made by the Transportation Department, because they were near transit, that something be held to keep the green space. She stated people know that Salt Lake City would grow and many changes would happen but the ability to keep the neighborhood feel was necessary. Ms. Hunter stated their number one concern was to eliminate the special exception process for unit legalization because people are using it to bypass the existing Master Plan and the existing zoning. She stated 25 ADUs would be a small number compared to what was in place in their area.

Chairperson Fife asked if she was in support or opposition to the provision.

Ms. Hunter stated they felt that a lot had already been refined and they supported the proposition if in fact some of the things outlined in their letter were included.

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Ms. Cindy Cromer stated she had a lot of experience with the proposal beginning two years ago and she outlined in her letter what the experience had been. She stated she wanted to emphasize that the Clarion proposal did not consider the uniqueness and diversity of Salt Lake City's neighborhoods the diversity was one of the treasures. She said Christian Harrison once said in a meeting that "our neighborhoods just want to be more vibrant versions of what they are." Ms. Cromer stated one of the ways neighborhoods differ was in lot size which effected this proposal. She stated most importantly as a community there was no need for another divisive issue Parley's Canyon Nature Park and Yalecrest were enough to last a very long time. Ms. Cromer said the proposal that Clarion had drafted had an armor that was almost impenetrable despite her constructive and almost critical comments for almost two years the proposal had changed little. She said although the present Staff Report was the best version she had seen yet. She said she implored the Commission recommend the proposal to the City Council moving the proposal to a place where it could be supported by more people and vigorously opposed by very few people. She explained the idea as to what a proposal like this would be and what she could support such as a proposal that would allow ADU's in the RMF- 30 and RMF-35 zones in single family dwellings regardless of the lot size and which was also within four blocks of mass transit. She stated that basically described her investment properties everything except her personal property.

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Mr. David Gibson, 1764 Hubbard Avenue, stated he was here to discuss detached structures becoming dwelling units. He said he was a member of the Yalecrest area and was opposed to allowing detached dwelling units in the Yalecrest area specifically. He expressed his concern over the proposed height in the ordinance being equal to the height of the principle structure he was heavily involved with the Yalecrest infill ordinance the most common complaint they received from residents was that the accessory structures were too tall and too large. Mr. Gibson

said in response to the impute, the YCI changed the height from 17 feet to 15 feet the ordinance would reverse that and ignore residents concerns regarding the scale of detached accessory structures. Mr. Gibson said second the owner occupancy was a requirement in the current proposal. He said he believed it would only be a matter of time before owner occupancy requirement was removed effectively turning Yalecrest into an R-2 Zone. Mr. Gibson said the Yalecrest area has become the favored area for developers and has experienced more teardowns than any other area in the City were accessory dwelling units, that were not owner occupied, allowed in the area the incentive to develop by means of tearing down the existing structures would be greatly increased. He said his family moved into the area partly because it was zoned single family dwelling units; had they wanted to be in a multi-family zone they would have moved into one. Mr. Gibson stated he would like to say the proposal had been available for three days and that was not enough time to properly react, he requested that the Public Hearing were extended to next month.

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Mr. Gary Harding, 1170 South 1700 East, stated he was opposed to the current plan as it was stated. He said Mr. Maloy's statements seemed to be amending the published draft on the fly. He said he read the staff report with great care a lot of things that were presented were changed and were not in the published draft. Mr. Harding said without owner occupancy this just becomes a seedy way to change zoning. He said he thought even if this was considered the R-1/5,000 zone should be excluded from consideration as those areas are small enough. Mr. Harding said the 25 per year for two years was just a way to start the ball rolling and it would only be a short period of time before it was everywhere. He said he made a proposal earlier that suggested including a clause stating no ADU could be created that caused the existing lot coverage regulations to be violated. Mr. Harding stated the Planning Commission didn't put that in and he had to think they didn't add it because they want to let people violate it. He stated his concerns about parking and it being limited with the addition of accessory dwelling units. Mr. Harding said lastly the document had no real provision for enforcement and it would only be a matter of time before it got out of control.

Commissioner McHugh stated didn't it say that with the fees charged, the extra 25 dollars, would pay for an enforcement agent specifically for the proposed ordinance.

Mr. Maloy stated that was correct the fees would go to pay for additional enforcement.

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Ms. Sheila O'Driscall, 1888 South 1800 East, explained her neighborhood was designed with duplexes and single family homes mixed together. She stated a number of the single family homes had mother-in-law apartments she lived next door to one that was legalized 12 or 13 years ago. She said the home on the other side had the same type of space in the basement and until two years ago it was strictly used as a single family home. Ms. O'Driscall said now a family with 6 children lived on the main floor with multiple renters in the basement and had caused but problems. She said she lived next door in between both the structures in a duplex that has always been a duplex. She said what she saw happening over the years was that many of the homes in the area had been changed to rentals and used for multiple renters at a time including college kids. She said that had caused parking and traffic issues but there was no enforcement of

the existing zoning with the regard to renting mother-in-law apartments for income. Ms. O'Driscall said she thought the ordinance needed more public input before a decision was made.

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Ms. Judi Short, 862 Hanson, stated she felt this was a good idea on the surface but the devil was in then details. She said she was wondering how many of individuals had been to a Board of Adjustment meeting recently and have seen the stuff that people have to supply in order to get a unit legalization. Ms. Short stated the gentlemen from the Avenues talked about parking and she explained about the Board of Adjustment case where a parking pad was installed in the front yard because parking was not available in another place. She said she could see that sort of thing multiplying if the provision went forward. She said she was worried about enforcement even though the fees would be used to hire a new agent but with current budgets that was not a guarantee. Ms. Short said she thought it may work in some zones but not in the R-1/5,000, Avenues, East Central, Liberty, Emerson and East Liberty those are all small lots built right to the edges. She stated on the other hand there are places in Sugar House that have deep lots where it might be possible. Ms. Short said this should be included in the sustainability but seemed to be going against Major Becker's green space initiative. She stated she would like to see Staff pick one option and conducted a test case for a year to see how it worked then make necessary adjustments.

Commissioner Woodhead stated a few individuals said to choose one zone and test it but she wondered how testing in Popular Grove or Sugar House would teach us a lesson about the Avenues.

Commissioner Woodhead stated she did not agree with Ms. Short but she thought each area had different problems and wondered if the provision was restricted to one neighborhood what would be learned from the test that would be useful.

Ms. Short stated maybe Staff could write the ordinance to allow multiple areas to be sampled at one time or different ones for different sized lots.

[6:58:22 PM](#)

Mr. Phil Carroll explained he lived in the lower avenues and had lived there for about 30 years. He explained he had been involved with this process for about two years. Mr. Carroll said his first concern was that the community had worked to create a manageable housing stock. He said the neighborhoods are very eclectic with a lot of different housing types. Mr. Carroll stated his main concern was the enforcement issue and the regulation of landlord and tenant. He said he didn't think it was time for this type of provision and it should be rejected straight away. He said the provision did not address accessibility which was a big issue in the City and the proposal would add and legalize units that are not accessible add to the other issue of parking in the neighborhoods.

[7:01:04 PM](#)

Mr. Rawlins Young, Transportation Chairman for Sugar House Community Council, stated he didn't realize this was being proposed parallel to the trolley in Sugar House. He stated the reason he was concerned was that in the early 80's he was one of the people that down zoned Sugar House and East Central. Mr. Young said when they down zoned the area they also put in a

program, because this was a low income CDBG eligible area, to provide loans to fix up the houses and also provide new public sidewalks. He explained the area was no longer a low income neighborhood. Mr. Young said there was concern about the proposal and it seemed that Planning wanted to develop something that would make certain Salt Lake City would be the capitol to the low income type residences. He stated it was contrary to the work and process gone through to clean up these areas.

[7:03:19 PM](#)

Ms. Margaret Tennant, Yalecrest resident, stated she opposed the project. She stated she didn't think there was any amount of infill, overlay or changes to the provision that would make it palatable to her. Ms. Tennant reviewed the parking issues and restrictions that came with a historic district. She stated federal government does not restrict what can be done in a historic district. Ms. Tennant said the proposition would not work in her neighborhood but may work in others.

Commissioner Woodhead asked other than the fear of large families moving into the units and parking issues what were the other reasons for opposition to ADUs. She asked if the way families functioned was different didn't people need places for aging parents or siblings, where do those people go. Commissioner Woodhead stated was it that people in Yalecrest have money and they will all be in nursing homes.

Ms. Tennant stated she only lived in a 2,000 square foot, one story home and she raised two children in that home but there was not room for more. She stated there were restrictions on parking right now and because of the snowplows parking was not available on the street. Ms. Tennant stated there was not any room on most of the lots for accessory structures other than maybe garages.

Commissioner Woodhead clarified the issue that space was not available for people in Yalecrest.

Ms. Tennant stated there just wasn't room on the lots in that neighborhood.

[7:06:22 PM](#)

Ms. Barbara Madsen stated she was opposed to it and confessed she had not read most of the document. She explained she wanted to know more specifically what kind of positive impact this would have on reducing urban sprawl. Ms. Madsen said she supported reducing urban sprawl, but she didn't know that sacrificing green space in some of the traditional neighborhoods that they are trying to protect and preserve was acceptable. She stated she was definitely in favor of denser dwellings but she thought the city would be better served if they included it in a well planned Master Planned area. She stated she thought planning had all ready been moving in that direction in Salt Lake City which was notable and very much more well received by people who lived in residential areas where green space was being created or at least preserved. She said that if people want to choose to live in a dense dwelling area most of them are not seeking green space. Ms. Madsen said she thought the City should look at trying to create dense urban dwellings in appropriate areas.

[7:08:19 PM](#)

Chairperson Fife Closed the Public Hearing.

[7:08:21 PM](#)

Discussion

Ms. McHugh asked if the Public Hearing was closed would it be able to be opened at a future meeting.

Chairperson Fife stated that was at his discretion depending on whether the Commission voted or continues.

Commissioner Woodhead stated she would make a motion to continue but she wondered if Staff wanted some guidance from the Commission first.

Mr. Maloy stated he did want guidance from the Commission. He also made a note of the key points in the hearing and asked if the Commission wanted him to respond to some of the comments.

The Commissioners discussed the restrictions a small lot would be subject to if an ADU was proposed for it. It would have to meet the lot coverage standards and the setbacks requiring the ADU to be in the principle structure and not in an accessory structure. The Commission discussed their experiences in living around multifamily units and how parking was accommodated in the areas. It was stated that there needed to be at least two spaces per unit at this point one space was just unreasonable. They discussed the size of family that would fit into some of the units.

Commissioner Hill stated there was a way to address all of the fears and concerns and work with the language to cover every base. She suggested tabling the issue and addressing the issues brought up by the public.

Commissioner Luke asked what it would do if the R-1/5,000 and R-1/7,000 were excluded.

Mr. Maloy said he could include provisions to limit ADUs to certain lot sizes by indicating smaller lots would only have the ability to have ADUs within the principle structure and not a detached ADU. He stated rather than restrict it on a zone it could be based on individual lot size.

The Commission stated there were a lot of good ideas and suggestions that need to be examined closely.

Commissioner Woodhead stated maybe Staff could draft language that indicated the size of the lot that would allow for a detached ADU and which lot sizes would only allow ADUs within the principle structure.

The Commission discussed the issue of parking and possibly encouraging tandem parking even though it was difficult but was something that needed to be addressed if the ADUs were going to be allowed with large amounts of vehicles in some of these areas.

Mr. Sommerkorn stated it was part of the sustainability proposals that the Planning Commission would hear about in the future.

Commissioner Luke asked Mr. Maloy to look at an option starting out with ADUs in an existing structure and not in a separate structure.

Commissioner McHugh and Commissioner Hill stated they disagree with having that as an option.

Commissioner Luke asked if they disagreed with it as a whole or as an option.

Commissioner McHugh stated felt if the language regarding lot size was included this information was not needed.

Commissioner Luke stated he would like it added as an option and investigated.

Mr. Maloy stated this could be added as one of the options in the Staff Report if the Commission would like.

Commissioner McHugh asked this could be made a condition or a mandatory requirement stating an extra enforcement agent would be hired and that having this person was necessary.

Mr. Sommerkorn stated it could be recommended but it was really up to the City Council.

Commissioner Hill asked if there was a way to fine property owners heavily for violations enough to alleviate some of the fear that people had regarding multiple people living in small units.

Mr. Maloy stated that issue had not been discussed among the Planning Division however, the current fines for violating the zoning ordinance was indicated in the Staff Report. He stated how the per day violation fees accrue and can become a very serious issue. Mr. Maloy said perhaps another way to address the issue would be with some provisions to limit the number of people that can live in an ADU perhaps no more than three.

The Commissioners discussed the appropriate number of people that would be considered maximum occupancy for a 650 square foot home. They felt 2 or 3 people could live in a home of this size comfortably. The Commissioners discussed the issues of limiting the number of people allowed and how to enforce the occupancy. It was stated that the public only wanted the Planning Commission to help enforce and create beautiful safe neighborhoods.

[7:19:15 PM](#)

Motion

Commissioner Woodhead made the motion regarding petition PLNPCM2010-00116 regarding accessory dwelling units she moved that the Planning Commission table the matter and continue the Public Hearing until a date when Staff was

prepared to come back with a revised ordinance. Commissioner Luke seconded the motion.

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

[7:20:04 PM](#)

PLNPCM2010-00614 Sustainability Development Code for Recycling and Waste Management – A request initiated by Mayor Ralph Becker to amend the Salt Lake City Zoning Ordinance to facilitate recycling and construction waste management. Proposed regulations will apply to new development, expansions and demolitions throughout the City.

Ms. Ana Valdemoros, Associate Planner, presented a one minute video regarding recycling and the new proposal for recycling in Salt Lake City. She reviewed the different options for community recycling programs as outlined in the Staff Report and asked the Planning Commissioners for their direction and suggestions.

Commissioner McHugh stated the code states up to 75% of a home could be demolished without the requirement for a demolition permit. She said that was a lot of waste and would be difficult to enforce because there was no way of knowing what percentage of material was being removed.

Mr. Sommerkorn asked if this requirement only applied to demolition permits.

Ms. Valdemoros stated yes it did apply to demolition permits and to new construction.

The Commissioners discussed the possible costs to homeowners if it was required for them to recycle materials that removed from their homes during a remodel. They said it could become very expensive for small projects. They discussed the options of having the material sorted onsite or offsite and the issues with each such as the cost, the possibility that the hauler may not sort the materials and just take them to the landfill, the issues with contamination onsite causing entire loads to be un-recyclable and the possible requirement of evidence that the materials were being recycled.

Mr. Sommerkorn stated it would be better to allow people to do either on-site or off-site sorting and leave it up to them.

Commissioner McHugh asked if an exception could be applied for if a hauler did not offer off-site sorting.

Mr. Sommerkorn stated that could be an option.

Commissioner Luke stated this option may not even exist and staff may want to request information from individuals in the industry as to what options were available.

Commissioner Woodhead asked what the benefit of sorting on-site was.

Mr. Sommerkorn stated it was to make sure it was done.

Commissioner Woodhead asked if the down side to this could be that the materials would stay on-site longer and overflow more often.

Commissioner Luke stated that was an issue as well as contamination when dealing with contractors that don't know exactly what was being recycled and throw it in the closest bin. He explained once non-recyclable material was put in a recyclable material bin it contaminated the whole load which was problematic.

Commissioner Woodhead stated that was why sorting on-site should be required.

Commissioner Luke stated no that was why off-site sorting was preferred because the hauler would take the refuse to a place where it would be sorted correctly and lessen the chances for contamination.

The Commissioners discussed the options for on-site and off-site sorting and allowing the contractor to decide which best accommodated the development.

Commissioner Hill asked if staff had talked with some of the leading contractors about the proposal and received comments and feedback.

Ms. Valdemoros stated she had talked to a lot of contractors and were in close contact with a sustainability representative who was in contact with all of the haulers.

Commissioner McHugh stated Staff just needed to move forward and work on the ordinance. She said she would like option number two, the neighborhood recycling stations, deleted.

The Commissioners agreed the option requiring a centralized recycling station in neighborhoods should be deleted as it would be very unsightly, difficult to use and a great place for graffiti. The Commissioners agree getting people to recycle from their homes was a step in the right direction.

Ms. Valdemoros asked if the Commission had a direction on the threshold for expansions, at what point should recycling be mandatory and should it be regulated by the square footage of the development.

Commissioner Luke stated he felt that recycling should be mandatory for commercial buildings, multi-family apartments or condo units.

Commissioner Luke stated Staff's recommendation was to table the issue and for it to be heard in April. He asked if there was any reason why Staff was pushing to have it heard in April and the timeline for the ADU issue was open.

Mr. Sommerkorn stated no, the Planning Division was just trying to move things forward.

[7:44:17 PM](#)

Public Hearing

Chairperson Fife opened the public hearing. He stated there were no cards from people wanting to speak on the issue therefore he closed the public hearing.

[7:44:36 PM](#)

Motion

Commissioner McHugh made a motion in regard to petition PLMPCM2010-00614 she recommended that the Planning Commission table the petition with their recommendations to staff to fine tune the ordinance until an April meeting and continue the public hearing if need be. Commissioner Luke seconded the motion.

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

[7:45:29 PM](#)

ADMINISTRATIVE PETITIONS

PLNPCM2011-00032: The Southeast Apartment & Retail Building at the Sugar House Loop Conditional Building and Site Design Review – A request by Meacham Management, Inc. for building and site design review for a mixed-use project (commercial & residential) located at approximately 2130 South Highland Drive. The subject property is in the Sugar House Business District Zone (CSHBD-1).

Mr. Lex Traughber reviewed the proposal as outlined in the Staff Report. He reviewed the location, layout of the structure and site plan for the proposal. Mr. Traughber explained the structure would be retail on the first floor at approximately 44,000 square feet and five stories above with approximately 204 apartment units. He reviewed the height, underground parking, ingress and egress for the parking structure, the number of bedrooms in the apartments, the materials the building would be constructed from, and explained that what was being proposed was consistent with the Sugar House Master Plan and development standards for the Zone. Mr. Traughber discussed the canal that runs under a portion of the site and the need to move the canal to accommodate the development.

Commissioner McHugh asked if the project was being held up due to the issue that the canal could only be moved in the winter.

Mr. Traughber deferred the question to be answered by the Applicant. He stated this project was submitted to the Community Council on March 2nd and he had forwarded all of the public comment to the Commission. Mr. Traughber said this was a Conditional Building and Site Design Review, the use of the building was not under review as it was consistent with the Zone. He reviewed the language from the zoning ordinance for the area stating that no new building or continuous group of buildings shall exceed a continuous length of 300 feet. The proposed project exceeded the limit by approximately 60 feet. Mr. Traughber stated the Planning

Commission has the authority to modify that standard as they see fit. He explained Planning Staff suggested the standard could be modified for a couple reasons; first the previous building was an uninterrupted length greater than 300 feet. Second, Mr. Traugher said the façade relates to the smaller business facades typically seen in the Sugar House area. He reviewed the proposed west elevation stating that if the property on that side were to come available there could be a trail put in at which time the applicant would also open up retail along the west side. Mr. Traugher stated the Applicant was asking the Planning Commission to review both facades and allow an option for either façade dependent upon what happened with the trail property.

Chairperson Fife clarified that if the other property owner donated the property for the trail the Applicant would like to take advantage of the other property owner's donation.

Mr. Traugher stated that the Applicant was not proposing any sort of donation of property, but if another property owner donated property they would like to take advantage of it.

[7:54:31 PM](#)

Mr. Craig Mecham, property owner, introduced Mr. Russell Callister, Mr. Jeff Byers and Mr. Michael Neilson his partners in the project.

Mr. Jeff Byers stated they were excited about the project. He explained the architecture and experience they would like to achieve including walkable sidewalks and outdoor dining. He reviewed the access into the parking structure and stated there will be 362 parking stalls. Mr. Byers said they are providing parking a little over 2 stalls per retail unit and on an average of 1.25 cars per apartment which addresses the one car per bedroom requirement.

Commissioner Gallegos asked if the Applicant had taken into consideration the trolley that would possibly be located fairly close allowing for lower parking requirements.

Mr. Byers stated they had taken that into consideration.

Commissioner Luke said he read the concerns regarding the elimination of some street parking spots and asked where those were located.

Mr. Byers indicated that three spots, at most, would be eliminated around the entrance to the parking garage.

Mr. Byers reviewed the different views of the structure, landscape and other positive aspects of the project that would make it user friendly. He stated the project was wonderful, exciting and they felt it would be a great addition to the area.

Commissioner Luke asked if the units were proposed as apartments rather than condos because of the current market.

Mr. Mecham stated that was correct.

Chairperson Fife asked if affordable units would be included.

Mr. Mecham stated that there are not any affordable units included as they are having issues with financing and the lenders are very skeptical of affordable housing.

Commissioner McHugh stated having affordable housing in the current market was not a good idea because of the risk, and banks would not lend for that type of project.

Chairperson Fife stated there could be assistance to help with the funding through the City Housing Trust Fund or the Redevelopment Agency.

Mr. Mecham stated they had looked into that and were skeptical of it.

Chairperson Fife asked if they thought they would not receive the funding if they were to ask for it.

Commissioner Hill explained her experience with financing. She said that a lot of the funding available was being constrained because the money was at a high risk and with development projects like the proposed the banks were actually putting restrictions on the money stating they won't lend if there was affordable housing components in high-end projects that potentially may affect the ability to rent out the units.

Mr. Mecham stated that was correct.

Mr. Byers stated that the market survey they conducted indicated that was not an option for this market.

Chairperson Fife stated he did not agree.

Commissioner Hill explained it had been her experience with a similar project in Washington that the developers had the same issues with acquiring financing.

Commissioner Woodhead asked about the west elevation, stating the original elevation showed something that looked like three big garages at the north end.

Mr. Byers stated those were not garages just articulated panels to help break up the blank wall.

Commissioner Woodhead asked if there were reasons retail could not be offered on the west elevation without the trail.

Mr. Byers stated they do not have access to that property and it was owned by someone else.

[8:05:28 PM](#)

Public Hearing

Chairperson Fife opened the Public Hearing.

[8:05:58 PM](#)

Ms. Judi Short, Sugar House Community Council, stated the Council liked the project. She explained one of the concerns was affordable housing, and she understood what was said about the money although she did not agree. Ms. Short said they would like to see a mid-block, north/south walkway, through the Granite Block. She felt it was critical to the project and expressed the hope of the Council that the parcel could be acquired and the trail established so the corridor could happen. Ms. Short said she thought it would be really cool if there could be retail on the west side and people could walk around the whole area. Ms. Short said the Open Space Master Plan called for recognizing the loss of connection, physically and physiologically, between the urban and natural systems. She said the Master Plan used a system of liner parks and no motorized transportation corridors to re-establish the connections between the natural landforms through the urbanized areas of the City. She explained the Sugar House Master Plan called for pedestrian connections between open space parks and the Business District. She discussed the canal and the hope that the construction would not interrupt the success of the Sugar House farmer's market hosted on the monument. Ms. Short stated the Council was worried about the entrance to the parking terrace on Highland Drive. She stated it removed street parking and reduced the width of the sidewalk directly in front of the entrance to the apartments. She said the Council would really like to see that reconfigured and she heard that Mr. Young had a plan to open Elm Avenue up from the east through the block which could potentially be a way to enter the parking terrace. Ms. Short said if the canal corridor cannot be opened then the trail needed to follow along Highland Drive. She stated the sidewalk probably was not wide enough to accommodate pedestrians, rollerblades or other traditional trail users and at the north end of the block the sidewalk was barely wide enough for two people to pass, a trail needs to be wider. Ms. Short stated there are many items that need to be taken into consideration when determining the width of the sidewalk. She said if the Johnson parcel was not obtained, the way the current proposal reads there would become a dead end area behind the Rockwood Building creating the perfect place to for undesirable activities and individuals. She said the community would like to see small local business located in the building and Mr. Mecham had said he would give a discount to small local retailers. Ms. Short stated the project should obtain LEED Gold certification as specified in the RDA documents. She explained that the applicant stated he may put solar panels up on the roof even if they are not activated and they felt it should to be an active LEED Certified building. Ms. Short stated in the Staff Report, Transportation recommended the removal of the mid-block crosswalk because the entrance to the parking terrace. She said the mid-block cross walk was very valuable with all of the pedestrian traffic walking across, it may need to be moved but they didn't want it to go away completely.

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Ms. Laurie Bray, 1064 East 2100 South, stated she had a photography studio in the Rockwood Building owned by the Johnsons who also own the parcel next door. She states she was concerned about the canal that runs under her building. Ms. Bray explained the size of the canal and the problems with flooding she has experienced in the past. She was concerned that if the south end of the canal was moved what would happen with the section under her building. Ms. Bray stated there was some speculation that the reason it flooded was that when the demolition occurred the building fell and the ground shifted. She stated she talked with the Director of Public Utilities and he said he was not even sure what the plans were regarding the canal. Ms. Bray stated there needed to be more communication about what was planned for the canal. She

stated she was also concerned about the sidewalks being closed during construction. She explained that during the demolition the piles of snow were so tall that people had to walk down the middle of the street and nothing was done by the City to correct the problem. Ms. Bray said the walks needed to stay open during construction and be monitored. She said her other concern was traffic and no one has addressed it. She was excited for the project and happy to have something right next door but she was concerned that her customers would not have parking. Ms. Bray stated there was already so much traffic in the area and a solution needed to be found.

[8:14:03 PM](#)

Ms. Elaine Brown stated she had lived in the Sugar House area for 58 years. She told of when she used to shop at the old Sugar House stores with her mother. She said she was sad when the shops closed up and the property deteriorated and she was very excited for the proposed construction. Ms. Brown stated things change, the whole nature of shopping had changed and she thought the concept of retail with residential was a great idea. She stated she felt Mr. Meham had done a wonderful job of putting the plan together; she was excited for him and hoped the Planning Commission would approve and support his plan.

[8:15:48 PM](#)

Ms. Grace Sperry stated she lived on Highland Drive and thanked Mr. Traugher for getting her email to the Commissioners. She stated she looked forward to the project being completed. Mrs. Sperry stated the sidewalks are narrow and have been for years because of the changes to the street providing bike lanes and right and left turn lanes. She stated the Urbana Apartments, and Wilmington Gardens have affordable housing and there was affordable housing all around Sugar House. Ms. Sperry explained the issues with parking around the Monument and the commons area and stated parking would always be a problem that would get worse but in the end be positive in the area.

[8:17:54 PM](#)

Mr. Rawlins Young, Transportation Chair of the Sugar House Community Council, stated he would like to see the Planners use the master plans as they were intended to be used. He discussed how to get walkability in downtown Sugar House by using plans like City Creek in Downtown Salt Lake City. Mr. Young explained the connections that should be made with streets in Sugar House to make the transportation plan more effective. He stated one idea would be to take Elm Street and bring it through the block to Highland Drive, which would be on the south side of the proposed building, that way the parking could be accessed off a local street instead of a main thoroughfare.

Commissioner Woodhead clarified Elm Street was the street located near the south end of the project.

Mr. Young stated it was on the west side and would create the walkability and take care of the parking access problem.

Chairperson Fife stated to do that the City would have to condemn the land and build a street.

Mr. Young said condemn the land and build the street then. He said generally what a city would do was require the developer to develop the street system as part of the project. Mr. Young

explained how access walks and sidewalks should be parallel to each other to form wider sidewalks. He said the Master Plan states the sidewalks should be 10 feet and incorporated in to all developments then there would not be the bottlenecks created by of 4 foot sidewalks.

Commissioner Woodhead asked if the sidewalk width was outlined in the ordinance.

Chairperson Fife stated it was not.

Mr. Young stated the problem was that the Planners did not read the Master Plan as part of the planning process. He stated when developers give extra land they should be allowed to develop up and have the ability to add more floors possibly up to seven stories. Mr. Young stated the problem with the building was that because it was apartments and no business there was no employment opportunities in the area and no reason for the general public to visit the area. He said this was supposed to be the Center of Sugar House but it was dead and boring.

[8:23:20 PM](#)

Chairperson Fife read the comments from Scott Kisling. Mr. Kisling wrote the following: He supported the project with the conditions that the Salt Lake City Open Space Master Plan calls for regarding the north-south McCelland Trail. If this proposal does not include the McCelland Trail on its west side, space should be allocated in the form of a wide sidewalk on its east side especially between the building's parking entrance and the building itself. Space for the trail should not be left up to other property owners.

Mr. James Brown wrote he supported the Mecham development as proposed with Staff recommendations.

[8:24:13 PM](#)

Chairperson Fife closed the Public Hearing.

Commissioner Hill asked the Applicant to comment on the width of the sidewalks.

[8:24:35 PM](#)

Mr. Byers stated the sidewalk from the back of the curb to the property line was exactly 10 feet.

Commissioner Luke asked whether or not the structure abutted the existing building on the west side, north corner.

Mr. Byers stated no, that space exists there.

Commissioner Luke asked how wide the space was.

Mr. Byers stated it approximately 30 feet.

Commissioner Luke asked if there was a sidewalk along that area

Mr. Mecham stated there was not a sidewalk along the building but there was a sidewalk in the front of the area. He explained the reason the building sat the way it did for so long was because the building was built with a shared wall.

Commissioner Woodhead asked if different options were considered when the parking access was designed to come off Highland Drive. She stated that was the one thing about the project she was uncertain about.

Mr. Byers stated a curb cut would automatically interrupt pedestrian traffic along Highland Drive. The proposed access from Highland Drive used a ramp to go under the sidewalk. This design was approved two years ago.

Commissioner McHugh stated that the access was only an entrance and not an exit.

Mr. Traugher stated when the project originally came through in 2008 the developer had proposed an entrance that was basically in front of the Monument which was opposed by the public. He explained the option before the Commission was designed in response to that opposition.

Commissioner Woodhead stated the Highland Drive entrance was Plan B.

Mr. Traugher stated yes it was plan B and was approved last time.

Commissioner Hill stated she really liked the way the ramp in that location created a small barrier between the housing component and the pedestrian flow. She stated the developers had done a brilliant job with the permeability of the access to all of the retail spaces and the well laid out potential for every side to be a front side. Commissioner Hill said she is excited for the project and looks forward to the addition.

Mr. Byers explained the proposed parking entrance would help drive traffic to the retailer. He stated if the access was off of Elm Street it would not have the same effect which would make it hard for the retail space to be viable. Mr. Byers stated they had redesigned the west side of the project so that even the entrance goes under the sidewalk, they have created what they thought was as walkable a retail area as possible.

The Commissioners agreed with Mr. Mecham that it was a good entrance under the sidewalk for both ingress and egress.

[8:29:16 PM](#)

Chairperson Fife stated we have one person that did not hear the Public Hearing was closed therefore, he reopened the Public Hearing.

[8:29:29 PM](#)

Mr. Robert Williams stated his concern was with the soil under the building that the canal has possibly affected. He stated he would like to know if there had been geologic studies conducted to ensure there will not be issues with the building and the soil. Mr. Williams said he was

worried about the stability of the soil. He said he did not think RDA should be putting money into the project and the developer should be putting forth all of the money required.

Commissioner Woodhead asked the Applicant if they would like to come forward and address the soil issue. She explained the Planning Commission could not do anything about the RDA.

Mr. Byers stated that issues such as the soil was the kind of question that kept him up at night and that was why they hired the best structural engineers and geotechnical engineers to make sure the building stood up. He stated that the portion of the canal being added would be pristine, brand new and hopefully last another 100 years.

Chairperson Fife stated the developer could not do much about the section of canal under someone else's property.

Mr. Byers stated exactly, but they will have control over the rebuilt section.

[8:32:43 PM](#)

Chairperson Fife closed the Public Hearing

[8:32:52 PM](#)

Motion

Commissioner Luke made a motion regarding the Southeast Retail/Apartment Building at the Sugar House Loop, Conditional Building and Site Design Review, petition PLNPCM2011-00032 based on the analysis of the standards for the Conditional Building and Site Design Review process the testimony heard and the findings noted in the Staff Report that the Planning Commission approve the request subject to the seven conditions listed in the Staff Report. Commissioner Hill seconded the motion.

Commissioner Woodhead asked to propose an amendment to condition number six referencing the approval of the West façade. She said there should be language indicating if the trail property became available that the Planning Commission had a preference for the alternate version.

The Commission agreed this should be added to the motion.

Commissioner Luke stated on condition number six the Planning Commission delegates the final approval of the west façade of the proposed building to Planning Staff should property become available for trail development with the noted preference for the alternate west elevation.

Commissioner Hill seconded the amendment.

Vote: Commissioners Gallegos, Luke, Hill, McHugh and Woodhead all voted "aye". The motion passed unanimously.

[8:35:19 PM](#)

PLNSUB2011-00053 Public Safety Building Planned Development - a request by Mayor Ralph Becker and Salt Lake City Corporation for approval of a planned development proposal for the Public Safety Building project. The property was located at approximately 475 South 300 East.

Mr. Stewart, Senior Planner, reviewed the petition for the Public Safety Building as outlined in the Staff Report. He explained the application was referred to as the plan development part of the project. Mr. Stewart explained this petition was specifically looking at building setbacks and grade changes in the front and corner side yard areas. He stated this plan development was actually reviewed based on a zoning of PL-2 which was considered as part of the previous application. Mr. Stewart stated the City Council was still in the process of considering the PL-2 zone as well as the stipulation on the communication tower. He said they had no objection, as indicated at City Council meeting, to the PL-2 zone but it would not likely be adopted until the April 5th meeting. Mr. Stewart stated the City Council was still in discussion regarding how to deal with the height of the communication tower which was a concern from the public. He reviewed the site plan and explained the changes to the parking for large vehicles, green public areas, parking under the building, ingress and egress to the parking garage, the extension and narrowing of forth street through the block to fifth south and onsite solar panels.

Commissioner Luke asked, in regards to the solar energy and the net zero effect, was the energy created on-site going to be consumed at the site or was it going to flow into the grid. He asked if the building would be pulling energy from the grid and the solar panels feeding it back in.

Mr. Stewart stated that would be a question for the Architect.

Mr. Sommerkorn stated he recalled, from the last presentation, that there was going to be some off-site panels that were going to feed into the building and help even out the amount used versus the amount created.

Mr. Stewart stated that was correct there would be an off-site area, out west, for solar panels. He stated the Architect/ Project Manager was there and could give more details regarding the issue. Mr. Stewart reviewed the concerns from the different departments such as the number of parking stalls required for the site and what Blair Street would be dedicated as have been resolved.

Chairperson Fife asked if the walkways would still tie in together from the library as proposed.

Mr. Stewart stated there would be a raised crosswalk that will come right into the plaza from Library Square. He said the two main issues that needed to be addressed were the setbacks and the grade changes. Mr. Stewart indicated the areas in question and explained that the PL-2 zones require a 20-foot setback from the property line. He said the applicant was requesting a 15-foot encroachment into the front and corner setbacks for ventilation shafts from the parking garage with terraced landscaping up to the grates. Mr. Stewart explained the grade changes were in regards to one foot increment steps to accommodate the landscape terraces that could total 6 feet of grade change in the yard area. The Zoning Ordinance allows a maximum of two feet for a grade change.

Chairperson Fife asked if the parking was available for public use.

Mr. Stewart stated at this point it would be secured parking.

Commissioner McHugh stated there was public parking on Blair Street.

Mr. Stewart stated there was surface parking as well as parking under the library available to the public.

Chairperson Fife asked if 300 East was being narrowed.

Mr. Stewart stated 300 East will be narrowed down to one lane in each direction with a landscaped median and a bike lane. He explained the federal setback requirements of 50 feet from curb causing 300 East to be narrowed.

Commissioner Gallegos stated when the Planning Commission first started talking about the project there were two buildings, a Public Safety Building and an Emergency Operations Center, are both in the same building now.

Mr. Stewart stated both would be housed in the same building.

Commissioner Woodhead clarified that the building design was not part of what was in front of the Commission.

Mr. Stewart stated that was correct this was not a conditional building and site design review so they were not looking at the design of the building. He stated they could look at the layout and placement of certain features but materials were not being reviewed.

[8:51:32 PM](#)

Mr. David Hart, Architect/Project Manager, stated he did not have anything to add.

[8:51:39 PM](#)

Public Hearing

Chairperson Fife opened the Public Hearing.

[8:51:38 PM](#)

Ms. Cindy Cromer stated she was not happy with the project and was dismayed at the late breaking news about the mono pole. She thanked Mr. Stewart for attending the Community Council and telling people about the pole. Ms. Cromer said that was really the first anyone heard about the huge mono pole. She stated maybe it was common sense that given the number of communication devises around the City there might have to be something rather large for this particular building however, the proposed pole was very, very large and extends above the building. Ms. Cromer said she would have liked to have known about the pole sooner and was extremely disappointed at the late notice.

Chairperson Fife stated the Planning Commission talked about the mono pole the last time a petition for the project was presented to the Planning Commission therefore, the information had been public for at least a month or so.

Ms. Cromer stated it was a very short time relative to the length of this project.

[8:53:06 PM](#)

Chairperson Fife closed the Public Hearing.

[8:53:11 PM](#)

Motion

Commissioner Luke stated, related to PLNSUB2011-00053, based on the Staff Report he recommend the Planning Commission approve the application subject to the conditions as outlined in the Staff Report. Commissioner Hill seconded the motion.

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

Commissioner Woodhead stated her hesitation was due to not having more information about the building before making the decisions about the advantages of the setbacks and how they related to the street.

[8:54:20 PM](#)

Meeting adjourned

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on March 23, 2011.

Michelle Moeller