

**SALT LAKE CITY PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building  
451 South State Street, Salt Lake City, Utah  
Wednesday, November 9, 2011**

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

A field trip was held prior to the meeting Planning Commissioners present were: Michael Gallegos and Mary Woodhead. Staff members in attendance were Nick Norris, Doug Dansie and Elizabeth Reining.

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; Doug Dansie, Senior Planner; Lex Traughber, Senior Planner; Ray Milliner, Principal Planner; Nick Britton, Principal Planner; Maryann Pickering, Principal Planner; Elizabeth Reining, Principal Planner; Paul Nielson, Land Use Attorney; and Michelle Moeller, Senior Secretary.

**Field Trip Notes taken by Nick Norris:**

O' Reilly

- Window glazing question was raised- would the store be reoriented so the store front was along Harvard Ave.
- Question regarding landscaping and what street trees would be planted. Staff's answer was chokecherry, which are on the property to the west.

Merrimac

- Staff gave overview of project and the history of the property

**Work Session [5:33:40 PM](#)**

**PLNPCM2010-00656: West Salt Lake Master Plan** – Staff will brief the Planning Commission about the ongoing West Salt Lake Master Plan process and discuss the Planning Commission November 9, 2011

timeline for the final stages of the drafting process.

Mr. Nick Britton, Principal Planner, reviewed the status of the West Salt Lake Master Plan and the review process the document had been through to date. He stated, In general, the *West Salt Lake Master Plan* was divided up into two parts: specific planning areas or topics and general topics. Mr. Britton reviewed the following as outlined in the Staff Report:

- **Community Identity:** How West Salt Lake residents perceive their own neighborhoods and how those outside of West Salt Lake perceive the community.
- **900 West/900 South District:** An emerging recreational and commercial center that ties together the Jordan River, 9 Line trail and 900 West.
- **900 West:** The key north-south neighborhood road that connects Glendale and Poplar Grove.
- **Jordan River:** A regional connector for outdoor enthusiasts, bicyclists and pedestrians that ties West Salt Lake's green space network together.
- **Redwood Road:** A major commercial thoroughfare that is the boundary between residential and industrial land use areas.
- **Surplus Canal:** A potential recreational pathway that ties the neighborhoods to points north and west.
- **Far West Salt Lake:** The largest concentration of industrial businesses in Salt Lake City.
- **Community Gateways:** The entrances to the community and neighborhoods that provide a first impression to visitors. The general topics (and their policies) are as follows:
  - **Residential land uses:** Maintaining the stability of the area's residential neighborhoods while exploring opportunities for housing options.
  - **Commercial land uses:** Concentrate new commercial development at specific centers and corridors; create a sense of place at commercial centers through identifiable design standards.
  - **Industrial land uses:** Encourage growth of the industrial sector of West Salt Lake where appropriate while protecting residential uses.
  - **Recreation, parks and public spaces:** Provide additional recreation opportunities in existing parks and with new parks; recognize the importance of natural open space; connect schools to parks and public spaces.
  - **History and architecture:** Continue to further awareness and recognition of the West Salt Lake Community's historic and architectural assets.
  - **Transportation networks:** Create a safer environment for pedestrians and bicyclists; explore future public transit options to better serve the West Salt

Lake Community; examine the requirements for complete streets in Far West Salt Lake; establish a better network of streets that help travelers bypass train delays.

- **Sustainability:** Continue to incorporate sustainability strategies into the development of the West Salt Lake Community.

Chairperson Dean asked what model Staff was looking at when referring to proposed gateways to industrial and residential areas.

Mr. Britton stated the gateways, residential and commercial, would be separated by scaling the infrastructure to reflect and compliment the area uses.

Chairperson Dean asked in regard to the strong boundaries of the freeways, if Staff had analyzed from a commercial development stand point, the critical mass of residences needed to balance the area and allow it to sustain itself as an island.

Mr. Britton stated yes, one of the big pieces was recognizing where dense residential areas could be located and taking advantage of the redevelopment opportunities especially along 900 West and 900 South which were key locations for commercial growth.

Commissioner Gallegos asked if there were opportunities for dense residential areas along Redwood Road as it reflected transition between residential and light industrial zoning which staff was referring to.

Mr. Britton stated in some places there needed to be changes in zoning to help with the transition. He stated west of Redwood Road there was intense industrial or heavy commercial uses that precluded residential uses on the west side of the street but on the east side there were opportunities in place for residential uses. Mr. Britton stated new buildings and uses along the west side of the street would have to take into account the fact that there would be residential uses on the east side of the street. He said therefore, staff was looking at changing some of the design standards, for the heavier commercial zones, to be more form based and allow certain types of uses as long as it was enclosed or designed appropriately to be compatible with the residential uses on the street.

Commissioner Gallegos asked if there were current industrial facilities in the subject area that prohibited future development.

Mr. Britton stated there were chemical plants and outdoor storage businesses such as scrap yards.

Commissioner Gallegos asked in regards to future public transportation options, how far west would the proposed 900 South Street Car reach.

Mr. Britton stated it was proposed to go from 900 South to 900 West.

Commissioner Gallegos asked if the proposal had any impact on the vision for the area.

Mr. Britton stated it was included in the plans and the 900 South corridor had a new Master Plan that included zoning changes for that area. He stated the proposed zoning changes in the Master Plan would help with growth in the 900 South corridor and include the street car.

Commissioner Wirthlin thanked Mr. Britton for his hard work and stated the project reflected the purpose of the Planning Commission. He asked Mr. Britton for the Master Plan time line and what the Commission how they could be involved in the process.

Mr. Britton stated the online draft was the first public draft and it was planned to have another draft completed by the end of November. He stated it would include recommended changes and would be strengthened in the areas where strong recommendations were given. Mr. Britton stated it would be presented at an Open House then the final draft would be presented for Public Hearing in January at the latest. He stated one option would be to notify the Commission when the newest draft was available online.

Commissioner Woodhead stated she attended one of the meetings and she felt Staff was very responsive to the concerns of the people and the plan reflected that. She stated one of the main things people were concerned about was that they did not want the West side to be an island and wanted to see the neighborhoods integrated into the rest of the City. Commissioner Woodhead asked if there had been any thought to what could be done with the area on 200 South between the neighborhoods and the industrial area.

Mr. Britton stated a University class proposed continuing the bike trail to the Jordan River Parkway. He stated there was nothing specific planned for the area but it could be considered.

Commissioner Woodhead stated it was important to look at how that area worked into future plans.

[6:01:29 PM](#)

Chairperson Dean stated the Capitol Park Subdivision Amendment was postponed.

Mr. Nick Norris, Planning Manager stated it was postponed to the November 30<sup>th</sup> Planning Commission Meeting.

[6:02:14 PM](#)

**PLNPCM2009-00169 Zoning Text Amendment Regarding Land Use Tables and Definitions** – A petition initiated through the 2009 Zoning Amendment Project (ZAP) to analyze and amend as appropriate the various land use tables and associated definitions in the Zoning Ordinance.

Mr. Lex Traughber, Senior Planner reviewed the petition as presented in the Staff Report. He asked the Planning Commission to provide specific comments and/or direction regarding the proposed changes especially relating to whether a use would be a permitted use, a conditional use, or a use not permitted at all in any given zone. Mr. Traughber stated Staff would be writing qualifying provisions for particular uses such as Drive-Thru windows and primary uses that had outdoor components such as brew pubs or restaurants with outdoor seating. He stated often times those uses had impacts that should be mitigated and permitted if they meet particular standards. Mr. Traughber stated the tables were not ready to be presented to the public and would be brought back to the Commission for further review.

Commissioner DeLay asked if a committee was overseeing the review of the land use tables.

Mr. Traughber stated a committee of staff members Everett Joyce, Doug Dansie, Thomas Irvin, Katia Pace and himself were reviewing the tables.

Commissioner DeLay asked if Commissioners needed to be included in the Committee.

Chairperson Dean asked how the Commission could help Staff in the process.

Mr. Traughber stated it was up to the Commission members if they wanted to hold a committee meeting or just read the document and forward their comments to him.

Director Sommerkorn asked if there were any particular highlights Mr. Traughber wanted to review for the Commission.

Mr. Traughber stated the tables were cut and dry and there was not anything particular to address. He stated Staff was asking for input from the Commission and edits would then be made to keep the process moving ahead.

Chairperson Dean asked what the timeline for comments and feedback was.

Mr. Traughber stated there was not a specific timeline.

Chairperson Dean asked when the next draft would be presented to the Commission.

Mr. Traughber stated he would like to go public at the beginning of the year.

Chairperson Dean stated by the end of the year the Commissioners needed to have their comments or questions to Mr. Traughber.

Commissioner Gallegos stated Mr. Traughber specifically mentioned brew pubs and outdoor seating were areas that needed to be focused on.

Mr. Traughber stated that was an example of one of the things and that Staff wanted to write standards for uses with an outdoor component. He explained in the table 'outdoor' was often in parentheses and standards for that component should be written and met to make it a permitted use.

Chairperson Dean clarified Staff was not reclassifying permitted versus conditional but was reclassifying what each use was called.

Mr. Traughber stated Staff was changing what was permitted and conditional. He stated the document reflected what was being proposed where the language was stricken or underlined.

The Commissioner's stated they would forward their comments and questions to Mr. Traughber.

Commissioner Wirthlin asked if there was another word for eleemosynary facility to make it understandable.

Mr. Nick Norris explained it was a new definition that was added in the last eighteen months and there was not a better term that could be used.

Mr. Paul Nielson, Salt Lake City Attorney, stated it was important to distinguish that type of use from say a boarding house or a hotel because there was a very specific reason people were living in those types of facilities and they did not want to open the door to having some kind of hotel.

6:15:37 PM

Chairperson Dean stated there were no minutes to approve and she did not have anything to report on.

**Director's Report 6:16:05 PM**

Director Sommerkorn stated reported on the recently passed fine tuning document the Commission recently reviewed for the Historic Landmark Commission. He stated there were a couple of technicalities that needed to be addressed regarding the audio recordings and how long they were kept. Director Sommerkorn explained the previous ordinance indicated documents would be kept for a minimum of 60 days or in conformance with GRAMA and Staff changed the language to state documents would be retained in accordance to GRAMA requirements. He stated the Historic Landmark Commission wanted to keep that '60 days' in the language therefore, it was added back in.

Mr. Norris stated from Staff's perspective it was not necessary to keep the '60 days' in because state law required land use records be kept indefinitely.

Director Sommerkorn stated the recommendation of the Historic Landmark Commission and the document approved by the Planning Commission would be given to the City Council and they could decide what it was necessary.

Commissioner Woodhead asked if the '60 days' would be misleading.

Director Sommerkorn stated the reason why it was not included was to make it clear.

Director Sommerkorn there was also language regarding appeals of Administrative Decisions. He reviewed how an application was processed and explained if the application was controversial in nature it was referred to the Historic Landmark Commission therefore, the language was not needed. Director Sommerkorn said the last item referred to the approval of special exceptions and which Commission approved the. He explained if an application referred to something the Historic Landmark Commission would approve it would be directed to them otherwise the Planning Commission would address all special exceptions.

[6:20:32 PM](#)

**PLNPCM2011-00473 Character Conservation Districts** – A request by Mayor Ralph Becker to analyze the appropriateness of creating a provision for character conservation districts. The proposed ordinance would include a framework and process for creating character conservation districts. It would not actually create a district. If adopted, neighborhoods would be able to go through a process for creating a district. The ability to create character conservation districts would apply citywide.

Ms. Pickering, Principal Planner, stated this was the actual Public Hearing for Conservation Districts. She reviewed the petition as presented in the Staff Report and reviewed the public comment as listed in the Staff Report and the given through email regarding the proposal. Ms. Pickering stated buy-in language in the proposed ordinance could be modified to allow people to opt in or out within the stated parameters. She stated it was asked from the Historic Landmark Commission and the Public that the consensus definition be defined. She stated Staff suggested the definition from the dictionary be used. Ms. Pickering stated in terms of the findings Staff believed that the document met the findings for the proposed text amendment because it conformed and strengthened the community master plans for the specific purpose of the zoning ordinance, was consistent with the purpose and provision of applicable over lay districts. She stated the only area that would possibly be affected was the Yalecrest Compatible Infill Overlay District which Staff was willing to modify however, that area may become a Character Conservation District. Ms. Pickering stated Staff believed the proposed ordinance implemented the best current professional practices of urban planning. She stated it was Staff's recommendation that the Planning Commission forward a favorable recommendation to the City Council.

Chairperson Dean asked for Ms. Pickering to review the bullet points and how they were incorporated into the document.

Ms. Pickering reviewed the following bullet points as outlined on page 7 of the Staff Report:

- If the Planning Commission recommends changes to the standards would the process have to start all over again? The process would not start all over again. Staff would recommend if that was the case the item is continued so staff can work with the affected area to come up with a solution that works for both the Planning Commission and the neighborhood.
- There was concern expressed regarding the regulation of landscaping and that it



might not be appropriate to do so. Staff understands this concern but also recognizes that some streetscapes are important character defining features of a neighborhood and the residents may wish to preserve that streetscape.

- Some of the Commissioners felt that the initial 50% buy in was too high and that it should be lowered. After further discussion and explanation by staff, it was understood that by having a vote after the plan is developed would be delegation of authority by the City Council which is not appropriate.
- It was suggested that a handout be developed by staff that would let the neighborhood know what they could and what they could not regulate in their character conservation district.
- A statement was made that staff should incorporate some of the sustainability issues into the plans and staff is agreeable to do that.

Chairperson Dean asked how enforceable were the options that were added onto the package outside of the ordinance.

Ms. Pickering stated the options would be enforced through the building permit review.

Commissioner Fife asked if a neighborhood had lot coverage, setback and height requirements but was not a historic district why should his neighbors be able to tell him what to put on his lot.

Ms. Pickering stated if the neighbors felt there was something specific about the character of a the neighborhood, perhaps the roof slope or how many windows were facing the street, those were the features that would be required to be maintained.

Director Sommerkorn stated it was not necessarily for historical purposes but for character or the features in a neighborhood that most of the neighbors felt were features worth propagating, keeping and enhancing. He stated some level of buy in was required to show that most of the neighborhood would agree. Director Sommerkorn stated it was an extension of the basics of zoning.

Commissioner Fife stated he understood why regulations needed to be in place but if the zone allowed something and a proposed project complied what was the issue.

Commissioner Woodhead stated she agreed with Commissioner Fife and was conflicted. She stated she understood there were neighborhood characteristics and neighborhoods that felt a certain way because of similarities but 'Stepford' neighborhoods could be created and neighbors would be calling to report each other. Commissioner Woodhead said the

ordinance needed to be rewritten to be more specific before she could vote because the way it was currently written seemed like it allowed landscaping to be regulated. She stated she understood it was an extension of zoning but she was conflicted.

**PUBLIC HEARING [6:35:26 PM](#)**

Chairperson Dean opened the Public Hearing.

Ms. Cindy Cromer, Resident, stated Staff's work was excellent and explained the chart reflecting what the rest of the country was doing with Character Conservation Districts was interesting. She said Staff had done their research but the idea was not as good as Staff's work. Ms. Cromer stated she didn't think it would solve any problems with Yalecrest but would be helpful for business districts. She explained how it could affect business districts and said on page 4, the notification requirements should include business owners not just residents and property owners. She stated what would happen with the 50% criteria was the districts would be small if they happened at all and probably smaller than the area with common characteristics. She stated the definitions needed to be clarified and very clear on intent.

Chairperson Dean asked Ms. Cromer to give her notes to staff.

Ms. Cromer stated she would pass them on.

Ms. Tracy Hardy, Yalecrest Resident, stated she was thrilled the City had put a lot of effort in to this project that last few months. She stated the biggest concern was the fifty percent buy in and although she understood the reasoning felt there needed to be a way to include the buy in as part of the feasibility study. Ms. Hardy stated the consensus needed to be on paper and a smaller amount of people to initiate the study or petition was reasonable such as five or ten percent of property owners. She said there was a large amount of language that needed to be clarified before a final decision was made on the proposed document.

Chairperson Dean closed the Public Hearing.

Chairperson Dean stated regarding block faces such as 900 South and 900 East was it appropriate to consider a block face when there was a tight node at an intersection or should it be opened up and left vague so boundaries could be established where appropriate.

Ms. Pickering stated the ordinance was intended to be used for business or commercial districts because initially it was titled Residential Conservation Districts. She stated a definition for block face currently existed in the Zoning Ordinance therefore; it was not

included as a new definition in the proposed ordinance. She explained the definition of block face as stated in the Zoning Ordinance. Ms. Pickering stated she was willing to work on another definition that addressed the minimum requirements for a commercial district.

Commissioner DeLay stated there was still work that needed to be done and agreed with the public comments regarding definitions that should be clarified or added. She asked if there was language indicating the definitions were from the Zoning Ordinance and if the Character Conservation District Ordinance document was understandable by someone without a planning background. Commissioner DeLay asked to see the chart given to the Historic Landmark Commission.

Ms. Pickering stated it was part of the information given to the Planning Commission at a prior meeting during the briefing.

Commissioner DeLay asked if the notices to businesses and residents were missing from the information packet.

Ms. Pickering stated it would be any property within an indicated area.

Commissioner DeLay asked if that language was clear.

Ms. Pickering stated the specifics were not added because of the revision to the noticing requirements.

Mr. Norris stated it would be amended in the language.

Commissioner DeLay stated more work needed to be done and more definitions focused on businesses needed to be added. She said she would like the document to be usable for the entire City and not seem as if it were only for historic districts.

Ms. Pickering stated she would make the requested changes.

Commissioner DeLay stated she would like to table the issue for another meeting or two until Staff had a little more time to review the document. She stated the intent was good and was almost there.

Commissioner Woodhead stated she agreed with Commissioner DeLay in that there were a number of things Ms. Pickering said during the presentation regarding policy that was not in the ordinance. She stated everything should be included in the ordinance or a reference made to the policy to be very clear on as to how things would be enforced or acted on.

Commissioner Drown stated regarding consensus and how much buy in was required during feasibility, what if the requirement was lowered but the consensus was raised to a higher threshold of property owners impacted. She stated she thought there would be a higher level of comfort in imposing the overlay when addressing landscaping and other specifics if every property owner had a say whether they were in or out.

Commissioner DeLay asked if Salt Lake County had a similar ordinance.

Ms. Pickering stated no, Salt Lake County did not. She stated the memorandum with the draft Historic Landmark Commission minutes contained a suggestion that the fifty percent buy in would not be up front, but would be after the feasibility study was complete and after the Director determined the area could move forward as a conservation district. Ms. Pickering explained at that point the fifty percent buy in would go into effect and give the neighborhood information to in order to understand what they were buying into. She stated Staff was willing to make that change in the process.

Commissioner Woodhead stated if the buy in was not required until after the feasibility study was complete Planning Staff would have spent a lot of time and money preparing the feasibility study and what if there was no support.

Ms. Pickering explained the feasibility study was prepared by the neighbors themselves and was a summary report of the features they felt were important to preserve. She stated it was not the intensive part of the process and that the steps following the report were more involved for Staff.

Commissioner Gallegos asked if the feasibility study was done to give Staff the specific elements that needed to be covered.

Director Sommerkorn stated that was correct and explained in the ordinance page 2 item 3, it indicated the items that were to be included in the feasibility study.

Commissioner DeLay asked how long Staff needed to review the proposed ordinance.

Ms. Pickering stated she could have it ready for the November 30<sup>th</sup> meeting.

Chairperson Dean stated she was not aware of what was on the agenda but if it could be addressed that would be fine.

**MOTION** [6:49:04 PM](#)

**Commissioner Delay made a motion to table PLNPCM2011-00473 until the November 30<sup>th</sup> Planning Commission Meeting. Commissioner Woodhead seconded the motion.**

Chairperson Dean asked if Ms. Pickering understood what was being asked.

Ms. Pickering stated she did and said Ms. Harding may have not seen the most recent copy of the ordinance. She said the bottom of page 2 item 4 discussed the initiation of the feasibility was taken from state law and was the same process for annexations. She stated each property owner would be allowed one vote.

Commissioner Gallegos stated so whether someone owned an entire block or one little lot they all had the same vote.

Ms. Pickering stated it was one vote per property so if someone had ten parcels they would be allowed ten votes. She said if there were joint tenants each person could sign but it was only one vote.

Commissioner Woodhead asked when the ordinance came back to the Planning Commission could the packet include everything including the charts, minutes etc so they could review everything at once.

Chairperson Dean asked for a vote on the motion.

Commissioner Fife stated he would be more comfortable if the vote of the people was after the feasibility study and he would not want to change the threshold because it was dictating what people could do with their property.

**Commissioner Gallegos, De Lay, Drown, Fife and Woodhead voted *aye*, Commissioner Wirthlin voted *no*. Chairperson Dean did not vote. The motion passed with a 5-1 vote.**

[6:51:15 PM](#)

**Administrative:**

**PLNPCM2011-00464: O'Reilly Auto Parts Building and Site Design Review** – A request by O'Reilly Auto Parts at 1122 South State Street for building and site design approval. The subject property is in the Corridor Commercial (CC) zoning district, South State Street Corridor (SSSC) overlay district.

Ms. Reining, Principal Planner, reviewed the petition as outlined in the Staff Report. She explained O'Reilly Auto Parts was applying for a building and side design review because while the use was allowed in the Corridor Commercial Zoning District the property was also located in the South State Street Corridor Overlay District which required forty percent glass on street frontages, which the applicants were asking to be modified. She reviewed the reasoning for the lack of glass on the street frontage and layout of the building. Ms. Reining stated generally the proposal met the building and site design as it was pedestrian orientated, the signs are building orientated however, the one thing it did not meet was the twenty five percent glass requirement on a side street.

Commissioner DeLay asked if the Smith's store on 9<sup>th</sup> East and 2100 South had the same issue and the residents said they wanted a friendly face to look at therefore, glass blocks were installed.

Mr. Norris stated that was correct.

Ms. Reining stated there were no residences behind the location and across the street the pawn shop had very few windows.

Commissioner DeLay asked if there was a place for recycling on the site.

Ms. Reining stated the plans indicated room for one dumpster.

Commissioner DeLay asked if there was a requirement that landscaping had to be water friendly.

Ms. Reining stated yes those regulations were in the landscaping ordinance.

Chairperson Dean asked if the recycling was a requirement.

Ms. Reining stated it was not.

Mr. Mark Berquist, O'Reilly Auto Parts, stated the reason they were asking for the reduced amount of glass was because it was a lot of glass to have in their store to begin with. He explained the addition of glass to the State Street side and the pedestrian flow of the property. Mr. Berquist stated there was not room for more glass in the building as it would be in areas with large shelving units.

Commissioner DeLay asked if there would be onsite recycling.

Mr. Berquist stated that was only done in the areas where it was required and he did not know what the rationale was behind it. He stated there was currently only one trash enclosure. He stated O'Reilly did recycle used batteries and oil.

Commissioner Gallegos asked what the typical square footage was for an O'Reilly store.

Mr. Berquist stated typically a store was around seven thousand square feet.

Commissioner Gallegos asked if O'Reilly stores were generally located on corner lots.

Mr. Berquist stated no, the subject site was a little unusually for them and was due to the constraints of the site. He explained the layout of the building due to the layout of the surrounding businesses.

Commissioner Fife asked if a store was also being constructed on 3<sup>rd</sup> West and 5<sup>th</sup> North as there was something very similar being built there.

Mr. Berquist stated he did not believe so.

Commissioner DeLay asked Mr. Berquist to give the history of the Company as they had just changed from Checker Auto Parts stores.

Mr. Berquist gave the history stating O'Reilly, a National chain, purchased Checker Auto Parts and was changing the names of the stores.

Ms. Reining stated the 3<sup>rd</sup> West and 5<sup>th</sup> North site was a Family Dollar Store.

**PUBLIC HEARING [7:00:49 PM](#)**

Chairperson Dean opened the Public Hearing.

Ms. Cindy Cromer, Resident, it was not clear to her as to whether there was a fence around the perimeter because the property line was indicated so strongly. She stated she was concerned about the appendix that was shown at the bottom and if it was not fenced in Planning Commission November 9, 2011

would promote undesirable activities. She stated she hoped in the future recycling would be required.

Mr. Berquist stated the area Ms. Cromer was concerned about was part of the property was a result of what they were purchasing. He stated a fence could be installed to prohibit activity in the area.

Commissioner Gallegos asked if there was a fence around the property.

Mr. Berquist stated not at that time. He stated O'Reilly had many different properties that had similar pieces similar to the subject property and infrastructure was added to address the issues.

The Commissioners discussed what could be done to address the property and safety issues.

Chairperson Dean asked if it connected to a private alley as it looked as if it was a dead end.

Ms. Reining stated it did not and actually was attached to the property on the South. She stated Staff believed it was an alley at one time but over time it was vacated.

Mr. Tom Brownsten, ASI Tattoo, stated he owned the property next to the proposed O'Reilly store. He explained there used to be a shed in area of concern which was torn down and opened his property up to theft and destruction. He stated he was attending the meeting to speak with Mr. Berquist about the property.

The Commissioners encouraged the two gentlemen to speak after the Public Hearing.

Chairperson Dean closed the Public Hearing.

**MOTION [7:06:02 PM](#)**

**Commissioner DeLay made a motion to approve PLNPCM3011-00464 based on the findings listed in the Staff Report and the testimony presented she moved that the Planning Commission approve the propose building and site plan with the following condition the Applicant meet conditions set forth by City Departments. Commissioner Gallegos seconded the motion. Commissioner Gallegos, De Lay, Drown, Wirthlin, Fife and Woodhead voted *aye*. Chairperson Dean did not vote. The motion passed with a 6-0 vote.**



[7:07:12 PM](#)

Commissioner DeLay recused herself from the meeting.

[7:07:23 PM](#)

**PLNSUB2011-00374: Merrimac Planned Development** - A request by Nathan Anderson of City and Resort Properties for a planned development at approximately 38 West Merrimac Avenue. The purpose is to construct single family attached homes. The subject property is in the RMF-35 (Residential Multi Family) zone.

Mr. Doug Dansie, Senior Planner reviewed the application as presented in the Staff Report. He reviewed the history of the site and attachments to the Staff Report. Mr. Dansie reviewed the area and layout of the proposed site plan. He reviewed the differences to the proposed design from the design approved in 2009 such as tandem parking, the encroachment in the front yard setback on Richards street and the additional setback on Merrimac. He explained the alternate design indicating five unites with three stories that would meet all of the setbacks for the zoning. He stated Staff's recommendation was to approve the three story alternative to meet the setbacks because it required fewer waivers of the zoning requirements.

Commissioner Gallegos asked if the three story plan included the garage door.

Mr. Dansie stated both scenarios used tandem parking and generally Planning Commission did not approve tandem parking but they have approved one other such development.

Chairperson Dean asked what the height of the three story plan would be.

Mr. Dansie stated he did not have the height but the zoning height limit was 35 feet and the project would have to be within that height limit.

Commissioner Woodhead asked if the garage was next to the stairs.

Mr. Dansie stated that was correct.

Commissioner Gallegos clarified there was not an elevation for the three story plan.

Mr. Dansie stated that was correct.

Chairperson Dean asked what the City's view was on the tandem parking issue.

Mr. Dansie stated the comments from the Transportation Department indicate they are hesitant about it.

Mr. Norris stated the reality was that when dealing with infill development parking often did not allow alterations to parking. He stated Planning was more open to alternative parking arrangements than they had been in the past and when the parking regulations are updated tandem parking would be acceptable.

Commissioner Gallegos stated the Planning Commission had discussed tandem parking as part of the accessory building unit issues.

Commissioner Woodhead stated she thought tandem parking was fine but was one of the down sides that people parked in the street instead of the driveways.

Mr. Norris stated that was the number one complaint Planning heard regarding tandem parking but people had the right to park on the street unless otherwise noted.

Commissioner Woodhead stated she felt tandem parking was far more preferable to three car garages in the front of houses.

Mr. Norris stated the reality was that the majority of the City was built at a time when single car garages were the norm and many of those have not changed.

Commissioner Fife stated the Trax Station was only a few blocks from the proposed building site.

Mr. Nathan Anderson, Applicant, reviewed the history of the property and the reason behind changing the plans through the years. He stated the proposed project was designed after the RDA project on Washington Street at 840 South 240 West. He stated because there was not an alley way behind the property the tandem garage had to be located alongside the homes. He reviewed the plans and layout of the proposed homes. Mr. Anderson reviewed the difficulty in designing a plan to fit the property as well as appeal to the market and the neighbors. He stated he believed the two story design accommodated everyone and used the property to the fullest extent however, it did encroach into the setback on Richard Street and that was where the three story design would be of use. Mr. Anderson asked the Planning Commission to stay with the two story design as presented.

Commissioner Woodhead stated Staff had recommended the Planning Commission not approve the two story design but approving a three story design with the full setback. She asked the Applicant if that was an acceptable alternative.

Mr. Anderson stated it was acceptable but he was trying to achieve the look and feel that

would balance with the neighborhood. He stated a three story building would fit in the area although the two story would look better.

Commissioner Woodhead stated on the field trip she noticed the setback was uniform in the area and she would rather see the taller buildings and keep the setback the same then have both a taller building with less of a setback.

Commissioner Gallegos stated the last time the Planning Commission discussed the site the neighbors were concerned about the three story height. He stated the proposed stairs were an issue.

Mr. Anderson stated the townhome depicted was a San Francisco townhome and the stairs come out to meet the sidewalk and then the building steps back so there would be an area to enter the tandem garage.

Commissioner Gallegos stated the stairs create impediments for visit ability.

Commissioner Drown asked if the alley was being used by the residents to access the back of their properties.

Mr. Anderson stated Mr. Dansie would have to answer that question.

PUBLIC HEARING [7:24:33 PM](#)

Chairperson Dean opened the Public Hearing.

Mr. Gary Cash, Neighbor, stated he had lived in the area for sixty four years and all the homes were single level family homes except a four-plex on the corner. He stated the neighbors in the area agreed with the proposed design for the two story units in order to keep the view of the mountains and proposed to allow the Applicant to move the setback on the alley down to one foot and the Richards Street side to ten and one half feet which would be somewhat still in character with the area. He stated that as long as the building height was kept within the twenty five foot, requirement the neighbors would agree to the proposed plans.

Mr. Anderson stated he agreed with Mr. Cash's suggestions and proposal.

Commissioner Gallegos asked if the proposed plan were approved would there be a need for fencing on the east side.

Mr. Anderson stated there would be fencing and landscaping on the west side and on the east side there would be tress on the corner with the hope of vacating the alleyway.

Chairperson Dean stated she highly recommended addressing the west elevation with it being the front street.

Mr. Anderson stated there would be large historic looking windows and perhaps a small dormer to dress up the west façade.

Chairperson Dean asked if Mr. Anderson had an issue with the twenty five foot height requirement as a condition of the setbacks.

Mr. Anderson stated he did not have a concern with the height.

Chairperson Dean closed the Public Hearing.

EXECUTIVE SESSION [7:32:09 PM](#)

Commissioner Wirthlin asked if the Planning Commission was allowed to change the maximum height during the Plan Development process.

Chairperson Dean asked as a plan development if the Planning Commission had discretion over the different design elements.

Mr. Norris stated not on height as it was a right in the zoning.

Commissioner Woodhead asked if the motion would have to reflect what was said about the elevation since the plans were different.

Chairperson Dean stated the fear was that the plans had been proposed to the Planning Commission a number of times and the next person that owned the property or if the proposed plans were not constructed then something could be built to the thirty five foot height and the neighbors would not get what they had conceded to.

**MOTION** [7:33:54 PM](#)

**Commissioner Wirthlin stated regarding PLNSUB2011-00374 the plan development for 38 West Merrimac based on the Staff Report, testimony and discussion he moved that the Planning Commission approve the proposed conditional use with the following conditions**

- 1. That the setback on Richards Street be reduced to ten and a**

- half feet and moved within one foot of the alley on the east
2. That the structure be limited to a maximum of two stories
  3. Tandem parking was allowed
  4. Lot size may be varied and the subdivision required
  5. Planning Commission delegates final authority for the site plan and landscaping to the Planning Director
  6. The petitioner should work with the Transportation Department and Public Utilities to resolve any curb cut issues.

Commissioner Wirthlin asked if he need to add anything about the elevation.

Chairperson Dean stated yes, address the west elevation with architectural features to be more compatible with the Richards Street, street fact

Commissioner Wirthlin said so moved.

Commissioner Gallegos seconded the motion.

Commissioner Gallegos, Drown, Wirthlin, Fife and Woodhead voted *aye*.  
Chairperson Dean did not vote. The motion passed with a 5-0 vote.

Meeting adjourned. [7:35:31 PM](#)