

SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, April 11, 2012

Present for the Planning Commission meeting were: Chairperson Angela Dean, Vice Chair Michael Gallegos and Commissioners Lisa Adams, Emily Drown, Bernardo Flores-Sahagun, Michael Fife, Clark Ruttinger, Marie Taylor, and Mary Woodhead. Commissioners Kathleen Hill and Matthew Wirthlin were excused. A field trip was held prior to the meeting. Planning Commissioners present were: Commissioners Bernardo Flores-Sahagun, Clark Ruttinger, Marie Taylor, Mary Woodhead and Lisa Adams. Staff members in attendance were Nick Norris, and Everett Joyce.

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:35:38 PM](#). 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, Paul Nielson, City Land Attorney; and Angela Hasenberg, Senior Secretary.

FIELD TRIP NOTES:

Planning Commissioners visited the following locations:

PLNPCM2011-00664 Park Street Alley Vacation : Located at approximately 2549 South and 2635 South Park Street. Staff gave an overview of the proposal and the alley vacation process. The commissioners asked about access to the rear of the properties that front on Park St. The commission asked about alley maintenance and who does it. Staff responded that the City does not maintain alleys

PLNPCM2012-00032 Zoning Text Amendment to Allow Community Gardens in the Open Space Zone. The Planning Commission asked about the management of community gardens and how they take water and maintenance is paid for. Staff answered that the Public Lands Division would work out the administrative details.

[5:35:00 PM](#)

Briefing:

Planning Commission Policies and Procedures: The Planning Commission will consider adopting an update to the Planning Commission Policies and Procedures. The Policies and Procedures are required by Zoning Ordinance section 21A.06.030 and outline how the Commission

will conduct meetings, process applications and other purposes necessary for its proper function.
(Staff contact: Nick Norris at 801-535-6173 or nick.norris@slcgov.com)

Chairperson Dean recognized Nick Norris as staff representative.

Mr. Norris outlined the changes to the Policies and Procedures.

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Questions from the Commissioners:

Chairperson Dean asked about the conflict of interest clause. She wondered if a Planning Commissioner would be able to represent a client at a Planning Commission meeting. Would they be allowed to resume participation after the item was presented.

Planning Director Sommerkorn stated that under those circumstances, it would be best for a Planning Commissioner to leave the room and not be part of the discussions. When the item was finished, they could come back to the Planning Commission.

Commissioners determined that if it were necessary for a Planning Commissioner to represent a client, they would leave the room during discussion and vote.

Commissioners determined that regarding the issue of attendance, three absences would be appropriate for dismissal.

Chairperson Dean asked for clarification on what would constitute an interest group.

The Commission determined that would be left to the Chairperson's discretion.

Chairperson Dean asked for clarity on rescinding a motion

Planning Manager Nick Norris responded that if the Planning Commission makes a decision and there was a condition or requirement of that decision that would require a change in plans and the applicant had moved forward based on the Planning Commission's decision, then the Planning Commission cannot go back and then rescind the decision.

Senior City Attorney Paul Nielson added that there should be a time limitation that would be connected to the appeals period.

Commissioner Woodhead asked about members of the Planning Commission not debating with the public. She stated that sometimes questioning from the Planning Commission actually helps to clarify what is being asked for.

Planning Manager Nick Norris responded that the concern was that Commissioners were expressing their opinions during the public hearing portion of the meeting, and not after the public hearing.

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Approval of Minutes for March 28, 2012

Commissioner Fife made the motion to approve the minutes.

Commissioner Woodhead seconded the motion

Vote: The motion passed unanimously

[5:55:35 PM](#)

REPORT OF THE CHAIR AND VICE CHAIR

Chairperson Dean stated she had nothing to report. Vice Chair Gallegos also had nothing to report

REPORT OF THE DIRECTOR

Planning Director Sommerkorn stated that the City Council had enacted a temporary regulation along 400 South. He added that the plan for the area will be presented at the next meeting.

[5:59:36 PM](#)

Public Hearing

Planning Commission Policies and Procedures: The Planning Commission will consider adopting an update to the Planning Commission Policies and Procedures. The Policies and Procedures are required by Zoning Ordinance section 21A.06.030 and outline how the Commission will conduct meetings, process applications and other purposes necessary for its proper function. (Staff contact: Nick Norris at 801-535-6173 or nick.norris@slcgov.com)

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

This item will be left as unfinished business to be voted on another date.

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PLNSUB2011-00619 and PLNPCM2012-00037 Minor Subdivision and Planned Development

- A request by the Koll Company to approve a minor subdivision and planned development for an existing industrial park development known as the Broadbent Business Park located between

approximately 3600 - 3730 West and 1987 – 2100 South within the M-1 (Light Manufacturing) zoning district. The proposal is to subdivide an existing development of one lot with eight structures into separate lots for each structure. The planned development request is for relief of perimeter parking lot landscape requirements where the proposed lot lines lie within 20 feet of existing parking areas in order to maintain the original development character established in 1975. The site is in Council District 2 represented by Kyle LaMalfa. (Staff contact: Everett Joyce at 801-535-7930 or everett.joyce@slcgov.com)

Chairperson Dean recognized Mr. Everett Joyce as staff representative.

Mr. Joyce presented the petition as reflected in the staff report. He noted that there was a requirement for perimeter parking lot landscaping. In order to fulfill that requirement the applicant would either need to go through a planned development or reconfigure their subdivision. The applicant has chosen to go through planned development.

Mr. Joyce gave a PowerPoint presentation.

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Questions from the Commissioners

Commissioner Woodhead noted that she had business in the area, and is amazed how green the development was.

Commissioner Taylor asked for the requirements for having the through traffic being the CCNR's versus something that would be actually a condition for approval.

Mr. Joyce responded that if the item is in the CCNR it becomes a requirement of whomever owns the parcels to implement those and ensure that they are kept in place. If there are conditions of the planned development that are specific, they are carried forward as part of an approval by the City and if there was a complaint about maintenance, the City could enforce.

Commissioner Taylor stated that she would prefer a more formal regulation than what would be in the CCNR.

Commissioner Gallegos stated that property owners should manage the conditions and the way it would be used.

Planning Manager Norris stated that the staff recommendation it says that the requirements will be on the plat, which is stronger than just on the CCNRs.

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Comments from the Applicant

The applicant, Zachary **** from Bush and **** Engineers.

He stated that they would be putting the traffic item on both the final plat and the CCNRs, which would be a protection for future property owners.

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Questions from the Commissioners

Commissioner Flores asked if they had checked other possibilities to incorporate any landscaping additional to what they currently had.

The applicant stated that they had not.

Mr. Joyce explained that it would be a small area if any that would be available.

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Public Hearing

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

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Motion

Commissioner Woodhead made a motion as to petition PLNSUB2011-00619 to the minor subdivision, I move that the Planning Commission grant approval to the petition subject to the conditions set forth in the staff report, based on the staff report itself, the discussion tonight, the public hearing, and the presentation of staff.

Commissioner Gallegos seconded the motion.

Vote: Commissioners Ruttinger, Flores, Adams, Fife, Taylor, Woodhead, and Gallegos all voted "aye". The motion passed unanimously.

Commissioner Woodhead made a motion as to petition PLNPCM2012-00037 the petition for a planned development at Broadbent Business Park I move that the Planning Commission approve the request subject to the conditions 1-3 set forth in the staff report. This motion is based the staff report itself, the discussion tonight, the presentation by staff and discussion among the commissioners.

Commissioner Gallegos seconded the motion.

Vote: Commissioners Ruttinger, Flores, Adams, Fife, Taylor, Woodhead, and Gallegos all voted "aye". The motion passed unanimously.

[6:15:02 PM](#)

PLNPCM2011-00664 Park Street Alley Vacation - A request by Margaret Thornton on behalf of the residences along Park Street to partially vacate the alley adjacent and to the east of their properties located approximately between 2549 South and 2635 South Park Street in an R-1/5000 (Single Family Residential) zoning district and in City Council District 7 represented by Søren Simonsen. (Staff contact: Anna Anglin at 801-535-6050 or anna.anglin@slcgov.com)

Chairperson Dean recognized Anna Anglin as staff representative.

Ms. Anglin presented the petition as reflected in the staff report.

Ms. Anglin gave a PowerPoint presentation.

Ms. Anglin stated that staff recommended denial of the petition because the proposal does not meet the criteria for an alley vacation, and therefore recommends that the Planning Commission forward a negative recommendation to the City Council to partially vacate or close the alley as proposed.

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Questions from the Commissioners

Commissioner Ruttinger asked about the neighbors at 562 E Stratford and the 2628 S 600 E, he wondered if they did not sign because they were opposed to the proposal.

Ms. Anglin responded that she had both property owners call her and neither were in favor.

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Comments from the Applicant

The applicant, Margaret Thornton stated that she and others had met with Mayor Becker about the drug problem in their neighborhood. She explained the intent of only closing part of the alley to

prohibit drug trafficking and illegal activity. She added that they did not want to infringe on their neighbors.

Chairperson Dean asked to see the aerial view to determine where the alley started and stopped.

Commissioner Ruttinger asked for clarification as to which neighbors were in favor and which were not.

Commissioner Gallegos asked if the 80% signage requirement had been met.

Senior City Attorney Nielson gave clarification and stated that in the past the City vacated an alley, and the owners adjacent to the alley assumed that they each got half of the alley. One neighbor put an impediment in the alley and the courts said that you could not do that because if you purchase your property in reliance on the plat, and the plat shows that there is an alley providing access to your property, no matter what subdivision its in, that right continues until that person extinguished it. Each property owner has private right of access.

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Public Hearing

Chairperson Dean opened the public hearing.

Judy Short, Land Use Chair for the Sugar House Community Council spoke in **Opposition** to the petition, she stated for the record that she was not a property owner in the area in question.

She stated that she had written a letter dated January 22, 2012. She stated that the alley vacation was not a good idea. She added that the best solution would be to perhaps add a fence.

Sandra Walsh, the Chair of the Neighborhood Watch Program spoke in **Favor** of the petition. She elaborated that in that alley there was number of illegal acts ranging from drug activity to graffiti.

Brian Fisher, resident of 2628 S 600 E, spoke in **Opposition** to the petition. He stated that since the incarceration of the drug dealer. He said that he has seen the graffiti disappear.

Stephanie Guyer, resident 562 E Stratford, spoke in **Opposition** to the petition. She stated that a primary reason she purchased her property was access to the alley way.

Judy Fisher, resident of 2628 S 600 E spoke in **Opposition** to the petition. She said that she needed access to the alley way to take care of the trees on her property. She was also concerned about the power company having access if the alley were closed.

Casey Cabellas, resident of 562 E Stratford spoke in **Opposition** to the petition. She says that they alleyways provide an area for people to walk and children to play.

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Comments from the Applicant

Commissioner Adams asked if the perpetrator was arrested before or after the applicant began the process.

Ms. Thornton stated that it had improved, but there are still issues in the area.

Commissioner Taylor asked if the applicant had spoken with the neighbors and considered gates that the owners would only have the keys.

Commissioner Fife added that he did not believe that you can gate City streets.

Planning Manager Nick Norris verified that the City is generally opposed to the placement of any gate across City right of way.

Commissioner Gallegos asked Senior Attorney Nielson if one property owner objects what would the ramifications be.

Senior Attorney Nielson responded that the courts would they alley could not be blocked.

Commissioner Woodhead stated that there had been property owners whose rights would be impaired by doing it.

Commissioner Adams stated that there had been proven reliance on the alley in the purchase of the homes.

Commissioner Ruttinger commended the neighborhood for their neighborhood watch and diligence in improving their neighborhood.

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Motion

Commissioner Ruttinger made a motion regarding PLNPCM2011-00664 Park Street Alley Vacation based upon the analysis and findings identified in this report, Planning Staff finds that the proposal does not meet the criteria for alley vacations and therefore recommends

that the Planning Commission forward a negative recommendation to the City Council to partially vacate and close the portion of the alley as proposed.

Commissioner Gallegos seconded the motion.

Vote: Commissioners Gallegos, Woodhead, Taylor, Fife, Adams, Flores and Ruttinger all voted “aye”. The motion passed unanimously.

[6:49:58 PM](#)

PLNPCM2011-00380 Home Occupations Zoning Text Amendment - A request by Mayor Ralph Becker to analyze the appropriateness of amending the City Code and Zoning Ordinance relating to the Home Occupations regulation. The amendments will affect Section 21A.36.030 of the Zoning Ordinance. Other related provisions of Title 21A may be amended as part of this petition. The text amendment is applicable to all Salt Lake City Council Districts. (Staff contact: Nole Walkingshaw at 801-535-7128 or nole.walkingshaw@slcgov.com OR Daunte Rushton at 801-535-7126 or daunte.rushton@slcgov.com)

Chairperson Dean recognized Daunte Rushton as staff representative.

Mr. Rushton presented the application as represented in the staff report.

Programs Supervisor Noel Walkingshaw spoke about the opportunity for expansion of home occupations to accessory structures.

Mr. Walkingshaw stated that one of the elements was a discussion on whether or not the City would allow accessory structures, would be allowed to be used to conduct a home occupation. It became difficult to write standard recommendations that would be a one size fits all.

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Questions from the Commissioners

Commissioners Woodhead and Fife both agreed that an accessory use garage situation would be fine.

Commissioner Dean asked about people who live in accessory dwelling units, and would they be able to have a home occupation as well.

Amendments include:

- Eliminating zoning review fee

- Allowing home occupations subject to the compliance with ordinance standards
- Removing conditional home occupations
- Defining standards of clients
- Prohibiting direct retail sales
- Instituting an Appeals Hearing Officer
- Adding a section specifying the process for terminating Home Occupations.

Planning Commissioners and staff discussed the definition of the term “client”. Commissioners discussed the parameters of clientele, including those receiving group lessons. Staff clarified the definition Clients shall include one or more persons with a unified interest in visiting the home occupation at one specific time.

Planning Commissioners and staff discussed what would be considered direct sales. The intent would be to eliminate situations where people come to buy a specific item and not a service.

Commissioner Dean asked if employees would be allowed to work in a home occupation.

Mr. Rushton answered that they employees have to live in the home.

Planning Director Sommerkorn asked if the Planning Commission would be in favor or something simpler.

Commissioner Gallegos asked about the exemption for urban farms.

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Public Hearing

Johnny Mack Barlow, runs a home occupation business known as the “Bike Guy”. He spoke in **Favor** of the petition. He stated that he had his business for six years. He thanked the City and was appreciative of the ability to run his business out of his home. He stated the benefit of being with his kids daily. He said that it had provided stability to his family, and has given him and wife a sense of fulfillment.

Commissioner Gallegos asked staff if the situation described above would be in compliance with what was proposed.

Mr. Walkingshaw responded that he was not, because the business was in an accessory structure.

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Discussion

Commissioner Fife stated that he felt that if the businesses were not noxious, noisy, the employees are legal residences of the home; he did not see an issue with it being inside of an accessory dwelling unit.

Mr. Walkingshaw asked if the Commission would take issue with someone transforming their garage into an office building.

Commissioner Fife stated that if it met the criteria, he would not have an issue with it.

Commissioner Gallegos noted that could be an issue with parking.

Mr. Walkingshaw asked if the Planning Commission felt there were qualifiers that staff should consider or should home occupations be permitted in accessory structures provided they comply with the standards previously assessed. Are there special qualifying provisions that need to be addressed for that use within an accessory dwelling structure.

Commissioner Woodhead stated her concern over the definition of client.

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Motion

Commissioner Gallegos made a motion with regard to PLNPCM2011-00380 to table the petition to a future meeting.

Commissioner Woodhead seconded the motion.

Vote: Commissioners Gallegos, Woodhead, Taylor, Fife, Adams, Flores and Ruttinger all voted "aye" the motion passed unanimously.

[7:36:41 PM](#)

PLNPCM2012-00032 Zoning Text Amendment to Allow Community Gardens in the Open Space Zone -

A petition initiated by Mayor Ralph Becker to amend the Open Space (OS) zoning regulations to enable community gardens on City owned property with the oversight of the Parks and Public Lands Division. This petition proposes to amend Section 21A.32.140 of the Zoning Ordinance. Other related provisions of Title 21A may be amended as part of this petition. The text amendment is applicable to all Salt Lake City Council Districts. (Staff contact: Ray Milliner at 801-535-7645 or ray.milliner@slcgov.com)

Chairperson Dean recognized Mr. Daunte Rushton as staff representative.

Mr. Rushton presented the application as represented in the staff report.

Mr. Ruston gave a PowerPoint presentation.

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Comments from the Applicant

Emy Maloutas, the Director of Salt Lake City Parks and Public Lands which would include both the developed parks and open space lands. Anne Ober, the Administrative Services Division Director.

Ms. Maloutas discussed the concerns of allowing community gardens in the open space zone. What would it mean to the existing parks in open space, and the concern that we have natural lands should retain those characteristics for conservation values.

The City has identified a set of parcels both on lands managed by Parks and Public Lands as well as lands managed by Public Utilities that are available for community members to apply to the City to install community gardens.

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Questions from the Commissioners

Chairperson Dean asked for more information about certain parcels and what would be allowed in them.

Ms. Ober stated that the way the riparian corridor overlay is established was ideally there would be a 100 ft buffer. The wider the riparian corridor is, the better you are taking care of the reasons people are going to those spaces.

Ms. Maloutas added the corridor would be an easement, and in some areas the buffer would be a 50 ft setback.

Chairperson Dean asked why then it would not be the same for City Creek, Red Butte and others listed.

Ms. Maloutas stated that she felt the reason it was not included was that the City does not own many properties along those corridors that extend beyond that would even be considered. The City had been approached by others regarding sites along the Jordan River, and this was an attempt to help everyone understand that we are not considering converting the natural lands, especially those adjacent to the Jordan River Corridor.

Chairperson Dean asked if it would help to protect other properties that might come to close to this.

Planning Manager Norris stated that in the existing Community Garden within the riparian corridor is allowed to be maintained, it would essentially be a non conforming use. The riparian corridor is essentially a use restricted overlay. He added that for other corridors, there were different standards based on the type and parcel characteristics. If the parcel is developed in anyway there would be a lesser restriction. If it was undeveloped it is a greater restriction. On undeveloped land, it would limit activities to the entire 100 ft. On developed land, it would primarily limit to the 25 ft unless there are already existing structures there. On the creeks outside of the developed parks there are not many undeveloped parcels.

Chairperson Dean asked if there were other factors such as pesticides and such factored in.

Ms. Maloutas stated that currently in the Parks and Public Lands Division, we have an integrated pest management that staff had just completed the first draft. There is policy, procedure and protocol as far as chemical applications City wide. There are a number of standards as related to conditions, how staff applies the chemicals and how that related to resource protection.

Chairperson Dean asked if when someone goes into a lease with the City, is it in the agreement that they have to abide by the City guidelines.

Ms. Ober stated that there are restrictions against the gardeners applying any chemicals. The gardening is organic, and they have contracts through Wasatch Community Gardens, which requires the gardens to be organic.

Ms. Maloutas explained that there were tools available through the Open Space program which would really deal with natural lands and often times those are the lands that are subject to inquiries by those who see the land as potentially unused and have the idea of a garden. There is a tool within the Open Space inventory where lands have to go through an extensive process to be converted and or used in any other way.

Ms. Ober noted that ADA requirements were taken in to account. These parcels have paved sidewalks, parking, and ways for people with disabilities to access the parcels, which led staff to more developed parcels.

Commissioner Gallegos asked if there were parcels on the west side of the City that could potentially become gardens.

Ms. Maloutas stated that there were a number of properties that they are proposing. On the southwest side of the City there are a number of gardens, she felt that they still were not meeting the demand. Because of that they are seeking input from the community for increased opportunities for community gardens.

Commissioner Fife noticed that many of the community gardens were in parks. He asked how the City would balance the need for community gardens with the needs of recreational opportunities for people.

Ms. Maloutas responded that they went to the locations where the gardens were requested and literally identified space that was program unutilized.

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Public Hearing

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

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Motion:

Commissioner Gallegos made a motion with regard to PLNPCM2012-00032 Zoning Text Amendment to Allow Community Gardens in the Open Space Zone forwards a positive recommendation to City Council based on the findings and analysis of the staff report to the Planning Commission to forward these recommendations to chapter 21-A.32.140 Open Space permitted and Conditional Use table to the City Council with positive recommendation.

Commissioner Fife seconded the motion.

Vote: Commissioners Ruttinger, Flores, Adams, Fife, Taylor, Woodhead and Gallegos all voted "aye" the motion passed unanimously.

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Meeting Adjourned.