

SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, April 25, 2012

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

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; Joel Paterson, Planning Manager, John Anderson, Principal Planner; Thomas Irvin, Principal Planner; Ray Milliner, Principal Planner; Maryann Pickering, Principal Planner; Paul Nielson, City Land Attorney; and Angela Hasenberg, Senior Secretary.

FIELD TRIP NOTES:

Planning Commissioners visited the following locations:

PLNBOA2011-00590- Alternative Parking Requirement Special Exception: located at approximately 740 South 700 East. Staff explained that the addition comes out the back, and will lose 2 stalls. Staff explained the new parking calculations. It was explained that nearby LDS church has offered to allow worshipers from the Islamic Society to park in its parking lot but this could not be allowed to count toward the required parking for the Islamic Society. Commissioners asked about parking at the Domino's site and drove by the LDS church lot.

PLNPCM2010-00647-400 South Livable Communities Station Area Plans: Commissioners toured Gilgal Gardens, staff explained zoning impacts. Commissioners toured 400 South and saw various areas to be rezoned.

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Briefing:

PLNPCM2011-00682 Plan Salt Lake – Staff will brief the Planning Commission about Plan Salt Lake, the proposed city-wide plan and visioning document, and discuss the public input process. (Staff contact: Elizabeth Buehler at 801-535-6313 or elizabeth.buehler@slcgov.com)

Chairperson Dean recognized Elizabeth Buehler as staff representative.

Ms. Buehler stated that the Planning Division has begun work on a new city-wide vision document, Plan Salt Lake. The purpose today was to introduce you to the project and let the Planning Commission know what the next steps were.

Ms. Buehler introduced other staff members working on Plan Salt Lake, Katia Pace and Michael Maloy.

Plan Salt Lake was intended to be the new city-wide vision document, similar to the Futures Commission Report. It would include an overall vision for the image of Salt Lake and policy statements in 14 other topic areas. The image section would be developed with the public while the statements in the other areas come from current city plans and policies. All of the statements in the document would pertain city wide and not specific to a single community planning area.

It is intended that this plan would guide future city policy, whether it was future community master plans or work by other city departments and divisions. It would help city policy makers create new policies and judge competing city policies by stating what the city wide vision is for different topics.

Ms. Buehler added that the 15 topic areas included in Plan Salt Lake are based on topics in the Futures Commission Report and City Council policy on what master plans should include. Indeed, statements in all these topic areas are found in the current community master plans. They cover traditional planning topics like land use, transportation and housing but also include social issues, arts & culture and infrastructure.

Plan Salt Lake was different from other comprehensive plans because we were relying on current and past city plans to develop the statements in each specific topic area, beyond the vision and image statements, which will be developed with the public this summer.

Ms. Buehler stated that the Planning Commissioners were given the latest draft statement to show the work that had been accomplished so far. Feedback was still necessary from some departments and new research was being added each week.

Every topic would have a general statement and then more detailed statements are given in a bulleted format to full cover each topic area. All of the statements came from city documents that are referenced in your handout. Again, the statements are intended to be city-wide, and not specific to a single community master plan area.

Ms. Buehler added that at the beginning next month Plan Salt Lake would be presented to the public to develop the overall vision and image of the plan. We expect the public outreach period to go through the summer until Labor Day. We are also trying new and different ways to reach the public and get their input. The intent was to get feedback from people who do not normally attend public meetings, so staff will attend multiple community festivals and various locations throughout the City to get input.

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Questions from the Commission:

Commissioner Woodhead asked if there were any problem solving issues in the Plan and will the Plan mention connectivity between the East and the West side, will the Plan address the negative issues that need to be solved and addressed.

Ms. Buehler responded that issues were stated in a positive way because that is the intent of the plan to be positive. She noted that when staff reaches out to the public, a question will be asked regarding improvements the public would like to see.

Ms. Buehler responded that feedback was still coming in from Economic Development and the RDA.

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Approval of Minutes for April 11, 2012

Commissioner Fife made the motion to approve the minutes.

Commissioner Gallegos seconded the motion

Vote: The motion passed, Commissioners Wirthlin and Drown abstained.

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REPORT OF THE CHAIR AND VICE CHAIR

Chairperson Dean reminded the Commission of the lunch with City Council.

REPORT OF THE DIRECTOR

Planning Director Sommerkorn stated that the Council was taking on some big issues that were passed to them from the Planning Commission. The issues include Accessory Dwelling Units, Unit Legalization, the Small Neighborhood Business zoning district and the proposed alcohol regulations.

The Council also appointed the appeals hearing officer, Craig Call, therefore the Board of Adjustment was disbanded.

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Public Hearing

[5:43:33 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 Ordinance. The amendment will affect sections 21A.36.030 of the zoning ordinance. Continued from April 11, 2012 (Staff contact: Nole Walkingshaw at 801-535-7128 or nole.walkingshaw@slcgov.com)

Chairperson Dean recognized Nole Walkingshaw as staff representative.

Chairperson Dean noted that this was an unfinished item, and that the Public Hearing had already been closed.

Mr. Walkingshaw stated that based on the discussion following the Public Hearing, he was asked to draft some modifications to the home occupations language, where the use of an accessory structure could be allowed.

He stated the definition of the term “client”, and said that that in light of the fact that the City had never had a challenge based on the existing definitions, the new language was dismissed.

Commissioners and staff discussed the issue of the definition.

Commissioner Ruttinger asked if there why there was a prohibition on cabinet making.

Mr. Walkingshaw responded that the reason was due to large saws, and dust. He added it would be difficult to regulate the impacts of dust, noise and vibrations.

Commissioner Ruttinger noted that many people have wood working tools, what would be the difference.

Mr. Walkingshaw stated that there could be a modification.

Chairperson Dean supported the modification.

Commissioner Flores asked about the employee requirements.

Mr. Walkingshaw stated that family members could be employees as long as they lived in the home.

Commissioners and staff discussed the definition of employee and parking issues.

Commissioners suggested that a specific number would be better than limiting employment to family members.

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Motion:

Commissioner Woodhead made a motion as to the home occupation ordinance, Zoning Text Amendment PLNPCM2011-00380 I move that the Planning Commission forward a positive recommendation to the City Council based on the hearing of the prior meeting, the staff report, testimony, materials submitted through the course of the meeting, with the changes set forth in the memorandum provided by Nole Walkingshaw with three changes, 1. The definition of client be restored, 2. Cabinet making be removed from the prohibited occupations, and 3. That one employee not living at the house be allowed to work at the home occupation as discussed in the hearing.

Commissioner Hill seconded the motion.

Vote: Commissioners Woodhead, Hill, Flores, Taylor, Drown, and Ruttinger all voted “aye”; Commissioners Gallegos and Fife voted “no” , Commissioner Wirthlin abstained. The motion passed.

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PLNBOA2011-00590 Alternative Parking Requirement Special Exception- A request by Anthony Mangum on behalf of the Islamic Society of Greater Salt Lake for an Alternative Parking Requirement Special Exception associated with a proposed building addition. The property is located at approximately 740 South 700 East in the RMF-30 Low Density Multi-Family Residential District in City Council District 4 represented by Luke Garrott. (Staff contact: Thomas Irvin at 801-535-7932 or thomas.irvin@slcgov.com)

Mr. Irvin presented the petition as reflected in the staff report.

Mr. Irvin stated that staff recommends approval of the petition.

**staff reports can be found on line at <http://www.slcclassic.com/boards/plancom/plancom.htm> **

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Questions from the Commissioners:

Commissioner Taylor asked if the Temple was overcrowded, and that was the reason they needed to add on, or do they think that the add on will bring more people to their facility.

Mr. Irvin responded that it was intended to provide additional prayer space for their existing congregation.

Commissioner Ruttinger asked if the Commission were to approve the petition, it would seem that the applicant had a great plan to mitigate their reduction in spaces, what would happen if they

decided to move from that space and someone else decided to occupy it. He wondered if the new occupants would have to have a plan as well.

Planning Manager Paterson stated that unlike a variance that runs with the land, the ordinance had specific language for alternative parking that it does not run with the land, if the property changes ownership but the use stays essentially the same, the alternative parking allowance could continue if approved by the Zoning Administrator.

Mr. Irvin stated that there were two letters added to the staff report, and an additional letter from the neighboring LDS church allowing additional parking for the Mosque a block away. He did note that offsite parking in a residential district is not a permitted use. Therefore, while it was helpful, this offsite parking could not be counted toward the thirteen stalls that need to be made up for on the project.

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Comments from the Applicant:

The Applicant, Anthony Mangum spoke on behalf of the Islamic Society of Greater Salt Lake. He discussed the potential of asking the parishioners to park at the LDS church. Mr. Mangum noted that another issue regarding future uses of the building. He stated that culturally, it was rare that a building that was used as a Mosque or owned by an Islamic Society, that the building would ever be sold.

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Questions from the Commissioners:

Commissioner Woodhead stated that in the communication the Commission had received that day, there were some complaints from the owners of the building that hold Domino's. The complaint was that the parishioners would use their parking on Fridays. She asked if there was a way for the Mosque to discourage parking in the Domino's lot.

Mr. Mangum stated that there were signs in the parking lot, and the parishioners know not to park there. He did note, however, that the public spaces surrounding the restaurant to fill up.

He added that it would be helpful to have a dialogue between the direct contacts at the mosque and the domino's that they could be notified.

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Chairperson Dean opened the public hearing.

Sarah Jackson, 702 So 700 E, Kerry Jackson 702 So 700 E, Michael Kelly 730 S 700 E, Elizabeth Neilson 438 Fletcher Ct. 576 S 900 E. all spoke in **opposition** to the petition. The following points were made:

- Zoning laws were created to protect each land owner from one another and to foster quiet enjoyment of their respective property.

- Laws are enacted to protect all property owners from abuses that occur.
- Businesses in the area have been abused by parishioners parking on the street.
- Communication between land owners and parishioners has not been pleasant.
- There is a willful disregard of safety issues
- Illegal parking is frequent.
- Concern over who did the parking study.

Tarek Nossier, 734 S 700 E ,Masood Ul-Hasan, 7484 S 2340 E, Noor Ul-Hasan 7484 S 2340 E, Shiekh Ahmed, 734 S 700 E Carol Wicks, aka Blakely Summerfeld all spoke in *favor* of the petition.

- The Islamic Society is prepared to tow cars that violate the parking rules.
- No disregard to safety issues.
- Many refugees live in the vicinity, and need to be able to worship here.
- The Islamic Society will work to inform the refugees and parishioners to let them know what the rules regarding parking are.
- No plans to sell their location.
- If you live in the City, you know to expect traffic.

Chairperson Dean asked if it would be feasible to stagger the times and have more frequent options.

Ms. Ul-Hasan responded that their prayers occur at set times. She added that the services are only 45 minutes.

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Close of Public Hearing

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Comments from the Applicant:

Mr. Mangum responded that the parking study was self reported, that would explain how the parishioners get to the site. It was based on comments from the leadership of the Islamic Society

The study had not been used in the calculations to figure out the parking requirements.

Chairperson Dean noted that it was apparent that parking had been an issue. Why had there not been greater use of the shuttle service to alleviate the problem.

Mr. Mangum responded that when the Islamic Society approached them to add on to the space, it was due to the growing congregation. The requirements to add on would increase the parking issue.

Chairperson Dean stated that it would have been helpful had the Islamic Society addressed the issue of parking before coming before the Planning Commission.

Commissioner Woodhead added that she thought that would presume that people parking in the public parking areas for two hours on a Friday afternoon would be a problem to start with.

Commissioners and staff discussed the issues of number of required parking stalls for a particular use.

Planning Manager Paterson stated that this area was in the RMF-30 zone, it is multi-family residential. The LDS Church building is the RMF-35 zone, neither of those zones would allow for offsite parking. The definition of off-site parking is parking off the site of the land use that is counted toward the satisfaction of the required number of parking stalls for a particular land use. If they meet the required parking on the site, but they have additional needs, they can enter into a private agreement with another land owner to use that parking. If this site required 50 stalls for its use, based on the City's zoning ordinance calculations and they could only provide 40 stalls at the location, but had the other 10 available at a separate location, that would be offsite parking which in this case would not be allowed. If the Commission chooses to approve this request for alternate parking regulations, the ramification would be that there would be a reduction in the number of parking spaces required. The Commission would not be transferring them off site. The Commission would be reducing the number required parking stalls on site and mitigating that with some type of program for car pooling, people walking to the facility, etc.

Commissioner Ruttinger stated that in all actuality, they are not producing any additional parking for this request except for two spaces that are being eliminating by the expansion of the building.

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Motion:

Commissioner Gallegos made the motion in regard to Special Exception PLNBOA2011-00590 Alternative Parking Requirement based on the finding listed in the staff report, testimony and plans presented, I move that the Planning Commission grant a special exemption to approve an alternative parking requirement for the properties located at 734 and 740 South 700 East with conditions 1 and 2 as listed in the staff report.

Commissioner Hill seconded the motion.

Vote: Commissioners Wirthlin, Ruttinger, Drown, Fife, Flores, Hill, Woodhead and Gallegos all vote "aye", Commissioner Taylor votes nay. Motion passed.

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PLNPCM2011-00726 Commercial Parking Lot Conditional Use and PLNBOA2012-00119

Alternative Parking Requirement Special Exception- A request by Gerald Gagnepain for a Conditional Use for a Commercial Parking Lot at 1530 North 2200 West and a Special Exception for Alternative Parking Requirements at 1480 North 2200 West in order for the new tenant to use the commercial lot to satisfy their parking requirements. The properties are in the BP Business Park District in Council District 1 represented by Carlton Christensen. (Staff contact: Thomas Irvin at 801-535-7932 or thomas.irvin@slcgov.com)

Chairperson Dean recognized Thomas Irvin as staff representative.

Mr. Irvin presented the petition as reflected in the staff report.

Mr. Irvin stated that staff recommends approval of the petition.

**staff reports can be found on line at <http://www.slcclassic.com/boards/plancom/plancom.htm> **

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Comments from the Applicant:

Gerald Gagnepain, the applicant spoke and stated that they did not need additional parking, they do anticipate 100% growth over the next five years.

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

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Motion:

Commissioner Drown made the motion in regard PLNBOA2012-00119 based on the findings listed in the staff report, testimony and plans presented in the staff report, I move that the Planning Commission grant the special exception to approve an alternative parking requirement located at approximately 1480 N 2200 W with the following conditions as listed in the staff report.

Commissioner Woodhead seconded the motion.

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

Motion:

Commissioner Gallegos made the motion in regard PLNPCM2011-00726 based on the findings listed in the staff report and the testimony heard I move that the Planning Commission approve the proposed conditional use with the following conditions as listed as item 1, modifications to the required retention basin must be reviewed and permitted by public utilities to show compliance with codes.

Commissioner Drown seconded the motion.

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

[7:24:09 PM](#)

PLNPCM2011-00472 Design Guidelines for Signs - A request by Salt Lake City Mayor Ralph Becker to create historic district design guidelines relating to signs. Guidelines will be for commercial signs located in an area with a local historic designation. Policies, definitions, and guidelines for maintaining existing signs, as well as for new construction will be included in the document. No sections of the Zoning Ordinance will be modified or affected by this petition. (Staff contact: Ray Milliner, 801-535-7645 ray.milliner@slcgov.com)

Chairperson Dean recognized Ray Milliner as staff representative.

Mr. Milliner presented the petition as reflected in the staff report.

Mr. Milliner stated that staff recommends approval of the petition.

**staff reports can be found on line at <http://www.slcclassic.com/boards/plancom/plancom.htm> **

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Questions from the Commissioners:

Commissioner Woodhead asked what the term “non binding” meant.

Mr. Milliner responded that the City cannot use the guidelines in the same way that they use the ordinance.

Commissioner Woodhead asked about details regarding what could and could not be enforced.

Mr. Milliner explained that the ordinance trumps the guidelines.

Planning Manager Paterson explained that the guidelines do not conflict with the standards in the zoning ordinance in 21A.34.020 which are the Historic District standards. Guidelines are intended to help staff and the Historic Landmark Commission interpret the standards in the zoning ordinance and to help educate the public.

Mr. Milliner clarified that if an individual wanted to construct a sign that was historically compatible, they could open up the guidelines, read through them and know precisely what to do to create a sign that is historically compatible with the buildings and the surrounding architecture as well as the community as a whole.

Mr. Milliner stated that the hope was that it would be available through the various historic preservation groups, and available through staff. The hope would be that over time, the architects and the designers and the sign companies will all get copies and become aware of them.

Planning Manager Paterson also noted that the Planning Division sends out a newsletter which goes out quarterly.

Commissioner Flores asked if it were necessary to regulate temporary signs.

Mr. Milliner clarified that they were not regulating them.

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Motion:

Commissioner Wirthlin made a motion in regard to PLNPCM2011-00472 Design Guidelines for Signs, I move that the Planning Commission, based on the staff report, the testimony heard this evening, the Planning Commission forward a positive recommendation to the City Council.

Commissioner Fife seconded the motion.

Vote:

Commissioners Gallegos, Woodhead, Hill, Flores, Fife, Taylor, Drown and Ruttinger all voted “aye”. The motion passed unanimously.

[7:37:05 PM](#)

PLNPCM2010-00647 400 South Livable Communities Station Area Plans - A request by Mayor Ralph Becker for an amendment to the Central Community Master Plan, the Salt Lake City Zoning Ordinance and Zoning Map regarding transit station area plans along the 400 South transit corridor. The intent of the project is to implement livability goals for the corridor including land use policies and zoning that support mixed use development and transportation choices for current and future residents and workers. The project is located in City Council District 4 represented by Luke Garrott. (Staff contact: Maryann Pickering at 801-535-7660 or maryann.pickering@slcgov.com)

Chairperson Dean recognized Maryann Pickering as staff representative.

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

Ms Pickering stated that staff recommends approval of the plan.

**staff reports can be found on line at <http://www.slcclassic.com/boards/plancom/plancom.htm> **

Questions from the Commissioners:

Commissioner Hill asked about the concern about the 75 foot height limit. She asked if the buildings would be staggered as they relate to scale.

Ms. Pickering responded that it would relate to any TSA designation, height would be toward 400 south and shorted in the back.

Planning Manager Norris stated that in regard to height and scale, there were several things that were taken into consideration. Anything higher than 75 ft causes additional costs.

Commissioner Gallegos asked for the height issue to be addressed regarding height difference from the South side as opposed the North side of 400 South.

Planning Manager Norris stated that there were two rational thoughts regarding that, the biggest being solar access, the shadows on the south side would be cast further to the north, more of the building height is placed on the south side of the street.

Commissioner Fife asked to look at the 3-D model and look at Gilgal Gardens.

Planning Manager Norris discussed the use of the tool and could show shadow at various times of the day, and one can see solar access impact. He explained the details of how the model works, and showed that during the growing season, the gardens would have a relatively full sun condition, meaning more than six hours of sun light. Mr. Norris followed the seasons and showed the sun and shadow schedule and how it would impact Gilgal Gardens.

Commissioner Hill asked if it would be possible to see the impact of taller buildings on the same location.

Commissioner Flores asked about the point system regarding the TSA.

Planning Manager Norris explained that how new developments and major additions are reviewed, was based on a point system that is based on development guidelines. Those development guidelines relate to land use, building surface parking lots, eliminating non conforming uses, incorporating energy efficient design. Each guideline has a point value, the point value is based on the cost to the developer to incorporate that guideline into their project and the level of desirability of that guideline. The guidelines are set up in tiers with a set of standards. The uses are either permitted or prohibited. The second tier projects still utilize the conditional use and site design standards; however, they would be reviewed at an administrative hearing. The highest tier, the project is deemed to be a desirable development based on the stationary plans that apply to that particular area. Zoning review would be done at that time.

Commissioner Taylor asked about distinguishing elements, and wondered if there was a way to redesign TRAX stations.

Planning Manager Norris said there were no plans at this time. He explained that there are different characters of stations.

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Public Hearing:

Chairperson Dean opened the Public Hearing

Ester Hunter, Chairperson of East Central Community Council, 606 Trolley Square. Kathy Scott, 941 E. 500 S., Judy Short, 862 Harrison, Cindy Cromer 816 E 100 S, Andrew Wilder, 438 Fletcher Court, Elizabeth Nielson, 438 Fletcher Court, and Wray Featherstone 958 E 400 S all spoke in **opposition** to the petition.

Issues of concern:

- Understand Pressure will get worse, Trax dissects four neighborhoods.
- Concerns of development of inappropriate places

- Line of demarcation seems to be 9th E.
- Strongly supports density on the west side of 9th East,
- East Central exceeds the density of the future land use map currently in place
- Concerns about illegal uses and not regulated.
- Does not want tall buildings next to houses
- Would like the City to remove the transitional zone from areas with single family houses
- Concerns about the creep of density and and taller structures would be deleterious to the Strong and Fletcher Courts.
- Concerns about Gilgal Gardens, concerns about sunlight being blocked.
- Concerned about the houses on the south side of 400 South
- Concerns about compliance regarding point system
- Transfer of development rights should be extended to neighbors who respect the historic nature of neighboring homes.
- Concerns of 900 East and 400 South, is a vibrant community, and the proposed changes would change the character of the block.
- Review process should be changed.
- Neighbors should have a say in whom and what is developed in their neighborhood.

Planning Manager Nick Norris discussed the development potential under the existing zoning, and stated that voices had been heard, and the City would be open to re-evaluating the proposed zoning east of 900 E. Planning Manager Nick Norris stated that staff believes that the area west of 900 E should be a core area.

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Motion:

Commissioner Wirthlin made the motion with regard to PLNPCM2010-00647 400 South Livable Communities Stated Area Plan, I move that the Planning Commission continue the public hearing for a future date.

Commissioner Ruttinger seconded the motion.

Vote: Vote: Commissioners Wirthlin, Ruttinger, Drown, Taylor, Fife, Flores, Hill, Woodhead, and Gallegos all voted “aye” the motion passed unanimously.

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Meeting Adjourned.