

SALT LAKE CITY PLANNING COMMISSION MEETING
Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, August 8, 2012

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:29:50 PM](#) . Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

Present for the Planning Commission meeting were: Chairperson Angela Dean, Vice Chair Michael Gallegos and Commissioners, Lisa Adams, Michael Fife, Clark Ruttinger and Marie Taylor. Commissioners Emily Drown, Bernardo Flores-Sahagun, Matthew Wirthlin and Mary Woodhead were excused.

Planning Staff members present at the meeting were: Nick Norris, Planning Manager; Everett Joyce, Senior Planner; Doug Danise, Senior Planner; John Anderson, Principal Planner; Paul Nielson, City Land Attorney; and Michelle Moeller, Senior Secretary.

FIELD TRIP NOTES:

A field trip was held prior to the meeting. Planning Commissioners present were: Commissioners Lisa Adams, Michael Fife, Michael Gallegos, Clark Ruttinger and Marie Taylor. Staff members in attendance were Nick Norris, John Anderson, Doug Danise and Everett Joyce. The following locations were visited:

1. 101 South Tower/ Office Building- Staff gave an overview of the proposal. The Commission asked if there are other examples in the City where parking structures are located adjacent to a sidewalk. Staff stated yes, such as the Exchange Place parking structure, Triad, and others, but other examples where leasable spaces. The Commission asked where was the setback measured from. Staff stated the setbacks were measured from the property line, not the sidewalk.
2. Hoopes Vision Medical Office- Staff gave an overview of the proposal, discussed the number of parking stalls and stated the proposal met the parking requirements.
3. McDonalds- Staff gave an overview of the proposal. The Commission asked how the proposal differed from other drive-thru establishments. Staff stated it was primarily a bypass where the others are full drive-thru lanes. The Commission asked about the pedestrian access. Staff stated there would be direct access from a sidewalk. The

Commission asked if there were other changes proposed for the drive-thru. Staff stated nothing more was requested.

4. Utah Metal Works- Staff gave an overview of the proposal. The Commissioners asked if they had looked at the property before and what was the difference in this proposal. Staff explained this proposal was different than other alley closures where not all property owners consented because those other examples cut off access. All properties associated with this alley closure would maintain access from public streets.

APPROVAL OF THE MINUTES FROM THE JULY 11, 2012 MEETING

MOTION [5:30:09 PM](#)

Commissioner Fife made a motion to approve the July 11, 2012 minutes as corrected.

Commissioner Gallegos seconded the motion. Commissioners Gallegos, Fife, Adams, and Ruttinger voted “aye”. Commissioners Taylor abstained from voting. The motion passed.

REPORT OF THE CHAIR AND VICE CHAIR [5:31:31 PM](#)

Chairperson Dean and Vice Chairperson Gallegos stated they had nothing to report at this time.

REPORT OF THE DIRECTOR [5:31:34 PM](#)

Mr. Nick Norris, Planning Manager, stated he had nothing to report at this time.

[5:31:42 PM](#)

PLNPCM2012-00389 Hoopes Vision Conditional Use – A request by Property Reserve Inc., representing Hoopes Vision, to locate a medical office at an existing building at approximately 109 East South Temple. A medical office is a conditional use in the R-MU Residential Mixed Use District. The property is located in Council District 3 represented by Stan Penfold. (Staff Contact: John Anderson at 801-535-7214 or john.anderson@slcgov.com)

Mr. John Anderson, Principal Planner, reviewed the proposal as presented in the Staff Report (located in the case file). He stated Staff was recommending approval with the conditions listed in the Staff Report.

Mr. Gary Chaston, Property Reserve Inc., stated the purpose for the space was for Client follow up visits and not for medical procedures. He stated there would not be changes made to the exterior of the building only changes to the existing space within the structure.

PUBLIC HEARING [5:35:28 PM](#)

Chairperson Dean opened the Public Hearing, seeing there was no one in the audience that wished to speak for or against the proposal Chairperson Dean closed the Public Hearing.

MOTION [5:35:43 PM](#)

Commissioner Gallegos stated in regards to PLNPCM2012-00389 for the Conditional Use, based on the analysis and findings in the Staff Report, the testimony given and the Commissions discussion; he moved that the Planning Commission approve the request subject to the conditions in the Staff Report, that there was sufficient off street parking provided that meet the standards in tables 21A.44.060.F. Commissioner Fife seconded the motion. The motion passed unanimously.

[5:36:44 PM](#)

PLNPCM2012-00337 Utah Metal Works Alley Vacation - A request by Utah Metal Works to vacate an alleyway located at approximately 1475 North between 800 West and Dexter Street. The request has been made in order to allow the company to add the area of the alleyway to their property and later combine all of their properties at their existing facility. The property is located in Council District 3 represented by Stan Penfold. (Staff Contact: John Anderson at 801-535-7214 or john.anderson@slcgov.com)

Mr. John Anderson, Principal Planner, reviewed the proposal as presented in the Staff Report (located in the case file). He stated Staff was recommending the Planning Commission send a positive recommendation to the City Council with the conditions listed in the Staff Report.

The Commissioners asked Staff if all of the neighbors were not in agreement could the alley be vacated.

Mr. Paul Nielson, City Attorney, stated the alley could still be vacated but the question was whether easement rights disappeared. He stated when the sale of the alley took place the City would included language stating the sale was subject to any existing rights of way.

Mr. Dale Gardner, Attorney for Utah Metal Works, reviewed the operations and history of the company. He stated the plan was to create one parcel of land with one owner and the first step was to vacate the alley. Mr. Gardner stated the Applicant owned all but one piece of the property and that property owner agreed to the vacation of the alley but did not want to sign the papers. He stated they were willing to comply with the conditions of the Staff Report.

PUBLIC HEARING [5:45:38 PM](#)

Chairperson Dean opened the Public Hearing, seeing there was no one in the audience that wished to speak for or against the proposal Chairperson Dean closed the Public Hearing.

MOTION [5:45:55 PM](#)

Commissioner Fife stated in regards to PLNPCM2012-00337 for 808 West Everett Avenue, Alley Vacation, based on the findings in the Staff Report, the testimony given and the Commissions discussion; he moved that the Planning Commission forward a positive recommendation to the City Council with regards to the proposed alley vacation and that the Planning Commission recommend the Mayor surplus the property with the three condition in the Staff Report. Commissioner Gallegos seconded the motion. The motion passed unanimously.

[5:46:49 PM](#)

PLNSUB2012-00412: 101 South Tower/Office Building - A request by Brent Pace of the Boyer Company for a planned development at approximately 101 South 200 East. The purpose is to allow a parking structure along a street frontage in the D-1 Downtown zoning district, located in Council District 4 represented by Luke Garrott (Staff contact: Doug Dansie at 801-535-6182 or doug.dansie@slcgov.com).

Mr. Doug Dansie, Senior Planner reviewed the proposal as presented in the Staff Report (located in the case file). He stated Staff was concerned that the proposal did not meet the plan development however; it could be changed to meet the requirement. Mr. Dansie stated staff was recommending the Planning Commission deny the proposal as presented in the Staff Report.

The Commission and Staff discussed the required setbacks for the proposal as outlined in the Staff Report.

Mr. Jake Boyer, Boyer Company, reviewed the proposal and stated the main concern was building retail space on Second East as it was not a high traffic area and would not be viable. He stated they were open to changing the use into retail in the future if the market developed but it was not currently the preferred design. Mr. Boyer explained the challenges of being required to have the retail space and accommodating the required parking.

The Commissioners and Applicant discussed the conversion of the parking to retail and how the loss of parking would be addressed. It was stated that if the retail was added additional parking would be required offsite or a lower parking ratio would need to be allowed. They discussed the loss in parking revenue that would be a result of the addition of retail space. The Commission and Applicant discussed the foot traffic in the area and the nature of the surrounding buildings. They discussed other similar buildings and the viability of the proposed retail/office space.

PUBLIC HEARING [6:09:37 PM](#)

Chairperson Dean opened the Public Hearing.

The following individuals spoke in opposition of the proposal:

Darren Tucker, Ken Barton, Pam Manhoney, John Cotton and Sarah Erb

The following comments were made:

- Neighbors did not want to see a blank wall of a parking structure
- Would the swing space ever be converted to retail or remain parking forever
- Was the project viable to begin with, as there was a similar building across the street that was vacant
- Parking in the area is limited and needs to be addressed.
- Would block the view of the lower apartments in the Hollywood Apartment Building.
- Standards for parking to be placed behind the building should be applied to all proposals in the City
- Where would the people from the Questar Gas building park if it was rented
- Parking Structure lighting filtering into the Hollywood Apartments would become an issue
- Who would be able to park in the proposed parking garage
- Had the Boyer Company looked into using the roof of the garage as green space
- What issues, in regards to the air quality and noise levels, would arise with the location of building services/transformer/ garbage being located by the Hollywood Apartments.

The Commissioners asked the public if they would rather live next to the parking structure or empty retail space. The Public stated it was a tossup and if the parking structure could be masked to better fit the neighborhood, without the swing space, it would be better.

Chairperson Dean closed the Public Hearing.

Mr. Boyer stated the Questar building had previously used the parking adjacent to their building and used the subject lot to increase the parking ratio. He stated the Owners of the Questar Building did not own the subject parking, Questar Gas leased it and the new owner would have to address parking on their own if additional parking was necessary.

Chairperson Dean asked what structure would be adjacent to the Hollywood Apartments.

Mr. Boyer stated the parking structure would be in the area. He explained the proposed elevation of the parking garage and explained the current grade would not change and

landscaping would be added as a buffer between the parking structure and the apartment building.

Mr. Dansie clarified the parking elevations on the site plan drawing.

The Commissioners and Applicant discussed masking the parking garage to disguise its use from the street. Mr. Boyer explained the proposal called for masking to help the parking garage fit with the neighborhood and reviewed the proposed materials for the parking garage.

Chairperson Dean stated the Planned Development would result in a more enhanced product than what would be achievable through strict application of the land use regulations however; the proposal did not give a compelling reason or hardship for the request to be approved.

The Commission discussed the viability of retail space on the subject property, the parking and if the parking would ever be converted to retail/office space. They discussed the proposal and if it was a good use of the property.

Mr. Boyer stated in their opinion the proposal was a better use of the property than what currently existed however, if it could not be filled it was a disservice to the community.

The Commissioners and Applicant discussed the design of the building and how the standards could be met in redesigning the building on the block face, in an L shape, rather than what was proposed. The Applicant stated an L shaped building would be more costly than what was being proposed. They discussed the cost of the proposed building versus an L shaped building.

MOTION [6:36:27 PM](#)

Commissioner Gallegos stated in regards to 101 South Tower Plan Development PLNSUB2012-00412, based on the presentations, Public Hearing and comments made by the Commission; he moved that the Planning Commission approve the Planned Development to allow a parking structure along the 200 East frontage at approximately 101 South 200 East and modifications to the setback requirements with the following conditions one through three as listed in the Staff Report.

Commissioner Adams stated she was not clear on the motion.

Mr. Nielson asked the Commission to review the recommendation in the Staff Report that stated the project did not meet the standards. He asked Staff to indicate which standards the proposal met and which standards were not met.

Mr. Norris stated the Commission would have to find that the standards for Plan Development approval had been met in order for the proposal to be approved. He stated the Staff Report indicated some of the Standards had not been met.

Mr. Dansie stated the proposal created a better product than if the strict application of the code was enforced with the argument that a leasable space was easier to fill up than a parking lot. Mr. Dansie stated arguments could be made that constructing an office building on this site would be an improvement but the code contradicted it.

MOTION [6:41:54 PM](#)

Commissioner Gallegos stated he recommended the Planning Commission approve the Planned Development to allow the parking structure along street frontage at approximately 101 South 200 East and modifications to the setback requirements with the following requirements one through three in the Staff Report. Commission Adams seconded the motion. Commissioners Fife, Ruttinger, Taylor and Dean voted "Nay". Commissioners Gallegos, Adams voted "Aye". The motion failed 4/2

MOTION [6:43:10 PM](#)

Commissioner Ruttinger stated regarding Planned Development PLNSUB2012-00412 based on the finding listed in the Staff Report, testimony given and plans presented he moved that the Planning Commission deny the Plan Development to allow a parking structure along street frontage at approximately 101 South 200 East and to modify the maximum five foot setback requirement. Commissioner Fife seconded the motion. Commissioners Fife, Ruttinger, Taylor and Dean voted "Aye". Commissioners Gallegos, Adams voted "Nay". The motion passed 4/2.

[6:46:06 PM](#)

PLNSUB2012-00324 Planned Development - A request by Farley Eskelson representing McDonald's Corporation for planned development approval of site improvements that include a vehicle bypass lane that runs parallel to North Temple in front of the building and relocation of a non-complying pole sign for the McDonald's restaurant at approximately 950 West North Temple. The applicant identifies that the proposed improvements are a result of development of the Airport Light Rail line and right-of-way widening of North Temple Boulevard. The planned development request is to authorize modification of zoning ordinance standards to allow the vehicle bypass lane and relocation of the existing pole sign. The subject property is located within the TSA-UN Zoning District. The site is located in City Council District 2 represented by Kyle LaMalfa. (Staff contact: Everett Joyce at 801-535-7930 or everett.joyce@slcgov.com)

Mr. Everett Joyce, Senior Planner, reviewed the proposal as presented in the Staff Report (located in the case file). He stated Staff was recommending the Planning Commission approve the request with the conditions listed in the Staff Report.

The Commissioners and Staff discussed the car lengths lost from the widening of North Temple for the new Trax line. They discussed the location and benefit of the bypass lane. The Commission and Staff discussed the pole sign and where it would be relocated on the property. They discussed the fact that the ordinance did not allow for a non-conforming sign to be relocated however, with the changes to North Temple, the City had been allowing the signs to be moved if they were directly affected by the construction. The Commissioners stated the subject sign was not affected by the road construction and therefore did not need to be moved. Staff explained the sign would have to be moved to accommodate the proposed bypass lane which was being proposed only because of the construction on North Temple. The Commission asked if the sign relocation was a condition of approval. Staff stated yes, the sign relocation would need to be approved to accommodate the construction of the bypass lane. The Commissioners and Staff discussed the traffic flow to and from the property prior to the addition of the Trax line.

Mr. Farley Eskleson, Dominion Engineering, reviewed the need for the bypass lane to keep the drive-thru traffic of the establishment flowing. He stated it would better help customers to reach the McDonalds and be ADA compliant. Mr. Eskleson reviewed the traffic flow for the property and the loss of business due to the Trax line addition.

Mr. Dale Gardner, Attorney for McDonalds Corp., stated there were two reasons for the proposal first was a safer traffic pattern and second was to help bring the customers back to the restaurant.

Mr. Gregory Gruber, Store Owner, reviewed the history of the business and the hope to increase the business with the proposal. He encouraged the Commission to approve the proposal to help make the traffic flow safer and encourage customers to patronize the establishment.

Commissioner Gallegos stated he was involved with the North Temple advisory committee and the business along North Temple had suffered greatly during the construction. He stated it was his opinion that if something could be done to help improve sales it would be beneficial.

PUBLIC HEARING [7:07:53 PM](#)

Chairperson Dean opened the Public Hearing, seeing there was no one in the audience that wished to speak for or against the proposal Chairperson Dean closed the Public Hearing.

DISCUSSION

The Commissioners discussed the benefit of the proposal and the enhancement it would be to the property.

MOTION [7:08:53 PM](#)

Commissioner Fife stated in regards to PLNSUB2012-00324 950 West North Temple McDonald's Site Improvement, based on the findings in the Staff Report, the testimony given; he moved that the Planning Commission approve the request pursuant to the analysis findings and conditions of the Staff Report including that the vehicle bypass lane would not be used to stage vehicles waiting for service from the drive-thru. Commissioner Taylor seconded the motion.

Mr. Norris stated there was mention in the meeting to address the stripping on the property.

Commissioner Fife stated condition number two, the Applicant address the parking stripping issue in the northeast corner of the parking lot to make it clear that there are two lanes of travel. Commissioner Taylor seconded the addition. The motion passed unanimously.

The meeting adjourned at [7:10:26 PM](#)