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**SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, February 22, 2012**

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

A field trip was held prior to the meeting. Planning Commissioners present were: Bernardo Flores, Michael Fife, Michael Gallegos and Clark Ruttinger. Staff members in attendance were, John Anderson, Ray Milliner and Joel Paterson.

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; Joel Paterson, Planning Manager; John Anderson, Principal Planner; Ray Milliner, Principal Planner; Land Use Attorney Paul Nielson and Angela Hasenberg, Senior Secretary.

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Approval of the Minutes from February 8, 2012.

Motion:

Commissioner Gallegos moved to approve the minutes from February 8, 2012.

Commissioner Flores seconded the motion.

Vote: The motion passed, Commissioners Drown, Rutinger and Fife abstained.

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Report of the Chair and Vice Chair:

Chairperson Dean stated that she had nothing to report.

Vice Chairperson Michael Gallegos stated he had nothing to report.

Report of the Planning Director

Planning Director Wilf Sommerkorn stated that the City Council was continuing its discussion on accessory dwelling units they had one briefing the prior evening, and will have another one in March with a lot of discussion with no resolution.

Public Hearing:

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Capitol Center Properties Master Plan and Zoning Map Amendment – a request by Gary Nordhoff to amend the Central Community Future Land Use Map and the zoning map for the properties located between 1015 and 1035 South 200 West, and the property located at 1068 South Jefferson Street. The amendments as proposed would allow mixed use development, in addition to multi-family residential development which is already permitted on the properties under the current zoning. The amendments would also increase the allowed density and the allowed height of any buildings constructed. The property is located in Council District 5 represented by Jill Remington Love. (Staff Contact: John Anderson at 801-535-7214 or john.anderson@slcgov.com)

a. PLNPCM2011-00658: Master Plan Amendment – a request to amend the future land use classification of the subject property from Low Medium Density Residential to Medium Residential/Mixed Use as shown on the Central Community Future Land Use Map.

b. PLNPCM2011-00659: Zoning Map Amendment – a request to rezone the subject properties from RMF-35 Moderate Density Multi-Family Residential District to R-MU Residential Mixed Use District.

Chairperson Dean recognized John Anderson as staff representative.

Mr. Anderson stated that this was one of two petitions; the first would be an amendment to the Central Community Future land Use map from a low medium density residential as it currently stands, to medium residential mixed use. The second petition is an amendment to the zoning map from an RMF-35, a moderate density, multifamily residential to an R-MU residential mixed use.

Mr. Anderson gave a PowerPoint presentation that illustrated the property.

Mr. Anderson described the differences in the Future Land Use Map and going from low Medium density residential to a medium residential mixed use. He elaborated on the two substantial differences between the two zones. He explained that one would have 10-12 dwelling units per acre, the proposal was from 10-15 dwelling units per acre. The second difference would be that the current medium low density would not allow any types of commercial use, it would be purely residential. The mixed use would allow for some limited commercial small business offices.

Mr. Anderson listed other areas in the City that are similar to the low medium density residential. He added that these locations are found on the East and South edges of the Central Community, and are near TRAX stations.

In an RMF-35 zoning district the maximum building height is 35', in an R-MU the maximum building height is 75' permitted, 125' with a Conditional Use Permit. The RMF-35 has a front setback of 20', the R-MU does not require a front set back or a side or corner yard setback. The rear setback is similar but requires 25% of the lot depth or between 20 and 25 feet in an RMF-35. In an R-MU it would 25% of the lot depth. The density for an RMF-35 is based on the actual size of the lot. As the lot grows, the density allowance also grows. There are no design requirements in an RMF-35. The R-MU does have some, but are generally focused on the first floor of development.

Mr. Anderson stated that he was recommending approval based on four reasons:

- The development of these parcels would not involve the destruction of any single-family dwellings.
- Any development would act as an enhancement to the existing neighborhood by developing long vacant parcels.
- The proposed development would create a buffer between the existing single-family dwellings along Jefferson Street and the industrial uses located west of 200 West.
- Because of its location between two transit stations that a higher density should be considered as the properties could be developed following the guidelines outlines in the master plan as a transit-oriented neighborhood.

Mr. Anderson added that he did receive several comments after publication of the notice. He had received six phone calls, half were questions and the other half stated that they were in opposition to the change, and that the concern was on the allowed height.

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Questions from the Commissioners:

Commissioner Fife asked that based on the size of the lots, how high could the buildings become.

Mr. Anderson responded that the height would not be limited by the setback; the height would be more controlled by the density, the higher the buildings, the denser the project and more parking would be required.

Commissioner Hill asked for context in comparison to other buildings in the neighborhood.

Mr. Anderson explained the differences.

Commissioner Flores asked if the proposed site plan would reflect the standards of the R-MU-35.

Mr. Anderson stated that the proposed site plan was consistent with the R-MU standards.

Chairperson Dean asked what other zones were considered.

Mr. Anderson responded that the area had been a multifamily district for quite some time. The Master Plan calls for a multifamily zone in the area, he stated that he believed that it had started with an RMF-35 and moving up incrementally there would be an RMF-45, RMF-75 which would be similar in height, but it would not allow for any type of mixed use. The developer had specifically mentioned that they were looking for an opportunity to be able to utilize a mixed use element. The option that had been chosen was R-MU-45.

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Comments from the Applicant:

The applicant, Gary Nordhoff spoke. He stated that the challenge would be to provide parking.

The reason they chose the zone, as opposed to any other, was because that it would allow a commercial aspect. Mr. Nordhoff would prefer the Transit Station Area Zone, and the transit area design guidelines that the City has established.

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Questions from the Commissioners:

Commissioner Gallegos asked in regard to possible mixed use, what type of businesses he would consider for the neighborhood.

Mr. Nordhoff responded that it would mostly be offices on the lower level, but they anticipated providing covered parking with the front being office space, something that would tie in and be used in the neighborhood.

Mr. Gallegos asked if it would be services for the neighborhood.

Mr. Nordhoff responded that neighborhood services would not necessarily be provided. He thought a use such as an architectural office would be more likely.

Commissioner Taylor asked if they would be rental units, or condominiums.

Mr. Nordhoff responded that they would all be rental units.

Commissioner Taylor asked if there would be potential for a Single Room Occupancy and if the parking requirement would need to be changed in that case.

Mr. Anderson answered that the parking requirements would have to be changed as well.

Commissioner Gallegos noted that in the staff report, it had mentioned that the location was between two TRAX stations within 1000 feet in either direction, which would indicate a transit oriented development. In that case one would think that you would not need as many parking stalls. He stated that there could be fewer parking stalls if the project were proposed as Transit Oriented Development.

Mr. Nordhoff responded that the reason this zone was selected was that he felt that half a stall was a generous option.

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Public Hearing:

Chairperson Dean opened the Public Hearing.

Cindy Cromer spoke in opposition to the petition. She stated that she had three points to make, the first being that the City is once again amending the Central Community Master Plan which is the City's most recently adopted neighborhood Master Plan and the most frequently amended, which equals shortest history and most number of amendments. She is concerned about the loss of the church. She stated that the City does not have a low density mixed use zone. She added that the zoning categories do not work for developers. She felt like the zoning change is not appropriate for the neighborhood and the residents would be left with a shadow from the taller buildings and there would not be enough public benefit to grant the developer this kind of density bonus.

Catherine Consey spoke in opposition to the petition. She stated that she owned a home directly south of the church and stated that the building would be a monster next to her. Her intention when she bought the home was to live and retire in it. She feels that the size of the lot is not large enough to compensate for the large building. She is concerned about the parking requirements.

Kathleen Zurker stated that she lived on the corner of Mead Avenue and Second West, east of the empty lot. She stated that her home had been in her family for 77 years. She is also concerned about the large building size, safety and lack of parking.

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Comments from the Applicant:

Applicant Gary Nordhoff responded to the concerns and discussed the restrictive covenant on the church that would only allow it to be used as a church. There are a number of structural problems that are causing the sale of the building and the relocation of the congregation.

Mr. Nordhoff responded to the change of the Master Plan stating that the City is changing and that there are new developments and the light rail is part of that. This location is prime for enhancing the walkability of Salt Lake City and offers opportunities to bring people to the Downtown area.

He stated that the area was not feasible to develop as single family; a better use would be multifamily. The only economical way to do that would be to increase the density.

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Questions from the Commissioners:

Chairperson Dean asked if the applicant had considered different zoning on the different parcels.

Mr. Nordhoff responded that they had not because the other zoning options do not allow enough units to go on the site. Additionally, he noted that this zoning allows the mix of commercial uses that they were looking for.

Commissioner Hill stated that she felt that she needed more information as to what would happen if this were approved. She asked why there weren't more conceptual sketches for buildings and actual site layouts where the buildings would be and where parking would be.

Mr. Nordhoff responded that it was due to monetary restraints.

Land Use Attorney Paul Nielson noted that this petition did not address a particular project, only the master plan and zoning issues.

Chairperson Dean asked staff about the recent revisions to the Master Plan.

Planning Manager Joel Paterson answered that it this was indeed one of the newer Master Plans and that Ms. Cromer was correct that it had been amended a number of times.

He stated that Master Plan Amendments, generally are developer driven with applicants coming to the City asking for amendments to the plan based on certain needs that they see. These are considered both by the Planning Commission and by the City Council and then finally adopted by the City Council.

Mr. Paterson stated that Master Plans are living documents; they evolve just as the community does, and in the case the Planning Commission needs to look to see if

the proposed amendment is appropriate for the location and consider it based on the standards listed in the staff report.

Chairperson Dean said that the closet thing would be an R-MU-45 and stated that she was concerned about the parking.

Commissioners discussed the benefits and disadvantages of R-MU 35 and R-MU 45. They were concerned that it was not the correct transition.

Commissioner Drown asked if it were possible to zone individual parcels.

Land Use Attorney Nielson clarified that the State Legislature decided that there is no such thing as spot zoning in the state.

Commissioners discussed the housing in the area and its occupancy.

Chairperson Dean suggested that more information was necessary to make a decision.

Mr. Nordhoff explained that they had given a footprint to show the maximum use of the development.

Commissioner Ruttinger added that even with a drawing, because they are not approving the structure, the applicant would not be held to it.

Chairperson Dean suggested that they needed more information on massing impacts and more information about the zone.

Commissioner Hill felt that drawings would help determine the impact on the neighborhood. If the change was made, it would impact not just these properties but all the properties in the area.

Commissioner Fife stated that if it were possible to give the density but not the height, he would be in favor but he did not see a way to have that be possible.

Mr. Nordhoff stated that the City only had so many zoning options, and he was trying to work within the parameters the City had set.

Commissioners discussed tabling the issue.

Planning Manager Paterson stated that the Planning Commission had recommended conditional zoning in the past, and the City Council had adopted some conditional zoning, but generally when that had happened there was a very specific site plan and design and the zoning would be made conditional upon building permit approval for that specific plan.

Chairperson Dean clarified that it would be different than a development agreement where it would be a precursor to any approvals.

Mr. Nordhoff explained that the parcel with the church was more expensive than the others because of the demolition and removal of the church, if he could not get

the density needed it would not be in his best interest to develop it, and therefore was not interesting in spot zoning.

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Motion:

Commissioner Fife made the motion regarding PLNPCM2011-00658, and PLNPCM2011-00659 based the information in the staff report and the testimony heard today, and the inability to come up with a zone that works for all, I recommend that we forward a negative recommendation for each application to the City Council.

Commissioner Taylor seconded the motion.

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

[6:37:23 PM](#)

PLNPCM2011-00624 Salt Lake Choral Artists, Zoning Ordinance Amendment to modify the regulations pertaining to nonresidential uses in a landmark structure. The Salt Lake Choral Artists would like to use the building at 700 North 200 West to conduct rehearsals, give lessons, and keep their offices. Proposed changes include: creation of a new definition for an adaptive reuse of a landmark structure, elimination of the list of commercial uses eligible to occupy landmark buildings, enhancement of qualifying provisions for eligibility of a commercial use to occupy a landmark structure, and modifications to onsite parking regulations. Related provisions = Title 21A-24.010.T.2.a and 21A.62.040 of the Zoning Ordinance. (Staff Contact: Ray Milliner at 801-535-7645 or ray.milliner@slcgov.com)

Chairperson Dean recognized Ray Milliner as staff representative. Mr. Milliner stated that the application was an amendment to the Zoning Ordinance to allow music conservatories as an allowed use in a landmark structure with conditional use approval. There is a section of the Code that discusses what uses could be allowed as conditional uses in land mark structures.

Mr. Milliner explained that a landmark structure was more than just an historic home, but is exceptional in architectural quality, something significant happened in the home, or someone significant to our past lived there.

Mr. Milliner added that the reason for the provision in the ordinance was to help to preserve the buildings so they could be better persevered.

The provisions that were modified are:

- The definition
- Enhanced the qualifying provisions
- Changed the standards to qualifying provisions
 - The use would need to meet the qualifying provisions prior to submitting an application for a conditional use.
- Eliminated the requirement for a conservation easement placed upon the building.
- Allow site plan review of parking.

Mr. Milliner stated that he recommended that the Planning Commission forward a positive recommendation to the City Council.

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Questions from the Commissioners:

Commissioner Fife asked if there were any conservation easements currently.

Mr. Milliner stated that there were not any that he was aware of.

Commissioner Fife asked how designating a historic building protects it.

Mr. Milliner responded that the landmark designation subjects a building to the Historic Preservation process and exterior changes to a building must meet the Historic Preservation Overlay District standards.

Commissioner Flores asked if the square foot provision could be changed.

Mr. Milliner explained that it could be a recommendation from the Planning Commission.

Commissioners discussed the mitigating factors regarding the process.

Planning Manager Joel Paterson explained that the definition of landmark sites talks about the need of the site to be exceptional in terms of local, national and regional history, i.e., persons that had lived there, architecture etc. It would be a step up from a definition of a contributing structure in historic districts. Mr. Paterson added that there were not many incentives for historic preservation offered by the City, and this provision is trying to provide some incentive to protect the larger

structures that may have outlived their original intended use. This is one of the few incentives the City has to offer a land owner.

Commissioner Drown asked if there were a limitation on how many buildings that qualifies for landmark status, why are we putting a limitation on the square footage.

Planning Manager Paterson explained that there were approximately 130 landmark sites currently, but a 5000 sq. ft. home in the central city area, it may be rated as a contributing structure in the historic district, but there might not be anything associated with that structure that would raise it to the exceptional level in terms of a very prominent architect etc.

Commissioners discussed the possibility of adding music conservatory to the list of uses allowed in a landmark structure rather than changing the ordinance.

Chairperson Dean and Fife both noted that they liked the changes, but thought the minimum square footage could be minimized.

Planning Manager Joel Paterson noted that the original petition from the applicant was just to amend the list of uses that could be allowed in a landmark site. Planning Staff had been considering the City's perceived need to broaden the number of uses that would be allowed to go into these sites. The concern has been the impact that those uses would have in residential areas.

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Comments from the Applicant:

The applicant, Floyd Jensen, Chair of the Board of the Salt Lake Choral Artists. He stated that the initial proposal was more limited than what was presented. He noted that they did support the approach staff has adopted which would be to adopt a generic set of qualifying conditions for use of a structure in a land mark area and have a review so that structures could be used in appropriate ways.

[7:01:23 PM](#)

Questions from the Commissioners:

Commissioner Fife asked about the smaller groups that make up the organization and wondered what the largest size of the choral groups was.

Mr. Jensen responded that the concert choir has 160 members and they rehearse once a week, primarily at night.

Commissioner Fife was concerned about on-street parking.

Mr. Jensen stated that they were concerned as well, but they felt that since most of their practices would be at night, that the impact would not be great.

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Public Hearing:

Chairperson Dean opened the public hearing.

Cindy Cromer spoke in *favor* of the petition. She stated that one important factor in keeping these structures intact was to find an adaptive use. Ms. Cromer added that the City needed to increase the options for non residential structures. She suggested that the square footage restriction be altered. Ms. Cromer stated that the ordinance as it stands, has not been working, there should be more options.

Wally Cooper, owner of the building and resident spoke in *favor* of the petition. He gave the history of the building and discussed the uses that had improved the neighborhood.

Jim Webster, 938 Military Drive, spoke in *favor* of the petition. He stated that he felt that parking should not be a limitation.

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Discussion:

Commissioners and staff discussed the changes to the ordinance, square footage concerns.

Land Use Attorney Paul Nielson stated his concern that if the Planning Commission determines what the use is, then the Planning Commission would be acting in a legislative capacity that the City Council cannot delegate.

Mr. Milliner stated that the Planning Commission would not be determining the use, but rather if the use was appropriate. The qualifying provisions as well as the Conditional Use process, criteria, standards and provisions would be what the Planning Commission would use to determine the appropriateness and compatibility and then would determine if it would be allowed.

Commissioners discussed reducing the square footage from 7000 to 5000.

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Motion:

Commissioner Hill made a motion regarding PLNPCM2011-00624 Salt Lake Choral Artists Zoning Ordinance Amendment based on the findings and analysis on the staff report, I move that the Planning Commission forward these modifications to the adaptive reuse of a Landmark Structure provisions to the City Council with a positive recommendation with the following amendments: A, qualifying provisions, number 2, that the landmark building shall have a minimum of 5000 sq. ft. of floor area excluding accessory buildings, 6. That the use is compatible with and contributing to the surrounding residential neighborhood and community.

Commissioner Taylor seconded the motion.

Vote:

Commissioners Gallegos, Drown, Taylor, Hill, Flores, Ruttinger, Fife all votes "aye", the motion passed unanimously.

[7:26:39 PM](#)

PLNPCM2011-00625 Conditional Use for a Music Studio / Conservatory in a

Landmark Site. Salt Lake Choral Artists, represented by Floyd Jensen are requesting a conditional use to allow a music studio / conservatory at approximately 700 North 200 West. The purpose of the proposal is to use the building as a place to rehearse, conduct auditions, provide instruction and perform. The property is zoned Special Development Pattern SR1-A and is located in Council District 3, represented by Stan Penfold. (Staff contact: Ray Milliner (801)535-7645 or ray.milliner@slcgov.com).

Chairperson Dean recognized Ray Milliner as staff representative.

Mr. Milliner stated that this petitions was for the Conditional Use.

Mr. Milliner stated that staff is recommending approval subject to the City Council adopting PLNPCM2j011-00624 as recommended by the Planning Commission.

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Comments from the Applicant:

The applicant had nothing to add.

[7:28:27 PM](#)

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 Fife made the motion regarding PLNPCM2011-00625 Conditional Use for a Music Studio/Conservatory in a Landmark Site, based on the findings and analysis in the staff report, I move that the Planning Commission approve the Conditional Use petition with the conditions of approval 1-5 in the staff report.

Commissioner Drown seconded the motion.

Commissioners Gallegos, Drown, Taylor, Hill, Flores, Ruttinger, Fife all votes "aye", the motion passed unanimously.

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Meeting adjourned.