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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, January 25, 2012**

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

A field trip was held prior to the meeting Planning Commissioners present were: Clark Ruttinger and Mary Woodhead. Staff members in attendance were Nick Norris and Lex Traughber

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at 5:30 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time. Planning staff members present at the meeting were: Wilf Sommerkorn, Planning Director; Nick Norris, Planning Manager; Joel Paterson, Planning Manager; Doug Dansie, Senior Planner; Lex Traughber, Senior Planner, Paul Nielson, Land Use Attorney and Angela Hasenberg, Senior Secretary.

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Approval of the Minutes from January 11, 2012.

Motion:

Commissioner Woodhead moved to approve the minutes from January 11, 2012.

Commissioner Wirthlin seconded the motion.

Vote: The motion passed unanimously.

[5:33:53 PM](#)

Report of the Chair and Vice Chair:

Chairperson Dean stated she had nothing to report.

[5:34:00 PM](#)

Report of the Planning Director:

Planning Director Wilf Sommerkorn stated he had nothing to report.

[5:34:05 PM](#)

Public Hearing:

PLNPCM2011-00783 Conditional Building and Site Design Review – A request by Salt Lake City Mayor Ralph Becker to update Chapter 21A.59 Conditional Building and Site Design Review, including the review standards and process, eliminate conflicts, clarify design criteria and streamline the Conditional Building and Design Review process. The proposed text amendment may affect related sections of title 21A. The changes are applicable citywide. (Staff contact: Doug Dansie at (801) 535-6182 or doug.dansie@slcgov.com).

Chairperson Dean recognized Doug Dansie and staff representative.

Mr. Dansie stated that this was a request that involved no policy changes. Mr. Dansie gave a brief history stating that Salt Lake City adopted Zoning in 1927 that separated uses. Slowly the City had evolved and had grown more into form based codes. The first attempt to put design into the building code was in 1995 during the re-write of the Zoning Ordinance. Some of the first design items were focused Downtown with a maximum and a minimum setback one item being that 40% glass was required at ground level.

Mr. Dansie continued saying that in light of these requirements, the only avenue for exceptions was through the Conditional Use process. The problem was that windows, and height, etc., were design issues and not actual uses.

In 1998 The Gateway Zone was established and there were many more design features built into the Zone, materials, and fenestration of the building.

In 2005 The City of Salt Lake adopted the Walkable Communities Ordinance which put design criteria in much of the commercial zone and many of the mixed use zones. At this point, the City created the Conditional Building and Site Design Review process to acknowledge that 40% glass was not a use, but a design feature.

Mr. Dansie noted that the purpose of this new change was to return to the original intent, which was to meet the design criteria, if you cannot meet the requirement, the idea was to show how you met the intent.

Mr. Dansie surmised that within the review standards in the Conditional Building and Site Design Review process were sometimes more strict than the standard in the base zoning . Part of the amendment was to modify those standards so that they were more logical and provided guidance in determining whether the intent of the standard was met.

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Public Hearing:

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

[5:39:08 PM](#)

Questions from the Commissioners:

Chairperson Dean asked in regard to height and parking, she felt that the changes were taking away a lot of guidance for the Planning Commission to evaluate these things in a subjective way.

Mr. Dansie responded that the height criteria were brand new, and he did not recall a time when additional height was not approved.

Commissioner Flores asked for clarification on how the applicant would be discouraged from increasing height.

Mr. Dansie answered that the discouragement would be from the difference of a flat roof, versus something with added visual value, such as the Wells Fargo building.

Mr. Dansie clarified that the difference would be that in downtown, if the applicant was underneath the 375 foot height restriction, then they would be allowed a flat roof. If the request was to go higher, and they wanted a flat roof, the application could be denied based on the standards.

Planning Manager Nick Norris added that this was intended as a process chapter that was intended to give guidance for alternatives to the guidelines when allowed.

Commissioner Flores was concerned that the guidelines seem to be too subjective.

Planning Manager Norris responded that it was indeed a balancing act, that the points put in the ordinance would have to be clear enough to give direction to a property owner or applicant. The standards should also be flexible enough to accommodate other situations.

Mr. Dansie remarked that this was a difficult section to work on; due to the height restrictions language and that the point was if you are going to go tall, be interesting.

Planning Manager Norris added that in that same section 065, the reference in the opening paragraph should have been 060 and asked Mr. Danise to change that in the text for transmittal.

Mr. Dansie added that he had written this document so that the Commissioners could see what had been changed. He said that it was possible that after the attorneys had received it, there could be additional technical changes as well, but no changes to the content. The final version may not be exactly what was being seen at this meeting.

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Motion:

Commissioner Wirthlin made a motion in regard to PLNPCM2011-00783 Conditional Building and Site design Review, based on the findings listed in the staff review, based on the findings listed in the staff report the discussion this evening, and finding that the proposal generally meets the applicable standards, I move that the Planning Commission forward a positive recommendation to the City Council to approve the Zoning Text Amendments.

Commissioner Fife seconded the motion.

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

[5:49:04 PM](#)

PLNPCM2011-00697 - A request by Volunteers of America, UT, to close the alley located adjacent and to the west of their property located at approximately 252 W. Brooklyn Avenue in the CG (General Commercial) Zoning District and in City Council District 5, represented by Jill Remington-Love. (Staff contact: Lex Traugher at (801) 535-6184 or lex.traugher@slcgov.com).

PLNPCM2011-00698 - A request by Volunteers of America, UT, to close a dead-end portion of Washington Street located adjacent and to the east of their property located at approximately 252 W. Brooklyn Avenue in the CG (General

Commercial) Zoning District and in City Council District 5, represented by Jill Remington-Love. (Staff contact: Lex Traughber at (801) 535-6184 or lex.traughber@slcgov.com).

Chairperson Dean recognized Lex Traughber as staff representative.

Mr. Traughber stated that this was a request to close a portion of Washington Street along the 200 W block of Brooklyn Avenue as well as an adjacent alley.

Mr. Traughber gave a PowerPoint presentation.

Mr. Traughber noted that the Volunteers of America would like to in the future, upgrade and perhaps expand their facility to increase their capacity.

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Commissioner Gallegos entered the meeting

Questions from the Commissioners:

Chairperson Dean asked about spaces that appeared next to the alley in question and wondered if those spaces belonged to the Volunteers of America.

Mr. Traughber stated that they were the parking for a commercial cleaner.

Commissioner Taylor asked if the neighbors had been consulted, and did the City have their permission.

Mr. Traughber responded that yes they did, and had done so in writing.

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Public Hearing:

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

[5:54:18 PM](#)

Motion:

Commissioner Woodhead made a motion as to petition PLNPCM2011-00697 I move that based on the presentation of staff and the staff report, that the Planning Commission forward a favorable recommendation to the City Council to approve the application to close the portion of Washington Street between Brooklyn Avenue and 900 South off ramp with conditions 1 and 2 as listed in the staff report.

Commissioner Wirthlin seconded the motion.

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

[5:55:42 PM](#)

Motion:

Commissioner Woodhead made a motion as to PLNPCM2011-00697 I move that the Planning Commission forward a favorable recommendation to the City Council to approve the application to close the public alley between Brooklyn Avenue and the 900 South off ramp with conditions 1 and 2 set forth in the staff report.

Commissioner Drown seconded the motion.

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

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Meeting adjourned

Planning Commission Retreat

Planning Director Wilf Sommerkorn, with Planning Managers Nick Norris and Joel Paterson gave a PowerPoint presentation for the Planning Commission. The following points were discussed.

➤ What is Planning?

- Citizens' vision of the Community
 - Expressed as goals and objectives
 - Articulated as public policy
 - Implemented as ordinances and procedures
- Legal Basis for Planning and Land Use Regulation
 - Utah Code, Section 10-9a
 - Land Use Development and Management Act
 - LUDMA
- History
 - 1924- U.S. Dept of Commerce Standard Enabling Act
 - 1925-Utah Legislature adopts for cities
 - 1927-SLC adopts zoning
 - 1945- Utah adopts for counties
 - 1992- LUDMA adopted
 - 2005- Major revisions-SB60
- Local Authority to Plan, Regulate
 - City Council authorizes, adopts plans, land use regulations
 - Requires recommendation from Planning Commission
 - Mayor's staff implements

❖ The Planning Commission: What is it and what does it do?

- State Code
 - ◆ Every city, county must have a Planning Commission
 - ◆ Number of members, terms, alternates, mode of appointment all at discretion of the city council.
- Planning Commission- Role
 - ◆ Prepare, recommend general plan and amendments

- ◆ Prepare, recommend land use ordinances, zoning maps, official maps, and amendments
 - ◆ Act as administrative body for land use applications, if so designated by council
 - ◆ 11 members, appointed by Mayor, confirmed by Council
 - ◆ Serve up to 2 four-year terms
 - ◆ Operate according to City Code Sec. 21A.06 and own adopted Policies and Procedures
 - ◆ Designated by Council as Land Use Authority as required by LUDMA
 - ◆ Takes both legislative and administrative actions
- Legislative Action
 - ◆ Related to adoption of policy and rules to implement that policy
 - ◆ Decisions are more political than legal
 - ◆ Preferences of legislative body members given broad deference by the courts
 - ◆ Usually only challengeable in court if no public benefit at all, or tires to do something clearly illegal
 - ◆ Actions are referable
 - ◆ Adoption or amendment of General Plan
 - ◆ Adoption or amendment of Land Use Ordinances
 - ◆ Zonings or rezones
 - ◆ Annexations
 - ◆ Adoption of fee schedules
- Administrative Action
 - ◆ Items being considered under the rules established by ordinances
 - ◆ Decisions are more legal and technical, rather than political (not policy)
 - ◆ Strict standards of review in the courts- there must be "substantial evidence" for the action taken
 - ◆ No public clamor, there must be evidence
 - ◆ NOT referable.
 - ◆ Issuance of building permits
 - ◆ Site plan reviews
 - ◆ Conditional use permits
 - ◆ Subdivision reviews
 - ◆ Land use application approvals
 - ◆ Issuance of building permits
 - ◆ Site plan reviews
 - ◆ Conditional use permits
 - ◆ Subdivision reviews
 - ◆ Land use application approvals
- Classic Planning Process
 - ◆ Identify Issues
 - ◆ Research Options
 - ◆ Evaluate Options

- ◆ Adopt Preferred Option (plan)
- ◆ Implement
- ◆ Evaluate

❖ General Plan

- "...each municipality shall prepare and adopt a comprehensive, long-range general plan..." -Utah Code 10-9a-401



➤ What is a General Plan?

- ◆ Policy Guide for Development
- ◆ Statement of Vision, Goals
- ◆ What you Want the Community to Be

➤ What's in the Plan?

- ◆ Required
- ◆ Land use
- ◆ Transportation
- ◆ Moderate Income Housing
- ◆ Optional
- ◆ Environment
- ◆ Public services and facilities
- ◆ Rehab and redevelopment
- ◆ Economic development
- ◆ Historic Preservation
- ◆ Implementation

➤ Who Prepares the Plan

- "...The planning commission shall make and recommend to the legislative body a proposed general plan...."
- Notification of Intent to Plan
 - Must give 10 days' notice to:
 - ◆ Each affected entity
 - ◆ State AGRC
 - ◆ AOG
 - ◆ On Utah Public Notice website

➤ Public Hearing Required

- "After completing its recommendation for a proposed general plan... the planning commission shall schedule and hold a public hearing..."

➤ How to Implement

- Land use ordinances
- Capital budgets
- Development regulations
- Other local government actions
- Private investment and development

➤ Land Use Regulations

- Zoning ordinance
 - Implementation of plan
 - Regulates use of land
 - Must allow some viable use
 - Includes zoning map
 - Trend today is more toward mixed uses and away from single-use zones.

- Permitted Uses
 - Use by right
 - Generally must just meet basic standards set forth in the ordinance- e.g., height setback, parking, etc
 - Usually a simple approval process

- Conditional Uses
 - Commonly used to achieve greater discretion
 - Sometimes misused
 - Standards must be articulated in ordinance, and if standards are met, approval must be granted
 - ◆ Conditions not based on ordinance standards cannot be imposed
 - Administrative action

- Non-Conforming Uses
 - Term for uses that existed prior to adoption of current land use regulation, but are not currently permissible
 - Non-conforming use
 - Non-conforming structure
 - If prior existence can be documented, may be continued under most circumstances.

- Variances
 - Meant to apply to unusual circumstances
 - Must meet strict requirements
 - Not well understood or correctly administered

- Subdivision Regulations
 - Governs the division of land for present or future development
 - Meant to assure adequate facilities and services in place for new development

- Definitions
 - “any division of land”
 - Exemptions
 - ◆ Land used exclusively for agriculture
 - ◆ Adjustment of lots between owners
 - ◆ Joining properties together
 - Plat required for all subdivisions
 - ◆ Optional exemption for less than ten lots

- ◆ Still requires record of survey map
 - ◆ No dedication of land for public use required
 - ◆ Still must meet requirement to provide facilities
- Purpose is to make sure:
 - Minimum lot areas are met
 - Necessary improvements are in place
 - ◆ Roads
 - ◆ Water
 - ◆ Sewer
 - ◆ Drainage
- Impact Fees and Exactions
 - What is an Impact Fee?
 - Proportionate share of cost for a community facility or service
 - ◆ Sewer lines and plants
 - ◆ Water lines, storage tanks, sources
 - ◆ Parks
 - ◆ Major roads
 - ◆ Fire protection
 - ◆ NOT schools
 - What is an Exaction?
 - Dedication of land or facility for public use
 - ◆ Road, street rights-of-way
 - ◆ Drainage rights of way and facilities
 - ◆ Upsizing improvements
 - Balance between what is required as exaction and as a fee
 - Must be a sound basis for both
 - Must be related to an impact caused by the development
 - Must be proportional to the impact caused by the development
 - Must be based on solid planning by community
- Vested Rights
 - What is a vested right?
 - Ability to proceed with development as proposed at a given point in time, despite changes to codes
 - Utah has “liberal” vested rights rule
 - Upon submission of a “complete” application, may proceed under rules in force at time
 - Exceptions
 - Governing body has formally expressed intent to change the rules
 - “Compelling, countervailing public interest”
- Appeals

- Action on land use applications can be appealed
 - Local Appeals Authority
 - Appeal to District Court
 - Request for Advisory Opinion from State Property Rights Ombudsman
 - Applies only to administrative actions
- Land Use Referenda
 - Only for legislative actions
 - General plan adoption and amendments
 - Ordinance adoption and amendments
 - Rezones are excluded by state code.
- Citizen Involvement
 - Plans and decisions need to reflect the values and objectives of the community
 - The Community needs to be involved with plan making
 - The Community needs to be involved on legislative matters
 - The Community helps identify issues on administrative matters.
 - Traditional public engagement
 - Community council Meetings
 - Mailings and posted notices
 - Open House
 - Workshops
 - Online engagement
 - E-mail list services
 - Project specific websites
 - Online forums like "Open City Hall"
 - Planners consider all forms of comments equally
 - Emails
 - Written Comments
 - Public workshops
 - Focus Groups
 - Forums
 - Phone Calls
 - Open City Hall
 - Salt Lake City has been using Open City Hall as an online civic engagement forum for 17 months covering 51 city topics
 - Comments made are considered to be part of the public record, and are to be considered as part of the public hearing.

- Staff Reports:
 - Do they have the right information?
 - What is missing?
 - How can they be improved?
 - Are the attachments okay?
 - Are they delivered on time?

Recommendations to City Council

- Complete Record Complied
 - PC Recommendation
 - Ordinance
 - Staff Report
 - Minutes
 - Sent 2 weeks after minutes are ratified
 - CED Review
 - Mayor Review
 - City Council
 - Council controls their agenda
 - Items have 3 different steps:
 - ◆ Briefing
 - ◆ Public hearing
 - ◆ Decision
- Special Exceptions
 - Where older development doesn't fit with current regulations
 - Most are in older areas of the City
 - Starts as administrative review
 - To the PC if:
 - ◆ Doesn't meet the strict interpretation
 - ◆ Adverse impacts
 - ◆ Cant be approved administratively.

Comments from the Commissioners:

Points made were:

- Commissioners would like to see the staff reports paginated throughout the entire document.
- Concern was noted about emails and comments being sent late in the day before the meeting

- ◆ Management stated that according to the ordinance, comments and emails from the public could be received up until the public hearing.
- Commissioners asked if management reviewed the contents of the packets, and asked for consistency in presentation
- Commissioners asked for the motion to be included on the front page.
- Commissioners asked about electronic packets and the use of iPads in the future and the use of "Dropbox"
 - ◆ Michael Fife will receive information electronically.
 - ◆ Commissioners will potentially be receiving iPads to review staff reports dependent on the budget.
- Commissioners commented on an occasional lack of information, and wondered if they could request more information before the meeting.
 - ◆ Management responded that the request could be made, and if an item needed to be tabled until more information was provided that could happen.
- Commissioners asked about Grama requests and could their notes be requested in the case of a legal issue
 - ◆ Land Use Attorney Nielson explained that there would have to be unusual circumstances or claims for that be necessary.
- Commissioners expressed a desire to have more interaction with the Mayor and City Council, and asked about prior luncheons