

SALT LAKE CITY PLANNING COMMISSION MEETING
Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, May 23, 2012

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:36:26 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, Emily Drown, Michael Fife, Bernardo Flores-Sahagun, Clark Ruttinger, Marie Taylor, Matthew Wirthlin, and Mary Woodhead. Commissioner Kathleen Hill was excused.

Planning Staff members present at the meeting were: Wilf Sommerkorn, Planning Director; Joel Paterson, Planning Manager; Nick Britton, Senior Planner; Janice Lew, Senior Planner; Carl Leith, Senior Planner; Ray Milliner, Principal Planner; Maryann Pickering, 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, Bernardo Flores-Sahagun, Clark Ruttinger and Marie Taylor. Staff members in attendance were Joel Paterson, Ray Milliner and Maryann Pickering. The following locations were visited:

Java Jo's, 877 South 1300 East

Staff presented the proposal and discussed issues raised by members' of the public including traffic and circulation, public notice and safety.

400 South Corridor

The Commission visited Gilgal Garden and discussed the proposed zoning, proposed allowable building height and impact on the park. The Commission visited the area of 900 East and 400 South and review the proposed zoning.

[5:36:31 PM](#)

PLNPCM2010-00231 and PLNSUB2010-00422 - Korean Presbyterian Church of Utah Extension Requests - The Korean Presbyterian Church of Utah at 425 East 700 South is requesting one year extensions for both planned development and conditional use approvals that were granted by the Planning Commission on July 14, 2010. The subject property is in the RMF-35 (Moderate Density Multi-Family Residential) zoning district and in Council District 4, represented by Luke Garrott. (Staff contact: Nick Britton at 801-535-6107 or nick.britton@slcgov.com).

Mr. Nick Britton, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff recommended approval of the petition as presented.

MOTION [5:37:47 PM](#)

Commissioner Wirthlin stated regarding PLNPCM2010-00231 and PLNSUB2010-00422 regarding the Korean Presbyterian Church of Utah Extension he moved that the Planning Commission grant the one year extension for the petitions. Commissioner Woodhead seconded the motion. Commissioners Woodhead, Gallegos, Adams, Drown, Flores-Sahagun, Ruttinger, Taylor, and Wirthlin voted "aye". Commissioner Fife voted "nay". The motion passed 8-1.

MOTION [5:38:48 PM](#)

Vice Chairperson Gallegos moved to approve the minutes from May 9, 2012, with the corrections noted. Commissioner Fife seconded the motion. The motion passed unanimously.

REPORT OF THE CHAIR AND VICE CHAIR [5:39:25 PM](#)

Vice Chairperson Gallegos stated Chairperson Dean and he met with the City Council regarding the Planning Commission's activities and discussed the Council's view on upcoming items.

REPORT OF THE DIRECTOR [5:44:13 PM](#)

Wilford Sommerkorn, Planning Director stated he did not have anything to report.

[5:44:16 PM](#)

PLNPCM2011-00438 - Pierpont Avenue Street Closure - A request by Rodney Newby for approval to close a portion of Pierpont Avenue adjacent to the properties located at approximately 1010, 1020 and 1046 Pierpont Avenue for relocation of the existing sidewalk in front of the subject properties. This request will not close any portion of Pierpont Avenue; it will only relocate the detached sidewalk in front of the subject properties and attach it to the existing curb along Pierpont Avenue. No portion of the street between the curb and gutter will be affected or closed. The applicant is requesting to relocate the sidewalk in order to make the three lots a little larger in order to develop a residence on each lot. The subject property is located in an R-1/5000 (Single Family Zoning District) zoning district. The subject properties are located in Council District 2, represented by Kyle LaMalfa. (Staff contact: Maryann Pickering at (801) 535-7660 or maryann.pickering@slcgov.com).

Ms. Maryann Pickering, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff recommended approval of the petition as presented.

PUBLIC HEARING [5:46:01 PM](#)

Chairperson Dean opened the Public Hearing seeing no one was in the audience to speak for or against the issue Chairperson Dean closed the Public Hearing.

MOTION [5:46:21 PM](#)

Commissioner Wirthlin moved regarding PLNPCM2011-00438 the Pierpont Avenue partial street closure at 1010, 1020 and 1046 Pierpont Avenue, based on the testimony, plans presented and the finding listed in the Staff Report (all made at the March 14, 2011 Public Hearing) that the Planning Commission transmit a positive recommendation to the City Council. Commissioner Taylor seconded the motion. Commissioners Woodhead, Gallegos, Adams, Drown, Fife, Flores-Sahagun, Ruttinger, Taylor, and Wirthlin voted "aye". The motion passed unanimously.

[5:47:21 PM](#)

PLNPCM2010-00647 - 400 South Livable Communities Station Area Plans - A request by Salt Lake City Mayor Ralph Becker for an amendment to the Central Community Master Plan, 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)

Ms. Maryann Pickering, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff recommended approval of the petition as presented.

The Commissioners and Staff reviewed the Transit Station Area Development Guidelines, which standards were necessary for approval or if people could pick and chose which standards to apply to their project in order to get the most points. They discussed Gilgal Garden and the effects the proposal could have on the property. Staff explained the designation of the property as Open Space would further protect it from development and if the proposed zoning designations were not approved, new buildings could potentially be constructed in a manner that shaded the garden and hindered growth of the plants.

The Commissioners and Staff discussed the permitted and prohibited uses in the area. They discussed the possibility of big box stores developing in the area and the regulations that would need to be followed to meet the TSA zoning requirements and development guidelines. They discussed the options of giving local businesses more points than national stores. Staff explained other Cities had similar provisions and had been challenged legally.

PUBLIC HEARING [5:59:49 PM](#)

Chairperson Dean opened the Public Hearing.

The following individuals spoke in favor of the proposal:

Cindy Cromer

David Duke

Kathy Scott

They made the following comments:

- As long as the City Council continued to up zone properties blocks away from TRAX, 400 South would not develop in the desired direction.
- It was important to protect Gilgal Garden from surrounding development.
- Issues regarding the Block between 900 and 1000 East and 400 and 500 South, were treated correctly and the result was well received.

Commissioner Woodhead congratulated staff on a job well done. She stated there was a lot of input from the Community and Staff responded effectively.

MOTION [6:10:41 PM](#)

Commissioner Woodhead moved regarding PLNPCM2010-00647, that the Planning Commission forward a favorable recommendation to the City Council based on the evidence and findings in the Staff Report, the public hearings, the written recommendation and the other materials. She recommended the addition that there be fewer points rewarded for structured parking than what was set forth in the proposal. Commissioner Wirthlin seconded the motion.

Commissioner Taylor asked what would happen with the current Historic Districts in the area. Ms. Pickering outlined the historic district and explained Staff was not proposing to change any boundaries at this time. She noted that changing the boundaries of the Central City Historic District may be addressed at a later date.

Commissioners Gallegos, Woodhead, Wirthlin, Ruttinger, Adams, Drown, Flores-Sahagun, and Ruttinger voted “aye”. Commissioner Fife and Taylor abstained. The motion passed 8-0-2.

Commissioners Dean and Adams were excused

[6:14:03 PM](#)

PLNPCM2012-00150 Conditional Use - Ryan Corbin, is petitioning the city for an intensification of a non-conforming use conditional use. The purpose of the petition is to build an addition to an existing building and convert it to a drive-thru coffee shop at 877 South 1300 East within the Residential Multi Family (RMF-35) Zone. The site is in Council District 5, represented by Jill Remington Love. (Staff contact: Ray Milliner at 801-535-7645 or ray.milliner@slcgov.com)

Mr. Ray Milliner, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). He reviewed the Public comments regarding lack of noticing and safety at the subject property. Mr. Milliner explained the noticing standards were followed and reviewed the section of the proposal that addressed the traffic review. He stated Staff recommended approval of the petition with the conditions listed in the Staff Report.

Mr. Paul Neilson, City Attorney, explained the process for a conditional use.

Commissioner Fife asked how the stacking of vehicles at the drive-thru was calculated.

Mr. Milliner stated it was his understanding that it started at the window and continued to the street. He stated Mr. Young could answer the question.

Mr. Kevin Young, Transportation Division, stated the stacking was calculated from the drive-thru window to the street with a requirement that there be enough room for five vehicles.

The Commissioners, Mr. Young and Staff discussed the amount and flow of traffic in the area.

Mr. Young stated the effect the proposed business would have on significant impact the traffic was not unlike what was experienced in other areas of the City.

Commissioner Woodhead asked if there was a theory or information about how drive-thru facilities affected traffic patterns verses other establishments.

Mr. Young explained the average for the industry was used to calculate the traffic to the business.

Mr. Ryan Corbin, Applicant, stated the required process was followed and explained the proposed business was not a trip generating business. He stated the proposed business would not add volume but would decrease the volume on 1300 East when cars pulled out of traffic to stop at the coffee shop.

Commissioner Fife stated it added traffic because everyone that stopped at the business went through the intersection twice.

The Commissioners discussed the ingress and egress to the property.

Commissioner Taylor stated she was concerned that traffic jams would be more of an issue and possibly result in more traffic accidents in the area.

Vice Chairperson Gallegos asked Mr. Young if more vehicle accidents would be an issue if the proposed structure was approved.

Mr. Young reviewed the stripping on the road, and how a vehicle would travel in the area. He stated accidents were not something that could be controlled. However, he did not expect an unusual number of accidents to occur if the proposed use were to be approved.

Mr. Neilson stated the property was formally used for a gas station and asked Mr. Young to address how different land use types and different intensities affected traffic patterns.

Mr. Young stated the coffee shop would have more intense traffic in the morning and a gas station would be more consistent throughout the day.

Commissioner Flores-Sahagun asked about the location of the bus stop on 1300 East and what other uses would be allowed on the corner.

Mr. Milliner indicated the bus stop was by the north entrance to the subject property. He stated the use was non-conforming therefore; a wide variety of uses could be approved for the property.

Commissioner Ruttinger asked about the request to change the zoning to commercial and what stage the request was at.

The Commission and Staff discussed the proposed Small Neighborhood Business (SNB) zoning proposal that the Planning Staff is working on and how it would affect the subject property. Ray Milliner mentioned that the SNB was not part of the proposal being considered by the Planning Commission tonight. They discussed which zones allow drive-thru windows and which do not and the regulations that would need to be followed for drive-thru windows in those areas.

Mr. Corbin explained the outdoor aspects of the proposal such as a patio, bike racks, a place for dogs that would make the business inviting to people that walked in the area.

PUBLIC HEARING [6:43:00 PM](#)

Vice Chairperson Gallegos opened the Public Hearing

The following individuals spoke in opposition of the proposal:

Mr. Gregg Bergmann and Mr. Rick Olsen Hayes

The following comments were made:

- Notices were not distributed correctly and Staff did not provide a Staff Report until a few days ago.

- The proposal was not consistent with the Planning Policies, documents and Master Plan.
- Request was for a more intensive use than permitted.
- Traffic in the area was all ready horrible and the proposed business would add to it.
- A traffic Impact analysis should have been done to ensure the safety of the school children in the area.
- Bus stop was in front of one entrance to the property and the other entrance was too close to the corner.

The following individuals spoke in favor of the proposal:

Mr. Lars Crisley and Mr. Dave Tolmay

The following comments were made:

- Traffic in the area would always be an issue and adding a business to the corner would not make matters worse.
- The proposal would be a nice addition to the area.

Commissioner Woodhead stated there was no question that the Public Hearing was noticed legally and properly. She asked would there be a benefit to continuing the Public Hearing to allow individuals who wanted to comment, to attend a meeting.

Mr. Corbin stated the only Public Comment that has been heard was from his competitor. He stated the process was followed and extending the public hearing would be unreasonable. He stated the proposed business would not affect the traffic in the area as most of the cars that would visit his business were all ready part of the traffic on the road. Mr. Corbin stated he had letters of approval from neighbors to submit as well.

Ms. Danielle Clark, A & D Architecture, stated one of the main elements of the design was the pedestrian friendly access. She stated it would be a corner that was not only occupied by vehicles but by pedestrian as well.

The Commissioners and Applicant discussed the amount of cars that would go through the drive-thru and the time it would take to serve those cars. They discussed the stacking and determined that the five cars stacking would be adequate for the property. The Commissioners, Staff and Applicant reviewed the entrance and exits to the property and the

direction people would travel in the area. They stated the optimal flow of traffic would be right turns to enter the property and right turns to exit the property.

The Commissioners and Mr. Young discussed the standards for traffic flow and how the property fit into those standards. Mr. Young stated the amount of possible accidents in the area was an uncontrollable issue that the proposed business should not be held accountable for.

The Commissioners and Mr. Young discussed the bus stops in the area and whether or not the stops could be relocated to allow better traffic flow on and off the property. Mr. Young stated UTA worked with the Transportation Division regarding bus stops and if needed the stop would be reviewed.

Mr. Wilford Sommerkorn, Planning Director, stated all of the standards and requirements in the ordinance for noticing were met. He explained the possible repercussions of requiring additional notification.

Commissioner Woodhead stated she did not feel that more noticing was needed however, her question to Staff would be was there a sense that there were actually people who want to speak to the issue that were not notified.

Mr. Milliner reviewed the Public Comments regarding the issue. He explained the noticing that was done for the project such as the sign on the property and the mailing for the open house and the public hearing.

Mr. Sommerkorn stated this was an unusual conditional use as it was a conditional use for a non-conforming expansion therefore; it would not meet the master plan or the zoning standards. He reviewed how normal conditional uses are process and reiterated that this proposal would not follow the same rules.

Commissioner Flores-Sahagun asked if the Community Council had commented on the proposal.

Mr. Milliner read the response from the Community Council as presented in the Staff Report.

Commissioner Drown asked what would happen to the property if the proposal was not approved.

Mr. Paterson stated the non-conforming use status stayed runs with the land and not the owner therefore, a similar use was allowed to continue.

Vice Chairperson Gallegos asked the Commission to address Ms. Love's concerns in regards to whether or not the Public Hearing should be continued.

The Commissioners agreed that if the noticing requirements were met the process should be moved forward.

Vice Chairperson Gallegos closed the Public Hearing.

COMMISSION COMMENTS [7:14:21 PM](#)

Commissioner Ruttinger asked if a drive-thru was approved and the business closed down what would prevent a larger business with a drive-thru from developing the property.

Mr. Sommerkorn stated the intensification category or determination in the ordinance revolved around how much parking was required. He explained how intensification was determined.

Commissioner Ruttinger clarified any future business would be similar in size to what was being proposed.

Mr. Sommerkorn stated that was correct.

Mr. Milliner stated if the use was abandoned, subject to the standards defined in the Zoning Ordinance, the non-conforming status could be revoked and any future use would revert back to the base zoning, but this was unlikely to happen.

MOTION [7:15:32 PM](#)

Commissioner Fife moved regarding PLNPCM2012-00150 the Java Joes Conditional Use for the enlargement of a non-conforming use, based on the analysis and findings in the Staff Report, the information heard at the Public Hearing, the discussion among the Planning Commission members and the visit to the site, that the Planning Commission approve the conditional use petition with the two conditions of approval in the Staff Report and one additional recommendation that all the exits be right turn only. Commissioner Flores-Sahagun seconded the motion.

Commissioner Wirthlin asked if it was a recommendation not a requirement of approval that the exits be right turn only.

Commissioner Fife stated it was a condition of approval.

**Commissioners Fife, Ruttinger, Taylor, Drown, Woodhead, Flores-Sahagun
Commissioner Wirthlin voted “nay” The motion passed 6-1**

[7:26:42 PM](#)

PLNPCM2009-00628 Design Guidelines for Historic Commercial Properties & Districts - A request by Salt Lake City Mayor Ralph Becker to create design guidelines relating to historic commercial properties and districts. The design guidelines will provide guidance on appropriate methods for the careful treatment and rehabilitation of the City's historic resources. They also will assist in the design of new construction within the historic districts. No sections of the Zoning Ordinance will be modified or affected by this petition. (Staff contact: Janice Lew at (801)535-7625 or janice.lew@slcgov.com)

Ms. Janice Lew, Senior Planner reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff recommended the Planning Commission forward a favorable recommendation to the City Council regarding the petition.

Commissioner Woodhead stated the document could be useful for anyone in the City when renovating structures.

PUBLIC HEARING [7:32:05 PM](#)

Chairperson Dean opened the Public Hearing

Ms. Cindy Cromer, resident, stated her comments were regarding both guideline petitions on the agenda. She stated the Planning Staff had done a wonderful job with the documents and there was not a need to hire outside staff to write these types of documents. Ms. Cromer stated the need to make the guidelines work well online and be easy for all to use was a must.

Chairperson Dean closed the Public Hearing.

Commissioner Woodhead stated the Westside of Salt Lake should be included in the documents even though there was not a Historic District on that side of the City. She suggested including some of the buildings as examples in future documents.

Ms. Lew stated the documents would continue to be updated and those pictures could be incorporated.

Chairperson Dean asked how the online documents would be presented.

Ms. Lew explained the documents would be connected but separate in ways. She asked for suggestions on how to make it user friendly for everyone.

Commissioner Drown asked if the City could hold a public meeting where the guidelines could be distributed.

Ms. Lew stated that had not happened in the past but could be included as part of the Public Outreach Program.

MOTION [7:38:10 PM](#)

Vice Chairperson Gallegos moved in regard to PLNPCM2009-00628 Design Guidelines for Historic Commercial Properties & Districts, that the Planning Commission forward a favorable recommendation to the City Council based on the findings listed in the Staff Report and testimony given. Commissioner Drown seconded the motion. The motion passed unanimously.

[7:38:59 PM](#)

PLNPCM2011-00471 Revisions to the Residential Design Guidelines for Historic Districts and Landmark Sites - A request by Mayor Ralph Becker to revise the residential design guidelines for historic districts and landmark sites in Salt Lake City regulated by the H Historic Overlay Zone. The design guidelines have been used since 1999 and the revisions will provide guidance and advice to owners and applicants on appropriate treatment and rehabilitation of the City's historic resources, and serve as review and decision-making criteria for the public, the Historic Landmark Commission and Staff. They also will assist in the design of new construction within historic districts. The revisions will reflect historic preservation design guidelines best practices in organization, clarity and current issues. No sections of the Zoning Ordinance will be modified or affected by this petition. (Staff contact: Carl Leith, 801 535 7758 or carl.leith@slcgov.com)

Mr. Carl Leith, Senior Planner reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff recommended the Planning Commission forward a favorable recommendation to the City Council regarding the petition.

Commissioner Taylor asked how people would be notified of changes to the documents.

Mr. Leith stated Staff hoped to update the documents annually. He stated a statement to check the online version for updates would be included.

Commissioner Drown asked if a flow chart was available for people to follow. She stated it would be a useful tool as a precursor to the documents.

Mr. Leith stated Staff had been looking to put something together in the near future.

PUBLIC HEARING [7:53:22 PM](#)

Chairperson Dean opened the Public Hearing seeing no one was in the audience to speak for or against the issue Chairperson Dean closed the Public Hearing.

MOTION [7:53:38 PM](#)

Commissioner Drown moved in regards to PLNPCM2011-00471 Revisions to the Residential Design Guidelines for Historic Districts and Landmark Sites, based on the findings and analysis in the Staff Report and the information provided, that the Planning Commission forward a favorable recommendation to the City Council. Commissioner Fife seconded the motion. The motion passed unanimously.

Meeting adjourned [7:54:42 PM](#)