

SALT LAKE CITY PLANNING COMMISSION MEETING
Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, September 26, 2012

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:33:26 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 Michael Gallegos, Vice Chair Emily Drown; Commissioners Lisa Adams, Angela Dean, Michael Fife, Bernardo Flores-Sahagun, Clark Ruttinger, Marie Taylor and Matthew Wirthlin. Commissioner Mary Woodhead was excused.

Planning Staff members present at the meeting were: Wilford Sommerkorn, Planning Director; Joel Paterson, Planning Manager; Doug Dansie, Senior Planner; Lex Traugher, Senior Planner, Michael Maloy, Principal Planner; Ana Valdemoros, Principal Planner; Paul Nielson, City Attorney; and Michelle Moeller, Senior Secretary.

FIELD TRIP NOTES:

A field trip was held prior to the meeting. Planning Commissioners present were: Lisa Adams, Michael Fife, Bernardo Flores-Sahagun, Michael Gallegos, Clark Ruttinger and Marie Taylor. Staff members in attendance were Joel Patterson, Doug Dansie and Michael Maloy. The following locations were visited:

1. Union Station 108 S 300 W: Staff described the proposed project and the requirements for additional height for portions of the buildings. The Commission asked questions about the design, the request for additional height, site layout, mid-block walkways, pedestrian connections and the timing and sequencing of the development.
2. West Temple Gateway – Form Based Code Zoning Ordinance Amendments: The Commission toured the area where the Zoning Map amendment is proposed. The Commission asked questions about the differences between the two form based code zoning districts, the intent of the proposed zoning, how the proposed zoning might impact the residential uses on Montrose Ave, the urban design provisions of the ordinance including building height, site planning issues, pedestrian design improvements and the public process that has been followed.
3. 2016 South 2100 East: Staff described the proposed master plan and zoning map amendment. The Commission asked questions about the existing parking lot behind the house at 2016 South 2100 East, the existing master plan designation,

existing zoning standards for both the commercial properties and the residential properties in the area.

APPROVAL OF THE MINUTES FROM THE August 22, 2012 MEETING

MOTION [5:33:34 PM](#)

Commissioner Wirthlin made a motion to approve the September 12, 2012 minutes. Commissioner Dean seconded the motion. Commissioners Dean, Fife, Flores-Sahagun, Taylor, Ruttinger and Wirthlin voted “aye”. Commissioners Adams abstained from voting. The motion passed.

REPORT OF THE CHAIR AND VICE CHAIR [5:34:05 PM](#)

Chairperson Gallegos stated he had nothing to report at this time.

Vice Chair Emily Drown stated she had nothing to report at this time.

REPORT OF THE DIRECTOR [5:34:12 PM](#)

Mr. Wilford, Sommerkorn, Planning Director, reviewed the items approved by the City Council, which were the Alcohol Ordinance, Accessory Dwelling Units with a quarter mile of transit stations. He stated the Unit Legalization process, 400 south corridor and master plan amendments were also approved.

[5:36:09 PM](#)

PLNSUB2012-00481: Union Station – A request by Peg Development for a Planned Development at approximately 108 South 300 West. The project is requesting planned development approval to modify the 5 foot maximum setback requirement from the front property line; to allow for multiple structures on a single site; to allow cross easements between parcels; and to allow portions of the building to exceed 75 feet in height. The project is located in the D-4 Downtown Secondary Business District, 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 petition as presented in the Staff Report (located in the case file). Mr. Dansie stated Staff was recommending approval with the conditions listed in the Staff Report.

The Commission and Staff discussed the need for the grade change and the issue with contaminated soil that required the parking garage to be constructed prior to the construction of the hotel.

Mr. Robert Schmidt, Peg Development, reviewed the need to construct the parking garage due to asbestos in the soil. He stated there would be a gap in the timing for the permits but ensured the Commission that two hotels would be constructed on the site with the parking garage.

PUBLIC HEARING [5:49:12 PM](#)

Chairperson Gallegos opened the Public Hearing seeing there was no one present to speak for or against the petition; Chairperson Gallegos closed the Public Hearing.

DISCUSSION [5:49:38 PM](#)

The Commission and Staff discussed the need for language to ensure a parking garage was not the only thing constructed on the site. It was determined no language was needed to ensure the Developer would construct the hotels as it was in their best interest to do so.

MOTION [5:52:01 PM](#)

Commissioner Wirthlin stated in regards to PLNSUB2012-00481 based on the findings listed in the Staff Report, testimony given and plans presented, he moved that the Planning Commission approve the Plan Development to allow multiple buildings with cross easements at approximately 108 South 300 West and to modify the maximum setback requirement to allow portions of the building to exceed the seventy five feet in height with conditions one through four listed on page one of the Staff Report. Commissioner Flores-Sahagun seconded the motion. Commissioners Adams, Fife, Flores-Sahagun, Ruttinger and Wirthlin voted “aye”. Commissioner Dean and Taylor voted “nay”. The motion passed 5-2.

[5:53:15 PM](#)

PLNPCM2012-00460 Former Barnes, Celtic Bank and American Title Surplus Property Request - A request by the Salt Lake City Property Management Division for a Declaration of Surplus Property for the vacated former Barnes Building, Celtic Bank and American Title Co. properties located at approximately 431 South 300 East, 330 East 400 South and 338 East 400 South respectively. The subject properties are located in a TSA UC Core Transit Station Area Urban Center Core zoning district in Council District 4, represented by Luke Garrott. (Staff Contact: Ana Valdemoros at 801-535-7236 or ana.valdemoros@slcgov.com

Ms. Ana Valdemoros, Principal 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.

Commissioner Dean asked why the property was acquired if it was not needed.

Ms. Valdemoros stated the property was purchased as part of the Public Safety Building proposal and has now been deemed not necessary.

Mr. Ryan McFarland, Salt Lake City Property Management, gave a background of the property and overview of the proposal. He stated the subject properties were proposed to be used for city offices but have since been rethought. Mr. McFarland reviewed the proposals for the buildings and property.

PUBLIC HEARING [5:58:01 PM](#)

Chairperson Gallegos opened the Public Hearing seeing there was no one present to speak for or against the petition; Chairperson Gallegos closed the Public Hearing.

DISCUSSION

The Commission and Applicant discussed the proposal for Blair Street stating it would be a mid block access to the Public Safety Building with vehicle and pedestrian access

MOTION [5:59:16 PM](#)

Commissioner Fife stated in regards to PLNPCM2012-00460 based on the findings in the Staff Report and the testimony given, he moved that the Planning Commission declare surplus the three properties with corresponding address at 330 East 400 South, the former First American Title Company Building, 431 South and 300 East, the former Barnes Building, and 338 East 400 South, the former Celtic Bank, and forward a recommendation to the City Administration to dispose of the property in a manner consistent with section 2.58 of the Salt Lake City Code. Commissioner Dean seconded the motion. The motion passed unanimously.

[6:00:30 PM](#)

PLNPCM2009-00169, Zoning Text Amendment for Land Use Tables and Definitions - A petition initiated through the 2009 Zoning Amendment Project (ZAP) to analyze and amend as appropriate the various land use tables and definitions in the Zoning Ordinance. Related provisions of Title 21A – Zoning may also be amended as part of this petition. The text amendment is applicable to all Salt Lake City Council Districts and Community Councils. (Staff contact: Lex Traughber at 801 535 6184 or lex.traughber@slcgov.com)

Mr. Lex Traughber, Senior Planner reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending approval of the Land Use Tables as presented.

The Commission and Staff discussed the letter from the Sugar House Community Council. Staff indicated they had not yet seen the letter from the Sugar House Community Council and would need to review the questions before answering.

PUBLIC HEARING [6:05:03 PM](#)

Chairperson Gallegos opened the Public Hearing.

Ms. Judy Short, Sugar House Community Council, reviewed the letter (located in the case file). She reviewed the concerns of the Community Council and asked for the issues to be clarified.

Chairperson Gallegos closed the Public Hearing

DISCUSSION [6:09:10 PM](#)

Mr. Traugher stated many of the concerns from the Sugar House Community Council were addressed in the definitions of the use tables. He reviewed each item and explained how it was addressed in the tables. Mr. Traugher stated most of the items fell under retail establishments.

MOTION [6:11:06 PM](#)

Commissioner Dean stated in regards to PLNPCM2009-00169 based on the findings in the Staff Report, and presentation by Staff and the Public Hearing, she recommended that the Planning Commission forward a favorable recommendation to the City Council for the zoning changes.

The Commission asked Staff if movie theatres, bakeries and wind energy system height were addressed in the tables.

Staff stated the movie theatres and bakeries fell under retail establishments and the wind energy systems were a new ordinance that was passed by the City Council.

Commissioner Drown seconded the motion. The motion passed unanimously.

[6:13:25 PM](#)

PLNPCM2011-00640 Form Based Code for West Temple Gateway -The Salt Lake City Planning Commission will conduct an “issues only” public hearing to receive public comments and discuss issues in response to a petition submitted by Mayor Ralph Becker to amend the Salt Lake City Zoning Title and Map from D-2 Downtown Support District and RMF-75 High Density Multi-Family Residential District to FB-UN1 and FB-UN2 Form Based Urban Neighborhood District for properties located approximately between 700 South Street and Fayette Avenue (975 South), and between West Temple Street and 300 West Street. The purpose of the zoning amendment is to ensure future development will enhance residential neighborhoods and encourage compatible commercial

development in compliance with the City Master Plan. The subject properties are located in Council District 4, represented by Luke Garrott, and Council District 5, represented by Jill Remington Love. (Staff contact: Michael Maloy at (801) 535-7118 or michael.maloy@slcgov.com)

Mr. Michael Maloy, Principal Planner reviewed the petition as presented in the Staff Report (located in the case file). He stated this was an issues only topic and would be brought back to the Commission at a future meeting for approval.

The Commission asked Staff to explain why conditional uses were not proposed for the zones.

Mr. Maloy stated Staff was trying to eliminate those uses that were not compatible and employ enough design regulations, so that once a developer complied with the design regulations the result would be a compatible project. He stated it was development friendly and referenced comments from local developers.

The Commissioners asked if there was a reason for the Montrose area to change.

Mr. Maloy stated Montrose was currently a D-2 zone which allowed the use to be changed to other less desirable uses. He stated the proposal called for the use to be changed to FB-UN-1 zoning which discouraged that activity and would help maintain the residential nature of the block.

The Commission and Staff discussed the actual height of four stories. It was stated that it was roughly 50 feet in height but could depend on the type of proposed building. Staff stated there were height and setback restrictions in place that would also help determine the allowable building height.

PUBLIC HEARING [6:29:07 PM](#)

Chairperson Gallegos opened the Public Hearing

The following individuals spoke against the petition Ms. Susan Deal Anderson and Mr. Denny Fisher.

The following comments were made.

- Montrose Avenue properties did not meet the criteria for the proposed zone.
- No sustainability proposed
- Automotive repair should be allowed in form based zoning.
- What were the securities to protect homes from taller buildings, building on top of them and blocking the views?

The following individuals spoke in favor of the petition Mr. Paul Christenson, Mr. Chris Brown and Mr. Nathan Anderson.

The following comments were made.

- Made for sustainable development that can be used long term in a very pleasing way.
- Allowed the properties to be developed over the long term in a way that was conducive to density which was necessary to bring in services.
- Limited design but as a property owner it protected the character of the areas.
- The proposed ordinance was grand and would allow developments without having to change the zoning for the area.
- A suggestion to change the allowable height on the inside lots on Jefferson Street to three stories in order to accommodate the water issues in the area.

Chairperson Gallegos closed the Public Hearing

DISCUSSION [6:38:37 PM](#)

Mr. Maloy reviewed the protections for residential property owners. He stated the proposed zoning was better than what currently existed.

Chairperson Gallegos asked if the property owners on Montrose Avenue would be required to meet the proposed zoning requirements.

Mr. Maloy stated the owners had the right to maintain what existed. He reviewed the existing zoning and what would be put in place with the proposal such as setbacks, yard requirements.

Commissioner Dean stated the pocket neighborhoods are a treasure and should be maintained. She asked if the proposal was the best zoning available for the area.

The Commission and Staff discussed what was on the ends of the block on Jefferson Street, the possibility of extending the FB-UN-1 zone to 800 South and what was best for the area.

As this item was an issues only hearing, no motion was needed to table the item for a future meeting. The Public Hearing was left open and will be continued at a future Planning Commission meeting.

Staff stated the item would be brought before the Commission again at the October 24, Planning Commission Meeting. The Commission agreed this would be the appropriate direction for the petition.

[6:44:50 PM](#)

2022 LLC Master Plan and Zoning Map Amendments - 2022 LLC Master Plan and Zoning Map Amendments – A request by Ellen Reddick to amend the Sugar House Master Plan and Zoning Map for property located at approximately 2016 South 2100 East Street. The purpose of the request is to replace the existing residential use with a commercial use. The property is located in Council District 6, represented by Charlie Luke. (Staff contact: Michael Maloy at 801-535-7118 or michael.maloy@slcgov.com)

- **PLNPCM2012-00367 Master Plan Amendment – A request to amend the Future Land Use Map of the Sugar House Community Master Plan. The amendment would change the future land use classification of the property from Low Density Residential to Mixed Use - Low Intensity.**
- **PLNPCM2012-00366 Zoning Map Amendment – A request to amend the Salt Lake City Zoning Map. The amendment would change zoning from R-1/7,000 Single-Family Residential District to CB Community Business District.**

Mr. Michael Maloy, Principal Planner reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending the Planning Commission transmit a negative recommendation to the City Council as the proposal did not meet the Sugar House Community Master Plan or its policies.

Ms. Ellen Reddick, Applicant, stated they were requesting CB zoning to allow the property to be used for business rather than residential and to address the concerns of the neighborhood.

Mr. Rich Whittaker, Applicant, stated the home was basically a frat house as it was only rented by college students. He reviewed the layout of the property and that there was no privacy on the property. Mr. Whittaker reviewed the change in the zoning and stated it would make the area more consistent than what currently existed.

Mr. John Bouzek, owner of the Blue Plate Dinner, reviewed the neighborhood growth in the area and the need to increase the commercial uses in the area. He stated it would benefit the area if the property use was made consistently commercial. Mr. Bouzek stated it would also allow for better development of the property in the future.

The Commission stated there was vacant buildings to the South of the subject property and questioned if it was in the best interest to add to those vacancies.

The Commissioners and Applicants discussed the possible businesses that could locate in the area and the hang ups with some potential renters due to the zoning. They discussed the parking in the area and the need to improve the area overall. The Applicants stated they preferred the CB zoning over the CN zoning to add consistency to the property.

PUBLIC HEARING [7:02:50 PM](#)

Chairperson Gallegos opened the Public Hearing.

Ms. Judy Short, Sugar House Community Council, stated the Council was worried about the commercial creeping up the street and would like the housing protected. She stated that the Sugar House Community Council would support a change to CN Neighborhood Commercial zoning.

The following individuals spoke against the petition

Ms. Blakely Summerfield

The following comments were made.

- Spot zoning would not benefit the area.
- The proposal did not fit the history of the property or the area.

The following individuals spoke for the petition

Mr. David Jensen and Mr. J.D. Smith

The following comments were made.

- Would fix the problem with college kids living in the subject house.
- Would improve the area.
- Business district was thriving and expanding.
- Business District was in favor of the project as it would help with future development in the area.
- Would clean up the zoning that was created in 1995.

Commissioner Fife stated when the parking lot was constructed behind the residence it destroyed the residential value of the home and what the Commission was being asked to do was to fix it, which he would support.

Commissioner Dean stated parking lots could be removed and the residence could be changed back to a single family residential home. She stated there were more options for the property than just changing the zoning to commercial.

Ms. Reddick stated the driveway was shared and the investment to improve the property in order to make it a single family residence would be greater than if it were made commercial.

Chairperson Gallegos closed the Public Hearing

DISCUSSION [7:13:48 PM](#)

Commissioner Drown asked if the CN zoning was available at the time the CB zoning was put in place.

Mr. Paterson stated the CN and CB zoning were both created in 1995 when the zoning ordinance was rewritten.

The Commission and Staff discussed why one zoning was given to the property over the other. Staff explained CN was designed for small districts intended to serve the local neighborhood. The CB district was intended for uses that would have a community-wide service area.

The Commission and Staff discussed if there was a buffer that would keep the commercial zoning from growing in the area. Staff explained the CN zoning was less intense and could be seen as a transitional area between the Commercial and Residential areas. It was stated as it stood there was not a buffer currently in place and what was proposed would be better than what existed.

Commissioner Taylor asked for the Planning Director's opinion.

Mr. Sommerkorn stated Mr. Maloy discussed the encroachment into the neighborhood and was very specific about preventing any further encroachment which seemed to be the intent when the zoning was created. He stated if the Planning Commission felt the circumstances had changed and the proposal might be appropriate then they could make that decision; however, the master Plan discouraged further encroachment of commercial zoning.

MOTION [7:18:06 PM](#)

Commissioner Ruttinger stated in regards to PLNPCM2012-00367 and PLNPCM2012-00366 based on the findings listed in the Staff Report, the opinion of the Planning Staff that the project does meet the applicable standards and therefore recommended the Planning Commission forward a positive recommendation to the City Council for both petitions.

Mr. Paterson stated Staff was recommending denial of the petition as it did not meet the applicable standards. He stated if the Commission proposed a motion to forward a positive recommendation regarding the petition, Staff would ask that the Commission state specific findings to support their recommendation. He stated the findings in the Staff Report supported the denial of the petition.

Commissioner Ruttinger stated the findings would be that the site represented a unique situation where the residentially zoned property basically supports the existing business

district and the current conditions of the site do not adequately support a viable residential use; therefore, the site should be zoned CB to be consistent with the business district.

Commissioner Fife stated he would second the motion for the reason that he felt the commercial encroachment had all ready taken place.

Commissioners Ruttinger, Fife, Taylor and Flores-Sahagun voted “aye”

Commissioners Wirthlin, Drown, Dean, Adams voted “nay”

With a tie vote Chairperson Gallegos voted “aye” and the motion passed 5-4.

The meeting adjourned at [7:21:49 PM](#)