

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**Room 126 of the City & County Building**  
**451 South State Street, Salt Lake City, Utah**  
**Wednesday, May 22, 2013**

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:31:24 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: Vice Chair Emily Drown; Commissioners, Angela Dean, Bernardo Flores-Sahagun, Clark Ruttinger, Marie Taylor, and Mary Woodhead. Chairperson Michael Gallegos; Commissioner Lisa Adams, Michael Fife and Matthew Wirthlin were excused.

Planning Staff members present at the meeting were: Wilford Sommerkorn, Planning Director; Joel Paterson, Planning Manager; Everett Joyce, Senior Planner; Doug Dansie, Senior Planner; Maryann Pickering, Principal Planner; Michelle Moeller, Senior Secretary and Paul Nielson, City Land Attorney

**FIELD TRIP NOTES:**

A field trip was held prior to the work session. Planning Commissioners present were: Emily Drown, Bernardo Flores-Sahagun, Clark Ruttinger, Mary Woodhead and Marie Taylor. Staff members in attendance were Joel Paterson and Maryann Pickering.

The Planning Commissioners visited areas of Sugar House along the streetcar line that will be subject to the proposed form-based zoning.

[5:31:40 PM](#)

**APPROVAL OF THE MINUTES FROM THE May 8, 2013 MEETINGS**

**MOTION** [5:31:56 PM](#)

**Commissioner Woodhead made a motion to approve the May 8, 2013 meeting minutes. Commissioner Dean seconded the motion. The motion passed unanimously.**

**REPORT OF THE CHAIR AND VICE CHAIR** [5:32:13 PM](#)

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

**REPORT OF THE DIRECTOR** [5:32:17 PM](#)

Mr. Wilford, Sommerkorn, Planning Director, stated instead of having a single meeting for a retreat the Planning Commission would extend the dinner portion of the meeting to 6:00 pm to address retreat items. He reviewed the budget for fiscal year 2014. Mr. Sommerkorn reviewed the issues reviewed by the City Council regarding the Lobb Zone Development Agreement.

The Commission asked if they could schedule a time to tour some of the approved projects. Mr. Sommerkorn stated that could be arranged.

**PUBLIC HEARINGS**

**ADMINISTRATIVE MATTERS** [5:34:33 PM](#)

**Union Station Planned Development Modification at approximately 108 South 300 West and 255 West 100 South - Peg Development is requesting approval from the City to amend a previously approved Planned Development by changing the percentage of retail square footage within the building (changing proposed retail space to hotel meeting space along the street frontage) within the building located at approximately 355 West 100 South. The Planned Development approval was originally granted on September 26, 2012. This property is zoned D-4 Downtown Secondary Central Business District. This type of request must be reviewed as an amendment to a Planned Development. The subject property is located in Council District 4 represented by Luke Garrott (Staff contact: Doug Dansie at (801) 535-6182 or [doug.dansie@slcgov.com](mailto:doug.dansie@slcgov.com)). Case number PLNSUB2012-00481)**

Mr. Doug Dansie, Senior Planner reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending approval of the petition as presented.

The Commission and Staff discussed if a motion was necessary for the petition.

**PUBLIC HEARING**

Vice Chairperson Drown opened the Public Hearing, seeing no one was in the audience to speak for or against the petition, Vice Chairperson Drown closed the Public Hearing.

**MOTION** [5:39:40 PM](#)

**Commissioner Woodhead stated as to PLNSUB2012-00481 regarding the Plan Development on 108 South 300 West, she move that the Planning Commission**

approve the modifications to the planned development proposal set forth in the material submitted and presented by Staff. Commissioner Ruttinger seconded the motion. The motion passed unanimously.

**LEGISLATIVE MATTERS** [5:40:57 PM](#)

**Abandonment or Loss of Nonconforming Use Text Amendment** - Mayor Becker is requesting that City regulations related to abandonment or loss of a nonconforming use be modified to more directly relate to State code and strengthen the City's ability to regulate when a nonconforming use has been abandoned or lost. The proposed regulation changes will affect Chapter 21A.38, Nonconforming Uses and Non-complying Structures, of the Zoning Ordinance. Other related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Everett Joyce at (801) 535-7930 or [everett.joyce@slcgov.com](mailto:everett.joyce@slcgov.com)). Case Number PLNPCM2013-00265).

Mr. Everett Joyce, Senior Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated an Open House was held and no comments were received. Mr. Joyce stated Staff was recommending a favorable recommendation be forwarded to the City Council regarding the petition.

**PUBLIC HEARING** [5:43:25 PM](#)

Vice Chairperson Drown opened the Public Hearing, seeing no one was in the audience to speak for or against the petition, Vice Chairperson Drown closed the Public Hearing.

**DISSCUSSION** [5:43:47 PM](#)

The Commissioners and Staff discussed if there were any current examples that fit into the proposed changes. They discussed how many properties in the City the proposal would currently apply to and why the proposal was needed.

**MOTION** [5:46:45 PM](#)

**Commissioner Dean stated regarding PLNSUB2013-00265, based on the findings in the Staff Report and the public comment, she move that the Planning Commission transmit a favorable recommendation to the City Council to adopt the proposed zoning text amendment relating to Section 21A.38.070 Abandonment or Loss of Nonconforming Use. Commissioner Flores-Sahagun seconded the motion. The motion passed unanimously**

[5:47:34 PM](#)

**Sugar House Streetcar Greenway Project Alley Vacation at approximately 2213 South between 800 East and 900 East - Ryan McFarland of Salt Lake City Corporation is requesting approval from the City to vacate part of an alley along the Sugar House Streetcar corridor at the approximate address listed above. Portions of the alley are currently used as unimproved access to some properties fronting on Wilmington and Simpson Avenues and the land is now needed to complete trails, landscaping and other improvements related to the streetcar and Parley's Trail. This type of project must be reviewed as an Alley Vacation. The subject property is within Council District 7, represented by Søren Simonsen. (Staff contact: Maryann Pickering at (801) 535-7660 or [maryann.pickering@slcgov.com](mailto:maryann.pickering@slcgov.com). Case number PLNPCM2013-00119).**

Ms. Maryann Pickering, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She reviewed the Public Comment for the petition and stated Staff was recommending a favorable recommendation be forwarded to the City Council regarding the petition.

The Commission and Mr. Ryan McFarland, Applicant, discussed the access for properties along the alley and how access would be indicated to clearly direct traffic.

Mr. McFarland reviewed the history of the project and the impact studies conducted to ensure the best possible use for the property. He reviewed the traffic patterns for the alley and how each type of traffic would be visually indicated.

The Commission and Mr. McFarland discussed how many other alleys would be vacated to complete the trail system. Mr. McFarland stated this was the only one in question and reiterated the proposal was not a closure to pedestrian or bicycle traffic only to vehicular traffic.

The Commission and Mr. McFarland discussed the safety precautions that would be put in place to protect pedestrians in the area.

**PUBLIC HEARING [5:58:22 PM](#)**

Vice Chairperson Drown opened the Public Hearing.

Ms. Judy Short, Sugar House Community Council stated she had heard no objections to the alley closure and the proposal would be a wonderful amenity to the area.

The following person was in opposition of the petition: Mr. Reed Nesson

The following comments were made:

- Concerned grade changes and the potential water flow from the greenway and flooding neighboring properties
- Keep access to those properties in yellow on the map

Vice Chairperson Drown closed the Public Hearing

[6:02:42 PM](#)

Mr. Ryan McFarland stated he could not address the grade changes but that Mr. Nesson would maintain access to his property. He stated he could get someone out to visit Mr. Nesson to address his concerns regarding water flow.

Mr. Joel Paterson, Planning Manager stated Staff had Mr. Nesson's contact information and would get someone to address the issues of grade and water flow.

**MOTION** [6:05:17 PM](#)

**Commissioner Dean stated regarding PLNPCM13-00119 Sugar House Streetcar Greenway Project alley closure, based on the findings listed in the Staff Report, testimony and plans presented, she move that the Planning Commission transmit a favorable recommendation to the City Council relating to this request to close a portion of the alley, located adjacent to the Sugar House Streetcar corridor between 800 and 900 East subject to the conditions one and two of the Staff Report in addition the Staff will contact Mr. Nesson for clarification about the grade change on the subject property. Commissioner Woodhead seconded the motion.**

The Commission discussed if it would be wise to add language to address flooding and ensure negative impacts would not be imposed on Mr. Nesson's property.

Mr. Paul Nielson, Salt Lake City Attorney stated it would not be wise to put unnecessary liability on the City.

The Commission agreed to leave the motion as stated.

**The motion passed unanimously.**

[6:08:02 PM](#)

Mr. Nielson stated a conflict of interest had been brought to his attention. He explained the quorum policy for the Planning Commission and that not allowing Commissioner

Flores-Sahagun would cause the petition to be postponed. Mr. Nielson stated the Planning Commission was not the final decision maker on the proposal, the City Council was and therefore, depending on the conflict of interest it may not be an issue to allow Commissioner Flores-Sahagun to listen to the discussion and public comments as long as he did not participate in the conversations or motions.

Ms. Maryann Pickering stated Staff was not asking the Planning Commission for a recommendation on the petition at this meeting.

Commissioner Flores-Sahagun explained he had been working with a developer on a potential project within the subject area and therefore, felt it was a conflict of interest for him to participate in the discussion of the proposed zoning amendments.

The Commissioners and Staff discussed the issue and agreed to make a motion to allow Commissioner Flores-Sahagun to sit as a non-participating member of the Planning Commission during in the Public Hearing.

**MOTION** [6:12:46 PM](#)

**Commissioner Woodhead moved to allow Commissioner Flores-Sahagun to participate in the Public Hearing as a member of the Commission without asking questions or participating in the discussion, notwithstanding his identified conflict on the basis that there are special circumstances, that the Public Hearing was noticed and a substantial amount of people were present to testify and provide input on the subject, the Commission has had an indication from Staff that Staff would prefer the Commission continue the petition to a future meeting therefore, there was no possibility that Commissioner Flores-Sahagun's conflict would impact the decision. Commissioner Dean seconded. The motion passed unanimously.**

[6:13:58 PM](#)

**Sugar House Streetcar Master Plan and Zoning Amendments located along the corridor approximately from 500 East to McClelland and along 700 East from 2100 South to Simpson Avenue - Mayor Ralph Becker is requesting approval to adopt new zoning regulations, change the zoning of certain parcels and modify the Sugar House Master Plan as part of Phase 1 of the Sugar House Streetcar Project. The area is currently developed with a variety of residential and commercial uses. There are several different zoning classifications currently identified for these parcels. Other related provisions of Title 21A-Zoning may also be amended as part of this petition. Although the applicant has requested that the property be rezoned to new form-based zoning classifications, consideration may be given to rezoning the property to other zoning districts with similar characteristics. This type of project requires a**

**Zoning Text and Map Amendments and Master Plan Amendment approvals. The subject properties are located in Council District 7, represented by Søren Simonsen. (Staff contact: Maryann Pickering at (801) 535-7660 or [maryann.pickering@slcgov.com](mailto:maryann.pickering@slcgov.com). Case numbers: PLNPCM2012-00576 and PLNPCM2012-00577.**

- a. Master Plan Amendment - In order to make zoning changes above, the master plan needs to have new policies included in order to make the zoning consistent with the master plan. (Case number: PLNPCM2012-00577)**
- b. Zoning Text and Map Amendment - In order to change the zoning text and map as noted above, a Zoning Text and Map Amendment is required to change the zoning of certain parcels and add a new section in the Zoning Ordinance in Chapter 27 outlining all of the new regulations for the parcels that will have their zoning changed. (Case number: PLNPCM2012-00576).**

Ms. Maryann Pickering, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff was recommending the Planning Commission table the issue to a future meeting.

The Commission and Staff discussed the maximum height in the SC zone. They discussed the current zoning on Sugarmont and Simpson Avenues. The Commission and Staff discussed the location and of tennis courts on the east side of Salt Lake and the zoning of the courts in Sugar House.

#### **PUBLIC HEARING [6:27:20 PM](#)**

Vice Chairperson Drown opened the Public Hearing.

Ms. Judy Short, Sugarhouse Community Council, stated in general the Community Council supported the proposal. She stated they were still working through the plans to understand all the requirements. Ms. Short stated there was no reference to the greenway and how projects should orientate towards the greenway. She stated they would like to explore the concept of a greenway-river way along the Streetcar Corridor to create potential development. Ms. Short stated there needed to be something in place to address the historic aspects of Sugar House and how the bus system worked with the Streetcar. She reviewed concerns over sidewalk width, setbacks, homes on Simpson Ave and the tennis courts remaining in the current location. Ms. Short stated she would forward her comments to Staff for further review.

The following persons spoke in opposition of the petition: Mr. Burton Brown, Ms. Aimee Horman, Ms. Amy Fowler, Ms. Dayna McKee, Mr. George Chapman, Mr. Topher Horman, Mr. Søren Simonsen and Ms. Aubrey Atkinson.

The following comments were made:

- Open spaces needed to remain
- Allowing development to occur on the site of the Boys and Girls Club/tennis courts site would be a detriment to the area
- Tennis Courts needed to be revamped and improved not removed from the area
- Parks space was in short supply and should remain in the area
- Don't rush to develop park area, wait for the streetcar to be put in place and see what happened
- Proposed plan did not follow the idea of the Sugar House Master Plan promoting small and locally owned businesses
- Development should be sustainable
- Petition didn't correctly reflect the preferred option of the community
- Rezoning does not make sense
- Public outreach had not been done correctly
- Zoning should be done by the area or street not as a whole for the entire community
- Building height, in some areas, may be a large issue particularly next to existing residential areas
- Some areas may create undesirable hideaway spots
- Boys and Girls Club needed to remain in the area and be promoted rather than taken away
- Large buildings would create light and noise pollution for neighboring properties
- Up-zoning is not always the best option for an area like Wilmington
- Greenway should become a street way

The following person spoke in favor of the petition: Mr. Doug Thimm

The following comments were made:

- Property owners along 700 East were in favor of the rezone
- Plan was appropriate for the area
- Regarding properties along the streetcar corridor between Wilmington and the greenway, there is half block that should be zoned FB-SC to maintain consistency with the intensity of surrounding properties and all properties in that area should be included in the FB-SC zoning



- Setbacks should be done by measuring the curb to building dimensions rather than a set footage to allow the buildings to create the edge
- Allow for wider sidewalks
- Parking needed to reflect the property use

Vice Chairperson Drown stated the Public Hearing would remain open.

## **DISCUSSION**

Ms. Pickering stated she would work through the public concerns and present responses at the next meeting.

The Commissioners and Staff discussed if the Open Space would become an actual community garden, if it was possible to visit buildings similar to what was suggested in order to give the Commission an idea as to what it would look like. Staff stated currently buildings similar to the proposed did not exist in the area but that diagrams and pictures depicting the information could be presented. The Commission would like an actual building and Staff indicated there are areas along 400 South that could be used as an example.

The Commissioners and Staff discussed if the park could be relocated. Staff reviewed the location and if a space was available to relocate the tennis courts and park space.

The Commissioners and Staff discussed defining frontage of a commercial building in a FB-SC and FB-SE corridors and if it would be defined under the code.

Mr. Sommerkorn explained the conferences being held in the next few weeks that would address similar issues. He stated Staff was looking to learn from these workshops and incorporate ideas into the proposal before returning to the Commission.

## **MOTION [7:12:42 PM](#)**

**Commissioner Woodhead moved to table petition PLNPCM2012-00576 and PLNPCM2012-00577 regarding the Sugar House Streetcar Master Plan zoning map and text amendments, she moved to continue the Public Hearing to a future meeting as set by Staff following further work on the project. Commissioner Taylor seconded the motion. Commissioner Flores-Sahagun abstained from voting. The motion passed unanimously**

**The meeting adjourned at [7:13:42 PM](#)**