

SALT LAKE CITY PLANNING COMMISSION MEETING
Room 126 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, June 26, 2013

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:42:53 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, Bernardo Flores-Sahagun, Clark Ruttinger, Matthew Wirthlin and Mary Woodhead. Commissioners Michael Fife and Marie Taylor were excused

Planning Staff members present at the meeting were: Wilford Sommerkorn, Planning Director; Joel Paterson, Planning Manager; Doug Dansie, Senior Planner; Casey Stewart, Senior Planner; Lex Traugher, Senior Planner; Ray Milliner, Principal Planner; Michelle Moeller, Senior Secretary and Paul Nielson, City Land Use Attorney.

FIELD TRIP NOTES:

A field trip was held prior to the work session. Planning Commissioners present were: Lisa Adams, Michael Gallegos and Clark Ruttinger. Staff members in attendance were Joel Paterson, Casey Stewart, Doug Dansie and Ray Milliner.

The following locations were visited:

- Pawn Shop 500 South State – Staff described the proposed use and the fact that this is a relocation of an existing pawnshop. There are no spacing criteria for pawn shops in the Zoning Ordinance. They asked about conditional use process and ordinance standards regulating outdoor displays.
- 1653 North Beck Street- Staff explained the proposal and that the access to the property is from the alley not Beck Street. The Commission asked about setback requirements.
- 737 North 300 West Marmalade Lofts – Staff explained the proposal and reason why a planned development process is required- some lofts don't have frontage on a public street. The Commission asked about location of the drive access. The Commission asked about the density of this project compared to the similar development to the South.
- Pratt Progeny Rezone 401 East 900 South- Staff explained the proposal and Master Plan amendment. Staff mentioned that there is no on-site parking and the

neighbors have complained about it. Staff stated the Applicant wants to incorporate outdoor dining which may increase the parking issue. The outdoor dining is a separate issue that would require a Special Exception approval and was not being considered with this petition.

APPROVAL OF THE MINUTES FROM THE JUNE 12, 2013 MEETINGS

MOTION

Commissioner Woodhead made a motion to approve the June 12, 2013, meeting minutes. Commissioner Drown seconded the motion. Chairperson Gallegos asked to be listed in attendance on the field trip for June 12. The motion passed unanimously.

REPORT OF THE CHAIR AND VICE CHAIR [5:43:26 PM](#)

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

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

REPORT OF THE DIRECTOR [5:43:33 PM](#)

Mr. Wilford Sommerkorn, Planning Director, reported the City Council adopted the 2013-2014 budget. He stated the Planning Division was able to keep the Historic Preservation Planner and was given some additional funding for Master Plan processes. Mr. Sommerkorn and the Commission discussed a training retreat and how best to review and address training issues.

The Commission discussed the benefit of having training during the dinner session or a onetime training meeting. They discussed options and decided dinner sessions would be used for less intense topics and more intense training would be done at meetings with shorter agendas. The Commission and Mr. Sommerkorn discussed topics that could be addressed during dinner and after formal meetings.

PUBLIC HEARINGS [5:48:55 PM](#)

**Gianoulis Addition Special Exception at approximately 294 N. Federal Heights Circle
- A hearing to consider revoking prior special exception approval for an addition to the existing home that would not comply with front and rear yard setback requirements at the above listed address. The property is zoned FR-3 (Foothills Residential). The subject property is within Council District 3, represented by Stan Penfold. The (Staff contact: Casey Stewart at (801) 535-6260 or casey.stewart@slcgov.com .Case number PLNPCM2013-00094).**

Mr. Casey Stewart, Senior Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated the Planning Commission was considering whether or not to uphold the original Special Exception approval for this project or to revoke the approval.

The Commission and Staff discussed the suggested motions and what could be approved or denied. They discussed the revocation standard and how it applied to the subject petition.

Staff explained the existing footprint established the setback and the in-line addition Special Exception was based on the fact that there was an existing structure. Staff stated the ordinance allowed for a structure to be built in the same footprint as the demolished structure.

Mr. Joel Paterson, Planning Manager, stated the ordinance allowed for the Commission to consider revocation based on a finding that there had been a violation of the conditions placed on the original approval for the Special Exceptions or the basic facts had changed.

Mr. Paterson stated the Commission would be considering if the demolition changed how the Commission would make findings for the specific standards for Special Exceptions and the standards for the in-line addition.

The Commission and Staff discussed the public comments and if there was justification to reexamine the Special Exception.

Mr. Paul Nielson, City Attorney read the ordinance and stated the Commission was looking for whether a violation of the approval or any other condition/limitation had occurred. He stated it was not a reexamination of whether the conditions were met but whether there had been a violation of the approval.

Mr. Ben Olson, General Contractor; Mr. Douglas Griffith, Attorney for Contractor; Mrs. Marina Gianoulis, Mr. Tony Gianoulis, Property Owners and Mr. Sam McHenry, Gianoulis Attorney introduced themselves.

Mr. Olson reviewed the decision of the Planning Commission at the June 12, meeting to schedule a revocation hearing. He reviewed the timeline for the project, the discussions he had with the City, the overall understanding and interpretation of those conversations and the issues with the structure's foundation. Mr. Olson stated the ordinance allowed for the footprint to be reconstructed in the same location as the previous structure and that

the plans had not changed from the beginning. He reviewed the packet of information (located in the case file) depicting the case history. Mr. Olson stated they would hire a certified surveyor to survey and report the new foundation was located in the exact location as the old foundation.

Mr. McHenry reviewed the Zoning Ordinance provision 21A.52.130 regarding revocation of Special Exceptions. He stated his understanding of the ordinance and how it applied to the original decision of the Planning Commission. Mr. McHenry stated there was no limitation that addressed the issue of increased demolition due to unknown conditions. He stated there was nothing on which to base a revocation of the Special Exception.

The Commission thanked the Applicants and their counsel for the detailed information they presented.

The Commission and Mr. Nielson discussed the Commission's ability to consider the revocation. Mr. Nielson stated the word limitation was a broad term and could relate to an ordinance provision. He stated comments made regarding the subject proposal reflected more on whether a Special Exception for an in-line addition would have been granted, had the Planning Commission known the entire structure was being demolished.

The Commission discussed the original arguments for the Special Exception regarding the uniqueness of the lot and the grade of the property. It was stated the demolition of the original structure allowed the reconstruction of the home to be done in a manner that allowed the new structure to meet the required setbacks.

The Commission and Applicant discussed what was originally approved for demolition and the location of the in-line addition in relation to the location of the originally proposed demolition of portions of the foundation. They discussed the engineering report regarding the strength of the foundation and whether it really needed to be removed.

Mr. Olson reviewed the condition of the foundation in relation to its age. He stated the most cost effective way to address the strength of the foundation was to replace it and put it in the same location as the previous structure.

PUBLIC HEARING [6:18:50 PM](#)

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

DISCUSSION [6:20:01 PM](#)

The Commission discussed the issues of the foundation and the actions of the Applicant to correct the problems. They discussed if there was a basis to revoke the Special Exception approval, if the facts of the petition had changed and overall if the end result would change due to the demolition of the entire structure.

MOTION [6:21:33 PM](#)

Commissioner Wirthlin stated based on the testimony, additional information presented and the Planning Commission's original findings at the April 24, 2013 meeting, he moved that the Planning Commission uphold the Gianoulis Special Exception approval of PLNPCM2013-00094 for 294 Federal Heights Circle, a request for an in-line addition and to allow a change in grade as much as nine feet in the front yard area, eleven feet in the buildable area and as much as ten feet for the driveway. Commissioner Adams seconded the motion. Commissioner Flores-Sahagun abstained from voting. Commissioner Dean voted "nay". Commissioners Wirthlin, Ruttinger, Woodhead, Drown and Adams voted "aye". The motion passed 5-1.

Commissioner Wirthlin excused himself for the remainder of the meeting.

[6:22:42 PM](#)

Parley's Meetinghouse at approximately 2350 South 2100 East – Brad Gygi, on behalf of the Church of Jesus Christ of Latter Day Saints is requesting approval for the City to demolish the existing church building and construct a new church building at the above listed address. Currently, the land is used for a church and is zoned R-1/7,000 Single-Family Residential. This type of project requires Planned Development, Conditional Use, Special Exception, and Conditional Building and Site Design Review. The subject property is within Council District 7, represented by Søren Simonsen. (Staff contact: Lex Traughber at (801) 535-6184 or lex.traughber@slcgov.com).

- a. **Planned Development** – In order to build the project noted above, a Planned Development is required to allow a parking lot in a front yard area. The church's parking lot is proposed in the same area as it is currently located fronting Parley's Circle. Case number PLNPCM2013-00016.
- b. **Conditional Use** – In order to build the project noted above, a Conditional Use is required for a place of worship located in a residential zone. A place of worship is a Conditional Use in an R-1/7,000 Single-Family Residential District. Case number PLNPCM2013-00027.

- c. **Special Exception** - In order to build the project noted above, a **Special Exception** is required for a building exceeding the height limit in the zone in which it is located. The applicant is requesting a building height of approximately 31 feet. The height limit allowed in the R-1/7,000 Single-Family Residential District is 28 feet. Case number PLNPCM2013-00100.
- d. **Conditional Building and Site Design Review** - In order to build the project noted above, **Conditional Building and Site Design Review** is required as part of the **Conditional Use** request. If a proposed **Conditional Use** results in new construction of a commercial development, the design of the new construction will conform to the standards of the **Conditional Building and Site Design Review** process. Case number PLNPCM2013-00027.

Commissioner Adams stated this was the church she attended however; she would not have a problem being impartial to the petition.

The Commission agreed to allow Commissioner Adams to participate in the process.

Mr. Lex Traughber, Senior Planner reviewed the petition as presented in the Staff Report (located in the case file). He stated it was Staff's recommendation that the Planning Commission approve the petition as presented.

Mr. Brad Gygi, Architect and Mr. Jim Jardine, both representing the property owner, explained how they had addressed the public's concerns and reviewed the petition history and proposal. They discussed why the height of the building was needed, the parking for the property and the exception needed for the parking, due to the orientation to the surrounding streets. They showed the new design for the structure and the improvements made, reviewed the frontage, landscape plan, and bike racks.

The Commission and Applicants discussed the public outreach and the elevations of the structure. They discussed the amount of air conditioning units needed to cool the building and how they would be screened to mitigate noise and site lines. The Applicant stated the surrounding streets are noisier than the mechanical units currently in place.

PUBLIC HEARING [6:40:26 PM](#)

Chairperson Gallegos opened the Public Hearing.

The following individuals spoke in favor of the petition: Mr. Ron Larkin, Mr. Charles Sorenson, Ms. Peggy Wade, Mr. Nathan Jones, Mr. Steve Dibble, Mr. Dennis Vanlewen, Mr. Randy Okland and Mr. Tom Markham.

The following comments were made:

- The parking lot design will provide more green space and reduce the existing grade change which will increase safety in the winter.
- The new building option maintains the character of the neighborhood.
- Encouraged the Planning Commission to approve the proposal.
- A similar building is in the area and the air-conditioning units are not an issue.
- The proposed design addresses the concerns of the neighbors.
- Air conditioners are small, quiet and would not be visible from the street.
- Building is prominent on the corner and design fits the site.
- Air conditioners are run only on Sundays and on Wednesday nights. They are not continuously running.
- Proposed roof is efficient, flat roofs leak and are not feasible.

The following individuals were in favor of the petition but did not wish to speak: Mr. Eric Duclos, Ms. Sharee Sorenson and Mr. Jeff Scott

Mr. Søren Simonsen presented pictures of meeting houses in the area. He stated he supported the replacement of the church and the community input was great but the proposal did not fully comply with the ordinance. Mr. Simonsen submitted a list of standards from the ordinance and how they applied to the proposal. He asked the Commission to evaluate the project and encourage the Applicant to make the building comply with the ordinance.

The Commission and Mr. Sorenson discussed the mechanical equipment and requiring it to be located on the roof, side or rear of the building.

Chairperson Gallegos closed the Public Hearing.

The Commission and Applicant discussed the entrance to the building from the west and east sides and the percentage of glass on the building.

Mr. Traughber stated a forty percent glass requirement was more appropriate for retail land uses and would be inappropriate for certain portions of a place of worship.

The Commission asked if an exception was needed for the glass. The Commission, Staff and Applicant discussed the guidelines for windows and if it was specific to churches. They discussed the window locations and the proportion of glazing on the windows.

The Commission and Applicant discussed the locations and requirement for bike racks.

The Commission and Applicant discussed the west and south elevations and the landscaping for the proposal.

Mr. Jardine stated some of the ideas from Mr. Simonsen would not work for the proposal as they were expensive.

Chairperson Gallegos read the card from Mr. Scott Kisling, Sugar House Community Council, stating the roof line was still too large and asking the Commission to not approve the proposal.

The Commission asked Mr. Kisling if his comments were from the Community Council or him.

Mr. Kisling stated the Community Council had additional concerns but the massing of the roof was the major concern. He stated when approached from any direction the roof was the most prominent feature. Mr. Kisling stated the Community Council was also concerned about the mechanical equipment and the parking.

DISCUSSION [7:04:37 PM](#)

The Commission discussed the windows on the east and south elevations, the number of windows and the amount of glass on the structure.

Mr. Traugher explained the forty percent glass requirement and that a place of worship was allowed a sense of privacy. He stated the Planning Commission could require the glass requirement but the proposal currently was at least thirty percent glass on the east and west elevations.

The Commission discussed if they could determine where the steeple was placed.

MOTION [7:09:29 PM](#)

Commissioner Adams stated, based on the findings listed in the Staff Reports dated March 13, 2013, and June 26, 2013, she moved that the Planning Commission approve the Conditional Use (PLNPCM2013-00027), the Building and Site Design Review (PLNPCM2013-00027), Planned Development (PLNSUB2013-00016), and Special Exception (PLNPCM2013-00100) subject to the conditions listed in the Staff Reports.

Commissioner Woodhead asked for a condition to be added that the approval reflect the revised plans and Staff Report dated June 26, 2013 with the condition that bike racks be placed at all entrances.

Commission Adams agreed to add the amendments to the motion.

Commissioner Woodhead seconded the motion. Commissioners Adams, Woodhead, and Dean voted “aye”. Commissioners Drown, Ruttinger and Flores-Sahagun voted “nay”. Chairperson Gallegos broke the tie vote by voting “aye”. The motion passed 4-3.

[7:12:25 PM](#)

Cosgrove Unit legalization at approximately 1405 South 1500 East - Dorothy Cosgrove is requesting approval from the City to allow a second dwelling unit that has never been recognized as legal by the City at the above listed address. Currently the property is zoned R/1-7,000. This type of project must be reviewed by the Planning Commission as a Special Exception. The subject property is within Council District 5, represented by Jill Love. (Staff contact: Ray Milliner at (801) 535-7645 or ray.milliner@slcgov.com. Case number PLNPCM2013-00280).

Mr. Ray Milliner, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated it was Staff’s recommendation that the Planning Commission approve the petition as presented.

Ms. Dorothy Cosgrove, Applicant, reviewed the history of the property and the confusion of the legality of the duplex.

The Commission asked if the picture in the packet was of the front or rear of the structure.

Staff and the Applicant stated it was the front of the structure.

PUBLIC HEARING [7:17:56 PM](#)

Chairperson Gallegos opened the Public Hearing.

The following individual spoke in opposition of the petition: Mr. David Mazzoth

The following comments were made:

- Why has it taken so long to realize this was a duplex
- Driveway was not adequate for the property and did not offer enough parking
- Duplex should not be located in the area

- Drainage for the property was not effective
- Renters cause troubles in the area

Chairperson Gallegos closed the Public Hearing.

Ms. Cosgrove apologized for the troubles it has caused the neighbors. She stated the two car garage was at the rear of the property and adequate parking was available. Ms. Cosgrove reviewed the issues from the runoff and how it had been addressed. She stated Staff's findings did not find police activity for the property. Ms. Cosgrove stated they were applying for the duplex now because they had no idea it was not a legal duplex and would have addressed the issue prior if they had known. Ms. Cosgrove reviewed the difficulty in selling the property due to the status and asked the Commission to approve the petition.

DISCUSSION [7:22:55 PM](#)

The Commission and Staff discussed the Polk Directory and its validity as a record. The Commission and Staff discussed the legality of the directory and the importance of the resource for this type of petition. It was stated that the Polk Directory was not the only resource used and other documentation could verify the use of the property.

MOTION [7:26:50 PM](#)

Commissioner Woodhead stated regarding PLNPCM2013-00280 Cosgrove Unit Legalization, based on the analysis and findings listed in the Staff Report, testimony and plans presented, she move that the Planning Commission approve the Special Exception for a unit legalization at 1405 South 1500 East on the basis that the evidence, on record, indicated the property met the legal requirements with conditions of approval one and two listed in the Staff Report . Commissioner Flores-Sahagun seconded the motion. The motion passed unanimously.

[7:27:51 PM](#)

The Commission took a ten minute recess.

[7:36:49 PM](#)

Rebuild Single Family Home at approximately 1653 North Beck Street - Joseph and Amy Burford are requesting approval from the City to rebuild a single family home at the above listed address. Currently the site contains a single family dwelling and the property is zoned M-1 Light Manufacturing. This type of project must be reviewed as a Conditional Use. The subject property is within Council District 3, represented by Stan Penfold. (Staff contact: Doug Dansie at (801) 535-6182 or doug.dansie@slcgov.com . Case number PLNPCM2013-00222).

Mr. Doug Dansie, Senior Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated it was Staff's recommendation that the Planning Commission approve the petition as presented.

Mr. Joe Burford, Applicant, explained the history of the property and the purpose of the proposal.

The Commission and Applicant discussed if the dog kennel would continue. Mr. Burford stated it would on an appointment only basis.

PUBLIC HEARING [7:39:16 PM](#)

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

Staff presented the proposed elevation of the home. The Commission and Applicant discussed the proposed building design. They discussed the lighting for and access to the property.

MOTION [7:40:59 PM](#)

Commissioner Woodhead stated as to petition PLNPCM2013-00222 the Conditional Use to rebuild a home at 1653 North Beck Street , based on the findings listed in the Staff Report, testimony and plans presented and the record indicating there were no detrimental effects to the neighborhood that would prevent this Conditional Use from going forward, she move that the Planning Commission approve the Conditional Use to rebuild a single family home with the conditions listed in the Staff Report. Commissioner Ruttinger seconded the motion. The motion passed unanimously.

[7:42:01 PM](#)

Pawn shop at approximately 502 South State Street - Steven Tyler is requesting approval from the City to locate a pawn shop at the above listed address. Currently the land is used for a retail business and the property is zoned D-1 Downtown Central Business District. This type of project must be reviewed as a Conditional Use. The subject property is within Council District 4, represented by Luke Garrott. (Staff contact: Doug Dansie at (801) 535-6182 or doug.dansie@slcgov.com. Case number PLNPCM2013-00276).

Mr. Doug Dansie, Senior Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated it was Staff's recommendation that the Planning Commission approve the petition as presented.

Mr. Steven Tyler, Applicant, reported on the history of the business and why it was changing locations.

The Commission and Applicant discussed if the property was leased or owned. They discussed the parking available at both locations and the ordinance for the D-1 zone. It was stated that on-street parking and off-street parking is not fully utilized in the area. They discussed prohibition of outdoor sales in the D-1 zone.

The Commission and Staff discussed the land use tables waiting for approval from the City Council.

PUBLIC HEARING [7:52:55 PM](#)

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

MOTION [7:54:48 PM](#)

Commissioner Dean stated regarding PLNPCM2013-00276, based on the findings listed in the Staff Report, testimony and plans presented, she moved that the Planning Commission approve the Conditional Use to allow at pawn shop at approximately 502 South State Street with the following conditions:

- 1. Public way improvements are installed or repaired (lighting, additional street trees, repair sidewalk, if necessary) and all other recommendations and regulations are complied with.**
- 2. The plan meet all other zoning and building requirements**

Commissioner Woodhead seconded the motion. Commissioner Adams and Drown abstained from voting. Commissioner Flores-Sahagun, Woodhead, Ruttinger and Dean voted "aye". The motion passed.

The Commission and Staff discussed abstention votes and how they were viewed.

[7:57:45 PM](#)

Marmalade Lofts at approximately 737 North 300 West - Nathan Anderson of Marmalade District, LLC requests approval from the City to develop a 10-unit single family attached residential project located at the above address. Currently the land is vacant and the property is zoned MU Mixed Use. This type of project must be

reviewed as a Planned Development and Preliminary Subdivision Plat. The subject property is within Council District 3 represented by Stan Penfold. (Staff contact: Casey Stewart at 801-535-6260 or casey.stewart@slcgov.com. Case numbers PLNSUB2012-00562 and -00642).

- a. **Planned Development** - a request for modification of building setbacks and public street frontage requirements of the Mixed Use (MU) zoning district (**PLNSUB2012-00562**).
- b. **Preliminary Subdivision Plat** - a request for preliminary approval of the related subdivision plat for the 10 new lots (**PLNSUB2012-00642**).

Mr. Casey Stewart, Senior Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated it was Staff's recommendation that the Planning Commission approve the petition as presented.

The Commission and Staff discussed the allowed fence height, garage placement and the proposals orientation to the street face.

Mr. Nathan Anderson, Applicant, presented pictures and discussed the materials proposed for the court yard walls. He discussed the height of the walls and the wrought iron gate at the entrances. Mr. Anderson reported on other areas that have similar layouts and the suggestion to keep the fencing solid and consistent. He discussed the alley way on the side of the property, the fencing along the alley, the details of the landscaping and the security of the proposal. He stated the roof tops were proposed to be flat and would have solar panels on them.

The Commission and Applicant discussed the lot size of other properties in the area similar to the proposal. They discussed the request to revamp the south and north views making them more street friendly. Mr. Anderson stated they would work with the Planning Director to modify the south view. He stated the north view along Reed Street would be addressed as well but in a way to mitigate the noise from neighboring business.

PUBLIC HEARING [8:15:21 PM](#)

Chairperson Gallegos opened the Public Hearing,

The following individuals spoke in favor of the petition: Mr. Michael Polachek

The following comments were made:

- Fits in with the character of the neighborhood and the way it is developing.

- Good use of the property

Chairperson Gallegos closed the Public Hearing.

The Commission asked the percentage of open space for the proposal. Mr. Anderson stated it was about 20 percent.

The Commission and Applicant discussed the front doors facing an abandoned alley and the safety issues that could arise. The Commission stated the project should be street orientated presenting a friendlier corner.

Mr. Anderson reviewed the issues with facing the townhomes toward Reed Street and stated the RDA did not want the side of the project to be on 300 West. He stated this was the only way to address those issues.

DISCUSSION [8:19:52 PM](#)

The Commissioners and Staff discussed the setbacks for the proposal, if the alley could be vacated and how the City felt about the project not connecting to the street. Mr. Stewart stated the City was concerned with the orientation but it seemed to be a reasonable proposal due to the lot size. The Commission and Staff discussed the way the project could address the street and make the design better. They discussed if a security fence could be added to the alley area.

The Commission discussed if the proposal should be tabled or denied. The Commission asked if the Applicant was willing to work on a different design to address the concerns.

Mr. Anderson stated the goal was to work with the RDA and use the property in the most efficient way. He stated there was little that could be done to assure the Commission facing the alley would be safe. Mr. Anderson stated the ideal use for the property was apartments. He stated he was willing to work with the Commission but it would come with a request to the Planning Commission to alter setbacks.

MOTION [8:31:23 PM](#)

Commissioner Dean stated in regards to PLNSUB2012-00562 (Planned Development) and PLNSUB2012-00642 (Preliminary Subdivision) at 737 North 300 West, she moved that the Planning Commission table the petition, keep the Public Hearing open and ask the Applicant to return with proposals giving options for orientating the entries of each unit to the Street and a location for a joint recycling facility. Commissioner Drown seconded the motion.

Commissioners agreed with the motion stating they would like to see connection to the street even if it meant adjustments needed to be made to setbacks.

The motioned passed unanimously.

[8:34:16 PM](#)

Pratt Progeny Rezone and Master Plan Amendment at approximately 401 East 900 South - Pratt Progeny LLC, represented by Dwight L. Smith, is requesting approval from the City to allow outdoor dining at the above listed address. Currently the land is used as a legal nonconforming cafe/deli. This type of project requires an amendment to the Future Land Use Map of the Central Community Master Plan from Low Density Residential to Neighborhood Commercial and that the property be rezoned from RMF-30 Low Density Residential Multi-Family to CN (Neighborhood Commercial).. Although the applicant has requested that the property be rezoned to the CN zone, consideration may be given to rezoning the property to another zoning district with similar characteristics. The subject property is located within Council District 4, represented by Luke Garrott. (Staff contact: Ray Milliner at (801) 535-7645 or ray.milliner@slcgov.com).

- a. **Master Plan Amendment - In order to amend the Zoning Map, an amendment to the Future Land Use Map of the Central Community Master Plan must be approved. Currently the property is designated as Low Density Residential. The petitioner would like to amend that designation to Neighborhood Commercial. (Case number PLNPCM2013-00398).**
- b. **Zoning Map Amendment - In order to eliminate the legal nonconforming status of the existing business, and enable outdoor dining along the front of the building on the south and west sides, a zoning map amendment from RMF-30 to CN is required. (Case number PLNPCM2013-00156).**

Mr. Ray Milliner, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated it was Staff's recommendation that the Planning Commission forward a positive recommendation to the City Council regarding the petition as presented.

The Commission and Staff discussed the original zoning for the property and how it had changed through the years.

The Commission asked how things like this could be avoided in the future and addressed more directly during Master Planning.

Mr. Sommerkorn stated there were difficulties at the time this Master Plan was done and hopefully Staff could be more proactive on such issues.

The Commission and Staff discussed the history of commercial buildings in residential areas and rezoning in these areas.

Staff stated in the next few months there would be quite a few petitions seeking rezone to fix these issues.

The Commission and Staff discussed the parking requirements for the property and if it was required to make the parking meet the current standards. Staff stated it was not unusual to find sites such as this without parking.

Mr. Dwight Smith and Mr. Richard Pratt, Applicants, reviewed the history of the property and stated they would like the zoning changed to allow for better use of the property. They stated the zoning should be more in line with the surrounding properties. They discussed the future plans for outdoor dining and reviewed the working hours of the businesses. They discussed the parking for the area.

PUBLIC HEARING [8:46:42 PM](#)

Chairperson Gallegos opened the Public Hearing.

The following individuals spoke regarding this petition: Mr. Gregory Kurz and Mr. Kelly Margetis.

The following comments were made:

- Commercial buildings in the area have parking but this one does not, which should be changed
- All ready used as commercial property so why does it need to be rezoned
- Parking in the area is an issue and they should have to comply with the regulations
- When the patio is there where does the parking go
- How will this impact the neighborhood
- Does it have to have CN status to have a patio
- Parking stalls should be added in the parking strip not a patio

Chairperson Gallegos closed the Public Hearing.

The Applicant reviewed the parking and how it had not changed from the beginning.

The Commission and Applicant discussed how the building use had not changed. They discussed parking in the area, location of the patio in the future and if a CN zoning would allow for outdoor dining. Staff stated the outdoor dining would need to be addressed as part of a future Special Exception request and there was no guarantee it would be approved.

The Commission asked Staff to explain how the petition would open the way for a patio on the property.

Staff explained the property was currently zoned RMF 30, the business was a legal non-conforming use and was not allowed to expand. He stated in the CN zone outdoor dining was a Special Exception and allowed if the request could meet certain criteria. Staff stated the recommendation for the zoning change was based primarily on the premise that it was appropriate to have a commercial land use zoned as such in a commercial zone. He stated the City does not prefer to have non-conforming uses therefore the rezone is being recommended by Staff.

The Commission and Staff discussed the process for approving the outdoor dining.

Mr. Nielson asked that language be added to the motion indicating modifications to the Central Community Master Plan Future Land Use Map from Low Density Residential to Neighborhood Commercial and amending the Zoning map for the subject property from RMF 30 to CN.

MOTION [9:03:07 PM](#)

Commissioner Dean stated regarding PLNPCM2013-00156 and PLNPCM2013-00398 on 401 East 900 South, based on the testimony, plans presented, and the findings written in this Staff Report, she moved that the Planning Commission forward a positive recommendation to the City Council to modify the Central Community Master Plan for this site from low Density Residential to Neighborhood Commercial and amend the Zoning map for the subject property from RMF 30 to CN. Commissioner Drown seconded the motion. The motion passed unanimously.

The meeting adjourned at [9:04:14 PM](#)