

SALT LAKE CITY PLANNING COMMISSION MEETING
Room 126 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, December 9, 2015

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:35:22 PM](#). Audio recordings of the Planning Commission meetings are retained for an indefinite period of time.

Present for the Planning Commission meeting were: Vice Chairperson Andres Paredes; Commissioners Angela Dean, Emily Drown, Carolyn Hoskins, Matt Lyon and Clark Ruttinger. Chairperson James Guilkey, Commissioners Jamie Bowen, Michael Fife and Michael Gallegos were excused.

Planning Staff members present at the meeting were: Nora Shepard, Planning Director; Nick Norris, Planning Manager; Doug Dansie, Senior Planner; Molly Robinson, Urban Designer; David Gellner, Principal Planner; Maryann Pickering, Principal Planner; Michelle Moeller, Administrative Secretary and Paul Nielson, Senior City Attorney.

Field Trip

A field trip was held prior to the work session. Planning Commissioners present were: Carolyn Hoskins, Andres Paredes and Clark Ruttinger. Staff members in attendance were Nick Norris, John Anderson and Tracy Tran.

The following sites were visited:

- **690 N. West Capitol Street** – Staff gave an overview of the proposal and the concerns raised by the neighbors.
- **381 E. 11th** – Staff gave an overview of the proposal. The Commission asked the reasoning for Historic Landmark Commission recommendation. Staff stated the Commission viewed the site as a whole in terms of Historic preservation. The commission asked why it was a landmark. Staff stated it was listed a few years ago based on standards in the zoning ordinance.
- **115 West 1700 South**– Staff gave an overview of the proposal.

APPROVAL OF THE NOVEMBER 18, 2015, MEETING MINUTES. [5:35:32 PM](#)

MOTION [5:35:41 PM](#)

Commissioner Ruttinger moved to approve the November 18, 2015, meeting minutes. Commissioner Drown seconded the motion. The motion passed unanimously. Commissioner Dean abstained as she was not present at the subject meeting.

REPORT OF THE CHAIR AND VICE CHAIR [5:36:19 PM](#)

Vice Chairperson Paredes stated he had nothing to report.

REPORT OF THE DIRECTOR [5:36:30 PM](#)

Ms. Nora Shepard, Planning Director, reviewed petitions approved by the City Council such as Plan Salt Lake, the Pedestrian Bike Plan, Assisted Living Zoning, the modifications to the SNB zone, the modifications to the Breweries and the Indiana rezone. She stated Maurine Bachman would be taking Commissioner James Guilkey's place on the Planning Commission. Ms. Shepard stated with that new appointment the Commission would need to hold elections for the Chair and Vice Chair positions at the January meeting.

[5:42:03 PM](#)

Victory Road Twin Homes at approximately 690 N. West Capitol Street - Bruce Baird, representing the owner, is requesting approval from the City to: 1) close a portion of West Capitol Street and 2) develop a 14 unit twin home subdivision that will be accessed by a new public street at the above listed address. Currently the land is vacant and is zoned SR-1A (Special Development Pattern Residential District). This type of project requires street closure and preliminary subdivision review. The subject property is within Council District 3, represented by Stan Penfold. (Staff contact: Maryann Pickering at (801)535-7660 or maryann.pickering@slcgov.com.)

- a. **Street Closure.** In order to build the project noted above, a street closure application is required to close a portion of West Capitol Street. The existing street has an existing right-of-way that is approximately 49 ½ feet along this portion of West Capitol Street. The applicant is requesting to close approximately 11 ½ feet of right-of-way, resulting in a street right-of-way of approximately 38 feet wide. Case Number PLNPCM2015-00438.
- b. **Preliminary Subdivision.** In order to build the project noted above, a preliminary subdivision is required for a subdivision with a total of 14 lots and a new public street to access the lots. Case Number PLNSUB2015-00473.

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 forward a favorable recommendation to the City Council regarding PLNPCM2015-00438 and approve PLNSUB2015-00473.

The Commission and Staff discussed the following:

- If the hammer head was for a turnaround or a potential connection to Victory Road.
 - It was for a turnaround required by the Fire Department and Utilities.
- If the proposed twenty foot street width was adequate for a two lane road.
- If the road would be a public road maintained by the city.
 - Yes it will be a public road.
- How the addition of the sewer line would impact the roadway.
- The City's benefit in vacating the subject area.
- This current petition was for the subdivision, the building design would go to the Historic Landmark Commission for review.

Mr. Bruce Baird, attorney for applicant, stated there was an error in the Staff Report stating the street closure was required for the subdivision, which was not the case. He stated the subdivision was compliant with the standards without the street closure. However, the closure would make the street better. He stated Staff asked the applicant to add the additional lots and they agreed. Mr. Baird asked the Commission to forward a favorable recommendation to the City Council on the petition.

Mr. Chad Thomas, Ensign Engineering, reviewed the existing right of way and stated the current subdivision design did not include the road closure. He thanked Staff for their help on the proposal to ensure it complied with the standards without having to ask for variances. Mr. Thomas reviewed the sewer and how the petition met requirements in the ordinance.

The Commission and Applicant discussed the following:

- Why was the additional land needed if the proposal worked without it?
 - It gave more value for the proposal and made sense for the City, as it would land lock the parcel if it were left as is.
- How the right of way was currently used and the affect of losing it.
- If access from Victory Road was considered and why it was not adequate for the proposal.

The Commission and Mr. Mike Barry, SLC Transportation discussed the following:

- If the road was sufficient for two way traffic.
 - The road was sufficient for two way traffic but not street parking.
- If the road would be widened at a later date.
- Ideal road width.
- Access to the property off of Victory Road.

PUBLIC HEARING [6:06:11 PM](#)

Vice Chairperson Paredes opened the Public Hearing.

Ms. Minta Brandon, Capitol Hill Community Council, stated the Historic Landmark Commission should be reviewing the petition. She stated the city had never maintained the subject roadway and it was not possible to have two-way-traffic on the street. Ms. Brandon asked for clarification on parking and development. She discussed other projects in the area that should not have been approved and stated putting another project in the area that did not fit, would ruin the neighborhood. Ms. Brandon stated the water and sewer would not work for the proposal and would create more issues for the area. She asked the Commission to deny the petition.

The following individuals spoke in opposition to the petition: Mr. Jerry Rapier, Ms. Megg Morin, Ms. Darcy Dixon Piglinelly, Ms. Karen Brisendine, Mr. Colin Strasser Mr. Nathan Jones, and Mr. Sidney Draper.

The following comments were made:

- Access to the subject property should be from Clinton Street.
- Two-way-traffic was not possible on West Capitol Street.
- The property had not been developed because the street could not accommodate the additional traffic.
- Utilities are currently an issue and the development would make it worse.
- Subject property could not accommodate fourteen homes.
- Parking was currently an issue and proposal would make parking worse.
- Proposal put unfair burden on the neighborhood.
- Not opposed to single family homes that bring little impact to the neighborhood.
- The City should repair the utilities and road without developing the land.
- Nothing in the presentation dealt with the traffic impacts.
- Research on traffic, drainage and utility impacts needed to be done prior to approval.
- Property should remain open space.
- Consider the impact of the additional cars would have on the area.
- The development looked great and the development of the property was a benefit to the area.

The Commission asked the following individuals if the improvements were appealing to the neighborhood.

- Mr. Rapier stated they were appealing but they did not meet the minimum standards.
- Ms. Karen Brisendine stated the sidewalk was appealing but the other improvements would be more of an issue.

Commissioner Ruttinger read Ms. Vicki Ghicadus' letter in oppositions to the proposal (located in the case file).

Chairperson Paredes closed the Public Hearing.

Mr. Baird stated a traffic study was not needed for the proposal, all drainage, sewer and utility issues would be dealt with during the review process. He stated the retaining wall would not block anyone's view and would allow for sidewalk installation. Mr. Baird stated if the City wanted the space for open space then it should be purchased for such. He said the proposal complied with all applicable standards in the ordinance and the topography off of Victory Road did not work as access to the property.

The Commission, Applicant and Staff discussed the following:

- Access to the property from Clinton Street.
 - The grade did not allow for viable access off of Clinton.
- If it would be possible for a twenty eight (28') foot road to be installed and move the retaining wall back.
 - It would be costly and not be the same benefit for the area.
- The options for the proposal if the street was not closed.
- How garbage services would be handled for the site.

- If a traffic study was required for the proposal.
- Why it was in the public's interest to sell the Applicant the subject portion of the street.
 - The cash gain and the maintenance of the retaining would be done by the private sector versus the City.
 - There was no benefit for the right of way to stay in its current form.
- The minimum required sidewalk width.
- If a compromise could be reached between the width of the easement to help the neighborhood.
 - The applicant would be willing to work with Staff to accommodate a compromise.
- "No Parking" signs would be installed on the east side of the road.
- How utilities would be impacted for the proposal.
- The materials proposed for the retaining wall.
 - Would be no more than six feet tall and would be subject to review by the Historic Landmark Commission.
- The possible impact to wildlife in the area.

MOTION [6:58:07 PM](#)

Commissioner Ruttinger stated regarding, PLNPCM2015-00438, Victory Road Twin Homes at approximately 690 N. West Capitol Street, based on the standards and findings in the Staff Report, the ten conditions outlined in the Staff Report and the additional condition that the Applicant work with City Staff on increasing the road width and side walk width, he moved that the Planning Commission forward a positive recommendation to City Council. Commissioner Dean seconded the motion. Commissioners Dean, Lyon, Drown and Ruttinger voted "aye". Commissioner Hoskins voted "nay". The motion passed 4-1.

Commissioner Ruttinger stated regarding, PLNSUB2015-00473 Victory Road Twin Homes Subdivision, he moved that the Planning Commission approve the subdivision based on the standards and findings listed in the Staff Report. Commissioner Dean seconded the motion. The motion passed unanimously.

[7:01:09 PM](#)

The commission took a five minute break.

[7:06:31 PM](#)

Amending the Boundaries of a Landmark Site at approximately 381 E. 11th - A request by Larry Perkins to alter the boundaries of a Landmark Site. The applicant proposes to subdivide part of the property in order to create a new buildable lot in the north-east portion of the current property. An amendment to the zoning map is required to remove this portion of the site from the H-Historic Preservation Overlay District and the City Council is the final decision making body. On, July 16, 2015 the Historic Landmark Commission denied a Certificate of Appropriateness to subdivide the lot and forwarded a negative recommendation to the Planning

Commission and the City Council regarding amending the boundaries. The Planning Commission is being asked to make a recommendation to the City Council about the proposed change. Currently, the site contains a single family building, the Malcolm and Elizabeth Keyser House and its associated grounds. The existing parcel is 33,977 square feet and would be subdivided into one lot that is approximately 7,200 square feet and one lot that is 26,777 square feet. The existing property is zoned SR-1A (Special Development Pattern Residential District). The entire property is a City Landmark site. The subject property is located within Council District 3, represented by Stan Penfold. (Staff contact: David J. Gellner at (801)535-6107 or david.gellner@slcgov.com.) Case Number PLNHLC2015-00403

Mr. David Gellner, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending the Planning Commission forward a negative recommendation to the City Council regarding the petition.

The Commission and Staff discussed the following

- If splitting the lot would take away from the historic home.
 - The grounds are part of the makeup of the contributing status of the site.
- If the proposal was approved did the lots meet the required setbacks.
 - Yes, the two resulting lots would meet the required setbacks.
- If the home was not historic would the issue be the same.

Mr. Larry Perkins, property owner, stated the survey did not refer to the land but extensively to the structure. He reviewed the proposal and the process for the application. Mr. Perkins reviewed the notices sent out to the neighborhood and stated he felt they were bias and negative. He reviewed the comments from the Community Council meeting and reviewed the history of the property. Mr. Perkins reviewed the proposal for the new home on the new lot and how it would fit with the neighborhood. He reviewed the pros and cons of the proposal and how it would benefit the neighborhood. He asked the Commission to forward a favorable recommendation to the City Council regarding the petition.

The Commission, Staff and Applicant discussed the following

- What would be demolished in the backyard if the proposal was approved.
 - Nothing as it was currently grass and bark.
 - Some elm trees would be removed.
- If new trees be planted to replace the existing trees.
 - Yes, new trees would be planted.
- Would the new home have to comply with the historic district.
 - No it would not have to comply but nothing would be done to compromise the historic nature of the neighborhood.
- Could the historic barn be rebuilt on the property.
 - Restorations of the barn would fall under the purview of the Historic Landmark Commission.

- How a second structure could be built on the property without having to go through this process.
 - Another principal structure could not be built on the property.
- How the fencing would be changed for the lot.

PUBLIC HEARING [7:40:42 PM](#)

Vice Chairperson Paredes opened the Public Hearing.

The following individuals spoke to the petition: Mr. Dan Woolley, Ms. Lou Jean Flint, Ms. Joanne Lowe, Mr. Clive Watson, Ms. Cindy Cromer and Mr. David Harris.

The following comments were made:

- The proposal would revitalize the neighborhood and add to the area.
- The housing in the Avenues was unique and diverse therefore, the proposed new home would not distract from the area.
- The development of the property would add to property values.
- The elm trees are messy and removing them would benefit the view.
- Removing the proposed section of property from the historic property was an issue.
- The subject section of the lot was non-contributing and could not be seen from the street.
- The proposal would not adversely affect the area and would break up the long section of fence on the street.
- If the lot was subdivided and the new house built the only thing governing and protecting it would be the SR-1 overlay.
- The property and neighborhood needed to be protected from future development that would not fit with the neighborhood.
- The historic house did not need three quarters of an acre to maintain its historic context.

Commissioner Ruttinger read comments in oppositions from Mr. and Mrs. Duffin-Gee (located in the case file).

Chairperson Paredes closed the Public Hearing.

Mr. Perkins stated he appreciated the neighbors support and he would embrace historic review of any house.

The Commission, Applicant and Staff discussed the following:

- The time line for the proposal.

The Commission discussed the following:

- The protection for the property if the historic overlay was removed.
- If a broader discussion was needed for other historic sites.
- The proposal would add to the fabric of the neighborhood.

- The proposal was not taking away from the historic nature of the home or site.

MOTION [7:59:21 PM](#)

Commissioner Ruttinger stated regarding PLNHLC2015-00403, Boundaries of a Landmark Site at approximately 381 E. 11th, based on the analysis, findings listed in the Staff Report, testimony and plans presented, he moved that the Planning Commission transmit a favorable recommendation to the City Council to amend the zoning map to remove the northeast portion of the current property from the H Historic Preservation Overlay District as requested. Commissioner Drown seconded the motion. The motion passed unanimously.

[8:00:24 PM](#)

Majestic Meat Rezone at approximately 115 West 1700 South and 1710 South West Temple - A request by Majestic Meat represented by Raymond Zaelit, to rezone the above listed property from CB Community Business to RMU-45 zoning. The petitioner intends to relocate the existing nonconforming business to another site where they can expand and redevelop this parcel as a mixed use project with a housing emphasis. Although the applicant is requesting to change the zoning to RMU-45, the Planning Commission may consider another zoning district that has similar characteristics. The project is located in Council District 5 represented by Erin Mendenhall (Staff contact: Doug Dansie at (801)535-6182 or doug.dansie@slcgov.com.) Case number PLNPCM2015-00809

Mr. Doug Dansie, Senior Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending the Planning Commission forward a positive recommendation to the City Council regarding the petition.

The Commission and Staff discussed the following:

- What was allowed under the current zoning and what would be allowed under the proposed zoning.

Mr. Raymond Zaelit, Majestic Meat, reviewed the history of the business and why the proposal was in front of the Commission. He stated they needed the additional space or the business would fail. Mr. Zaelit stated they were going to relocate the business and sell the property.

The Commission and Applicant discussed the following:

- Why RMU zoning was proposed.

PUBLIC HEARING [8:12:42 PM](#)

Vice Chairperson Paredes opened the Public Hearing.

Mr. Russell Cline stated he was speaking on behalf of Ms. Betty Lou who was in opposition to the proposal, as it was only to rezone or upgrade zone for the purpose of price rather

than need. He stated there are issues with egress and ingress for neighboring properties that would be affected by the proposal and development of the property.

The Commission asked if the easements were legal.

Mr. Cline stated they are not written easements but prescriptive easements and litigation may happen to secure them if needed.

The Commission and Mr. Cline discussed the location of Ms. Lou's property.

Vice Chairperson Paredes closed the Public Hearing.

Mr. Zaelit stated the easements were a "he said, she said" issue that came about in the last few months.

Mr. Neilson stated until the court declared a prescriptive easement the Commission had to presume that one did not exist.

Ms. Shepard stated there was frontage and potential access from existing public streets to the surrounding properties.

Mr. Zaelit stated if the basis for the rezone were monetary the expansion of their building would be finished.

MOTION [8:18:44 PM](#)

Commissioner Drown stated regarding PLNPCM2015-00809, Majestic Meat Rezone at approximately 115 West 1700 South and 1710 South West Temple, based on the information contained within the Staff Report and comments received, she moved the Planning Commission forward a favorable recommendation to the City Council for the proposed zoning map amendments. Commissioner Ruttinger seconded the motion. The motion passed unanimously.

[8:20:04 PM](#)

Height Amendments to the D-4 Zoning District - A request by Mayor Ralph Becker to amend city code to increase the building height in the D-4 zoning district in anticipation of a future convention center hotel. The D-4 zoning district has a permitted height of 75 feet and conditional height of up to 120 feet. The proposal is being made to accommodate a future convention center hotel to be located in the D-4 zoning district and will increase the conditional height limit of 120 feet. The amendment will affect section 21A.30.045: D-4 Downtown Secondary Central Business District. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Molly Robinson at (801)535-7261 or molly.robinson@slcgov.com.) Case Number PLNPCM2015-00676

Ms. Molly Robinson, Urban Designer, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff was recommending the Planning

Commission forward a positive recommendation to the City Council regarding the petition.

The Commission and Staff discussed the following:

- The number of rooms required in the RFP.
- Why the Downtown Alliance had concerns over the property values in the D1.
- Why having convention centers in the D1 zone was not preferred.
- The differences in D1 and D4 zoning.
- How to protect the historic structures in the area.
- The sites for the proposed hotel/convention center.
- If the lack of response to the RFP was due to the zoning issues.

PUBLIC HEARING

Vice Chairperson Paredes opened the Public Hearing.

The following individuals spoke to the petition: Mr. John Lund, Mr. Ryan Richie and Mr. Ed Gallehar.

The following comments were made:

- To get everything desired in the RFP developers would need additional height.
- The height for the D1 would meet the needs of the RFP.
- Other properties in the area would like to have the same option for height.
- Should have more options for these types of proposals.
- The pyramid shape should start in the center of the city not on the edges as the proposal promotes.
- The smaller buildings in the area would be lost among the taller structures.

The Commission and Mr. Lund discussed why a taller and skinner model was preferred versus using the available square footage. Mr. Lund stated it was cost effective and the proposed zoning would end the proposal before it was started

Vice Chairperson Paredes closed the Public Hearing.

The Commission and Staff discussed the following:

- There was a pyramid shape for the city and this would be going against that.
 - Staff looked at various height maximums and both sides of the street would be zoned the same.
- Why the height was being proposed.
- If the area could be spot zoned and why the entire D4 was being rezoned.
 - There was no set location for the hotel, the central business district was going to grow so rezoning the entire area made sense.
- Regardless of the convention center the height in the D4 needed to be addressed
- Should there be special zoning for convention centers.

- How do you write a zone for one use when the City didn't know where it was going to be.
- The height of Grand America Hotel.
- Why the discussion was being held now and not later in the process.
- The options for the zoning and the process of approval.
- The Planning Commissions role in the process.
- Applying the same standards of the D1 to the D4 area.

MOTION [9:26:24 PM](#)

Commissioner Lyon stated regarding PLNPCM2015-00676, Height Amendments to the D-4 Zoning District, based on the findings in the Staff Report, public input, and discussion, he moved to transmit a favorable recommendation to the City Council to adopt the proposed D-4 zoning district height amendments as written in addendum C of the Staff Report but will match the height of the allowable as in the D1 zone, the same process as outlined in the D1 zone and with regard to the plan alternative 3A, Limited Salt Place only, allowing additional height above the three hundred seventy five (375) feet under the conditional site design review process subject to protecting site line corridors from the Temple as possible in the design review process. Commissioner Dean seconded the motion. The motion passed unanimously.

[9:29:32 PM](#)

Amendments to the CB Zoning Regulations - A request by the Salt Lake City Council to review the CB (Community Business) zoning regulations related to building square feet. The focus of this project is limited to determining the size of buildings, based on square feet that would require design review through the Conditional Building and Site Design review process. The amendments will affect Section 21A.26 of the Zoning Ordinance and would apply to all properties that are zoned CB. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: David Gellner at (801)535-6107 or david.gellner@slcgov.com) Case Number PLNPCM2015-00636

Mr. David Gellner, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending the Planning Commission forward a positive recommendation to the City Council regarding the petition.

The Commission and Staff discussed the following:

- How parking was addressed in the changes.
 - The changes made to the Parking Standards.
- How the proposed design standards were substantially different from the original standards.
 - The proposed standards allow the Planning Commission some latitude in looking at how to soften impacts.

- These standards were in addition to the current ones because of the variety of development in the CB zone Staff felt adding the triggers for review helped address the issues created by mass and scale.
- How to address the smaller and larger lots.

PUBLIC HEARING [9:49:19 PM](#)

Vice Chairperson Paredes opened the Public Hearing.

Ms. Blakely Summerfield stated a home in the area was converted to CB zoning and she was looking to put a green build in the rear of her lot. She stated she was not for or against the zoning but that commercial buildings needed to be respectful of the residential neighbors. Ms. Summerfield stated the changes needed to be done as a whole to help people that are all ready in the process of transitioning their properties. She thanked the Commission for making the standards apply to a wide variety of properties. Ms. Summerfield stated she would like to see her neighborhood morph into something like the 9th and 9th neighborhood.

Ms. Cindy Cromer thanked Staff for the new analysis on the proposal. She stated the City now had the data but not the solution. She stated the CB zone was not appropriate for the University District or the 9th and 9th area; at least it was not appropriate for maintaining what she liked about the areas. Ms. Cromer stated there were issues with developers combining lots and building buildings out of scale with the surrounding neighborhood. She said the intention of the CBSDR process must be explicitly stated in the ordinance, it was not to increase tax revenue or the developers anticipated gain but to deliver a more compatible project to the immediate neighborhood and larger community. Ms. Cromer stated the Commission does not receive training on how to apply the standards and the standards should be based on the scale of the adjacent structures not on low density use.

Chairperson Paredes closed the Public Hearing.

The Commission and Staff discussed the following:

- The square footage amount that would trigger the additional review process.
- The negatives of lowering the square footage requirement.
- The language in the ordinance for properties abutting low density uses.

MOTION [10:03:08 PM](#)

Commissioner Lyon stated regarding PLNPCM2015-00636, Amendments to the CB Zoning Regulations, based on the analysis and findings in the Staff Report and the discussion heard, he moved that the Planning Commission forward a positive recommendation to the City Council regarding petition, text changes to amend section 21A.26.030.B. – CB Community Business District, Maximum Building Size with the change of moving the max size in section E from fifteen thousand to seventy five hundred.

The Commission and Staff discussed the square footage totals and how to properly reflect them in the proposal.

Commissioner Lyon amended his motion to stated with the changes of seventy five hundred gross square feet on the first floor and fifteen thousand gross square feet overall and that the City Council also review the language under the step backs to see if it was not just low density residential but if there are other ways to define those zones in a more appropriate manner. Commissioner Drown seconded the motion. Commissioner Lyon, Hoskins, Drown and Ruttinger voted “aye”. Commissioner Dean voted “nay”. The motion passed 4-1.

The meeting adjourned at [10:08:01 PM](#)