

SALT LAKE CITY PLANNING COMMISSION MEETING
Room 126 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, May 27, 2015

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:32:15 PM](#). Audio recordings of the Planning Commission meetings are retained for an indefinite period of time.

Present for the Planning Commission meeting were: Chairperson Clark Ruttinger; Vice Chairperson James Guilkey; Commissioners Angela Dean, Emily Drown,Carolynn Hoskins, Michael Gallegos and Marie Taylor. Commissioner Michael Fife and Matt Lyon were excused.

Planning Staff members present at the meeting were: Cheri Coffey, Assistant Planning Director; Nick Norris, Planning Manager; Casey Stewart, Senior Planner; Daniel Echeverria, Principal Planner; David Gellner, Principal Planner; JP Goates, 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: Clark Ruttinger, Carolynn Hoskins, and Marie Taylor. Staff members in attendance were Nick Norris, Casey Stewart and David Gellner.

The following site were visited

- **1411 S High Ave** - Staff gave an overview of the proposal. The Commission asked the following questions:
 - The adjacent properties and ownership.
 - Access to the properties if the alley had never been established.
 - Is there a downside to not vacating the alley but allowing adjacent properties to use it for private purposes?
- **2036 and 2046 S 1300 East** – Staff gave an overview of the proposal and oriented the Commission to the site. The Commission asked the following questions:
 - Alley location to the site.
 - What building would be demolished?
 - What area would be rezoned to CB?

APPROVAL OF THE MINUTES FROM THE MAY 13, 2015, MEETING. [5:32:36 PM](#)
MOTION [5:32:45 PM](#)

Commissioner Guilkey moved to approve the May 13, 2015. Commissioner Drown seconded the motion. The motion passed unanimously.

REPORT OF THE CHAIR AND VICE CHAIR [5:33:04 PM](#)

Chairperson Ruttinger stated he had nothing to report.

Vice Chairperson Guilkey stated he had nothing to report.

REPORT OF THE DIRECTOR [5:33:12 PM](#)

Ms. Cheri Coffey, Assistant Planning Director, stated she had nothing to report.

Mr. Nick Norris, Planning Manager, reviewed the appeal of the 9th and 9th petition and that would be reviewed by the Appeals Hearing Officer.

The Commission and Staff discussed who submitted the appeal and which Appeal's Hearing Officer would hear the case.

Mr. Norris updated the Commission on the Northwest Quadrant Master Plan, the process for review and the public outreach that would be done for the plan.

The Commission and Staff discussed the area included in the Master Plan and the next steps for the plan updates.

Commissioner Gallegos recused himself for the discussion regarding the Landfill.

[5:36:30 PM](#)

Salt Lake Valley Landfill Height Increase Conditional Use at approximately 6030 W California Ave - Debbie Lyons, representing the Salt Lake Valley Landfill, is requesting to increase the height limit for the Salt Lake Valley Landfill to 205 feet. The landfill is located at the above listed address. The height limit increase is intended to extend the life of the existing landfill without expanding its footprint. Height limits for landfills are established by the Planning Commission through the Conditional Use process. The subject property is located within the Landfill Overlay (LO) and Open Space (OS) zoning districts and is located within Council District 2, represented by Kyle LaMalfa. (Staff contact: Daniel Echeverria at (801)535-7165 or daniel.echeverria@slcgov.com.) Case Number PLNPCM2015-00139.

Mr. Daniel Echeverria, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending that the Planning Commission approve the petition as presented.

The Commission and Staff discussed the following:

- The meaning of an avigation easement.
 - It is basically a flight corridor easement.
- The estimated time period it would take to reach the requested height.

Ms. Debbie Lyons, Salt Lake Valley Landfill, introduced the project.

Mr. David Weight, Salt Lake Valley Landfill, stated there were uncertainties on the amount of waste that would be added in the future but the additional height would allow for longer life of the facility.

The Commission and Applicant discussed the following:

- The driving factor for the proposal.
 - Additional volume for the facility.

PUBLIC HEARING [5:42:33 PM](#)

Chairperson Ruttinger opened the Public Hearing, seeing no one in the audience wished to speak; Chairperson Ruttinger closed the Public Hearing.

MOTION [5:42:46 PM](#)

Commissioner Guilkey stated regarding PLNPCM2015-00139 based on the findings and analysis in the Staff Report, testimony, and discussion, he moved that the Planning Commission approve the request for the proposed landfill height increase to 205' subject to the conditions listed in the Staff Report. Commissioner Dean seconded the motion. The motion passed unanimously.

[5:44:01 PM](#)

High Street Alley Vacation between approximately 1411 South and High Avenue (1550 West) -Hans Erbar, property owner is requesting that the City vacate the High Street Alley at the above listed address. The platted but undeveloped alley is located in between properties zoned R-1-7000 – Single-Family Residential leading up to the edge of the Wasatch Commons Condominium development which is zoned SR-3 – Special Development Pattern Residential. The subject area is within Council District 2, represented by Kyle LaMalfa. (Staff contact: David J. Gellner at (801)535-6107 or david.gellner@slcgov.com.) Case Numbers PLNPCM2015-00056

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

The Commission and Staff discussed the following:

- If the land locked parcel was the reason the petition was not administratively approved.
 - All alley vacation applications have to be reviewed/approved by the Planning Commission and City Council.

Mr. Hans Erbar, Property Owner, reviewed the history of the property and the reason for the proposal. He stated he owned three of the subject parcels and reviewed the issues with land locking one of the parcels.

The Commission and Applicant discussed the following:

- Why the proposal was not requested earlier.

PUBLIC HEARING [5:54:12 PM](#)

Chairperson Ruttinger opened the Public Hearing.

The following individual spoke to the petition: Ms. Christine Pinkerton

The following comments were made:

- If the property would be allowed to be developed, if the proposal were approved.
- If there were plans to put a driveway through the property.
- The area did not need an increase in traffic especially between the small homes.
- Would like clarification on the land locked parcel and how it affected the surrounding properties.
 - Staff reviewed the parcel that would be land locked and how the proposal addressed the issue of access.
- Supported the proposal as long as it did not affect the surrounding properties.

Chairperson Ruttinger closed the Public Hearing.

The Commission and Staff discussed the following:

- If the properties would be developable in the future.
- How the properties would be absorbed.
- The rezoning of the property.
- How the alley vacation would be recorded on the county records.

MOTION [6:00:49 PM](#)

Commissioner Dean stated regarding PLNPCM2015-00056, based on the findings listed in the Staff Report, testimony and plans presented, she moved that the Planning Commission transmit a favorable recommendation to the City Council relating to this request to vacate the High Street Alley between approx. 1411 South and High Ave. at approx. 1550 West, subject to the conditions listed in the Staff Report. Commissioner Drown seconded the motion. The motion passed unanimously.

[6:01:41 PM](#)

CVS Pharmacy Zoning Map Amendment and Alley Closure/Vacation at approximately 2036 and 2046 South 1300 East – Gerry Tully, representing Wayne Leasing LLC, requests that the City amend the zoning map for two parcels and close a segment of an alley that are all part of a multiple-parcel development proposal for a new CVS Pharmacy building and parking lot at the above address. Currently the land is used for a self-serve car wash, a dental office, customer parking, and a public alley. The development proposal would require the two subject properties be

rezoned from the current zoning district of RO (Residential Office) to a zoning district that would allow retail use and associated parking. The public alley, if closed, would be changed from public use to private use and then zoned to the same zoning district as the adjacent two subject parcels. This type of project requires a Zoning Map Amendment and an Alley Vacation/Closure. The subject properties and alley are located within Council District #7 represented by Lisa Ramsey Adams. (Staff contact: Casey Stewart at 801-535-6260 or casey.stewart@slcgov.com.)

- a. Zoning Map Amendment- The petitioner is requesting to amend the zoning map designation of properties at 2036 and 2046 South 1300 East, and the adjacent alley segment to the south, from RO (Residential Office) to CB (Community Business). Although the applicant has requested that the properties be rezoned from RO to CB, consideration may be given to rezoning the properties to another zoning district with similar characteristics. (Case number PLNPCM2015-00050)**
- b. Alley Vacation/Closure - The petitioner is requesting the City vacate and close a segment of a public alley adjacent to 2046 South 1300 East so it can be incorporated into their proposed CVS Pharmacy project as private property. (Case number PLNPCM2015-00097)**

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

The Commission and Staff discussed the following:

- The current zoning for the carwash property and if the request was to have it changed to CB (Community Business).
- The difference between CB and SHBD (Sugar House Business District) zoning.
- The Commission's role in approving the design of the building and if the proposal would require additional design review or Special Exceptions.
- What zone Staff would prefer to in the area and the vision for this corner.
 - Zoning that implemented the Master Plan would be the most appropriate.
- The parking requirements for CB versus SHBD.
- The boundaries of the SHBD in the area.
- The preferred layout and zoning of the properties.

Ms. Adrienne Bell, Holland and Hart, reviewed the proposal, what they felt would work best for the site and the zoning that would best fit with the Master Plan. She reviewed the zoning of the surrounding properties and other similarly zoned areas. Ms. Bell stated the CB zone fit the proposal and the zoning for the area; the alley closure would improve the area and link the properties allowing them to be developed in a manner that enhanced the area.

Mr. Jeff Malstrom, CVS, stated they were willing to do anything to make the proposal work and the alley would remain open and usable. He stated the issue was, CVS could not develop the two properties with a bisecting alley because they would not have control over the future use of the alley.

The Commission, Staff and Applicant discussed the following:

- If an easement on the alley would accomplish the same goal as the closure.
 - Staff stated it was a public alley, it bisected the subject property and to keep it as is would not require an easement.
- If the Applicant could be required to leave the alley open.
 - Staff stated that was up to the City Council but the Commission could make a recommendation.
- If the closure of the alley was necessary.
- The standard process for alley closures.
- The parking requirements for the proposal, RO (Residential Business), CB and SHBD zoning.
- How other similar developments accommodated onsite parking.
- The size of building that would accommodate parking on the lot.
- The traffic congestion in the area, requiring a pull out for buses and a right turn lane.
- The access to the building.
- How a drive-thru window effected the parking requirement.

PUBLIC HEARING [6:46:40 PM](#)

Chairperson Ruttinger opened the Public Hearing.

Ms. Judy Short, Sugar House Community Council, stated the Community Council did not support the proposal, it was not a walkable development and there were enough commercial buildings/businesses in Sugar House. Ms. Short stated the proposal did not fit with the Master Plan. She reviewed the zoning in the area and stated the parcels had been zoned RO forever. Ms. Short stated the Community Council was opposed to the drive-thru window, there were no distinguishing features in the design of the building and there was no entrance on 2100 South leading to the street. She stated the sidewalks were not the width requested in the Master Plan and other developments have multiple doors to address the street so there was no reason this building could not do the same. Ms. Short stated there were things that could be done to make the proposal meet the Master Plan such as underground parking, reducing the number of parking stalls and requiring people to walk to the business.

The following individual spoke in favor of the petition: Mr. Mark Goddard

The following comments were made:

- Loved Sugar House and project was a quality project that would serve the area well.

The following individuals spoke in opposition to the petition: Ms. Sally Barraclough, Mr. Joey Lister, Ms. Lynn Schwarz and Ms. Carole Straughn.

The following comments were made:

- Opposed to the rezone and alley closure.
- RO zone provided a buffer between the commercial and residential areas.
- There are no homes south of the intersection.
- Applicant was concerned over what the City would do with the alley but the residences are worried about what CVS was planning to do with the alley.
- Please do not demolish the dental office/ hair dresser as they are the types of business the area needs.
- The additional parking was not necessary for the proposal.
- Proposal did not reflect the character, look and feel of the neighborhood.
- Would create additional traffic, pollution and unnecessary idling of cars in the drive-thru.
- Did not comply with the adequacy of roadways, intersection often failed and the additional traffic would acerbate the existing conditions.
- Proposal was too busy and inappropriate for the subject corner.
- The Sugar House Vision Statement stated the proposal did not fit with the neighborhood.
- Residents want Sugar House to looking like a village and the proposal goes against that.

Chairperson Ruttinger closed the Public Hearing.

The Applicants stated the area was currently used for an office and was not being transformed from residential to commercial zoning. They reviewed the operational/ security a dual entrance store would create, the location of the entrances on the building and the traffic issues in the area.

The Commission, Applicants and Staff discussed the following:

- If the proposal were not approved would the foot print of the building remain the same.
 - Yes because a smaller building would not work for the pharmacy.
- The proposed number of parking.
 - The minimum number of required parking stalls was twenty six and the proposal was requesting sixty seven stalls.
- The products sold at a CVS Pharmacy.
- If the increased number of parking stalls was necessary.
- The possibility of keeping the existing building and sharing the parking.
- Adding architectural features to the building that would better fit with the character of the neighborhood.
- The criteria the Planning Commission could use to review the petition.

- The Sugar House Vision Statement was not an adopted City policy so it could not be used for review.
- Other businesses in the area address the surrounding streets and provide access from all directions and this proposal should do the same
- Not closing the alley and making the building work on the site.
- If the Commission could recommend removing the alley from the proposal.
 - It would be the City Council's discretion as to what to do with the alley but the Commission could make the recommendation.
- The layout of the subject properties and what the rezoning would allow to be done on the properties.
- If the item should be tabled or a recommendation made.
- Other similarly zoned properties in the district.
- If the proposed structure height would accommodate underground parking.
 - Yes it would.
- The preferred zoning for the parcel.
- The design restrictions under RO, CB and SHBD.
- If separate motions could be made for the zoning and the alley vacation.

MOTION [7:30:47 PM](#)

Commissioner Drown stated regarding PLNPCM2015-0050 and PLNPCM2015-00097, based on the findings and analysis listed in the Staff Report and the testimony and plans presented, she moved that the Planning Commission forward a negative recommendation for both the Zoning Map Amendment and Alley Vacation. Motion failed for lack of a second.

ALTERNATE MOTION [7:31:27 PM](#)

Commissioner Dean stated regarding PLNPCM2015-00097, Alley Vacation based on the findings and analysis listed in the Staff Report and the testimony and plans presented, she moved that the Planning Commission forward a negative recommendation to the City Council. Commissioner Guilkey seconded the motion.

Commissioner Taylor asked what happened if the alley was closed.

Commissioner Dean stated she was making the motion based on the fact that functionally the alley could still serve the purpose while keeping options open for the City's future plans.

The Commission and Staff discussed the options for a substitute motion or for conditions to be placed on the motion.

Commissioner Gallegos called for the vote.

Commissioners Dean, Drown, Hoskins, Gallegos and Guilkey voted "aye". Commissioner Taylor voted "nay". The motion passed 5-1.

MOTION [7:34:54 PM](#)

Commissioner Dean stated regarding PLNPCM2015-00050, regarding CVS Pharmacy Zoning Map Amendment, based on the findings and analysis listed in the Staff Report and the testimony and plans presented, she moved that the Planning Commission forward recommendation to the City Council to look at rezoning the smaller parcel adjacent to the alley to a CB zone. Commissioner Guilkey seconded the motion.

Chairperson Ruttinger asked if the motion included rezoning the front corner parcel to CB. It was stated that rezoning the front parcel was not part of the proposal.

Mr. Norris clarified that the motion was to rezone parcel 1617479044.

Mr. Stewart asked if there was a need to provide findings to the motion.

Commissioner Dean amended the motion stating the findings were that the proposal was consistent with the community Master Plan as a transitional zone maintaining the RO to the north, to maintain the buffer zone and limit commercial creep, and maintain the pedestrian amenities of smaller scale development on 13th East.

Commissioner Guilkey seconded the amendment.

Commissioner Drown asked how CB was consistent with the Master Plan when the parcels were currently zoned RO.

The Commission and Staff discussed the CB zone standards in the ordinance and how they worked with area Master Plan.

Commissioners Dean, Hoskins, Guilkey and Ruttinger voted “aye”. Commissioners Gallegos, Drown and Taylor voted “nay”. The motion passed 4-3.

[7:40:17 PM](#)

Petition Initiation - The Planning Commission may discuss initiating a petition related to the parking standards in Zoning Ordinance section 21A.44. Specifically, the Planning Commission may consider starting the process to modify the minimum off street parking requirements for mixed used developments.

Mr. JP Goates, Principal Planner, reviewed the petition as presented in the Memorandum (located in the case file). He asked the Commission for their input on the proposal.

The Commission and Staff discussed the following:

- The rationale behind allowing a half parking stall per dwelling unit in a mixed use.

- To incentivize mixed use development and lower the parking requirements in community business and neighborhood commercial districts.
- If having less parking incentivized commercial uses.
 - In mixed uses it did.
- Incentivizing was great there needed to be a threshold on how much it could be reduced and not allow residential units to have half stall parking.
- Should allow only a percent of the parking to be reduced for mixed use buildings.
- Based it on a ratio of the development such as commercial versus residential.
- Should also relate to the actual size of the commercial space.
- Reduced parking may be viable in areas like the TSA zones but did not work everywhere.
- Should be a sliding scale.
- How parking is calculated for residential, mixed use and commercial buildings.
- Requiring parking for the retail portions of a mixed use development to be calculated off of square footage/use.
- Allow for reduced parking for the retail portion but maintain the one stall per unit for residential.
- In some zones the allowing a half stall for residential zoning was not enough.
- City is trying to promote other modes of transportation but there are areas in the city where a vehicle is a necessity.
- Promoting more shared parking spaces in the city.
- Parking management on private property.
- How parking is regulated in the city and incentivizing shared parking.
- City only controls the number of stalls provided but cannot control how the parking is managed or divided.
- The current standard creates a loop hold for developers to add small retail spaces to large residential buildings in order to be allowed to reduce the parking.
- The history of parking in the city and what happens when older buildings are required to have parking that was not required when the building was constructed.
- Staff will look at how to create a scale to measure parking but care needed to be taken to not make the ordinance burdensome to understand or apply.
- If the best thing would be to simply require one stall per residential unit in a mixed use.
- Allowing the development community and RDA to give their input on the proposal.
- The process that would be followed before a Public Hearing was held.
- The parking requirements for SROs.

MOTION [8:04:36 PM](#)

Commissioner Guilkey stated, he moved that the Planning Commission initiate a petition to consider changes to Zoning Ordinance Chapter 21A.44 Off Street Parking that includes the following items:

- 1. Modification of the standards to establish a minimum of 1 stall per residential unit in the CB, CN, R-MU-35, and R-MU-45 zoning districts; and**
- 2. Evaluate the parking standard in the R-MU and MU zoning districts that allow a minimum of ½ stall per unit in a mixed use development.**
- 3. Planning Staff will come back to the Planning Commission in roughly 90 days for a Public Hearing.**

Commissioner Drown seconded the motion

The Commission discussed if it was beneficial to stipulate the ratio for parking stalls before additional information was obtained from the development community. It was stated that the Commission was only initiating a petition and not recommending anything concrete at this time.

Staff explained the challenge of the 90 day time frame and the amount of work that would need to be done in that time.

Commissioner Guilkey amended the motion to state Planning Staff would return in 90 days with a status report.

Commissioner Drown seconded the amendment.

The Commission and Staff discussed what the motion was allowing and that the process would include gathering further input. Staff stated they would also look at city parking trends.

Commissioners Dean, Hoskins, Guilkey, Gallegos and Drown voted “aye”. Commissioner Taylor voted “nay” the motion passed 5-1

The meeting adjourned at [8:09:04 PM](#)