

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

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:30:08 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 Jamie Bowen, Angela Dean, Michael Gallegos, Michael Fife,Carolynn Hoskins and Andres Paredes. Commissioner Emily Drown and Matt Lyon 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; Anna Anglin, Principal Planner; Daniel Echeverria, Principal Planner; Tracy Tran, 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: Michael Fife, Michael Gallegos, James Guilkey, Carolynn Hoskins, Andres Paredes and Clark Ruttinger. Staff members in attendance were Nick Norris, Molly Robinson and Anna Anglin.

The following site was visited:

- **Regent Street Hotel 45 E 200 South**– Staff gave an overview of the project. The Commissioners asked if the plan conflicted with the Master Plan. Staff stated no it fit in with the proposed plan. The Commissioners asked if the interior use aligned with the design of the exterior. Staff stated mostly, the base and hotel room mostly align with the changes in building design. Staff clarified the midblock height requirement in the D-1 zone.
- **Kontgis 809 S 800 East** - Staff gave an overview of the project. The Commissioners asked if the duplex was legal. Staff stated yes and off street parking was accessed from 800 South.

APPROVAL OF THE MINUTES FROM THE AUGUST 26, 2015, MEETING. [5:30:28 PM](#)
MOTION [5:30:35 PM](#)

Commissioner Guilkey moved to approve the August 26, 2015 minutes. Commissioner Fife seconded the motion. The motion passed unanimously.

REPORT OF THE CHAIR AND VICE CHAIR [5:31:01 PM](#)

Chairperson Ruttinger stated he had nothing to report.

Vice Chairperson Guilkey stated he had nothing to report.

REPORT OF THE DIRECTOR [5:31:06 PM](#)

Ms. Nora Shepard, Planning Director, stated she had nothing to report.

[5:31:13 PM](#)

Regent Street Hotel Conditional Building and Site Design Review at approximately 45 East 200 South -Chris Zarek and Keith Smith (developer, representing Form Development) is requesting approval from the City for additional height (approx 330 feet)) for a proposed hotel/condominium at the above listed address. Currently the land is vacant/underutilized and the property is zoned D-1 (Downtown). A building over 100 feet in height located mid-block in the D-1 zone must be reviewed through the Conditional Building and Site Design Review process. The subject property is within Council District 4, represented by Luke Garrott. (Staff contact: Molly Robinson at (801)535-7261 or molly.robinson@slcgov.com.) Case number PLCPCM2015-00463

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

The Commission and Staff discussed the following:

- The location and number of parking stalls for the proposed building.

Mr. Chris Zarek, Form Development, introduced himself and his design staff. He reviewed the concept of the hotels and its relationship with the Salt Lake community. Mr. Zarek reviewed the uses of the proposed building, how it would be accessible to the public, residents and guest using the building.

The Commission and Applicants discussed the following:

- The amenities that would be available for families.
- How the public uses, on the roof, would not be a hindrance to the residences or guest of the building.

PUBLIC HEARING [5:58:37 PM](#)

Chairperson Ruttinger opened the Public Hearing.

Mr. Jason Mathis, Downtown Alliance, stated they were excited with the development and improving Regent Street. He stated they supported the development and encouraged the Commission to support the height variance for the proposal.

Chairperson Ruttinger closed the Public Hearing.

Commissioner Fife expressed his support for the proposal.

MOTION [6:01:35 PM](#)

Commissioner Gallegos stated regarding PLNPCM2015-00463, he moved that the Planning Commission approve PLNPCM2015-00463 based on the plans presented, information in the Staff Report, public testimony and the discussion by the Planning Commission. Commissioner Guilkey seconded the motion. The motion passed unanimously.

Commissioner Guilkey asked what the process was to determine if a project was market rate or affordable housing.

Mr. Justin Belliveau, Redevelopment Agency, reviewed the decision process on how market rate or affordable housing was determined for projects.

[6:04:22 PM](#)

Kontgis Preliminary Subdivision at approximately 809 South 800 East and 810 East 800 South – A Request by Chris Kontgis for a lot consolidation located at the above listed address. The proposal includes combining two parcels into one lot that would be approximately 12,200 square feet. In the R2 zoning district a lot over 12,000 square feet can only be approved through the subdivision process. The proposed lot consolidation is located in the R-2 (Single and Two- Family Residential) zoning district and is located within Council District 5, represented by Erin Mendenhall. (Staff contact: Anna Anglin at (801)535-6050 or anna.anglin@slcgov.com.) Case number PLNSUB2015-00298

Ms. Anna Anglin, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff was recommending the Planning Commission deny the petition as presented.

Mr. Chris Kontgis reviewed the reasoning for the proposal and the process he had been through. He discussed the neighbor's comments and how the property would be used in the future. Mr. Kontgis reviewed the location of the property and stated the proposal would enhance the look of the lot.

The Commission, Staff and Applicant discussed the following:

- Why the parcels needed to be combined if they were allowed to be used currently.
 - If the lots were combined it would provide a back yard for the duplex.
- The main purpose for the proposal.
 - Was to keep the existing canopy on the lot.
- The use of the garage.
- Why the petition was necessary and what it allowed the property to be used for.
- If rezoning the property was considered instead of combining the lots.
 - Staff reviewed the recent change in zoning and the allowed use for the property.
- If the six foot fence would be allowed to be on the property.

- Would need to go through a special exception and meet the criteria for approval.
- If access would still remain off of 800 South.
 - Yes the access would still remain.
- The subdivision did not change the fact that commercial vehicles could not be stored on the property.
- The lot was very well taken care of and the fence was to keep transients out.

PUBLIC HEARING

Chairperson Ruttinger opened the Public Hearing.

Mr. Nathan Florence stated he had worked with the City to protect the single family residences in the area from the businesses and preserve the nature of the neighborhood. He stated the lot had never been in compliance with the ordinances but neighbors had dealt with the issues to avoid causing problems with the property owner. Mr. Florence stated the property had not been kept up as it was full of the property owner's storage and was not usable by the tenants of the property. He asked the Commission to deny the petition.

Mr. Stewart Smith stated the Staff did a great job on the Staff Report. He reviewed the location and zoning of the property. Mr. Smith stated the property was well maintained and asked if the property could be rezoned instead of combined to allow future use. He stated he could not see anyone developing a home in the lot as it was in between two businesses and the location was not ideal. Mr. Smith stated if the proposal was not supported maybe Staff and the Applicant could rework it to accommodate the neighborhood and the City. He stated he supported the rezoning of the property.

Ms. Cindy Cromer handed out an aerial map of the area and stated the following:

My nearest property is a couple of blocks away, but I have extensive experience with this block dating back to the late 1980's when Smith's Food King expanded. I have participated in all of the planning efforts since then: the small area plan, the 1995 rezoning, the Central Community Master Plan, and the recent rezoning in 2014. In the late 1980's, there was a house on the parcel at 810 E 800 S. It had been there for a long time and I've brought the 1911 Sanborn map to make you aware of this property's history of residential use. The house was there in the late '80's when I became involved.

By the time of the 9th and 9th Small Area Plan in 1992, the house was gone and the parcel was vacant. Most of the time since then, it has been used illegally for parking vehicles associated with a business which is not in the neighborhood.

I agree with the recommendation in the staff report based on requirements of the zoning ordinance. But more important to me are the long range planning documents which I have worked on. The small area plan, the most detailed examination of the area, anticipated that the residential use would resume on the parcel. That was in 1992 after the fire when

the parcel was vacant. The most recent evaluation of the zoning was in 2014 when the City reviewed the zoning between 700 S and 900 S and 700 E to 900 E. The decision then was that the property should be R-2.

The current use is commercial and not associated with the nearby business. The proposal to combine the lots is an obvious effort to incrementally rezone the property. There is no question that this property would develop as residential if it went on the market. I can think of 2 specific developers of upscale properties who would buy it if I called them. There is no question that if you grant the applicant's request, we are losing housing contrary to the policies in all the plans I've mentioned and the City's housing policy. For me, this proposal is not about the technical requirements of the zoning ordinance, it is about housing and long range planning. But both the technical requirements and all of the planning efforts support denial.

Chairperson Ruttinger read the following card:

Ms. Julie Bjornstad – I am opposed to the rezone because I feel that the true purpose of the rezone is to keep the non-compliant use of the properties on 800 South as non-compliant by turning it into a “backyard” for the duplex. If he truly had the neighborhood’s best interest in mind he would maintain his current property. He is using it as storage and at times has had multiple people living there with no utilities including running water since I moved in four years ago. He had mentioned multiple times about wanting to put a restaurant there or sell it to create apartments, both of which are both not allowed per current zoning. In addition, no conversations among the property owner and neighborhood occurred prior to the closing of the comment period. I am very suspicious of the property owners intentions with the combination, the precedence approval would set, and the impact to the neighborhood redevelopment of the site would cause. Although the property owner claims there is seven year weed killer on the property, there are currently weeds. I also do not trust the plan for neighborhood garden boxes and permission for use.

Chairperson Ruttinger closed the Public Hearing.

Mr. Kontgis stated that no restaurant was planned on the corner and it would remain Emily Jane’s and he hated to see the property sit vacant.

The Commission and Applicant discussed the following:

- The property the Applicant owned in the neighborhood.

MOTION [6:33:48 PM](#)

Commissioner Guilkey stated regarding PLNSUB2015-00298, based on the findings in the Staff Report, testimony and plans presented, he moved that the Planning Commission deny PLNSUB2015-00298, the Kontgis Subdivision subject to findings one and two in the Staff Report. Commissioner Dean seconded the motion.

Commissioner Dean thanked the neighbors for their comments.

Commissioner Parades asked if the petition could be reworked to achieve the goal of the property owner.

Staff explained the reasoning the property could not be used as the Applicant proposed.

Commissioner Gallegos called for the vote.

The motion passed unanimously.

[6:35:55 PM](#)

Westminster Master Plan & Zoning Amendment & Preliminary Subdivision at approximately 1888 South 1300 East - A request by Curtis Ryan, on behalf of Westminster College, for a Master Plan Amendment, Zoning Amendment and Preliminary Subdivision located at the above listed address. The proposal is to consolidate all of these lots into the overall college campus by changing the master plan, rezoning the property and absorbing the land into a new subdivision plat The project is located in the R-1/5000 Zoning District, located in Council District 7 represented by Lisa Adams (Staff contact: Doug Dansie at (801)535-6182 or doug.dansie@slcgov.com.) Case numbers PLNPCM2014-00253 PLNPCM2014-00254 PLNSUB2015-00214

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 favorable recommendation to the City Council regarding the petition.

PUBLIC HEARING [6:37:18 PM](#)

Chairperson Ruttinger opened the Public Hearing.

Mr. George Chapman stated the community was worried that the university would increase in size and the neighbors wanted to keep the single family zoning. He stated he recommended the Commission not approve the petition as the area should be protected.

Chairperson Ruttinger closed the Public Hearing.

The Commission discussed and stated the following:

- The positive comments made during the previous Public Hearing.
- Westminster discussed their detailed plan, at the previous meeting, that showed how concerned they were to make sure they fit with the neighborhood and the difficulty there would be for developing any large structure on the lot because of setbacks and lot width.
- The proposal should not affect the neighborhood in any depreciable way.

The Commission and Staff discussed the following

- The language in the Master Plan regarding housing stock in the neighborhood and how the proposal complied or did not comply with the Master Plan.
- If dormitory housing was considered residential housing.
- Why this proposal was different from other proposals when it came to complying with the Master Plan.
- This was a rezoning process and the public stated they support the rezoning.
- What types of applications, for changing the use of the homes, would be reviewed by the Planning Commission.
- The process the applicant would go through to remove the homes if desired.

The Commission and Applicant discussed the following:

- The layout and potential use of the homes.
- If other structures would be constructed on the property.
- Reason for the proposal.
- How the homes would be changed to accommodate the proposal and uses of the homes.

MOTION [6:52:21 PM](#)

Commissioner Gallegos stated regarding PLNPCM2014-00253, PLNPCM2014-00254 PLNSUB2015-00214, Westminster Master Plan & Zoning Amendment & Preliminary Subdivision, based on the findings listed in the Staff Report and the testimony and plans presented, he moved that the Planning Commission transmit a positive recommendation to the City Council for the proposed zoning map and master plan amendment and also approve the preliminary subdivision, pending City Council approval of the zoning map and master plan amendment. Commissioner Bowen seconded the motion. Commissioners Gallegos, Hoskins, Fife and Parades voted “aye”. Commissioners Dean, Guilkey and Bowen voted “nay”. The motion passed 4-3.

[6:53:50 PM](#)

Attached Garage Regulations for Residential Districts - The Salt Lake City Council has requested that the existing residential zoning regulations be evaluated with regard to compatible infill development in Salt Lake City. City Planning Staff identified issues regarding the existing attached garage regulations and is proposing regulations that would restrict the ability to build new attached garages that project from the front façade of homes in residential zoning districts. An exemption is proposed for existing garage replacement and when there is a development pattern of such garages on a block face. The proposed regulation changes will affect chapter 21A.24 Residential Districts of the zoning ordinance. The regulations will affect the R-1, R-2, SR, and FR Residential Zoning Districts city-wide. Related provisions of title 21A-Zoning may also be amended as part of this petition.

(Staff contact: Daniel Echeverria at (801)535-7165 or Daniel.echeverria@slcgov.com.) Case number PLNPCM2014- 00133

Mr. Daniel Echeverria, 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 favorable recommendation to the City Council regarding the petition.

The Commission and Staff discussed the following:

- What determined a pattern.
 - Three homes that have the particular characteristic on a block face.
- Why the pattern mattered, because there are benefits if a garage is setback regardless if other homes match.
 - To protect the existing development pattern of a neighborhood.

PUBLIC HEARING [7:00:07 PM](#)

Chairperson Ruttinger opened the Public Hearing.

Ms. Cindy Cromer stated she was pleased that this item was coming back to the Commission and streetscapes and designs were being discussed. She stated she thought there were restrictions in the compatible infill ordinance regarding the percent of the front façade that could be covered by garage that would regulate placement of inline garages. Ms. Cromer asked the Commission to consider, in terms of pattern, what happens in a neighborhood where there was no pattern. She stated many older neighborhoods do not have a pattern and the standard would need to address those areas appropriately. Ms. Cromer stated there have been issues with the ordinance, regarding setbacks, where the garage has been required to be on the front of the house when it could have gone elsewhere.

Chairperson Ruttinger closed the Public Hearing.

- The Commission and Staff discussed the following:
- What would happen if there was no pattern.
 - One would have to comply with the standard; the exception was only if there was a pattern.
- If there were other regulations that would cause issues with garage location.

MOTION [7:03:58 PM](#)

Commissioner Fife stated regarding PLNPCM2014-00133, Attached Garage Regulations for Residential Districts, based on the findings and analysis in the Staff Report and testimony provided, he moved that the Planning Commission transmit a positive recommendation for PLNPCM2014-00133 to adopt the proposed zoning ordinance text amendment related to attached garages in residential districts Commissioner Gallegos seconded the motion. The motion passed unanimously.

[7:04:51 PM](#)

Salt Lake City International Airport Rezone - A request by The Salt Lake City International Airport to rezone properties located south of the existing terminal and runways from OS Open Space, Commercial Corridor CC and Business Park BP to Airport A zoning. This includes the land at the ends of the runways, presently occupied by runway approach lighting, and the Wingpointe golf course. The project is located in Council District 1 represented by James Rogers (Staff contact: Doug Dansie at (801)535-6182 or doug.dansie@slcgov.com.) Case number PLNPCM2015-00357

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 favorable recommendation to the City Council regarding the petition.

Mr. Alan McCandless, Airport, stated the information in the Staff Report was correct. He stated the entire area currently zoned open space was included and there were several airport structures in the areas. He reviewed the equipment located in the open space area and what the property would be used for in the future.

The Commission and Applicant discussed the following

- If the Commission was legally required to rezone the open space area.
 - It was a finding from the FAA study and was their recommendation.
- The future use of the Wingpointe golf course.
- Mitigation of the loss of open space.
 - There are no requirements to replace the open space and was under the City Council's purview.
- How the airport would maintain the wetland areas.

The Commission made the following statements:

- If the Commission denied the petition, the Airport would have made their reasonable effort to rezone the property and the City would maintain its open space.

PUBLIC HEARING [7:18:20 PM](#)

Chairperson Ruttinger opened the Public Hearing.

The following individuals spoke to the petition: Mr. Michael Brant and Mr. George Chapman.

The following comments were made:

- Loved the golf course but it sounded like the City Council wanted to get rid of the golf course because it was land valued by the Federal Government.
- Water table in the area was high and the wildlife should be protected.
- Area should not be used to park vehicles.

-
- Proposal was a waste of a great golf course that the citizens of Salt Lake paid for.
- Salt Lake Administration was pushing for this land change and did not want to negotiate on the property with the FAA.
- The proposal did not follow the open space ordinance.
- Parking was a non-issue as the workers were supposed to be using Trax.
- This was a historic golf course.
- Please deny the petition and do not close open space.

Chairperson Ruttinger closed the Public Hearing.

MOTION [7:24:12 PM](#)

Commissioner Guilkey stated regarding PLNPCM2015-00357, Salt Lake City International Airport Rezone based on the overriding value of the open space that would be lost in this proposal, he recommended that the Planning Commission send a negative recommendation to the City Council for the proposed zoning map amendment. Commissioner Fife seconded the motion.

The Commission discussed and stated the following:

- What the property could be used for if the golf course were closed.
- The motion would show that the Commission values open space.
- The impact the proposal would have on the expansion of the airport and ongoing security issues at the airport was important.
- The Commission could recommend that the City Council consider mitigating the loss of open space.
- The Planning Commission was not making a political decision but was there to debate the soundness of the proposal.

Commission Dean called for the vote.

Commissioner Dean, Fife, Guilkey, Parades and Hoskins voted “aye”. Commissioner Bowen and Gallegos voted “nay”. The motion passed 5-2.

[7:27:24 PM](#)

Northwest Quadrant Master Plan - A request by Mayor Ralph Becker and the Salt Lake City Council to adopt a master plan for the Northwest Quadrant, an area of Salt Lake City that is bounded by the Salt Lake International Airport and I-215 on the west, SR-201 and the City boundary to the south, the city boundary (approx. 8600 West) on the west, and the City boundary on the north. The Northwest Quadrant Master Plan will establish policies for future industrial development in the area and identify natural lands that should be preserved. The Northwest Quadrant is located in Council Districts 1 represented by James Rogers and 2 represented by Kyle

LaMalfa. A copy of the draft master plan is available at www.slcgov.com/planning (Staff contact: Tracy Tran at (801)535-7645 and tracy.tran@slcgov.com.) Case number PLNPCM2009-00168

Ms. Tracy Tran, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff was recommending the Planning Commission continue the public hearing and allow Staff to continue to make changes to the document.

Ms. Siobhan Locke reviewed the public engagement and findings for the Master Plan.

The Commission and Staff discussed the following:

- If the support of open space included agricultural use.
 - Representatives for agriculture use and general open space protection expressed their concerns.
- If stronger language should be included in the plan regarding trails and bike ways.
 - The plan was to guide what the City did in terms of decision making however, the city is required to show trails in the master plan if they want to add any in the future.
 - The current language in the plan reflected public comments received, but seemed to conflict with the comments in the City's Bike and Pedestrian Plan.
 - Using terms such as restrict or shall, because it was a guiding document, would not hold the same type of authority if it were an ordinance.
- Where trails or bike paths should be located in the subject area.
- Directing the trails west in another area and not through the natural area and updating the various city master plans to reflect that change.

PUBLIC HEARING [7:51:31 PM](#)

Chairperson Ruttinger opened the Public Hearing.

The following individuals spoke to the petition: Mr. Wayne Martinson and Mr. Adam Von Monch.

The following comments were made:

- Plan was improving from previous drafts.
- Encouraged people to visit the Lee Creek Management area, west of 8800 West.
- Keep trails out of the natural open spaces and do not allow trails going west and north of the airport.
- Need to study allowing fill in 4,212 and 4,215 before letting it just happen.
- Restricting fill in 4,212 and 4,215 would be unreasonable restrictions of property owner's rights.
- The allowable fill heights vary depending on the data used to measure it.
- Should review fill applications on a case by case basis to determine if fill should be allowed in these areas.

The Commission asked Mr. Martinson the rational of not allowing a trail north and west of the airport if it was not in a natural area.

Mr. Martinson stated it was not in a natural area as defined by the Northwest Quadrant plan but it was a wildlife area and became a boundary issue.

Chairperson Ruttinger continued the Public Hearing.

The Commission and Staff discussed the following:

MOTION [7:55:31 PM](#)

Commissioner Gallegos stated regarding PLNPCM2009-00168, Northwest Quadrant Master Plan, he moved that the Planning Commission continue the public hearing, allow Planning Staff to make further changes to the document and bring the plan back to the Commission for further review. Commissioner Hoskins seconded the motion. The motion passed unanimously.

The Commission and Staff discussed the following areas for clarification:

- Move forward with restricting trails and bike paths in the natural areas and north and west of the airport.
 - Further study and coordination with the adjacent plans would be required.
- Studying the fill areas.
 - Staff will work with the wording and intent to address the concerns of the parties involved.
- If the Trails Plan needed to be amended.
 - If the plan was recommended with no trails in the natural areas, then Staff would propose the changes to the other plan. The Bike and Pedestrian plan had not been adopted yet therefore Staff would work with Transportation on the language.

[8:02:12 PM](#)

CBSDR and CB Zoning Regulations - Planning Commission briefing on proposed changes to Title 21A.36 - Community Business Zoning District and 21A.59 Conditional Building and Site Design Review of the Zoning Ordinance in relation to the criteria for additional building size, buffering requirements and other design elements as well as standards for review for projects that are required to go through the approval process outlined in Chapter 21A.59. (Staff contact is 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 asking the Planning Commission for input and direction on the petition.

The Commission and Staff discussed the following:

- Including zoning adjacent to subject parcels on the map.
- Recent examples of properties that have gone through the process for the Commission to view the end result.
 - Zoning, examples and massing can be given to help depict results.
- How parking was addressed in the standards.
 - Parking was not part of the CB standards.
- If applications were waiting to be approved for these types of projects.

[8:19:00 PM](#)

2015 Chair and Vice Chair Elections - The Commission will nominate and vote in a Chair and Vice Chairperson these individuals will serve in the positions from October 2015 to September 2016.

MOTION [8:21:56 PM](#)

Commissioner Gallegos nominated Commissioner James Guilkey for the position of Chair and Commissioner Andres Parades for the position of Chair. Commissioners Fife seconded the nomination. The motion passed unanimously.

Commissioner James Guilkey was elected as Chairperson.

Commissioner Andres Parades was elected as Vice Chair.

The meeting adjourned at [8:22:23 PM](#)