

**SALT LAKE CITY  
PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building  
451 South State Street, Salt Lake City, Utah  
Wednesday, November 29, 2006**

Present for the Planning Commission were Peggy McDonough (Chairperson), Matthew Wirthlin (Vice Chair) Susie McHugh, Robert Forbis, Mary Woodhead, Tim Chambless, Kathy Scott, and Prescott Muir. Babs De Lay and Frank Algarin were excused from the meeting.

Present from the Planning Division were Doug Wheelwright, Deputy Planning Director; Cheri Coffey, Deputy Planning Director; Joel Paterson, Planning Programs Supervisor; Ray McCandless, Senior Planner; Lex Traugher, Principal Planner; and Tami Hansen, Planning Commission Secretary.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson McDonough called the meeting to order at 5:46 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were Tim Chambless, Peggy McDonough, Susie McHugh, Mary Woodhead, Prescott Muir, Kathy Scott, and Matthew Wirthlin. Planning Division Staff present were Doug Wheelwright, Joel Paterson, Ray McCandless, and Lex Traugher.

**APPROVAL OF MINUTES from Wednesday, November 8, 2006.**

*(This item was heard at 5:47p.m.)*

**Commissioner Scott moved to approve the November 8, 2006 minutes with minor modifications  
Commissioner Chambless seconded the motion. All voted "Aye" Commissioner Forbis abstained.  
The motion passed.**

**REPORT OF THE PLANNING DIRECTOR**

*(This item was heard at 5:49 p.m.)*

Staff Doug Wheelwright noted that on Tuesday, November 28, 2006 he participated, along with Mayor Ross Anderson and City Council Member Jill Remington Love in a mediation session regarding the condemnation action the City filed on the North Salt Lake City property. He noted that an agreement was not reached; therefore that matter will proceed to trial beginning February 20, 2007.

**PUBLIC NOTICE AGENDA**

*(This item was heard at 5:50p.m.)*

- *Sandy City and Salt Lake City Public Utilities—Sandy City is requesting that Public Utilities approve a proposed property trade with an adjacent property owner to allow for the realignment of the proposed public street extension of South Auto Mall Drive and a previously approved bridge crossing of a portion of the Jordan and Salt Lake City Canal. The utility permits and bridge crossing portions of this project were approved by the Planning Commission at the November 8, 2006 meeting. The realignment issue was identified subsequently. Public Utilities staff intends to approve the land trade as requested.*
- *REAL Salt Lake Stadium and Salt Lake City Public Utilities—REAL Salt Lake is requesting approval of a long term lease from Public Utilities to install and maintain a storm drainage easement in conjunction with the new soccer stadium proposed in Sandy City. The location of the Public Utilities owned property used for the Jordan and Salt Lake City Canal, which will be impacted by the proposed utility easement lease, is approximately 9400 South 174 West in Sandy, Utah. Public Utilities staff intends to approve the utility easement lease as requested.*
- *Dale E. Anderson and Salt Lake City Public Utilities—Mr. Anderson is requesting that he be issued a standard revocable permit to continue to maintain existing landscaping and a sprinkler system located on Public Utilities owned property at the rear of his residential property at 657 East 18<sup>th</sup> Avenue. The City owned property is part of an existing culinary drinking water reservoir site and is zoned Open Space OS. Public Utilities staff intends to approve the revocable permit as requested.*
- *Dave Loyens and Salt Lake City Public Utilities—Mr. Loyens is requesting approval from Public Utilities to construct two roadway bridges over and a possible relocation of a portion of*

*the Jordan and Salt Lake City Canal located at approximately 1300 West and 14600 South in Bluffdale City. Approval would consist of long term leases for the bridge structures and possible land or easement trades for the relocation of the canal. Public Utilities staff intends to approve the leases and possible property or easement trades as requested.*

- *Mike Polich and SLC Public Utilities—Mr. Polich is requesting approval of a long term lease from Public Utilities to landscape and maintain the existing open space area adjacent to a proposed mixed use development at approximately 1234 S. 1100 E. (Harvard Yard). The property is zoned R-1/5,000 and will be left open for public use and access to the trail way.*

Chairperson McDonough noted that there were no comments or questions from the public or Commissioners, and the matters were approved.

### **PUBLIC HEARINGS**

*(This item was heard at 5:51 p.m.)*

**a. Petition 490-03-32 — Bean Subdivision (Koneta Court)** — Request by Mr. James Bean, requesting preliminary subdivision plat approval for a 2-lot residential subdivision located at approximately 518 and 524 South Koneta Court in an SR-3 Special Development Pattern Residential Zoning District.

Chairperson McDonough recognized Ray McCandless as staff representative.

Commissioner Woodhead noted that she was currently representing a plaintiff in a non-related case that one of Mr. James Bean's neighbors, Judy Schroepfer was also involved with. She noted that she did not feel that it would be a conflict with her involvement in this petition hearing; however, she felt she needed to ask the other Commissioners if they had any objection to her continuance.

Commissioners had no objection.

Ray McCandless gave the staff report and noted that Koneta Court was a private, dead end, right-of-way that extended south of 500 South at approximately 1030 East. The property is 5800 square feet in area. The applicant proposed to subdivide the property into a 2,800 square foot lot and a 2,900 square foot lot. He noted that currently there are two dwellings on the property. The southern dwelling was constructed in the mid-1920's and the northern dwelling was constructed in 2002.

He noted that the subdivision was initially approved at an administrative hearing on October 19, 2006; however, the Planning Staff did receive numerous formal objections in regards to the subdivision. The case was forwarded to the Planning Commission for final approval action. He noted that most of the objections received were from owners of the condominiums located west of the site, and were related to the appearance of the structure.

Mr. McCandless noted that the property did have a lengthy history, in regards to the original home built in 1920 and the adjoining lot, which was used as landscaping for the home. In 1987 the home was converted into a duplex and the two parcels were consolidated into a single lot. However, the lot did not meet the property area requirements for a duplex so the previous property owner re-subdivided the area into two lots. In 2002 the property was purchased by Mr. James Bean, and in July 2002 permits were issued for the construction of the single family dwelling at 518 Koneta Court.

He noted that in 2002 a stop work order was placed on the property by the Salt Lake City Attorney's Office, due to the possibility that the Building Permits Office had issued the building permit in error considering the legality of the subdivision. The home at 518 Koneta Court was constructed; however, building permits had not been finalized and are pending subdivision action.

Mr. McCandless noted that the dwelling on 518 Koneta Court does not meet the required side or rear yard setback requirements for the SR-3 zoning district. He noted that within that zone a minimum 4 foot side yard is required, and what is provided is 3.6 feet. In the rear yard, there is a minimum 15 foot setback; however, on this property the rear yard setback is 14.3 feet. He also noted that the subdivision formalizes the subdivision of the property; establishing the lot line between the two existing dwellings.

Lynn Pace (Deputy City Attorney) noted that one of the State standards for a subdivision was ensuring the absence of material injury to the public. He also noted that on Page 8 of the Staff Report there were recommendations made in regards of the property. That the first one stating, Compliance *with all Salt Lake*

*City departmental requirements including providing drawings to the Public Utilities Department showing water and sewer connections are adequate for the dwellings; was appropriate.*

With regard to the second recommendation concerning the setback conditions, Mr. Pace indicated that the non-complying side and rear yard setbacks already exist on the perimeter of the property and they are not problems that are created by the subdivision. They are two properties with a dividing line, which creates a zoning problem. He noted that the subdivision would essentially move that line to a location that would work for both houses. The setback problems on the outer perimeter would not be corrected, but would need to be remedied in other ways. However, they would not need to be made a condition of subdivision approval, because it is unrelated to the subdivision.

Commissioner Chambless inquired about the definition of material damage; if it would be financial, aesthetic impact, or physical damage.

Mr. Pace noted that the City's Master Plan and zoning would both be taken into consideration to determine whether or not the property fits within those plans, or whether or not there was public harm caused by the approval of the subdivision.

Commissioner Woodhead inquired if the material harm considered was only from the division of the property, or was actually on the property.

Mr. Pace noted that his opinion was for the Commissioners to ask that whether by subdividing the property, any material harm to the public would be created. He noted that complaints made by the public in regards to how the property looked were not a subdivision issue, but a building permit issue. He also noted that was why he questioned the second set of conditions in regards to the subdivision.

Mr. Pace also explained that Mr. James Bean could not finish the project for two reasons: one, because the property has not been subdivided; and two, because of the setback problems. Until those problems were resolved, the stop work order could not be lifted. He noted that by approving the subdivision, one of the problems was solved; however, the second problem was unrelated to this decision.

Chairperson McDonough inquired if there were any additional questions from Staff or the Commissioners. There were none. She then invited the applicant Mr. James Bean to the table to speak.

Mr. James Bean noted that he was aware that some of the objections were due to the appearance of the house; however, the finished project would include the same color of building materials and mimicked the designs of other homes in the neighborhood.

Chairperson McDonough asked the Commissioners if they had any questions for the applicant. There were none.

Chairperson McDonough noted that her understanding was that it was recorded as two different lots with the County, but not officially recorded as such with the City. She then opened the public portion of the hearing.

Judy Schroeffer noted she opposed the subdivision and that she believed there was a front yard issues she would like investigated. She noted that she did not agree with the structure of the home, which she felt did not conform to the surrounding neighborhood and was an eyesore. She also noted that she felt Mr. Bean had overbuilt for the size of the lot. She also submitted a written statement for the Planning Commission to review, which was included in the Staff Report.

Terry Spencer (Attorney) Indicated that his Law Office was located at 140 West 9000 South in Sandy, Utah. He noted he was representing Rodney Peck, a home owner on Koneta Court. He and his client concurred with the comments of Ms. Schroeffer, adding that the lots also caused parking issues.

Patricia Webb homeowner and 540 Koneta Court, submitted a letter to the Planning Commission that was included in the Staff Report. She also concurred with the statements of Ms. Schroeffer, and Mr. Spencer.

Chairperson McDonough invited Mr. Bean back up to the table.

Mr. Bean noted that he did not understand how parking was an issue, due to a four car garage underneath the house. He also noted that he had one parking space to the south of the house. He also noted that before the City would issue a building permit, a representative with the City made sure that the modular

home had proper insulation, wiring, and was built according to the standards of Salt Lake City, which was approved.

Commissioner Scott inquired if the house had ever been occupied.

Mr. Bean noted no. He also noted that he owned the street and the sidewalk in front of the property in order to bring a new waterline down the street.

Commissioner McHugh inquired about the garage parking, noting that there was only a one car garage opening.

Mr. Bean noted that a free span garage had been designed, meaning there were no support beams in the middle. He also noted that the garage was twenty-five feet wide and fifty-two feet long, therefore two cars could fit in on the right side and two on the left.

Hearing no other questions for Mr. Bean, Chair McDonough closed the public hearing and the Commissioner moved into the executive session.

Commissioner Chambless inquired of Staff Doug Wheelwright if this petition set a precedent for Salt Lake City.

Staff Wheelwright noted that he did not believe it did.

Staff Cheri Coffey noted that as long as manufactured homes met the National Building Code, they were allowed anywhere in the City where Single Family homes were allowed.

Chairperson McDonough inquired of the Planning Commission for discussion or a motion to be made.

**Regarding Petition 490-03-32 Commissioner Muir made a motion based on the noted findings in the Staff Report, that the Planning Commission grant preliminary subdivision approval to the James Bean minor subdivision for the properties located at 518 and 524 South Koneta Court; subject to conditions:**

1. Compliance with all Salt Lake City department requirements including: providing drawings to Public Utilities department showing water and sewer connections are adequate for the dwellings.
2. The applicant must do one of the following:
  - A. Alter the construction of the dwelling structure so that it meets the required zoning side yard and rear yard;
  - B. Seek an appeal of the City's Administrative decision that the structure located on 518 Koneta Court is in non-compliance with the applicable setback requirements of the City zoning regulations from the Salt Lake City Board of Adjustment; or
  - C. Apply for variances to the Board of Adjustment.

**Commissioner Woodhead seconded the motion.**

**Vice Chair Wirthlin, Commissioner Scott, Commissioner Woodhead, Commissioner Muir, Commissioner Forbis, and Commissioner McHugh voted "Aye". Commissioner Chambless was opposed. The motion passed.**

*(This item was heard at 6:29 p.m.)*

**Petition 410-06-36** — Harvard Yard Planned Development (Conditional Use) —Request by Mike Polich, applicant, to redevelop the property located at 1234 South 1100 East. The proposal is for a mixed-use development on the subject site consisting of a commercial retail space and six residential units. The subject parcel is zoned CN (Neighborhood Commercial District). The applicant is requesting the Planning Commission approve a modification to the required landscape buffer and building height.

Chairperson McDonough recognized Lex Traugher as Staff Representative.

Mr. Traugher explained to the Planning Commission that the applicant was seeking a reduction in the seven foot landscape buffer on the north property line of the subject property. He noted that the property to the north was owned by the City and already provided a landscape buffer. He also noted that the applicant was asking for a relaxation of the height standard within the zone. The building height would accommodate a ten foot ceiling in the commercial space and two residential units with 8 foot ceilings. The applicant was proposing six residential units; and a retail commercial space, of which three of the residential units would be above; this was where the applicant sought the 29 foot height limit.

Mr. Traugher noted that an open house in regards to this project was held, and approximately fifteen people attended. He noted that in addition, all those on the City's list serve, as well as the community council chairs were notified of the project. The findings of the Planned Development stated that through strict application of City Land Use Regulations, the project met the purposes and objectives by creating a more desirable environment. The project promoted a creative approach to the use of land and related physical facilities resulting in better design and development; including aesthetic amenities. He also noted that the project included elements that would enhance desirable site characteristics, specifically vegetation, the use of landscape design, and architectural features that would create a pleasing environment.

Mr. Traugher noted that the Planning Commission should consider approval of the project predicated on the following conditions:

- The applicant satisfies and adheres to all the requirements as noted by the various City departments and divisions.
- Prior to the issuance of a building permit, final approval of the landscape plans shall be delegated to the Planning Director.
- Consistent with the submitted building elevations the maximum height allowed on that portion of the building located above the proposed retail/commercial space, should be 29 feet.
- There should be no landscape buffer on the perimeter boundary of the project site that abuts the R-1/5,000 Zone property to the north.

Mr. Mike Polich stated that the design would link a few public parks, which the project would facilitate as well.

The Planning Commission inquired about the sidewalk access that led to the front doors of the townhouses as being a public sidewalk. He inquired if the distance between the walk and the front of the buildings was appropriate to convey to the public that they were welcome on that sidewalk as a means to access to the trail systems. Commissioner Muir noted that sidewalks too close to the property might suggest to the public that it was private property, while sidewalks placed further away would suggest that the area within the public domain.

He also noted that a possibility would be to make conditions toward the approval of the petition that would allow the Planning Director to work closely with the applicant to convey that balance.

Mr. Polich noted that there were a couple of design options available that would help facilitate that balance; including small wrought iron fences that would convey those boundaries.

Chairperson McDonough noted there were no question from the Planning Commission and invited the applicant to the table.

Chairperson McDonough opened the public hearing portion of the hearing.

Cindy Cromer noted that she had submitted written comments to the Planning Commission and that she supports the project. She noted that the City property had the potential to be an open space zone. She also agreed with the request for 29 feet height within the project, stating it was very modest.

Ruth Price noted that she did not agree in the taking of private property to create nature areas. She noted that she had concerns about traffic congestion throughout the area. She also noted that she opposed the name of the project.

Steven Rosenberg (neighbor to the property) noted that he thought the project was extremely creative and well thought out. He also noted that he was excited about the additional green space in the neighborhood.

Chairperson McDonough read written comments submitted by Bill and Shelley McClennen, both of whom were in opposition to the project. They noted that the ordinance was written for a reason. It does not seem like a variance was in the best interest of the neighborhood.

Dave Richards noted he supported the project except for issues relating to parking due to the fact that the area was already crowded and would continue to worsen after the project was complete and more public was brought into the area. He noted the existing uses have a lack of parking now and this project would remove areas that are now used as informal off-site parking.

Chairperson McDonough invited the applicant back up to the table.

Mr. Polich noted that he did not have any rebuttals. He noted that the parking requirements had been exceeded for the project.

Commissioner Scott inquired if the maintenance of the proposed pocket park would be maintained by the applicant.

Mr. Polich noted that it would be.

Commissioner Muir noted that the maintenance part could be worked out through the City.

Chairperson McDonough closed the public hearing and inquired of the Planning Commission for discussion or a motion to be made.

**Regarding Petition 410-06-36 Commissioner Scott made a motion that the Planning Commission approve the petition based on the comments, the analysis and findings listed in the Staff Report and noted that the approval be subject to conditions one through four as described on Pg. 14 of the Staff Report with one addendum regarding the final landscape plan. Also, to add after the word Planning Director, with attention to clearly defining the public nature of the sidewalk and trail.**

**Seconded by Commissioner Forbis.**

**All in favor voted "Aye". The motion passed unanimously.**

*(This item was heard at 7:01 p.m.)*

**Petition 400-02-22** — Revision to the proposed Ordinance for said petition which relates to amending the Zoning Ordinance relating to the definition of "restaurant", and the associated parking requirements for retail goods establishment, retail service establishments, and restaurants, as well as a re-evaluation and expansion of alternative parking solutions and an expansion of "off-site" and "shared" parking possibilities. The City Council held a briefing on September 7, 2006, and remanded the petition back to Planning Staff for the purpose of adding language to the proposed ordinance amending parking standards for properties located in the UI (Urban Institutional) and D-1 (Central Business District) Zones.

Chairperson McDonough recognized Lex Traughber as Staff Representative.

Mr. Traughber presented the Staff Report and noted that the Petition was heard by the Planning Commission in February of 2006 and was the result of legislative actions from Council Members Jill Remington Love and Nancy Saxton. Council Member Love's petition was initiated to study the parking impacts occurring in residential neighborhoods near small commercial areas. Council Members Saxton's petition was initiated to look at parking requirements, alternative, shared, and off-site for the CB and CS zoning districts. Staff Traughber noted that a positive recommendation was forwarded from the Planning Commission to the City Council, which resulted in four text changes:

1. *Eliminate the existing definition for "restaurant" that is based on sales volume and replace it with a definition that is based on the number of seats provided.*
2. *Distinguish between small and large restaurants and establish a different parking requirement for each category: large restaurants must provide 6 stalls per 1,000 square feet of gross floor area and small restaurants must provide 3 stalls per 1,000 square feet of gross floor area.*
3. *Facilitate the reuse of buildings between land use categories by providing the same parking ratio requirement (3 stalls/1,000 square feet) for retail goods establishments, retail service establishments and small restaurants.*

4. *Allow greater flexibility and opportunity for shared and off-site parking by:*
  - a. *Allowing parking to be shared on more than one lot;*
  - b. *Providing for off-site parking as a conditional use in the CN zone and as a permitted use in the CB, CS, and CSHBD zones.*
  - c. *Providing for off-site parking as a conditional use on non-conforming, non-residential properties in residential zones or to support uses in the RMU, CN, CB, and RB zones.*
  - d. *Designating the additional land uses of community centers, school, colleges, and universities in the shared parking schedule.*

Mr. Traugher noted that this Petition had been heard by the City Council on September 5, 2006 in a briefing. An issue was raised regarding a settlement agreement that the City had entered into with the Capital Hill Community Council, which was included in the Staff Report as Exhibit 1. He noted that the language in that agreement was very similar to the language of Council Members Love and Saxton original legislative actions. He noted that a revised ordinance combining both was included in the Staff Report.

Chairperson McDonough opened the public portion of the hearing.

Ruth Price (1343 Allan Park Drive) noted she was concerned about changing the ordinance.

Staff Cheri Coffey noted that the specific legal settlement language related specifically to the Capital Hill neighborhood, and where the downtown zone interfaces with the UI zone.

Chairperson McDonough closed the public hearing portion and asked the Planning Commission for discussion and a motion.

*(This item was heard at 7:07 p.m.)*

**Regarding Petition 400-02-22 Commissioner Forbis made a motion that the Planning Commission approve the petition based on the comments, the analysis and findings of Staff Report dated February 8, 2006 and the comments and discussion of the evening. That the Planning Commission forward and positive recommendation to City Council to amend the original proposed ordinance, put forth to the City Council and considered in their briefing held on September 5, 2006 by adding the following language as recorded in the Staff Report on Page 4.**

**Seconded by Commissioner Chambless.**

**All in favor voted "Aye". The motion passed unanimously.**

**Chairperson McDonough called for a five minute break.**

Chairperson McDonough noted for public benefit, that the entire City Creek project was a series of petitions and not one large decision; therefore there would be future opportunities to comment on the project.

*(This item was heard at 7: 19 p.m.)*

Property Reserve Inc. and the Taubman Company requesting approval for certain design elements for the proposed City Creek Center, an approximately twenty-five acre mixed use development generally located between West Temple and 200 East, from South Temple to 100 South. The requests to be considered by the Planning Commission include:

1. **Petition 400-06-37**— Master Plan Amendment to the Salt Lake City Downtown Master Plan (1995) and the Urban Design Element (1990) relating to view corridors and vistas along Main Street to allow the construction of a skybridge; and, to consider whether a compelling public interest exists to allow the construction of a skybridge connecting Blocks 75 and 76.

Chairperson McDonough recognized Joel Paterson as Staff Representative.

Mr. Paterson noted that on November 8, 2006 PC meeting; Staff and the applicant had proposed language for the Planning Commissions consideration. He noted that based on the input from that meeting new language was being proposed that was included in the Staff Report on Pg. 11.

He also noted that the Downtown Master Plan and the Urban Design Plan contained language that prohibit skybridges on Main Street, South Temple, 200 South, 300 South, and State Street. He also noted the proposal would have to include criteria for the City Council and the Planning Commission to consider in determining whether a skybridge was feasible and should be considered in those locations.

Commissioner Muir inquired about the language which stated, "*There is a compelling public interest need for the skywalk*". He noted that he did not feel there was ever a compelling public interest, but rather a development of both general public interest and benefit in the overall project as offset against the skybridge.

Mr. Pace explained to the Planning Commission that there were two separate petitions before them that were subject to different standards for decision making. The first, a proposed amendment to the Master Plan was of discretionary nature and policy oriented and was not specific to any location. Therefore the language should be able to work for any location within the City. The second petition involved a request for partial street closures at a number of specific locations, one of which was Main Street. He noted that because it was site specific it was subject to a very different standard of review and would include, making findings that would support a partial street closure at each of the locations. He noted that specifically at Main Street the Commission would have to make findings not only for the street closure standards, but for the Master Plan standards.

Mr. Paterson noted that based on a discussion by the Planning Commission during the diner briefing the proposed language has been amended to include the following factor:

1. *There is a compelling public interest need for the skywalk, the magnitude of which outweighs the anticipated detrimental impact to the view corridor and the anticipated detrimental impact to pedestrian and commercial activity at the city street level; and*

Mr. Paterson noted that this factor would balance the public interest need for the development with the skywalk, with knowledge of the possibility that the view corridor may be impacted as described in the Master Plans, and would also keep pedestrians within commercial activity at the street level.

He noted the following two factors were already included in the Staff Report as follows:

2. *All other alternatives for creating a successful link between major developments on both sides of a street have been evaluated and conclusively found not to be feasible or effective; and*
3. *the design of a skywalk has been designed in a manner such that it would not substantially impair or impact a view corridor; and*

He noted, number four was new and was proposed through a memo that came from the City Council office.

4. *There have been exemplary urban design considerations incorporated into both the major development of the skywalk, so that the skywalk will not detract from pedestrian and commercial activity at the City street level.*

He also noted a concluding statement which included:

*The City shall have significant design input and/or control of the final design of the skywalk, and will conduct public hearing before the Planning Commission and the City Council prior to approving any exception and prior to the approval of any design.*

Commissioner Muir noted that in factor one a substitution be made for the phrase, *There is a compelling public interest need for the skywalk*. He suggested substituting; *there is a compelling public interest need, as demonstrated by the overall project that necessitates a skywalk, the magnitude of which outweighs the anticipated detrimental impact.*

Commissioners Woodhead and Chambless noted that the word *need* could be eliminated altogether.

Mr. Pace inquired if the Commissioners were assuming the necessity of the skywalk per their suggestive language changes, or was the suggestion including the overall project as designed with a skywalk.

Commissioner Muir noted that the project would necessitate a skywalk, however, the overall public benefit was in the project, not the skywalk and that the skywalk was essential to the project.



Mr. Pace inquired if Commission Muir was suggesting that an applicant would have to demonstrate the necessity of the skywalk, which is different than implying it as an assumption. He noted that Commissioner Muir's language suggestion could be criteria number one, and that the second criteria could be that once that need had been demonstrated, that the need for the skywalk had to outweigh the anticipated detrimental impact.

Chairperson McDonough inquired if factor number 2 overlapped the idea of the project demonstrating necessity for a skywalk. She noted that it suggests that all other alternatives without a link had been examined.

Mr. Pace noted that yes they did overlap, but there were two different concepts to notice. One, was that there needed to be a connection and two, all other alternatives would not work. He noted that paragraph 2 alone did not demonstrate the necessity of the skybridge.

Chairperson McDonough inquired if there were anymore questions on the first petition. Seeing none, she requested Staff proceed with the next presentation.

*(This item was heard at 7:38 p.m.)*

**2. Petition 400-06-38**— A request for the following partial street closures on:

- a. Main Street between South Temple and 100 South to allow the sale of air-rights over a portion of Main Street for the construction of a skybridge;
- b. Social Hall Avenue east of State Street to allow the sale of subsurface rights under a portion of Social Hall Avenue for an extension of an underground pedestrian corridor;
- c. South Temple between Main Street and State Street to allow the sale of subsurface rights for the construction of a median parking ramp;
- d. 100 for the enlargement of an existing median parking ramp; and South between Main Street and State Street to allow the sale of subsurface rights for the enlargement of an existing median ramp; and
- e. West Temple between South Temple and 100 South to allow the sale of subsurface rights for the enlargement of an existing median parking ramp.

Mr. Paterson noted that as Staff had reviewed the potential street closures, they were recommending approval of four at this time; including: Social Hall Avenue, South Temple, 100 South, and West Temple. He noted that the Staff Report included descriptions of each of these closures, as well as potential impacts to the roadway. He noted that in no case would the right-of-way be narrowed; however, in some cases there were modifications to the existing lanes.

Mr. Paterson noted that the Transportation Division had reviewed the proposal, as well as a draft of traffic impact analysis that was prepared by consultants Fehr and Peers, and did not find any significant issues in review of the proposed changes. He noted that Staff was recommending that the Planning Commission make a finding that there was a surplus property for each of the proposals, and that a positive recommendation be forwarded to the City Council.

Mr. Paterson noted that the Main Street closure would allow for the construction of the skybridge if approved. He explained that the Planning Commission would need to review the potential impacts including the view corridor and the design of the City Creek development. He also noted in regards to the proposed language for the Master Plan amendment the Planning Commission could defer a decision on the partial street closure for Main Street, until the City Council had considered the proposed amendments to the Master Plan language; requested additional information, or forward a recommendation to the City Council.

Chairperson McDonough inquired if there were any questions from the Commissioners. She invited the applicant up to the table.

Mark Gibbons (President of Property Reserve Inc. (PRI) ) introduced those sitting at the table; Bill Williams (Director of Architecture for PRI), Mr. Ron Locke (Vice President of the Taubman Company), Mr. Bruce Heckman (Taubman Company), and Allan Sullivan (Attorney; Snell & Wilmer).

Mr. Gibbons noted that the applicants had decided to withdraw the portion of the application to waive the D-1 Central Business District urban design standards on Social Hall Avenue. He noted that the applicant would now be complying with these requirements.

He presented a summary of requested actions including the following:

- Approval of a Master Plan text amendment, establishing a process to evaluate a pedestrian connector.
- Determine that the proposed connector complies with the proposed text amendment criteria, subject to design approval.
- Approval for the street closure on Social Hall Avenue, which will allow for the extension of the underground tunnel, underneath State Street.

Mr. Gibbons presented a summary of responses that had been received through the City Creek Center website over the past sixty-four days. He noted that there had been 30,000 unique visitors to the City Creek Center Website and 980 had submitted written comments. Only 36 comments were absolutely opposed to the project proposal and 53 comments were related to the pedestrian connector and keeping pedestrian activity at the street level.

He also noted that a significant amount of press coverage had been done. Over the last 65 days he noted that there had been 60 stories in newspapers, radio, and television; noting also, that new stories had been seen, heard, or read over 6.5 million times by the public in the Salt Lake City area. Mr. Gibbons also noted that presentations had been made at; the Salt Lake City Library, the Avenues Community Council, Salt Lake AIA chapter, local real estate community, and have been scheduled with the Downtown Community Council, Vest Pocket Business Alliance, Downtown Merchants Association, the Community Council Chairs, and the Chamber Board of Governors.

Mr. Williams again summarized issues of traffic circulation that had been discussed in previous Planning Commission meetings.

Commissioner Muir inquired about the expansion of the ramps becoming visual implications and noted he would like to see more information about the closures at street level and how it would affect the streetscape and the continuity of retail.

Mr. Williams noted that it would be in the best interest of the project if the street faces have vital retail activities. He also noted the ramps would provide some pedestrian protection, and would be built as low as possible for traffic and pedestrians to have visual connection across the streets. He also noted that it would be vital to extend the underground tunnel under Social Hall Avenue, beneath State Street.

Mr. Locke noted that the following few items needed more clarification and information, and were included in the Staff Report:

- Pedestrian connector is critical to the retail success of the project and Main Street pedestrian traffic is enhanced and not deterred.
- Multiple department stores is key to making downtown a powerful destination.
- Great sight line, comfortable walking distances, and convenient vertical transportation.
- Create constant orientation to Main Street within the project.
- Encourage connectivity for future growth.
- Restaurant growth on and south of Main Street.
- Large open spaces.

Mr. Allan Sullivan noted in regards to the language of the Master Plan Amendment that one concern with the draft was that it is complicated, unclear, and unnecessarily subjective. He noted that one of the efforts that the applicant was trying to accomplish through the submitted drafts was to strive for a measure of simplicity and objectivity.

He noted that the applicant was concerned with the term found in paragraph 4 that stated, "*exemplary urban design considerations*". They were also concerned with the phrase in the last paragraph, "*input and/or control*", noting that there was a significant difference between the meanings of input and control. Mostly, the concerns involve the complication of the task in presenting additional information to Staff and the Commissioners.

Mr. Sullivan passed out a Proposed Findings and Recommendation submitted by Property Reserve, Inc. that read:

1. The proposed amendment submitted to the Planning Commission by petitioner Property Reserve, Inc. on November 29, 2006, should be adopted as an amendment to the Downtown Master Plan (1995) and the Urban Design Element (1990).
2. All alternatives, other than the proposed skybridge, for creating a successful link between the second level of the City Creek Center Project on Block 76 and the second level of the Project on Block 75 have been evaluated and conclusively found not to be feasible or effective.
3. Subject to the Planning Commission's review and approval of specific designs to be submitted by the petitioner, the design of the skywalk may not substantially impair or impact the Main Street view corridor.
4. The skywalk proposed by petitioner linking the second level of the City Creek Center Project on Block 76 and the second level of the Project on Block 75 will not detract from pedestrian and commercial activity at the street level.
5. The subsurface partial street closure on Social Hall Avenue requested by petitioner should be granted because:
  - a. The proposed partial street closure will not deny access to adjacent properties, but will enhance such access;
  - b. The closed subsurface property may be sold for fair market value;
  - c. Public policy reasons justify the partial street closure; and
  - d. The public policy reasons for the partial street closure outweigh alternatives.

He stated that based on the foregoing findings, the Planning Commission should:

- a. recommend that petitioner's proposed text amendment be adopted;
- b. subject to review and approval of the skybridge design, conclude that the proposed skybridge at the City Creek Center Project complies with the requirements of the proposed text amendment; and
- c. declare that the portions of Social Hall Avenue proposed for closure are surplus and the partial closure should be approved.

Mr. Sullivan noted that number 3 would be an essential finding because it would be subject to specific design review. He also noted that the last paragraph included the findings the applicant expected the Planning Commission to make that night.

Chairperson McDonough opened the public portion of the hearing.

Jim Christopher noted that he did not feel that the skybridge design respected or conformed to local conditions. He felt that the developers had only shared their view of how the skybridge would benefit the project and not the community. He noted he felt that a skybridge would affect the Main Street level activity in a negative way.

Cynthia Ruiz (student) inquired if the closure of the Main Street would affect TRAX.

Ms. Coffey noted it would not; the closure related to air rights.

Robert Bliss noted that the most critical proposal from the developers was that of a skybridge. He felt that the developers only represented the shopping industry. He noted that a viable downtown could not out mall the mega suburban versions. Downtown must provide a unique urban experience and a city that offers much more than mindless shopping. He would like to see a full reconsideration of the entire project.

Steven Goldsmith noted he was in opposition of the skybridge, suggesting that the view corridors were pertinent. The view corridors are the connective tissue that makes Salt Lake City sacrosanct. He noted that there are design solutions that could take the place of the skybridge.

Lane Beattie (President of the Salt Lake Chamber of Commerce) noted he was excited about the project and felt it would strengthen the Downtown area. He noted that he represented those in favor of the skybridge, and believed that it would enhance the view corridor for many who presently cannot see down Main Street. He also noted that a positive effect of the skybridge would be to bring more people into the area of Main Street. He noted that it was time for a change and this project was one of vision and had the capacity to turn the City into a much more impressive place for people to learn, live, work and play.

Elizabeth Mitchell (Executive Director of the American Institute of Architects of Utah (AIA) ) noted that the AIA had a lot of past involvement in the development of Downtown. She noted that there was much excitement about the development of Downtown itself. She felt that there was a weak connection to connect with other blocks north/south and east/west of the project. She noted that the intention to support the rest of the City was trumped by the goal of capturing and keeping as many people as possible to linger within the borders of the City Creek Center. She noted that there seemed to be many pedestrian barriers throughout the project, and that the center of the project seemed to lie on the east/west shopping corridors and not on Main Street itself. She noted that she supported the alternative language the Staff presented for the Master Plan. She also noted that the AIA submitted language suggestions to the Commissioners as well.

Commissioner Chambless noted that it was possible for a skywalk to become architectural art and not blighted.

Brandon Wilhemsen (student) noted that the skybridge would provide unity to the development that would be lost otherwise by the interruption of Main Street. Secondly, the skybridge could enhance Main Street by becoming a charming landmark, while also providing variety in the downtown architecture.

Kat Kivett submitted the following comments: My concern is reduced TRAX ridership with the convenience of the skybridge and parking garages. More people will drive which equals more traffic and reduced parking availability.

Cindy Cromer noted she concurred with Ms. Mitchell and the AIA. She also noted she was happy to see that for the time being the First Security Bank building would not be demolished. She stated the interfaces to the project from the east, west, and south needed to be addressed by the Community. She did not see a compelling need to extend the tunnel underneath Social Hall Avenue. Ms. Cromer also noted that the City could retain the air rights and create its own public walkway insisting upon a design that is fair to the view corridors as well as other merchants' south on Main Street.

Chairperson McDonough inquired what would represent a fair skywalk.

Ms. Cromer noted that a fair skywalk in her terms would mean that if she were on the second floor of the proposed development that there would be easy access and encouragement in the design to go down instead of straight across the skybridge.

Kirk Huffaker (Utah Heritage Foundation) noted again that the U.H.F. would like the applicant to review the preservation of the First Security Bank Building. He noted that he would like to see the City be a mix of old and new buildings, that designed connection from inside the City Creek Center to the outside connections of downtown, could only create a better economic future for the City Creek Center and the downtown that surrounds it.

Shane Carlson (Avenues Housing Compatibility Committee) noted that he sent a survey to 70 people to gather information on what the communities' opinions of the City Creek project are. Most of the 22 respondents said they agreed with the project, but that actual public comment seemed to be unobtainable.

Commissioner McHugh questioned the significance of the unscientific survey.

Karla Wheezing (Economic Development Manager; Downtown Alliance) noted that they supported the effort and investment that is being put into the revitalization of downtown. She noted that they would like to see this project quickly move forward.

Steve Scott (Director of Community Development for Zions Bank) noted that from his experience and from the office workers around the downtown area the collective feeling was long overdue excitement. He noted that he fully supported the skybridge, and believed it would be a tourist attraction.

Mr. Gibbons thanked the public and the Commissioners for their comments. He noted that many experts had taken the time over the past three years to analyze numerous options and possibilities for the proposed project.

Commissioner Muir complimented the applicant on their outreach efforts to the public.

*(This item was heard at 10:27p.m.)*

Mr. Pace noted that the language of the Master Plan was such that exceptions would be made on a case-by-case basis by the City Council with the normal input by Planning Commission required by City ordinance.

Chairperson McDonough closed the public hearing.

After much debate the Commissioners decided to stay with the original version of the proposed Master Plan Language Amendment as listed in the Staff Report, with some modifications.

**Vice chair Wirthlin move that regarding Petition 400-06-37 the Planning Commission forward to the City Council a positive recommendation with the following amendments to the Salt Lake City Downtown Master Plan as follows:**

“View Corridors: Views from Downtown to the mountains and major landmarks should also be preserved. Skywalks or other obstructions that would block view corridors are prohibited on Main Street, State Street, South Temple, 200 South, and 300 South, and are discouraged on other streets ~~except in extenuating circumstances.~~ **The City Council may consider circumstances that justify an exception to the policy prohibiting and discouraging skywalks or other obstructions, when a finding that a compelling public interest exists through substantial demonstration that:**

1. **All other alternatives for creating a successful link between major developments on both sides of a street have been evaluated and conclusively found not to be feasible or effective; and**
2. **The design of a skywalk is such that it would not substantially impair or impact a view corridor; and**
3. **A skywalk would not materially detract from pedestrian and commercial activity at the street level.**

**The City shall have significant design input and final design approval of the skywalk.**

;

**Seconded by Commissioner McHugh.**

**All in favor Vice Chair Wirthlin, Commissioner Chambless, Commissioner Woodhead, Commissioner Muir, Commissioner Forbis, and Commissioner McHugh voted, “Aye”. Commissioner Scott opposed. The motion passed.**

Chairperson McDonough noted that she did not feel that the other two actions required by the Planning Commission, as stated in the summary of actions presented by the applicant PRI, had been significantly reviewed in order to call for a vote.

Commissioner Woodhead agreed.

Commissioner Forbis noted that the other actions needed to wait depending on what the City Council decided regarding the forwarded Master Plan amendment language.

Chairperson McDonough recognized that the Planning Commission could not yet evaluate whether or not the actions on a skybridge complies with the elements of the proposed language, until the Master Plan amendment was approved in final form.

Chairperson Woodhead noted she agreed because of lack of a design for the skybridge. She noted a decision could not be made to satisfy the proposed Master Plan amendment without making a finding on the amendment as a whole.

Chairperson McDonough noted that substantial demonstration had not been given for part 3 of the amendment.

Vice Chair Wirthlin noted that he felt that there was substantial information provided by the applicant for the Planning Commission to decide on criteria 1 and 3.

Commissioner Forbis noted that he did not feel comfortable approving the skybridge in parts, but would rather approve it as a whole decision.

Mr. Pace noted that the Planning Commission just needed to make a recommendation on item 2. The decisions would follow concerning whether the project met the Master Plan Amendment. He also noted that it would not be productive for the City Council to receive only a partial recommendation on items 1, 2, and 3.

Commissioner Forbis noted that by crafting the language, a message was being sent to the applicant/developer to proceed.

Mr. Wheelwright noted that the Planning Commission should consider that the City Council might significantly amend the proposed language, and if a general go ahead had already been given to the applicant, there was a possibility that the criteria could be changed.

Chairperson McDonough noted that the Planning Commission should also vote on the Social Hall Avenue request.

**Regarding Petition 400-06-38 Commissioner Forbis made a motion pertaining to A request for the following partial street closures, with the exception of a. under Petition 400-06-38 which will be continued.**

- b. Social Hall Avenue east of State Street to allow the sale of subsurface rights under a portion of Social Hall Avenue for an extension of an underground pedestrian corridor;
- c. South Temple between Main Street and State Street to allow the sale of subsurface rights for the construction of a median parking ramp;
- d. 100 South between Main Street and State Street to allow the sale of subsurface rights for the enlargement of an existing median parking ramp; and
- e. West Temple between South Temple and 100 South to allow the sale of subsurface rights for the enlargement of an existing median parking ramp recommending the Planning Commission forward a favorable recommendation to the City Council with conditions:
  1. That the existing public and private utility infrastructure be maintained in a manner acceptable to the City's Public Utilities Department.
  2. That the street closure ordinance be conditioned upon payment to the city of fair market value of the street property, consistent with Salt Lake City Code 2.58.
  3. Above grade level structures be minimized and any visual obstructions to pedestrian and pedestrian crossing's be minimized.

**Seconded by Commissioner McHugh.**

**All in favor voted "Aye". The motion passed unanimously.**

Chairperson McDonough noted there was no unfinished business.

*(The meeting adjourned at 11:01 p.m.)*

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Tami Hansen, PC Senior Secretary