

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 315 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, June 25, 2008**

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

Present from the Planning Division were; Joel Paterson, Acting Assistant Planning Director; Doug Dansie, Senior Planner; Nick Britton, Principal Planner; Janice Lew, Principal Planner; Everett Joyce, Senior Planner; Robin Zeigler, Senior Planner; Paul Nielson, City Land Use Attorney; and Tami Hansen, Planning Commission Secretary.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Wirthlin called the meeting to order at 5:48 p.m. Audio recordings of the 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: Kathy Scott, Tim Chambless, Susie McHugh, Prescott Muir, Frank Algarin and Chair Wirthlin. Salt Lake City Staff present were: Nick Norris, Nick Britton, Doug Dansie, and Michael Maloy.

**Field Trip Notes:
(Taken by Nick Norris, Senior Planner)**

The Planning Commissioners chose to visit the Everest Builders site on 700 East and 300 South. Staff gave a brief overview of the project including the role of the Historic Landmark Commission (HLC) and the joint subcommittee meetings that had been held, the buildings that are going to be removed, and how the project would be accessed by pedestrians and vehicles. The Planning Commission asked about mature vegetation being saved, how the walkups to the units would work, building setbacks, and off street parking.

The Commissioners visited the Redman Building on 2100 South in Sugarhouse, and had questions as to where the off site parking would be located.

The Commission visited the proposed Wal-Mart site on Parleys Way. They inquired of staff the status of the administrative interpretation regarding the nonconforming use of the property, the existing parking versus proposed parking, the height of the building, landscaping issues, property line questions, the square footage of the existing building versus the proposed building, and access to the site from Foothill Blvd. Staff answered these questions based on information found in the staff report and submitted site plans.

The Commissioners visited the site of the proposed subdivision on Lakeline Drive (Bilanzich subdivision). Staff gave an overview of the project and the purpose of the proposed subdivision. The Commissioners asked why the lot had not been developed, and if the steep topography had anything to do with it. Staff did bring up an issue with an existing fence that may impact the subdivision.

The field trip did not visit any other sites on the agenda.

APPROVAL OF MINUTES from Wednesday, June 11, 2008.

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

Commissioner McHugh made a motion to approve the minutes as written. Vice Chair Woodhead seconded the motion. All in favor voted, "Aye", the motion passed unanimously. Commissioner Chambless abstained.

REPORT OF THE CHAIR AND VICE CHAIR

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

Chair Wirthlin recognized three city planners and administrative officials visiting from the Hunan province in China, and noted that they would be in Utah for about one year.

He noted that he and Vice Chair Woodhead had the opportunity to visit with the Chair and Vice Chair of the City Council and discussed issues regarding the Northwest Quadrant. He noted that the Commission would have a fact finding meeting in August to discuss how this could move forward. They also discussed a Futures Plan, which the City had derived and he requested that the Commissioners receive copies of this to become familiar with this material.

Mr. Paterson noted that the Futures Plan was developed under Mayor DeeDee Coridini's administration, and was a strategic plan by the City that had a lot of input from various groups throughout the community and a lot of public input as well.

Chair Wirthlin noted there was also a draft of the Citywide Preservation Plan that was being worked on, and the City Council Chair had also felt it would be beneficial to share their list of outstanding petitions with the Planning Commission and vice versa.

Vice Chair Woodhead added that there was also a discussion on moving forward with the revisions to the Conditional Use Ordinance, and she felt that the consultants and planning staffs work on this was close enough to being completed to be able to continue on with that.

REPORT OF THE DIRECTOR

(This item was heard at 5:52 p.m.)

Mr. Paterson introduced Frank Gray, the new Community and Economic Development Director.

Mr. Gray stated he was looking forward to working with Planning Staff and the Planning Commission and noted that his first order of business was to hire a new Planning Director.

Mr. Paterson noted that regarding the Conditional Use petition, the City Council had hired a consultant to help review that application, this consultant was Frank Gray prior to becoming the CED Director. He noted that the City Council was still in the process of reviewing those recommendations and the information that Mr. Gray had provided, and they were working within the scope of the original ordinance. Mr. Paterson noted that if it became necessary the Planning Commission would have a chance to again review it.

ISSUES ONLY HEARING

(This item was heard at 6:01 p.m.)

Petitions 400-07-15 and 400-07-16 Parleys Way Wal-Mart Rezoning and Master Plan Amendment—a request by CLC Associates, Inc. on behalf of Wal-Mart for a zoning map amendment and a master plan amendment to the East Bench Master Plan located at approximately 2705 East Parleys Way. The parcel is currently zoned Community Business (CB) and the site is developed with a non-complying use (supercenter) in a non-conforming structure. CLC Associates, Inc. is requesting that the property be rezoned to CS Community Shopping to allow for the construction of a new supercenter. The property is located in City Council District Seven represented by Council Member Søren Simonsen.

Vice Chair Woodhead stated that she had a potential conflict with this petition because as an attorney she had represented clients in matters against Wal-Mart, never land use related, and currently she was not representing any Wal-Mart affiliated clients.

The Commissioners agreed that they had no objection, and Vice Chair Woodhead did not need to recuse herself.

Chair Wirthlin recognized Nick Britton as staff representative.

Mr. Britton stated that the reason there would be a master plan amendment was because the future land use for this parcel in the East Bench Master Plan was for Community Business (CB) intensity. He noted that staff had determined that some of the issues the Commission might want to consider tonight were: the elements of the development agreement proposal, the potential long term impacts of rezoning the property to Community Shopping (CS), which would include compatibility with the East Bench Master plan, the compatibility of this proposal with the surrounding neighborhood, and the impact of the presumed additional traffic.

He noted that staff would also like guidance from the Commission in terms of other issues identified upon reading the staff report and from public comment, which would be received tonight. He noted that there was a correction within the memo on point A. where it stated, *in early 2005*; it should read, *in November 2005*—which is when the ordinance was passed.

Chair Wirthlin invited the applicant forward.

Ms. Karieanne Fallow, Senior Manager of Public Affairs and Government Relations for Wal-Mart, stated that this property was purchased in February of 2005 at that time the building was zoned Community Business (CB) and did allow various retail uses, she noted that they were aware that the old K-Mart lease expired in 2008, and at the time of purchase Wal-Mart had planned to demolish the 40-year-old building and replace it with a new energy efficient and improved development. Ms. Fallow noted that the current building was a noncompliant structure, because of the lack of glass, it was set back to far, and it was larger than 15,000 square feet without conditional use approval.

Ms. Fallow stated that Wal-Mart had met with surrounding Community Councils, City Council members, area business owners, and residents and had also hosted two community open houses. Based on the input received the design team reworked the look of the store to meet the requests received from these meetings, for example, lowering the roofline and creating a more modern facility. She noted that they felt that the community would be better served if this property was allowed to be rezoned; the alternative would be to remodel the existing. She noted that a rezone would be more beneficial because first, development of the property would go through the public input process; second, the parking lot would be redeveloped to include new lighting, landscaping, and parking; and third, a new building would contain the new environmentally sustainable features, which would not be feasible in a remodel of the old building.

Troy Harold, Project Manager, stated that this rezone would be tied to some specific set guidelines that Wal-Mart was willing to cooperate with in order to produce a better building for the customers and the community. Mr. Harold gave a PowerPoint presentation.

Presentation Highlights:

- The new building would be reduced in mass, and would be more harmonious with the existing surrounding neighborhood.
- The site would be an asset to surrounding businesses.
- The current property was bland and needed more site buffers, pedestrian access and landscaping, which Wal-Mart intended to create.
- Service access would be improved with a rezone.
- An internally fed trash compactor system would be installed, instead of dumpsters on site.

Michael Crotone, architectural consultant, gave a PowerPoint presentation.

Presentation Highlights:

- Building would engage the community and will be innovative.
- A pedestrian canopy would be designed to be inviting and to bring customers into the store, while providing essences of safety and protection from the elements.
- A Pedestrian plaza would be created
- Refrigeration technologies would be energy efficient

Joe Parron, Project Engineer, stated that he was hired to look at the traffic in the area and possible impacts. He noted that some were under the impression that the same size K-Mart and Wal-Mart would generate the same amount of traffic, but considering the K-Mart in this location was not successful, this was not the case.

Presentation Highlights:

- Additional traffic would mean an eleven (11) percent traffic increase on Parley's Way.
- Access to the property would be from Wilshire Drive and Parley's Way.
- There was a Foothill Drive study currently going on to look at ways to ease the traffic and planning on Foothill Drive, Wal-Mart was willing to have those study groups decide where the access from Foothill Drive

would be, and Wal-Mart would like to direct a lot of this traffic to Parley's Way, which was at one third of its capacity.

- Apartments on Stringham Avenue might become denser in the future, and cross-access should be considered and incorporated in this case.

Chair Wirthlin opened up the public hearing portion of this petition.

Commissioner Algarin recused himself.

G. Kevin Jones (2500 Skyline Drive), East Bench Community Council, stated that many neighbors have commented that they do not want Wal-Mart to be granted a rezone because the proposed change was inconsistent with the East Bench master plan, Wal-Mart purchased the property knowing what the zoning status was and was further granted approval to operate under the conditional use, and the rezone would increase traffic along Foothill Drive and Parley's Way. He noted that a considerable amount of neighbors have shared their support for the rezone, because K-Mart is currently operating with marginal success, but a superstore could not continue under the current zoning designation, and rezoning would allow Wal-Mart to create a better and more environmentally conscious building. He noted that Wal-Mart's proposal was still missing a lot of pieces, for example could a successor use the rezoning for their future development plan.

Grace Sperry (2660 South Highland Drive) Sugarhouse Community Council Chair stated that the Community Council did not see a lot of public comment before they voted and that possibly could have changed their negative vote.

Commissioner McHugh stated that she understood that the Sugarhouse community council voted on this petition three separate times.

Ms. Sperry noted that they voted twice, but they were not aware of the various people they represent and what their opinions were.

Ellen Reddick (2177 Roosevelt Avenue) Bonneville Hills Community Council and the President of the Vest Pocket Alliance stated that the community felt that granting spot zoning set a bad precedent and ignored the interest of local communities; it also undermined the value and respect of the master plan.

Jan Brittain (2751 Wilshire Drive) representing Foothill Development Watch, which was a group of residents in the southwest quadrant of the City, who were concerned about development and traffic in the Foothill Corridor and included: Søren Simonsen, Roz McGee (2552 East 1700 South), Rosalie and Robert Neville (2700 Parley's Way), Leslie Read-Stewart (2785 Wilshire Drive), Douglas D. Stewart, Jr. (2785 Wilshire Drive), Boyer Jarvis (2357 East Blaine Avenue), Diane Creamer (2575 Maywood Drive), Cherry Ridges (2444 Wilshire Drive), and Heather Barth (2516 Wilshire Circle). Ms. Brittain gave a presentation in behalf of the Foothill Development Watch.

Presentation Highlights:

- Problems identified with the K-Mart property were: it was difficult to access by vehicle, by public transportation, and on foot. It was visually unattractive and wasted ten (10) acres of prime real-estate with a 360 degree panoramic view on asphalt and concrete.
- The property was currently not compatible with the surrounding neighborhoods or the East Bench master plan.
- She noted that a community design workshop was formed to discuss the vision of what that property could be; first it was envisioned to extend Wilshire Drive to connect with Stringham Avenue, which would take care of the access problems to Foothill Drive. Neighbors would also like to see more live/work spaces and residential mixed-use. Neighbors would like gathering places on the property where patrons could enjoy the view.
- A Conditional Use review study revealed that most neighbors would like five minute access to TRAX, small markets and grocery stores, and neighborhood retail, only four (4) percent felt that they need a supercenter in their neighborhood, ninety-four (94) percent stated they were willing to drive ninety (90) minutes or more to get to a supercenter and eighty-nine (89) percent did want small businesses in the area.
- Wal-Mart had developed a new format to compete with Tesco's Fresh and Easy concept, which residence stated they would like to see in the area, and would fit into the current zoning; Wal-Mart had responded that this only worked if it was supported by nearby supercenters.

- Conclusion: Rezoning solved none of the problems inherit with the site; Wal-Mart had made no effort to solve any of the access problems, it brought additional traffic to an area already overloaded, the plan did not consider the long range effects of surrounding property owners, and ignored the East Bench Master Plan.

Søren Simonsen (2155 South 2100 East) Council representative for Council District 7 City and resident, stated that it was a myth that the current building could not be renovated to fit current ordinance standards and LEED certification, and this option was usually more economically. He noted that they second myth is that rebuilding is an improvement, it is the development pattern that is the fundamental flaw. He noted that Wal-Mart had not presented an important option that should have been looked at which was how to develop the retail store within the existing zoning—it could be done and it should be done.

Chris Terry (3125 Kennedy Drive) stated that he supported the Wal-Mart in the neighborhood, it would save him a lot of time and money, and he would like to see the existing K-Mart torn down and a new and modern building built on the site.

Elaine Brown (1781 East Blaine Avenue) stated she appreciated the wish list of some residence presented by Ms. Brittain, but to accomplish an aesthetically pleasing building the City Council needed to approve the rezoning.

Peter Barth (2516 Wilshire Circle) stated that the current zoning intended to service local neighborhoods, and there was a hope that in the future this property would be used in a way that was more compatible with the interest of the neighborhood.

Jerry May (1934 East Michigan Avenue) stated he was in support of the rezoning, there seemed to be some anti-Wal-Mart mentality, and he supported the rezone because for the City Council to not allow the rezone seemed to be vindictive and anti-business.

Judy Short (862 Harrison Avenue) stated she did not see an advantage to a huge supercenter in the neighborhood, and felt that this would only take away from the stores that already existed.

Doug McDonald (2205 East 1700 South) economic consultant for Wal-Mart, stated that this location would provide the neighborhood with shopping for those who were on a limited budget.

Cameron Carpenter (2816 East 2100 South) stated that a Wal-Mart was not needed, there were already stores in the area which provided adequate support to the community and the money generated from these local businesses stayed in the neighborhood.

Fred Fairclough (2550 Maywood Drive) stated he was pro-development and would like to see the zoning changed to make it the best site possible.

Clark Wood (1865 Harvard Avenue) stated that he supported the rezoning and appreciated that Wal-Mart was going to build environmentally friendly.

Sarah Carlson (1917 East 2700 West) stated she was in opposition to this rezone and that Wal-Mart should abide by the current zoning ordinance, because Wal-Mart bought the building knowing what it was zoned.

Jill Burke (2701 Wilshire Drive) inquired about the view corridor from this site, and would this prevent Wal-Mart from erecting a pole sign.

Chair Wirthlin noted that staff could address that after the public hearing.

Scott Kisling (2409 Lynwood Drive) stated he was in opposition of the rezone and noted that the community had worked on the master plan over the past twenty years and had given input on what they would like to see, which should be respected.

David Holbrook (2415 Lynwood Drive) stated he was concerned about the traffic changes and additional congestion in the neighborhood.

Bret Jordan (2175 South Texas) stated he objected the rezone and felt it would effect traffic in the area.

Brad Gygi (2569 Sage Way) stated that he did not want to see a rezone, and would like to see the space used as more live/work spaces.

Don Lewan (2748 Wilshire Drive) stated the he was not in favor of box-type stores, he felt this was a choice piece of property and it was a mistake to have K-Mart put in originally, he would hope that the City would not make another mistake by bringing Wal-Mart in.

Chair Wirthlin closed the public hearing and invited the applicant back up to speak.

Mr. Harold stated that in regards to rebuilding without a zone change, honestly if there was a way for Wal-Mart to develop a building to encompass new technology and environmental features without changing the zoning, it would have already been pursued. He noted that when Wal-Mart purchased this property they had the rights to redevelop this site with a new building, unfortunately because of some text changes, which were completed ten months later that right was lost. He noted that Wal-Mart was proposing more buffering and pedestrian access along the back of the store in a safe landscaped area versus the service area.

Mr. Parron stated that some of the traffic problems that the public was concerned about were that Wal-Mart would prefer to have a full access ingress and egress from Foothill Drive, and yes some traffic could increase through the surrounding neighborhood. Pedestrian access was being enhanced and the bus service should be looked at and improved.

Mr. Tom Bennett with Ballard, Spar legal counsel, noted that the new store would incorporate new technology used for daylight harvesting, the old store could have that, but it would directly impact the functionality of the store. He noted that the new store would use high energy efficient refrigerator equipment; and a remodeled store could use only some of those technologies.

Ms. Fallow noted that some of the public was concerned that they had not seen plans for the remodeled building, because Wal-Mart was concentrating only on the rezone right now. She noted that atleast one of the community councils early on had decided to oppose the rezone application without inviting Wal-Mart as the property owner in to give details; she noted that an inclusive and open process had been encouraged by Wal-Mart from the beginning. Ms. Fallow also noted that Wal-Mart did do local business with over 800 vendors in Utah, so a lot of revenue was being generated and kept locally.

Commissioner Forbis noted that the comment was made that the Wal-Mart team did not have the capability of making some of the decisions discussed tonight and it was up to the corporate shareholders, he recommended that the team get somebody from corporate Arkansas to address this community and their concerns.

Ms. Fallow stated that Wal-Mart had a real estate committee that met once a month, which included the CEO and his entire executive team, they had decision making authority about what happened to each Wal-Mart property, and they have decided that with this property they would like to see a rezone to serve the customers in the area with a fresh and much improved development.

Commissioner McHugh noted that the CEO and real estate committee were not really experiencing the concerns of the community.

Ms. Fallow noted that she was providing feedback to them including the concerns and desires of the community; however, their job was to run the business and meet the needs of the shareholders.

Commissioner Forbis noted that he would suggest that their job was to hear first hand accounts as to what the communities concerns were.

Mr. Britton stated that in regards to the publics question if a pole sign would be part of the development, it would not be allowed if the rezoning was allowed; however, if the rezoning was not allowed a pole sign would be included with the development.

Vice Chair Woodhead inquired of staff if this property was not rezoned, could Wal-Mart still sell groceries.

Mr. Paterson noted that grocery stores were not defined in the ordinance and they were considered under the land use tables as retail sales when it was a stand alone use, and it would be permitted.

Mr. Bennett noted that the continuation of the selling of grocery stores in this building was an acceptable legal use.

Commissioner Muir noted that one of the underlying conceptual challenges was that the wish list that was presented by members of the community was usually not supported by the market place, which tends to be informed by certain site dynamics. He noted that he was concerned that the neighborhood community wanted a community shopping center with small retailers that he was not convinced was necessarily supported by the dynamics of this site.

He noted that this kind of consideration depended upon convenience and upon a critical mass of neighbors within a certain convenient distance, which really did not exist around this site. He noted he would like more information from staff about the market/demand in this area, what was the critical mass of residential to support a type of 900 South 900 East development. He noted that it seemed that there was not enough residential and there was limited visibility to create the type of zoning the residents desired.

Commissioner Chambless stated that he agreed with Commissioner Muir.

Commissioner Scott noted to staff that it would be helpful for the applicant to come up with some more concrete information in regards to the design and appearance of the building, lighting in the parking lot area, etc.

Chair Wirthlin stated that it would be helpful to see more about the compatibility of the rezone from the current Community Business (CB) zone to the Community Shopping (CS) zone and why it fits with the neighborhood.

Chair Wirthlin thanked the applicant for their presentation, and called for a break at 8:13 p.m.

Chair Wirthlin reconvened the meeting at 8:28 p.m.

Commissioner McHugh stated that she would like to see the survey by Frank Gray that Jan Brittain had mentioned.

Mr. Paterson noted that could be provided in the next packet.

PUBLIC HEARING

Petition 410-08-17, a Construction Waste Landfill—a request for a Conditional Use submitted by Central Valley Water Reclamation FAC, located at approximately 7301 West 1300 South. The property is located in City Council District Two represented by Council Member Van Turner.

(This item was heard at 8:28 p.m.)

Chair Wirthlin recognized Doug Dansie as staff representative.

Mr. Dansie stated that this site was kitty corner to a current landfill and zoned agricultural, but was also under the landfill overlay. He noted that in terms of the master plan, there was currently not one for the northwest quadrant of the City so the zoning adopted in 1995 functioned as such. There was a composting facility on the site, and it was the county's intent to build a new facility to the southwest of this site. He noted that this site would become a construction waste landfill, which meant that it basically was for construction debris from large projects and a lot of recycling would be done onsite so the only material that would actually end up in the landfill would be material that could not be recycled.

Chair Wirthlin invited the applicants forward.

Greg Bland, Central Valley Water Reclamation facility, stated that the reason for this request was so the landfill site could be joined with Central Valley Water, because currently they were processing twenty tons of sludge a day in the mixing facility, and they were having to haul forty tons of sludge a day to landfills, when they could make a product out of. He noted that the new facility could mix and compost the sludge with the wood material, and the facility would also eliminate odors. He noted that a lot of the landfills around would bury whatever they received, but recycling would be used to the fullest extent on this site.

Commissioner Scott inquired how high the landfill was allowed to be filled, and if it would be landscaped in phases.

Mr. Bland stated 200 feet, and it would be landscaped in 50 foot high layers.

Commissioner Scott inquired about the signage.

Mr. Bland noted that there would be directional signs and signs that would state what the landfill could and could not take in.

Commissioner Scott inquired if this landfill would be open to the general public or just construction companies.

Mr. Bland noted it would be open to the public.

Commissioner Scott inquired about the green area.

Mr. Bland noted that it would be a 30 foot area along 1300 South, and eventually the whole landfill would be landscaped.

Commissioner Chambless inquired about the proximity to the west bench future development, and the proximity of this landfill to that development.

Mr. Dansie noted that the property was adjacent to Kennecott property, and properties to the north and south of this land would not affect this landfill.

Mr. Bland noted that to the west of this site there was an old 75 acre landfill, on the north side Kennecott owned 300 acres of land, and the composting facility would be to the southwest of this site—he noted that some of these surrounding areas would be commercially zoned in the future, but not residential.

Chair Wirthlin opened up the public hearing portion of the petition, there was no one present to speak to the petition; Chair Wirthlin closed the public hearing.

Commissioner Scott inquired if the Commission did have some latitude to make a condition pertaining to the landscaping. She noted that she would like to see a maximum 30 foot front yard on both 1300 South and 7200 West.

Commissioner McHugh noted that the applicant had already mentioned that it could not be done on 7200 West.

Mr. Bland stated that on 7200 West, most of the area would eventually be landscaped and in the future it would be well over 30 feet around the whole site.

Mr. Dansie noted that the language in the ordinance stated that a new development should have 30 feet landscaping when it faced a street frontage; however on 1300 South there was no right-of-way and it was not designated to be continued as a major street, 7200 West was designated for this and the present plans for the landfill had a circulating road around the hill that was 30 feet wide, he asked if the Commission wanted to have 30 feet landscaped, then the road and then the landfill hill or as the natural landscaping took place, by the time 7200 West was completed that landscaping would count toward that.

Commissioner Scott noted she was still going to specify the 30 foot buffer as a condition in her motion, because it seemed that there needed to be a type of buffer between the landfill and the road.

~~Commissioner Scott made a motion regarding Petition 410-08-17, based on the discussion, analysis and findings of fact as outlined in the staff report, the Planning Commission grant Conditional Use approval subject to the following conditions:~~

- ~~1. The drawing be revised to indicate required landscaping and that the initial landscaping be irrigated until it is able to survive without supplemental water.~~
- ~~2. The applicant shall comply with all conditions as stated in this staff report.~~
- ~~3. The applicant shall comply with all County, State, and Federal requirements regarding landfills including wetlands mitigation prior to receiving a building permit.~~
- ~~4. The applicant complies with all departmental requirements, including the granting of a special improvement district (SID) waiver and installation of required landscaping.~~

~~Commissioner Scott added the following condition:~~

- ~~5. Landscaping should include, but not be limited to the trees as described on page 8 of the staff report and should include a 30 foot landscaped area between the boundaries of the property on all sides.~~

Discussion of the motion:

Commissioner McHugh noted that through condition 5, Commissioner Scott was actually taking away 30 feet from the capacity of the landfill, when ultimately there would be landscaping in the area and she felt she would have to vote against the motion because of this.

Commissioner Scott stated that she understood that the road was a permanent feature.

Mr. Bland noted that the road around the landfill was not permanent, and would be 10 feet wide to facilitate any fire equipment that might be needed. He noted that the City was running out of landfill space, this being the last landfill stated in the Landfill Overlay, so he agreed with Commissioner McHugh that a lot of valuable space would be wasted.

Mr. Dansie noted that to clarify the ordinance the required landscaping was 30 feet if it was adjacent to a street and only 10 feet if it was not. He noted that the property only bordered 1300 South and 7200 West.

Chair Wirthlin noted that in the motion Commissioner Scott did require all sides to be landscape.

Commissioner Scott stated she would like to make a new motion.

Commissioner Scott made a motion regarding Petition 410-08-17, based on the testimony and discussion heard at the meeting, and the staff report, the Planning Commission grant conditional use approval subject to the following conditions:

1. **The drawing be revised to indicate required landscaping and that the initial landscaping be irrigated until it is able to survive without supplemental water.**
2. **The applicant shall comply with all conditions as stated in this staff report.**
3. **The applicant shall comply with all County, State, and Federal requirements regarding landfills—including wetlands mitigation prior to receiving a building permit.**
4. **The applicant complies with all department requirements, including the granting of a special improvement district (SID) waiver and installation of required landscaping.**

Commissioner Scott added:

5. **The landscaping should include, but not be limited to trees every 35 feet along the property line; the first 30 feet of the yard along 7200 West and 1300 South be 30 feet, and the other two sides comply with the 10 foot rear yard setback.**

Commissioner Chambless seconded the motion.

Discussion of the motion:

Commissioner Chambless inquired if Commissioner Scott had meant to include native trees as part of the landscaping requirement, and not Russian Olive trees.

Commissioner McHugh inquired if the 30 foot landscaping was required along 1300 South and 7200 West.

Commissioner Scott noted that it would only be required in the front yard along 1300 South.

Mr. Dansie noted that the Landfill Overlay noted that the 30 foot setback was required only when it faced a street and 10 feet was required on other property lines, it also gives the Commission some leeway when dealing with landscaping, he noted that this was a legitimate discussion because there were some mitigating features, due to what would occur in the future.

Chair Wirthlin called for a vote.

Commissioners Chambless and Scott voted, “Aye.” Commissioners Muir, Forbis, McHugh and Vice Chair Woodhead voted, “No”, the motion failed.

Vice Chair Woodhead made a motion regarding Petition 410-08-17, that the Planning Commission approve the Conditional Use requested by the Central Valley Water Reclamation facility, based on the comments, analysis and findings of fact outlined in the staff report, and the testimony received during the meeting, that the petition be approved with the following conditions:

1. The drawing be revised to indicate required landscaping and that the initial landscaping be irrigated until it is able to survive without supplemental water.
2. The applicant shall comply with all conditions as stated in this staff report.
3. The applicant shall comply with all County, State, and Federal requirements regarding landfills—including wetlands mitigation prior to receiving a building permit.
4. The applicant complies with all department requirements, including the granting of a special improvement district (SID) waiver and installation of required landscaping.

Commissioner McHugh seconded the motion.

Vice Chair Woodhead, Commissioners McHugh and Muir voted, “Aye”; Commissioners Scott, Chambless, and Forbis voted, “No”. Chair Wirthlin vote, “Aye”, to break the tie, the motion carried.

490-08-18, Bilanzich Subdivision Amendment—a request by Russ Naylor for a subdivision amendment located at approximately 2347 South Lakeline Drive. This property is located in City Council District Seven represented by Council Member Søren Simonsen.

(This item was heard at 8:58 p.m.)

Chair Wirthlin recognized Doug Dansie as staff representative.

Mr. Dansie noted that normally this petition would be handled at an Administrative Hearing because it involved the combination of two full parcels; basically a lot line was being eliminated and the reason it had to be reviewed by the Commission was because there was a lot size regulation in the Foothill Residential 3 (FR-3) zoning district of 18,000 square feet, and the Commission could modify that based on conditions.

He noted that the two lots that would be combined had the same ownership and the same use. He noted that the property owner wanted to do an addition to the home, and the lot line must be eliminate to be able to conform to building codes. He stated that the frontages on Lakeline Drive would not change, and there was a steep slope on the property preventing a lot of the square footage from being buildable, it would be the largest lot on the frontage, but not in the neighborhood.

Mr. Dansie noted there was a caveat that the fence be put in the right place, if there was a discrepancy it would become a civil issue between two property owners, he inquired of counsel if this could be a condition of approval.

Mr. Nielson noted he would be hesitant to do that because it would involve the rights of a property owner who was not an applicant.

Mr. Dansie noted that he would let the applicant respond to that, but he wanted to point out that this was the only issue that had come up.

Commissioner Forbis inquired if the Commission approved this, would the property line where the fence currently existed move.

Mr. Dansie stated no, but the fence was built in the wrong place originally.

Russ Naylor, architect, noted that Mike Bilanzich bought the house and the lot behind it 20 years ago, he had decided that due to his wife’s health, they need the master bedroom and laundry room to be on the main floor. Mr. Naylor noted this addition would sit behind the house and would not inhibit the view of the neighbors. The fence issue came up a few days ago when a surveyor was sent out to locate the property corners, the fence was put in 20 years ago and a lot of big trees

were planted, which had been discovered were actually planted outside of the property line and would now not be part of his property. He noted that Mr. Bilanzich was willing to take the fence down and redo it, but if the Commission did make that a condition he hoped that either it would be by granting the certificate of occupancy or recording the subdivision plat. Mr. Bilanzich would repair the fence either way.

Mr. Naylor noted that when the fence was put in the other houses did not exist.

Commissioner Chambless inquired if the fence was put up in the wrong place or did it drop.

Mr. Naylor noted that it was put up in the wrong place.

Chair Wirthlin opened up the public hearing portion of the hearing, there was no one present to speak; Chair Wirthlin closed the public hearing.

Commissioner Forbis made a motion regarding Petition 490-08-18 that the Planning Commission grants preliminary minor subdivision approval for the Bilanzich subdivision located at approximately 2347 Lakeline Drive subject to the following conditions:

1. **Approval is conditioned upon compliance with all departmental comments as outlined in this staff report. If during the building permit review process, additional requirements are stipulated by the Building Department, the applicant shall satisfy said requirements prior to the recording of any approved final subdivision plat.**
2. **Upon preliminary approval, the Petitioner shall submit for Final Plat approval with the Salt Lake City Planning Division, which is necessary to prepare a recordable final plat with the Salt Lake County Recorder's Office. The final subdivision plat submittal shall conform to the requirements of Chapter 20.24 of the Code.**
3. **Any future development activity associated with the properties will require that all substandard or absent public improvements be installed in accordance with the departmental comments noted in this staff report. Any future redevelopment shall be subject to the requirements of the zoning ordinance.**
4. **The execution and recording of the Covenants, Conditions, and Restrictions.**
5. **The document must be approved by the Salt Lake City Attorney for compliance with the State of Utah and the Salt Lake City Code requirements.**
6. **The applicant shall work with the City Engineer to make any required improvements to the public way and obtain a "Permit to Work in the Public Way".**

Commissioner McHugh seconded the motion.

All in favor voted, "Aye", the motion carried unanimously.

Downtown in Motion Plan—the plan is a culmination of an effort between Salt Lake City Transportation and Planning Divisions, the Redevelopment Agency of Salt Lake City, Downtown Alliance, Salt Lake Chamber, Utah Transit Authority, and the Utah Department of Transportation, to arrive at a comprehensive approach to Downtown Salt Lake transportation issues.

(This item was heard at 9:10 p.m.)

Chair Wirthlin recognized Doug Dansie as staff representative.

Mr. Dansie stated that he had given the Commissioners an email he had received regarding concern about bicycles being on the sidewalk and wanted it to be part of the record.

Commissioner Muir noted that Carla Wiese handed out a letter from the Downtown Alliance and the Salt Lake City Chamber in support of the study.

Chair Wirthlin opened up the public hearing portion of the petition, there was no one present to speak; Chair Wirthlin closed the public hearing.

Commissioner Chambless inquired if Mr. Kevin Young from the City Transportation Department was going to speak to the issues of bicycles because he had a question.

Mr. Young stated that when the City looked at the bicycle issues it became complicated because there were many different types of cyclists; the commuter cyclists liked to be on the road, but the families and recreationalists did not want to be on the road, they wanted something else.

He stated that currently a cyclist could ride a bicycle on the sidewalk anywhere except in the downtown area, and in this plan, as the City grew and housed more families coming into the downtown area, they could use the sidewalk when downtown. Mr. Young noted that as development occurred pedestrians would walk in one area of the sidewalk and the cyclists would be in another area.

Commissioner Chambless stated that he would like to see that balance in the downtown area, and more safety measures taken.

Mr. Young noted that a lot of these changes could not be made immediately, but this change would allow those who felt that they could not ride their bicycles downtown to be able to feel comfortable with that if they were able to ride on the sidewalk.

Commissioner Scott noted that it said in the plan that bicyclists would have to adhere to speed limits and yield to pedestrians, she inquired in the event that bicyclists abused this how difficult would it be to change it.

Mr. Young noted that if the City found that this was not working the ordinance could always be changed back to where it was now.

Commissioner Chambless stated that he noticed that quite often bicyclists do not obey traffic laws, and inquired how the City reacted to this type of behavior.

Mr. Young noted that all cyclists should obey traffic control devices, just as they would if they were operating a car or using the sidewalk as a pedestrian, they had to choose if they were going to obey the laws or not and suffer the consequences of that choice.

Chair Wirthlin reopened the public hearing.

Grace Sperry (2660 South Highland Drive) stated that she was in opposition to the Downtown in Motion plan because she had had a number of experiences with inconsiderate cyclists. She stated that she contact the Police Department and they told her that cyclists were not allowed on the sidewalk, but the Mayor's Bicycle Committee stated that they were. She noted that she would like bicycles to be required to have a larger license plate.

Rawlings Young stated that he wanted to remind the City Attorney that there was an ordinance in Sugarhouse as well that kept the bicyclists off the sidewalk, no matter what State Law stated.

Brandy Clines stated that on a number of streets Downtown it was not safe because of the traffic, and until the infrastructure was changed cyclists were limited to where they could and cannot ride.

Chair Wirthlin closed the public hearing.

Commissioner Forbis made a motion that the Commission forward a positive recommendation regarding the Downtown in Motion plan to the City Council, based on the review of the plan the Commission has seen over the course of the last two meetings and public comment.

Commissioner Chambless seconded the motion.

Discussion of the Motion:

Commissioner Muir noted that during the issues only hearing he had suggested that a brief reference be included in regards to the Western Climate Initiative which Governor Huntsman signed and inquired if Commissioner Forbis would entertain that in the motion.

Commissioner Forbis stated that he would be willing to include that.

Commissioner Muir stated that he felt it would be appropriate under section 10, beyond the time horizon that referred directly to growth scenarios and also there should be some environmental reference point.

Commissioner Forbis recommended that this be forwarded on to the City Council.

Commissioner Scott stated that Vice Chair Woodhead had also mentioned something about connection to the west side of the City, and inquired if that should also be added on.

Vice Chair Woodhead stated that she did feel like that is important, and if the Commission was comfortable with asking that as part of the recommendation to the City Council the Plan reflect the importance of transportation connections between downtown and the west side, as an element in transportation planning it would be highly beneficial.

Commissioner Forbis stated he would be willing to accept that recommendation as well.

Mr. Nielson noted that State Highway Law governs the use of right-of-way for vehicles, as well as part of the City ordinance. He noted that regarding the use of those right-of-ways he was concerned about the impact of the mandatory nature of those features and if the master plan had language permitting signage for bicycle use along the sidewalk.

Commissioner Forbis stated that it would take a change of culture to understand the respect that was held between both bicyclists and automobiles. He noted that he was not willing to put forth a motion unless the allowance of those bicycles and the promotion of a City ordinance allowing for those bicycles to be on sidewalks throughout downtown stayed.

Mr. Nielson stated that the Commission did not have the authority to regulate the use of vehicles in the City; he noted that he was concerned with required features within the downtown area.

Commissioner Chambless stated that on the University of Utah campus there were a lot of students that rode on the sidewalks and that mentality stayed with them as they come into the downtown area. He stated there needed to be more clarity and uniformity of thinking in regards to this.

All in favor voted, “Aye”, the motion carried unanimously.

Petition 400-08-04, Zoning Map Amendment—a request by Gerald Burt, requesting a zoning map amendment for the property located at approximately 754 North 300 West Street in the Capitol Hill Historic District. The subject property is comprised of four (4) parcels, three (3) of which are zoned Mixed Use (MU) and one (1) that is zoned Special Development Pattern Residential (SR-1A). The applicant is proposing to construct three (3) attached single-family dwellings on the MU zoned parcels and a single-family home on the SR-1A zoned parcel. To accommodate the new development, the applicant proposes to exchange approximately 600 square feet of the MU zoned property on the north end of the subject property with approximately 750 square feet of the SR-1A zoned property on the south end. The property is located in City Council District Three represented by Council Member Eric Jergensen.

(This item was heard at 9:31 p.m.)

Chair Wirthlin recognized Janice Lew as staff representative.

Ms. Lew stated that the applicant was proposing a minor subdivision to reconfigure the property for the proposed improvements; the existing parcels would be reconfigured to accommodate multiple fault lines that run through the property. Administrative approval was granted by a hearing officer on May 12, 2008 and the final plat was currently being reviewed by the City. The proposed zoning amendment would square off the currently L-shaped SR-1A zoned parcel by exchanging approximately 600 square feet of the MU zoned property on the north end with approximately 750 square feet of the SR-1A property; this would coordinate the zoning lines with the new location of the property line. The SR-1A zoned parcel would then meet the maximum lot width requirement of the zoning ordinance and would accommodate a driveway, which would be located at the rear of the proposed home.

She noted that since the entire property would be used for residential purposes, the proposed project would be allowed to obtain building permits once the subdivision and Historic Landmark Commission (HLC) processes were completed. She

noted that the HLC had forwarded a positive recommendation to the Planning Commission regarding this request for the rezone, and staff was recommending that the Commission forward a positive recommendation to the City Council to rezone the subject property as requested.

Ms. Lew noted that the applicant was not present tonight, but Matt Dow was here in his place.

Commissioner Scott inquired what the surface fault rupture special study area was, did it include a particular area of land from being built on.

Ms. Lew stated it required that special studies be done prior to building, which might require additional setbacks based on what they found in the studies.

Commissioner Scott inquired if it was special land reserved for development because it was a study area.

Ms. Lew stated no.

Chair Wirthlin opened up the public hearing portion of the petition, there was no one present to speak to the petition; Chair Wirthlin then closed the public hearing.

Commissioner Scott made a motion regarding Petition 400-08-04, based on the analysis and findings in the staff report, the Planning Commission forward a favorable recommendation the City Council to rezone the subject property at approximately 754 North 300 West Street, as requested and described to facilitate the construction of a new residential development.

Vice Chair Woodhead seconded the motion.

All in favor voted, “Aye”, the motion carried unanimously.

Petition No. 410-08-49 Redman Building Condominiums Planned Development Amendment—a request by Kevin Packer, Pacific Park Investment LC, for property located at 1240 East 2100 South. The proposed amendment is to develop sufficient on-site and off-site parking and forgo construction of a previously approved parking structure for the mixed-use planned development. The planned development contains four (4) commercial units and twelve (12) residential units. The property is zoned Sugar House Business District (CSHBD-1). The property is in City Council District 7 represented by Council Member Søren Simonsen.

(This item was heard at 10:37p.m.)

Chair Wirthlin recognized Michael Maloy as staff representative.

Mr. Maloy gave a PowerPoint presentation.

Presentation highlights:

- This Planned Development was originally approved in 2003, and amended in 2007 to add a parking structure.
- The condominium market was very popular in 2007 and in 2008 this had dropped significantly. The applicant has realized that there is not a strong condominium market, and he is requesting to repackage the project to not require the approved parking structure—now he would like to keep the surface parking.
- There is also an off site parking component located at 2033 South 1200 East, and it was proposed to include fifteen (15) parking stalls, which with the combination of the on and offsite parking did meet the City parking requirements. The offsite parking agreement was originally proposed by the previous developer Vick Heirs, when it was approved in 2003; essentially the current applicant was trying to revert back to the original approval.

Commissioner Muir inquired where the offsite parking was located in proximity to the Redman Building.

Commissioner Scott noted it was across the street.

- There had been some talk about building another tower in this area, and another possible parking structure, and if that were to happen the goal would be to relocate the parking structure.

Commissioner Forbis inquired about what was currently on the offsite parking.

Mr. Maloy noted that the offsite parking currently had an apartment building that had 90 degree angle parking and the Redman owners were planning on converting the parking to shared angled parking, which the City Transportation Department had reviewed; they looked at the angle and width of the aisle and it did meet City standards. Additional parking would be added that would support the apartment project as well as the needs of the Redman building without putting either project into a violation.

Commissioner Scott inquired about the total number of spaces Redman would have, onsite there were twenty-seven (27) and inquired how many more they needed because originally they proposed eighteen (18) commercial units and now they had reduced that to twelve (12) residential units.

Mr. Maloy noted that on the site plan in the packet, there was a parking stall breakdown. He noted that as far as the residential units, there was four proposed two bedroom units and two one bedroom units, which required nine (9) stalls and for the commercial units, based on the area ratio, twenty-seven (27) parking stalls were required, which was what was being provided onsite.

- One of the alternative parking options was to possibly include on street parking, but currently there was a driving lane in front of the building that would not permit on street parking.

Mr. Maloy noted that if this was approved, condition 4 from the last approval would be voided, which was about the parking structure itself.

Mr. Kevin Packer, Project Manager, stated that the market conditions were not letting them move forward with the original plan, so they had decided to move a different direction and were converting part of the property to commercial use, moving their offices into the building, and leasing out the remaining space on the first and second floor.

Chair Wirthlin opened up the public hearing portion of the petition.

Grace Sperry, Community Council Chair, noted that the council approved this petition, and she would like to see this petition move forward.

Rawlings Young, Open Space Committee Sugarhouse Community Council, noted that he was concerned that the Sugarhouse Business District was being turned into a surface parking lot, and it was undesirable to have a parking lot across the street from a destination in a heavily trafficked area. He did not want to see long range decisions made that would continually affect the Sugarhouse business area.

Chair Wirthlin closed the public hearing.

Commissioner Forbis stated he was concerned about this petition, because there had been numerous decisions made regarding this property, and there currently was economic downturn, but that was also the risk that developers took, and this did not seem to be in the best interest of the community as much as it was in the best interest of the developer.

Commissioner McHugh inquired about what part Commissioner Forbis felt was not in the best interest of the community.

Commissioner Forbis noted that the parking lot across the street was not, it was very difficult to get back and forth across 2100 South.

Commissioner McHugh understood that the parking lot across the street was to comply with the parking requirement for condominiums, of which there would be none at this time.

Commissioner Forbis stated that he was opposed to this petition altogether, he felt that the Commission had gone far enough with this development and the decisions made in the past were the decisions that should be adhered to.

Vice Chair Woodhead stated she was conflicted because she liked the idea of the shared parking, which was a creative way to not have all of the parking onsite, but in this particular case, the fact that the parking was across the street, she had a hard time imaging it would be convenient for tenants carrying things home on a regular basis and she wondered how functional this would actually be.

Chair Wirthlin stated that given the realities of the market, the shared parking would not get much use.

Commissioner Muir noted that the use of apartments instead of condominiums would get the developer through until the housing market was strong again and then the developer could flip these units from rentals back to sales.

Commissioner Chambless stated that he agreed conceptually with the shared offsite parking concept, but logistically that was quite a walk, he noted that this development had come before the Commission a number of times and he wondered if the inevitable was being postponed.

Commissioner Scott stated that the original shared parking had some terminology in it that basically stated that if the lease was terminated or expired, Redman would be assured eighteen (18) months to two years for construction of an onsite parking structure, the new lease agreement did not have that language in there. She noted that either party could terminate the lease within 30 days because in the event that the parking was being used and the lease was terminated, Redman needed some reaction time to get a parking structure built.

Commissioner Forbis stated that was why he stated that this particular request was reactionary to the market and not in the best interest of the community.

Vice Chair Woodhead stated that it might be in the best interest of the community that this property was developed and moved forward to become viable.

Commissioner Chambless inquired of Mr. Packer what would happen if the Commission denied approval of this.

Mr. Packer stated that most likely the property would be fenced and shut down; he noted that they paid a high amount for the building and if nobody was buying the owner was willing to shut it down and let it sit until the market turned around.

Vice Chair Woodhead inquired if the Commission did approve this plan would it still be fenced off.

Mr. Packer stated that if this was approved the intention was to occupy the first three floors of the building with commercial space.

Vice Chair Woodhead inquired if the economics were there to make that happen.

Mr. Packer stated yes, and currently they were working on plans and drawings to submit if this was approved, their own office the Pacific Park Investment, LC would occupy the third floor and there were already negotiations with a tenant for first floor occupancy and they were working to lineup a tenant for the second floor.

Commissioner Chambless inquired if they were willing to do apartment units instead of condominiums.

Mr. Packer stated that they had discussed that option, yet at this point the developer did not want to go in that direction and felt if the three floors of office were occupied then some of the current cost of the building would be relieved until the market turned around.

Commissioner Muir noted that this was really not that uncommon, when there was a mixed use project, the two economies were never in sync; the commercial sector was never in sync with the housing market.

Mr. Maloy stated that he had received one letter from a resident opposed to this amendment, but it was included in the packet as an attachment. Mr. Maloy stated that originally when the applicant approached the City expressing the economic concerns of the project, what they originally wanted to do was to receive a building permit and occupancy for the lower floors and have a restriction that they could not occupy the upper floors; unfortunately the way the City code was currently written that was not an option—there was no way to allow partial occupancy without satisfying all of the parking.

Commissioner Scott inquired of Mr. Packer, when negotiating the lease did he feel it was possible with the shared lease, that a stipulation be added that stated if the lease was terminated for any reason, Pacific Park Investment would require eighteen months to negotiate a new parking facility.

Mr. Packer stated that he felt that would not be difficult to add to the lease, and the Commissioners could add that as a condition.

Vice Chair Woodhead made a motion regarding Petition 410-08-49, Redman Condominiums Planned Development Amendment located at approximately 1240 East 2100 South, the Planning Commission grant approval for the proposed amendment, based on the findings listed in the staff report, testimony heard at the meeting, and the support of the Sugar House Community Council; subject to the following conditions:

1. Approval is subject to compliance with all department comments (See Attachment F in the staff report— Departmental Comments).
2. Condition number four from the Planning Commission approval dated December 12, 2007 for Petition # 410-07-13 is rendered null and void.
3. On site surface parking shall be sufficiently illuminated to ensure public safety; however, lighting must be properly shielded to control light pollution.
4. Off site surface parking agreement, site plan and improvements shall comply with City Code 21A.21A.44.030 Alternative Parking Requirements.
5. ~~The lease be amended to include a stipulation that states that if the lease is to be terminated for any reason, that the Redman Condominium property owners be allowed 18 months to 2 years time for the construction of installation of an on site parking area of their own, or to find new off site parking in order to eliminate any lapse in time of requiring parking.~~

Discussion of the motion:

Vice Chair Woodhead inquired of Chair Wirthlin if he thought this was a reasonable requirement for the property owner and the lease.

Chair Wirthlin stated that he felt it was bad policy for the Commission to require provisions and agreements for an applicant and an unrelated third party.

Mr. Nielson stated that in addition under the condominium form of ownership there may be a concern that when the Commission refers to the property owner, that may actually be several different parties.

Vice Chair Woodhead noted that she would retract condition 5.

Commissioner McHugh seconded the motion.

Commissioners McHugh, Muir, Chambless and Vice Chair Woodhead voted, “Aye”; Commissioners Scott and Forbis voted, “No”, the motion passed.

Petition 400-08-08, Declaration of Surplus Property and Street Closure—a request by Thomas A. Wolff to close and declare surplus property a portion of Hot Springs Road between approximately Duluth Avenue and 1500 North. The adjacent properties are located in the Heavy Manufacturing (M-2) Zoning District and in Council District Three represented by Council Member Eric Jergensen (Staff contact: Katia Pace at 535-6354 or katia.pace@slcgov.com).

This item was postponed

Chair Wirthlin announced a small break at 10:12 p.m.

Chair Wirthlin reconvened the meeting at 10:18 p.m.

Petition 400-08-16, initiated by the Salt Lake City Mayor—a request to amend the Salt Lake City Ordinances to facilitate an approval processes for temporary construction-related activities in portions of Salt Lake City, that grants the

authority to City administrative staff to allow additional temporary signage within business areas impacted by high levels of construction activity. This proposal affects business areas citywide.

(This item was heard at 10:18 p.m.)

Chair Wirthlin recognized Everett Joyce as staff representative.

Mr. Joyce gave a PowerPoint presentation.

Presentation highlights:

- Mr. Joyce stated that in the Sugar House business district, where there was demolition and construction a lot of surrounding businesses might be impacted by this type of activity. He noted that this would be effective on the 2100 South corridor and on 1100 East and Highland Drive. He noted that he added a text change to the ordinance, changes are underlined:
- **21A.46.180 Construction Impact Area Mitigation Sign:**
 - A. Purpose: The purpose of this section is to designate the use of certain temporary signs deemed necessary to offset the impact of building demolition activity and/or construction activity. Additional temporary signage for impacted businesses will benefit local neighborhoods and the city as a whole by promoting business identity and informing the public on continued business operations while demolition and construction activity is ongoing
 - B. Nonpublic Forum: In allowing limited temporary signage I certain designated location, the city does not intend to create a public forum, but rather intends to create a limited or nonpublic forum for the purposes set forth herein.
 - C. Definitions:
 1. "Applicant" means any person or organization located within a designated Construction Impact Area that makes application for a Construction Impact Area mitigation sign permit as described herein.
 2. "Construction Impact Area Mitigation sign" means a temporary sign that informs the public a business is open during the period of nearby construction activity.
 - D. Approval of Construction Impact Areas: In order to encourage and promote business identity during periods of construction activity, the City Council and Mayor may recognize via a public meeting, business areas that are impacted by construction activity.
 - E. Authority to Display: The designation of a Construction Impact Area authorizes the City administration to develop guidelines limiting sign types, size and location for permitting temporary Construction Impact Area Mitigation sign within affected business areas.
 - F. "City administration" means the Community and Economic Development Director with consultation along with the Planning Director, Transportation Director and City Engineer.
 - G. Construction Impact Area Mitigation Signs. Construction Impact Area Mitigation signs are subject to the following minimum standards in addition to any administrative guidelines developed for a specific Construction Impact Area...
- Mr. Joyce stated that for a single business, banner or a-frame signs would be allowed, the allowable size would be sixteen (16) square feet; multiple businesses would be allowed a banner or A-frame that was thirty-two (32) square feet. He noted that window signs could be twenty-five (25) percent of the window which was listed in the ordinance now. He noted that other types of signs that were permitted, and were already in the ordinance, were tented portable signs, which were three by two feet in size, public, special events, or public necessity signs. He stated that there were a lot of criteria for how public necessity signs were put in place. He inquired of the Commission if the sixteen and thirty-two foot signs, and the twenty-five percent allowable window signs—were the sizes they wanted to pass onto the City Council.

Mr. Joyce stated that when this area was created by Mayor Becker and the City Council, these signs would be permitted, what had also been discussed was the option of having an administrative process that would allow other types of signs in business areas that were impacted—that process would involve submitting an application, for the CED Director to review and then forward them onto the City Council. He noted that if this was approved, notice would go out to the Community Councils and property owners within 85 feet, and they would have ten days to protest it—this process was not approved yet and Mr. Joyce noted that he had not recommended it himself because it made the process ambiguous, if there was a real

need for this an ordinance could be created. He noted that if the Commission did want this he could forward language to the City Attorney for review.

Vice Chair Woodhead inquired about subsection D under the proposed text revision, and wondered why this much political process was needed to determine this, and why it could not be an administrative decision by the CED Director, because it seemed that by the time this process happened it would be too late.

Mr. Joyce noted that it was a public meeting, not a long process that involved a hearing; it would function like a temporary ordinance. He noted that there was not a way to map all of areas where this could be used, or which zoning districts would allow for this.

Vice Chair Woodhead stated that it seemed to make more sense to make a petition to the CED Director, with some sort of notice.

Mr. Joyce stated that he was not sure if that could be done, the City attorney would have to answer that.

Chair Wirthlin inquired about the proposed text F, 5 which read, *[the] Duration of display period is up to six months from building permit issuance and is intended to terminate coincidentally with the end of the construction impact. Administrative renewal of a permitted temporary sign is limited to six month periods.* He inquired why the word *intended* was used, it seemed to be really loose language, he stated that it would make more sense to use the work *shall*.

Mr. Joyce stated that was in there to give a sense of what this ordinance was for, it was setting it up to be allowed in six month increments, so the construction activity may be close to being finished, but some business were still being impacted and they still might need to have the signs.

Commissioner Scott inquired about G, 2 and 3 in the proposed text:

2. *Signs on sidewalks should not preclude normal pedestrian passage and should not be located such that they block more than half of the clear walking width or leave less than four feet of passage width to maintain accessibility.*
3. *Signs in the public right-of-way cannot be placed in a manner that they preclude drivers on driveways trying to enter the street from having sufficient sight ability of oncoming traffic to enter the street safely.*

She noted that Mr. Joyce had talked about intersections, but this did not make it into the proposed text, and she inquired if that could be added.

Mr. Joyce noted that he could add that to G 3.

Commissioner Scott noted that in G 2, the passage of four feet seemed slim.

Mr. Joyce noted that a little over three feet was the minimum requirement, and the recommendation came from the City Transportation Department.

Chair Wirthlin opened up the public hearing portion of the petition.

Chair Wirthlin read a comment from Ellen Reddick (2177 Roosevelt Avenue); she stated she was in favor of the petition.

Cindy Cromer (816 East 100 South) stated that she was in favor of the proposed text, and there were some other elements that need to be addressed in construction areas, specifically the public right-of-way, and issues of protecting the site from vandalism and trespassing.

Commissioner Forbis made a motion regarding Petition 400-08-16, based on the comments analysis and findings in the staff report, as well as testimony heard at the meeting, the Planning Commission transmits a favorable recommendation to the City Council to adopt the proposed text amendment for construction impact mitigation signs.

Commissioner Scott seconded the motion.

All in favor voted, “Aye”, the motion carried unanimously.

Everest Builders LLC Planned Development and Preliminary Condominium Plat—a request by Everest Builders LLC, represented by Eric Saxey, for a residential planned development and preliminary condominium plat located at approximately 256, 262 and 268 South 700 East and 673 and 695 East 300 South Street in the Central City Historic District. The property is zoned RMF-45, Moderate/High Density Multi Family Residential in the Central City Historic District. The property is located in City Council District 4, represented by Council Member Luke Garrott.

- a. Petition 410-08-38 Planned Development— a request by the applicant for more than one principal building with frontage.
- b. Petition 490-08-09 Preliminary Condominium Plat—a request by the applicant for preliminary approval of a new 19 unit residential condominium development.

(This item was heard at 10:32 p.m.)

Chair Wirthlin recognized Robin Zeigler as staff representative.

Commissioner Muir recused himself from the meeting.

Ms. Zeigler stated that the project included two (2) new three story buildings one with nine (9) units that faced 700 East, and one with four units that fronted Markea Avenue, and an existing building with six (6) units. The project took up a total of three vacant and two occupied parcels, all together it was about .69 acres. She stated this was a planned development because there was more than one primary structure that faced the street, and because there were lesser setbacks than what the ordinance required.

She stated that it met the Central Community Master Plan and the Salt Lake City Community Housing Plan, and the applicant went through a lengthy process with the Historic Landmark Commission (HLC) and Demolition and Economic Hardship. The HLC determined that the only way for the project to be feasible was to allow for the demolition of two of the three contributory structures, and by doing a townhouse type development. The HLC approved this general concept to recommend to the Planning Commission.

Ms. Zeigler noted that the project was scheduled for the August HLC meeting in order to review the design issues. She noted that in determining the setbacks, staff used Markea Avenue as the front yard and 700 East and 300 South as the corner side yards, and the west side as the interior side yard. She noted that the modifications included a lesser front yard of 20 feet, the side yard 10 feet, and the rear yard 8 to 10 feet—as shown on the proposed site plan. She noted that staff did recommend the lesser setbacks.

Commissioner Scott inquired if when dealing with a PUD it was ordinary to choose what street became the front yard. She noted that this seemed to impact Markea Avenue.

Mr. Paterson noted that the reason staff chose Markea Avenue was because the setback was designed to align with the existing homes along that street.

Commissioner Scott stated that it looked like it did not align with the houses on Markea Avenue, the stairs stuck out farther than the existing houses—the same on the south side it almost lined up, but not quite.

Ms. Zeigler noted that part of what Commissioner Scott was looking at was the submerged courtyard, which was not considered part of the building, and the stairs would jut out into the courtyard.

Vice Chair Woodhead stated that she had sat in on one of the joint subcommittees with the HLC and she noticed that the people on the subcommittee had a lot of concerns with the design, so if the Planning Commission approved this, but then the HLC rejected the design, what would happen.

Ms. Zeigler stated that she did not believe the HLC would fully reject the design, they may offer suggestions for changes, and the only real change to the site plan, which might be a possibility would be to lower the square footage of unit one, which was the largest unit, so the garage could be placed in the back—this could be administratively updated.

Commissioner Scott noted that as she walked in the neighborhood she never saw another building that was 200 linear feet long.

Ms. Zeigler stated that the staff report did not go into design issues since the Planning Commission had no jurisdiction over that, but the architect had changed the jog in the building so it would read as separate units and not one long building.

Eric Saxey, developer/applicant, stated that he wanted to address the comment that Vice Chair Woodhead made in regards to the joint subcommittee meeting, he noted that no planning issues were identified at that meeting, there was a second subcommittee meeting set up for the HLC only, and in this meeting the design was changed according to the HLC issues.

Mr. Saxey stated that the garage doors on 300 South were reduced in size, he noted that he felt this project complied with what the City was looking for according to the master plan and the housing plan, some of the historic elements were being kept, and this would be affordable housing and market rate housing.

Chair Wirthlin opened up the public hearing portion of the meeting.

Cindy Cromer (816 East 100 South) stated that this project was entering the twenty second month of trying to get approval, she noted she was a property owner on the block and was restoring two historic buildings on the 600 East frontage. She stated that the 300 South frontages were some of the finest frontage streetscapes in the Central City Historic District; she felt that the garage doors and the driveway on the 300 South frontage of this project were inappropriate. She stated that the entry for this driveway should be off of Markea Avenue on the back of the structure.

Commissioner Scott stated she had quite a few concerns; first, the entrance to the projects garages was shared partly with McDonald's and was barely more than an alley. She stated that because of the proposed setback there are three areas that did not seem to work.

Vice Chair Woodhead stated that as far as the concerns the subcommittee had were the garages on 300 South, there were not concerns about the setbacks, the HLC had some concerns about the design and the repetition of the design and how it related to other historic buildings in the area.

Commissioner Scott stated that PUD's should be compatible and not obtrusive.

Mr. Paterson noted that during the subcommittee meetings the garages fronting on 300 South were an issue raised by staff and some of the comment was that extending the unit dealt with the corner better, and hid the back driveway so people passing the project could not see a straight view of the back yard of the units that fronted on 700 East.

Commissioner McHugh inquired if there had been any thought that the garage doors could be placed on the back of the structure and the tenant would still enter from Markea Avenue.

Mr. Paterson noted that if you did have the garage doors on the north side of that structure instead of fronting 300 South, the tenant would have to drive backward a long way, almost to building B before they could turn around and get out, and the width of that backside would not allow a two car garage.

Commissioner McHugh stated that would not be a good situation.

Mr. Saxey noted there was no other solution; it had been 22 months to get to this point. He noted that as far as Cindy Cromer's comment there were several other garage areas on frontages in this district.

Commissioner Forbis inquired if there could be garaged doors on the south and north of the two car garage structure to create a one-way flow, the tenant could pull in from 300 South and then exit on Markea Avenue to eliminate the backing out issue.

Mr. Saxey stated that this garage had to have two parking spaces to comply with code, and since the back way was so narrow it would not line up with one of the parked cars and would not work.

Vice Chair Woodhead inquired if the garage issue would be decided by the HLC.

Mr. Paterson stated yes.

Commissioner Forbis made a motion regarding Petition 410-08-38 a Planned Development Conditional Use and Petition 490-08-09 a Preliminary Subdivision for 19 unit Town homes located at 256, 262, and 268 South 700 East and 673 and 695 East 300 South, based on findings listed in the staff report, testimony heard at the meeting, the Planning Commission approves these Petitions with the following conditions:

Petition 410-08-38

1. Modification of the front yard setbacks to approximately twenty feet, corner side yard setback to ten feet and rear yard setback to eight to ten feet as indicated on the proposed site plan.
2. The applicant shall satisfy and adhere to all the requirements as noted by the various City Departments/Divisions in this staff report.
3. Final design on the residential structures is delegated to the Planning Director to be consistent with the Historic Landmark Commission approval.
4. Prior to the issuance of a building permit, final approval of the landscape plan shall be delegated to the Planning Director.

Petition 490-08-09

1. The applicant shall satisfy and adhere to all the requirements as noted by the various City Departments/Divisions in this staff report.
2. A final plat is required.
3. A plat note shall be added to the final plat stating that access to each residence will be provided off of Markea Avenue and 300 South. No access shall be granted off of 700 East.
4. A provision for a home owners association shall be implemented prior to recording a final plat to ensure the maintenance of all common areas in the development.

Vice Chair Woodhead seconded the motion.

Commissioners Chambless, Forbis, McHugh and Vice Chair Woodhead voted, "Aye", Commissioner Scott voted, "No", the motion passed.

Chair Wirthlin noted there were no additional comments.

The meeting adjourned at 11:10 p.m.

Tami Hansen