

SALT LAKE CITY PLANNING COMMISSION MEETING

In Room 326 of the City & County Building

451 South State Street, Salt Lake City, Utah

Wednesday, July 14, 2010

Present for the Planning Commission meeting were Chair Babs De Lay; Commissioners Charlie Luke, Angela Dean, Michael Fife, Michael Gallegos, Susie McHugh, Matthew Wirthlin, and Kathleen Hill. Commissioner Matthew Wirthlin and Vice Chair Frank Algarin were excused.

There field trip prior to the meeting was cancelled. A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at 5:45 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time. Planning staff members present at the meeting were: Wilford Sommerkorn, Planning Director, Nick Norris, Programs Manager; Casey Stewart, Principal Planner; Michael Maloy, Principal Planner; Nick Britton, Principal Planner Paul Nielson, City Attorney; and Angela Hasenberg, Senior Secretary.

Field Trip Notes (Taken by Nick Norris)

Planning Commissioners visited the 425 E. 700 South. Commissioners were given an overview by staff. Questions were asked regarding parking, landscaping and lot size and building size.

Planning Commissioners visited 1433 S. 1100 E. Commissioners were given an overview by staff. Questions were asked about parking requirements and lighting.

Planning Commissioners visited 1206 E. 210 S. Commissioners were given an overview by staff. Questions were asked about building orientation, Sugarhouse Business District design guidelines and appeals process.

Report of the Chair and Vice Chair

Chairperson De Lay stated that there was nothing to report.

Report of the Director

Mr. Sommerkorn stated the City Council passed the temporary zoning regulations for the Yalecrest and Westmoreland neighborhoods, in order to look at the potential for declaring those areas in the overlay preservation zone. The council also received a briefing on the historic preservation plan, and the Historic Landmark Commission met, and made a recommendation for prioritizing potential future designation of historic districts, which would come before the Planning Commission and then forwarded with a recommendation on to the City Council.

Public Hearings

Commissioner Gallegos stated he was a former Housing Commissioner with the City Housing authority, but he had not been on the board for three years, and inquired if the Planning Commissioners felt he needed to recues himself.

Commissioner McHugh felt his position was helpful and he did not need to recues himself.

Commissioner Chambless agreed.

Report of the Director: Director Wilf Sommerkorn reminded the Commission of a memorial service for Steven England, from the City Engineering Office who was killed in an traffic accident on First South and 2nd East.

Mr. Sommerkorn stated that the City Council received a briefing on a number of issues, one item was the Historic Preservation Plan, the public hearing was closed and action would be taken shortly. The City Council had removed a portion of the map included in the Yalecrest Area from the temporary ordinance, and gave instructions for staff and administration on how to move forward on the remainder of the area. One item was to be an ordinance for the demolition of homes in that area, and how some of the existing homes that are significant can be protected. These items needed to be in place before the temporary ordinance expired on September 10, 2010.

5:56:13 PM Public Hearing:

PLNPCM2010-00243 - Burton Professional Office Conditional Use: A request by Brad Ashworth for conditional use approval of a professional office at 1433 South 1100 East in the RB (Residential Business) zoning district.

Chairperson De Lay recognized Nick Britton as staff representative.

Mr. Britton stated that this was a request for an office building in a residential business district. It was an existing building that would have added a third story. The use would be for mental health counseling and therapy. Mr. Britton added that for purposes of parking, this use would have been considered a general office and not a medical office and therefore would impact the parking significantly.

The changes would add articulation to the front, and change the windows and moving the entrance from the north side to the center of the building.

Mr. Britton addressed the parking issue. He stated that the square footage of the building is 3345 sq ft. The residential business zoning district allows for a parking subtraction of 2500 sq ft. That leaves 845 sq ft for parking calculations. General office calculations only require two spaces. The applicant is actually providing three parking spaces on the back of the building, one is ADA parking.

Questions from the Commission: none.

6:01:17 PM Close of Public Hearing.

6:01:05 PM Motion:

Commissioner Fife made the motion that regarding **PLNPCM2010-00243 - Burton Professional Office Conditional Use:** based on the findings found in the staff report, and discussion that the Commission approved the request for conditional use for a professional office at 1433 S. 1100 E subject to the two conditions in the staff report with the condition that additional lighting be provided for the parking lot.

Commissioners Gallegos, McHugh, Dean, Luke, Woodhead, Hill and Fife all votes “aye”, the motion passed unanimously.

PLNPCM2010-00231 - Korean Presbyterian Church Conditional Use & Planned

Development: A request by Richard Chong for conditional use and planned development approval of a church expansion at 425 East 700 South in the RMF-35 (Moderate Density Multi-Family Residential) zoning district.

Chairperson De Lay recognized Nick Britton as staff representative

Mr. Britton described the area surrounding the Korean Presbyterian Church. This was in the RMF-35 moderate density multifamily residential district. The reasoning for a conditional use request was that churches in this zone are conditional use. The applicant is expanding by more than 1000 ft, and requires additional conditional use approval. This was a planned development because the applicant is encroaching upon the required setback on the north side of the property along Segoe Avenue.

Mr. Britton gave a PowerPoint presentation that illustrated the request.

Questions from the Commissioners:

Commissioner Woodhead asked if when the commission gets a plan like this that includes trees, is the applicant committed to include those trees if the petition is approved, or would the commission need to add something specific to make sure that they are added.

Mr. Britton stated that he believed that when the plan development approval is done, the site plan was approved as demonstrated; therefore the trees would be included.

Commissioner Fife stated that he had an issue with the setback, along the street were small houses that had different facades, now there would be a twenty foot high wall, eighty feet long along that street which would completely change the character of the street.

Mr. Britton stated that there would be a 10 foot setback, and there would be landscaping and trees.

Chairperson De Lay asked for an explanation the relationship of the entrance on Sego Avenue to this property.

Mr. Britton stated that the main entrance would still be there, but, as proposed, there would be fire access on the street

Commissioner Luke asked if the street access could be gated and still have fire access.

Mr. Britton stated that it could be done.

Commissioner McHugh asked what the length of the sanctuary would be.

Mr. Britton stated that he believed that it would run the length of the wall.

The applicant, Richard Chong, of Richard Chong Architects, made the comment that the façade along Sego Avenue, at the closest point would have been ten feet; it was articulated into smaller sections so that it wasn't just straight, there was a differentiation of materials. The door way is an emergency exit only. He stated that whatever the Planning Commission wanted to do, they would be happy to do it.

Chairperson De Lay was concerned about what the impact on the neighborhood with a one hundred foot wall.

Questions from the Commissioners:

Commissioner McHugh asked if there would be glass on the back wall.

Mr. Chong responded that there would be.

Commissioner Dean asked about the forty percent glazing requirement and if the request was for it to be waived. She stated from an architectural standpoint, she was concerned about slot windows, and that the entire sanctuary would only have a small bit of daylight.

Mr. Chong responded stating that the point was true; however, the lobby area was totally lit. He stated that they are not opposed to adding more glass at an upper level to provide privacy and add natural light.

The Commissioners discussed the height and look of the sanctuary wall and glazing options.

Commissioner Dean suggested a line of windows to break up the wall.

Mr. Chong agreed and said they would be happy to do it.

6:19:48 PM Public Hearing:

Carl Hewlin spoke, he was a property owner on Segoe Avenue, was concerned about the traffic on Segoe, stating that he stated that he would like to have the entrance on Segoe closed at all times because there is a gate there now, and it was never opened. He stated that there isn't really a sidewalk, and would like there to be one.

6:22:00 PM Close of Public Hearing

Comments from the Commissioners:

Commissioner McHugh stated that the concern about the gate would be taken care of, as there won't be access or extra traffic. She also noted that it isn't the Church's obligation to put in a sidewalk.

Commissioner Woodhead questioned whether there would even be room for one.

Chairperson De Lay asked if with the City's rules and regulations, would there have been a requirement for a sidewalk.

Mr. Britton responded that to his knowledge there was not, and that transportation and engineering both reviewed the plan and did not require it.

Mr. Chong, the applicant stated that they investigated the need as well, and found that Segoe is a special area called "the court," and on the street they added two rows of pavers as an improvement to act like a sidewalk path for the court. It was also part of the roadway, the residents share. Their contention is that landscaping would be better than a sidewalk.

6:28:11 PM Motion:

Commissioner Woodhead made the motion that regarding **PLNPCM2010-00231 and PLNPCM2010-00422 Korean Presbyterian Church Conditional Use & Planned Development**, based on tonight's hearing, the finding on the staff report, and the testimony tonight, she moved that the Planning Commission approved the conditional use request and planned development request for the expansion for the Korean Presbyterian Church at 425 E. 7th S. with conditions 1-4 and additional condition 5, that the church install a fire gate over the Segoe Avenue exit and condition 6, that the church add minimum forty percent glazing on the north elevation.

Commissioner Gallegos seconded the motion.

Note: Commissioners Gallegos, McHugh, Luke, Woodhead, and Hill all votes "aye", Commissioners Fife and Dean voted no, the motion passed.

PLNPCM2009-01338: Sustainability Development Code Changes: amendment related to accessory buildings—a request by Mayor Ralph Becker to amend the Zoning Ordinance in regards to accessory structures associated with urban agriculture (such as greenhouses) and renewable energy

systems (such as small solar and wind energy collection systems) in an effort to facilitate and regulate those activities throughout the City.

Chairperson De Lay recognized Casey Stewart as staff representative

Commissioner Woodhead disclosed that she sent a copy of the ordinance and the other urban farming ordinance to Kyle LaMalfa from the People's Market.

Mr. Stewart stated that the application was related to, but not the same as, other applications brought before the Planning Commission. This item deals with the Sustainability Ordinance, but specifically, accessory structures. Structures related to urban agriculture and plant production, such as green houses, hoop houses, and cold frames. Small renewable energy systems such as wind and solar are included. Mr. Stewart noted that the definitions were included in the ordinance.

Mr. Stewart stated that the issues that surround this type of structure were height, size, location, and materials.

Size: the intent was to make it easier to construct this type of structure by removing the limits. Leeway is given to the area that could be covered by this type of structure.

Wind Systems: Typical issues involve set back, height, location color and sound. Sound is the prevalent issues. Limits on decibel output of the structures could be utilized, and limiting the height indirectly, in other words, to set back the structure to the property line equal to its' height plus five feet. In essence, the bigger the property, the taller the structure could be.

Solar Systems: Typical issues involved size, area, height and location. It is proposed that if it's located on the roof of the structure that it not take up more than 90% of the total roof area. A solar system can be allowed on the primary structure as well as the secondary structure. Specific provisions proposed for when the project is in a historic overlay district. There were separate location requirements for those proposed. 1. It should be in the rear yard, not visible or 2. It should be located on a side of the structure, not visible. It must be reviewed by the Landmarks Commission for approval.

Mr. Stewart gave a PowerPoint presentation that illustrated the look and the definition of green houses, hoop houses and cold frames.

Commissioner Woodhead asked if these structures would all require building permits.

Mr. Stewart replied that it would depend on the size, subject to building code. He stated that it would typically be 120 sq ft or less do not require building permits.

Commissioner Woodhead stated that seemed that a lot of structures such as cold frames and hoop houses are temporary structures that had been thrown over their raised beds; it seemed to her that a permit would be unnecessary.

Commissioner Dean asked how the City would enforce maintaining the use for a greenhouse, and not into living space.

Mr. Stewart stated that the permit limits the use to producing food.

Commissioner Fife asked if an accessory building can be connected to the main building.

Mr. Stewart cited the provision that stated that no portion of the accessory building shall be built closer than four feet to any portion of the principle building, excluded are cold frames.

The Commissioners discussed wind devices and sounds.

Mr. Stewart asked for additional direction for the next presentation.

6:53:54 PM Public Hearing:

Kyle LaMalfa a resident of Poplar Grove and founder of People's Market spoke. He stated that he is an urban farmer himself and sells his produce at the People's Market. He discussed accessory structures, stated that he supports the ordinance and is glad that it was codified and that the City supports the use of sustainable space. His objections were: row covers are not mentioned and he felt that they should have been, they were another strategy for extending the season. He would like to them treated as a non accessory structure. He stated that 20% of the space was too small, and would like an increase to 50% on a non occupied space, and an increase to 30-40% on occupied space. He added that he felt that needing a permit for a hoop house was unnecessary. His argument was that they are temporary structures and therefore should not need permitting.

6:58:44 PM Close of Public hearing

Commissioner McHugh stated that she was inclined to table this item for more information on wind structures.

Commissioner Woodhead agreed, and stated that she would be interested in more discussion on Mr. LaMalfa's ideas.

Mr. Stewart responded that there had been consideration given to Mr. La Malfa's ideas, that 20% any open lot would be a substantial building, the intent is not to cover the entire lot with a building.

He stated that hoop houses need a size requirement so that in the instance of one breaking apart and blowing away would be a bad scenario. He suggested that perhaps leaving the size where the building code is at 120ft. would be the best idea. He also stated that a definition of a row cover could be included.

Commissioner Fife asked if coverage could be limited to greenhouses and have unlimited coverage on things such as row covers.

Mr. Stewart stated that he agreed with that idea.

Commissioner Woodhead suggested tabling the item.

7:02:24 PM Motion:

Commissioner Woodhead made the motion that petition **PLNPCM2009-01338 The Sustainability ordinance accessory structures for urban agriculture and small scale renewable energy,**

that based on the information on the staff report, and questions raised in the public hearing, that we table this matter for decision at the first meeting in August, 2010, without further public hearing.

Commissioner McHugh seconded the motion.

Vote: Commissioners McHugh, Dean, Luke, Woodhead, Hill, Fife all voted aye, Commissioner Gallegos was dismissed. The motion passed unanimously.

7:03:49 PM PLNSUB2010-00112 Chick-fil-A Restaurant Planned Development

Amendment: A request by Deborah Kerr, in behalf of Chick-fil-A Restaurant, to demolish an existing restaurant and construct a new restaurant at approximately 1206 E 2100 South Street. The property is zoned CSHBD-1 Sugar House Commercial Business District.

Chairperson De Lay recognized Michael Maloy as staff representative.

Mr. Maloy stated that Deborah Kerr from Chick-Fil-A would be able to answer questions. The petition was described as a “planned development amendment” located in Sugarhouse fronting 2100 South in the Hidden Hollow area. This project would take the place of the Lonestar Steakhouse , which a was approved as a planned development by the Planning Commission in 1997. The current proposal was to demolish the existing building and rebuild the site. One recommendation from staff was that this amendment is not in substantial compliance with the original approval. The conditions of the approval were restated, and this would clearly be a demolition of an existing building that was constructed concurrent with the prior approval and that was the reason it needed to come before the Planning Commission, have a public hearing and go through the standards of the planned development process.

Mr. Maloy gave a PowerPoint presentation. He noted that the project went before the Sugar House Community Council, as well as the land use committee. He added that there was a letter from the Community council that summarized their response to this item.

Mr. Maloy described the plans for the former planned development, and showed the current site plans for Chick-Fil-A. A concern is the orientation for the building. Chick-Fil-A had indicated that their intention is to maintain the trail access and easements would all remain in effect.

Mr. Maloy noted that a major objective of the developer was to try and impact the site as little as possible, and the primitive landscaping and the landscape islands that were there and were quite mature would be untouched by the project.

The orientation issue toward the parking lot and drive-thru were major concerns.

Mr. Maloy stated that it seemed that the project had wide public support, but the orientation of the building was the major concern from staff and the community. The drive-thru was a major concern. Mr. Maloy stated that he suggested approval but noted that there were specific design guidelines that were addressed in the staff report, such as: the building would be brought up to the street, the primary entrance of the building would be oriented towards 2100 South, and that the drive-thru would be relocated to away from 2100 South and be either behind the building or to the side of the building.

7:14:48 PM Questions from the Commissioners

Commissioner McHugh stated she was unclear about the recommendation and asked where the recommended location of the drive through would be.

Mr. Maloy clarified that the drive thru should not be between the building and 2100 South, that the building would be brought up to the street, and that the drive thru would be behind or to the side of the building.

The applicant Deborah Kerr, a consultant for Chick-fil-A introduced Don Eickler as the development manager, and Ryan Hales who is their traffic engineer.

Mr. Eickler spoke and gave background on the site. He stated that this would be an owner –operator location. Each location of Chick-fil-A was owned and operated. He stressed that this is important because the owner is in the restaurant and is part of the community. He stated that they cater to families and they are proud of that fact. He added that the hours of operation reflect that as well and are closed on Sunday.

He stated that Chick-fil-A's were rated as the number one drive thru, rated by QSR Magazine. Mr. Eickler noted that they support local functions and offer scholarships to their employees.

Mr. Eickler stated that the drive-thru on this restaurant is already a permitted use, and is allowed in the zone. He noted that they have green energy management for all of their controls, low e glass, all equipment is EnergyStar rated, solar reflective roof, a white roof that is a more energy efficient. The sustainability elements would include recycling waste as much as possible, recycling at restaurants where feasible, drought tolerant landscape and purchase produce from local suppliers where feasible.

Mr. Eickler asked that the plan must be approved with the removal of conditions three and four.

Ms. Kerr added that they have studied alternate site plans and there are complicated issues, the site is very shallow, the distance between the street and the back of the property is very limited. Ms. Kerr added that they were in an operating and easement agreement with two other parties, and part of the easement agreement was that the other parties have approval rights; therefore they are limited to the location for the building.

Commissioner McHugh asked if the building could only be in that footprint, it can't be adjusted.

Ms. Kerr replied that based on the current document, the other owners, Extended Stay America and Woodbury, the other party have approval rights.

Commissioner Woodhead clarified that the applicant had made an agreement based on the current plan, but has not been approved.

7:28:04 PM Public Commentary:

Judy Short, from the Sugarhouse Community Council spoke. She stated that when this project came to the land use committee, the applicant was presented with six other locations that would work very well. She stated that the community was split; the main issue for those opposed is the added traffic.

Elaine Brown, a trustee from the Sugarhouse Community Council, she stated that she is speaking only on her own behalf. She stated that she is in favor of Chick-fil-A, and respects the way they operate their business.

Ryan Hales from Hales Engineering spoke on the traffic issue. His conclusion was that the Chick-fil-A would not add undue burden to the intersection.

Kevin Young stated that traffic in Sugarhouse is challenging, and will be challenging as development continues. He stated that changing the orientation of the drive thru window would not change the traffic situation.

Commissioners discussed the issues of car idling and parking in the Extended Stay America.

Amy Berry, a member of the Sugarhouse Community Council, speaking on her own behalf, she stated that the cross walk was dangerous.

Terril Roe, an employment of Lonestar Steakhouse, he added that traffic is an issue.

Commissioner De Lay read comment cards that were in favor of the Chick-fil-A.

The Applicant, Mr. Eickler stated that there will be sit down amenities and a playground for children.

Ms. Kerr spoke about the site plan issues and stated that the reality is that transportation on the East side of Sugarhouse is via cars, and the best they can offer the community is a safe site.

Commissioner Woodhead asked if there was a way to utilize the Lonestar Building.

Mr. Eickler stated that the building was too large and wouldn't work.

7:53:30 PM Discussion

Commissioner McHugh stated that there had been other applicants that had to change their plans based on the decisions of the Planning Commission.

Commissioner Hill added that they had set a precedent that they (the Planning Commission) would hold to the Sugarhouse master plan.

Chairperson De Lay stated that the difference was that there is no alternative entrance or exit for Chick-fil-A to utilize, where the other applicants had other options.

Commissioner McHugh stated that the Planning Commission could ask for a re-orientation of the building.

7:55:58 PM Motion:

Commissioner Hill made the motion in regard to **PLNSUB2010-00112 Chick-fil-A Restaurant Planned Development Amendment**, The Planning Commission would like to recommend approval subject to compliance to the Sugarhouse Business District master plan and in accordance with the following conditions 1-6a on the staff report, and that the building be brought up to the street in accordance with design guidelines.

Commissioner Luke seconded the motion.

Commissioner Woodhead stated that the City through its written policies has made a commitment to having a street presence 2100 South in Sugarhouse. The drive-thru, the way it's oriented in the plan that Chick-fil-A proposed in inconsistent with those written policies that have been adopted by the Planning Commission, the City Council and the Sugarhouse various bodies. She stated that it is possible to complete the project with the adopted rules of Salt Lake City.

Vote: Commissioners McHugh, Dean, Luke, Woodhead, Hill, Fife all voted aye, The motion passed unanimously.

7:59:08 PM Meeting Adjourned.