

SALT LAKE CITY PLANNING COMMISSION MEETING

In Room 326 of the City & County Building

451 South State Street, Salt Lake City, Utah

Wednesday, February 25, 2009

Present for the Planning Commission meeting were Chair Mary Woodhead and Vice Chair Susie McHugh; Commissioners Babs De Lay, Tim Chambless, Angela Dean, Kathy Scott, and Matthew Wirthlin.

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless, Angela Dean, Susie McHugh, Kathy Scott, and Mary Woodhead. Staff members present were: Joel Paterson, Nick Norris, Ray Milliner, Nick Britton, and Wayne Mills.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Woodhead 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. Planning staff members present at the meeting were: Wilf Sommerkorn, Planning Director; Joel Paterson, Programs Manager; Cheri Coffey, Programs Manager; Paul Neilson, City Attorney; Bill Peperone, Senior Planner; Nick Norris, Senior Planner; Ray Milliner, Principal Planner; Nick Britton, Principal Planner; Wayne Mills, Senior Planner; Casey Stewart, Principal Planner; and Tami Hansen, Planning Commission Secretary.

5:49:48 PM Approval of Minutes from Wednesday, February 11, 2009.

Commissioner Wirthlin made a motion to approve the minutes as written. Commissioner Scott seconded the motion. All in favor voted, "Aye". Vice Chair McHugh and Commissioner Dean abstained. The minutes were approved unanimously.

5:50:12 PM Report of the Chair and Vice Chair

Chair Woodhead reported that she and Vice Chair McHugh met with Carlton Christensen, Chair of the City Council, on February 17, 2009.

Vice Chair McHugh noted that the Euclid Master Plan would be brought before the Planning Commission shortly, and the city was now looking at a master plan for parks and other city owned pieces of property. She noted that concerning the Foothill Wal-Mart, the City Council would deal with that petition by the summer of 2009, by requesting that Wal-Mart profer their petition or withdraw it.

Chair Woodhead noted that she attended the Northwest Quadrant Master Plan meeting and that master plan would also be brought before the Planning Commission either in April or May.

5:51:39 PM Report of the Director

Time extension for Vista Industrial Planned Development and Subdivision: Petitions 410-07-38 and 490-07-58. View: [Staff Report](#)

Mr. Sommerkorn stated that the applicants for the Vista Industrial Planned Development and Subdivision were requesting a time extension. He recognized Casey Stewart as staff representative.

Mr. Stewart noted that a year ago the Planning Commission had reviewed and approved a planned development and subdivision to create small industrial lots at approximately 4000 West and 700 South, he noted that the applicant was unable to secure the financing for the project, however, the applicant had completed the construction drawings and was ready to submit those to the building department, and the applicant was requesting a two year extension for this project.

Commissioner Scott stated that she felt this was valid, but that the extension should only be for one year, and then if needed the applicant could come back before the Commission for additional time.

[5:54:04 PM](#) **Motion:**

Commissioner Chambless made a motion regarding Petitions 410-07-38 and 490-07-58, that the Planning Commission grants a time extension for one year, with the opportunity to renew.

Commissioner De Lay seconded the motion.

Commissioners De Lay, Dean, Scott, and Chambless voted, "Aye". Commissioner Wirthlin and Vice Chair McHugh voted, "No". The motion passed.

[5:54:51 PM](#) **Briefing**

2009 Text Amendment Project: A discussion on the proposed standards for Text and Map amendments, and the proposed changes to the Noticing and Appeals regulations. View: [Memorandum](#), View: [Communication to the Commission](#)

Chair Woodhead recognized Bill Peperone as staff representative.

Mr. Peperone stated that these text amendments were the first two of several that Planning staff would be bringing to the Commission in March. He noted that the current ordinance had five criteria to help evaluate text and map amendments.

He noted that one of the proposals was to reduce the timeframe required for advertisements for the public hearings, to be reduced from fourteen (14) days to twelve (12) days, which would allow for more flexibility between meetings.

Mr. Peperone stated that the information was described in detail on the tables in the staff report. He noted that the taskforce working on this also recommended that one more criteria be added, that there be language included which would consider the effects that text amendments may have on the business community, or

operating businesses. He noted that if the Commission felt that was a good idea, staff would add language and bring it back before them.

Commissioner De Lay inquired how the Business Advisory Committee had responded to that.

Mr. Peperone noted that the taskforce would be meeting with them soon, which was why this was only a briefing at this time.

Commissioner Wirthlin inquired about the timeframe for noticing public hearings, and he knew that State Law provided for ten (10) days, and inquired if staff was comfortable with the proposed twelve (12) days, or would they prefer ten days.

Mr. Peperone stated that staff felt that twelve days would accomplish staff's goal of gaining more time flexibility to place an item on the agenda for the following meeting if needed.

Commissioner De Lay stated that it seemed more logical for the city and the state to operate in sync, both allowing ten days.

Mr. Sommerkorn stated that staff recommended the ten days at the beginning of the discussion, but the taskforce had ended up with a recommended twelve days.

Chair Woodhead inquired about what the objections were for the ten days.

Mr. Peperone stated that it was the perception of a too short timeframe.

Commissioner Wirthlin inquired about changing the timeframe for appeals from thirty (30) days to ten (10) days, he inquired if staff felt comfortable with that, and if staff could accomplish everything within that timeframe.

Mr. Peperone stated that staff felt comfortable allowing someone to appeal within the ten days, and then allowing time for them to get all of their materials together and formally submit it.

Public Hearings

[6:00:20 PM PLNPCM2008-00742, Rescue Mission of Salt Lake Master Plan Amendment](#)—a request by the Rescue Mission of Salt Lake, represented by Steve Trost, for an amendment to the West Salt Lake Master Plan to facilitate the relocation of a homeless shelter and associated services to property located at approximately 2945 West 900 South. The proposed amendment would modify the text of the master plan so that it would support, “appropriately placed and buffered special use residential development within nonresidential areas”. The West Salt Lake Master Plan does not currently support integrating residential and industrial types of land uses. The subject property is located in an M-1 Light Manufacturing zoning district. The property is located in City Council District **Two**, represented by Van Turner. [View: Staff Report](#), [View: Applicant's Comments](#), [View: Public Comments](#)

Commissioner Woodhead recognized Nick Norris as staff representative.

Mr. Norris noted that the services offered by the Rescue Mission included a homeless shelter, and the only service that they provided that they submitted with this petition that is not allowed in the M-1 zone, as either a permitted or conditional use, was the actual homeless shelter. He noted that in order to operate the homeless shelter from the proposed location, the Rescue Mission would have to amend the tables of permitted and conditional uses in the Manufacturing Zones to include a homeless shelter as one of those types of uses.

He noted that currently in the Zoning Ordinance a homeless shelter was classified as a residential type of land use. He noted that the West Salt Lake Master Plan identified residential land uses and industrial types of land uses as incompatible, and listed one of its goals as eliminating incompatible land uses. He stated that the plan identified residential and industrial uses and incompatible.

Mr. Norris stated that the language that the applicant had proposed would read as follows: *Preserve the existing, predominantly low density character, and related land use patterns in the residential part of the West Salt Lake Community, including "appropriately placed and buffered special use residential development within non-residential zones"*. And also to amend the third goal listed on Page 2 of the West Salt Lake Master Plan, *propose a future land use plan that will minimize and eventually eliminate land use conflicts in developed areas "while providing flexibility to accommodate special uses within non-residential zones to accommodate certain appropriately placed and buffered special use residential development"*.

Mr. Norris stated that there were several other adopted planning policy documents of the city, including the Salt Lake City Futures Commission report, which stated under Assertion M, Recommendation 3, *During Gateway project, protect the shelter and other services for the homeless. Find ways to integrate these services in this new neighborhood. The proposed action to accomplish this is to protect service providers from encroachment by development, provide incentive: tax credits, or other bonuses to developers to protect and strengthen these services as the neighborhood develops. Encourage partnerships to allow for the most efficient and effective location of these services in the neighborhood.*

Mr. Norris stated that it was important to know that the proposed site was in Airport Influenced Zone B, which limited the types of development allowed in Zone B, which did not include residential types of uses, and industrial uses have to be built to certain standards to allow for certain sound attenuation. He noted that staff recommended that the Planning Commission transmit an unfavorable recommendation to the City Council.

Chair Woodhead inquired if hotels were allowed in the M-1 zone, which would be a type of short-term housing.

Mr. Norris noted that hotels were allowed in that zone.

Chair Woodhead invited the applicant to the table.

Mr. Steve Trost, President of the Rescue Mission, stated that the Rescue Mission was a non-denomination ministry founded in 1972, and they were currently operating three facilities. They provided overnight shelter, five hot meals a day, open access to public showers, food boxes to families, clothing, laundry services, and long-term residential recovering and counseling.

Mr. Trost stated that the need for expansion and relocation was obvious, and because of issues such as height restrictions, the current facilities were unable to be expanded. He noted that the current economy was increasing the homeless population.

Mr. Trost stated that two of the objections to this facility were concerns about safety, 900 South was a heavy truck traffic area, and there was a concern that the surrounding businesses liability insurance would go up, and also that patrons of the Rescue Mission would meander onto the surrounding properties where there was dangerous heavy equipment, or the equipment could be vandalized.

He noted that the plan was adjusted to try to accommodate those objections, the facility as designed now, would be a gated community surrounded by an eight (8) foot fence. A security guard would be manning the gate, twenty-four hours a day, and would also greet any visitors, and staff would have access cards that would allow people in and out.

He noted that currently people come to the Rescue Mission and they are accepted in, with this new facility the Mission would do an outreach, by sending vans out to where the homeless congregate, and they would be offered a chance to come and experience the facility overnight, but they would only be allowed in by escort. Anyone leaving the facility would have the same type of escort.

Mr. Trost stated that amending the current master plan did not seem like it would be a problem, because the existing zone was an M-1 Light Industrial area, and permitted uses that were already allowed in that zone were very similar to what the Rescue Mission did, even though homeless shelters were not a specified use. He noted that the plan already included permitted uses which would be included at the Rescue Mission shelter, such as offices both medical and non-medical, restaurants and food processing institutions, child daycare, places of worship, commercial indoor recreation facilities, outdoor recreational facilities, community gardens, hotels and motels.

He stated that this project promoted the goals of the West Salt Lake Master Plan, especially improving the visual image, by adding new elements into the community. He stated that guiding principal number 3 of the Planning Divisions Strategic Plan directs the Planning Division to show innovation in its planning, and that innovation could be shown by allowing this use into an M-1 zone. He stated that guiding principal number 4 was also being followed because the city and the neighborhoods were all being promoted; the Glendale and Poplar Grove areas needed recovery services, as well as the Downtown Community Council needed relief from the use of Pioneer Park.

Chair Woodhead asked if Commissioners had any questions.

Commissioner Scott stated that she was unclear as to how this would provide relief for Pioneer Park.

Mr. Trost noted that the Rescue Mission would be sending vans out to Pioneer Park and to other places where the homeless congregate, and would be offering them a warm bed, shower, meals, and new clothes, and then they would be offered the opportunity to stay for a couple of weeks and go through counseling and classes, and this would alleviate the amount of people in the park.

Commissioner Chambless stated that this proposal included solutions to a number of problems; he stated that due to the conditions of the economy there would be an increase in the number of homeless people, and inquired if Mr. Trost had already seen this increase.

Mr. Trost stated that there had already been a ten to twenty percent increase.

Commissioner Chambless noted that Salt Lake City was the crossroads of the west, and attracted a lot of people from other places, and he inquired if the Rescue Mission helped people from out of state.

Mr. Trost stated that one of the things that was done through the Rescue Mission was that they treated people with gambling addictions, and he noted that after people leave Las Vegas, as well as Reno, Nevada the first place you ran into was Salt Lake City, he noted that a lot of people ended up at the Rescue Mission with gambling addictions.

Commissioner Dean stated that Mr. Trost had mentioned that the only way into the facility was via the Rescue Mission van, but if someone were to walk there, would they be turned away.

Mr. Trost noted that if they were intoxicated or high they would take them to the Road Home, or the VOA. Loitering and walk-ups would not be allowed, but they would not be abandoned either. He noted that the whole idea was that this was a type of destination resort, where an individual was always supervised, and they were either always in counseling or doing an assigned job. He noted that this was why the new location would be built over five miles from the downtown area to prevent walk-ups.

Commissioner Dean inquired if this was a lock down facility, or would people be able to leave whenever they wanted.

Mr. Trost noted they were free to leave at anytime, but they would be transported to wherever they wanted to go. He noted that there would also be a lane on the property used for the vans to accelerate or to slow down, so they would not be in the way of the heavy trucks in the area, and they were also hopeful that UTA would put a bus stop there.

Commissioner De Lay inquired about how many vans would be available to take 100 people or more around to wherever they wanted to go.

Mr. Trost noted that medical needs would be handled onsite as well as vocational rehab, and hopefully social security would join atleast part time in the efforts, and offer their services onsite.

Commissioner De Lay stated that the land had already been purchased with the knowledge that the zoning was M-1, and inquired if this was a contingent sale depending on what the Commission and City Council decided.

Mr. Trost noted that it was not a contingent sale, they did own the land, and the reason they purchased it was that it was far enough away from the city that nobody would walk out to the facility. He noted that secondly, it was away from the temptations of Pioneer Park and bars that currently were adjacent to the men's facility they were currently operating. He stated that because the facility would not be in a residential neighborhood they

would not get a great outpouring of protests against the facility, and they picked the M-1 zone because the services they offer are technically permitted in this zone.

Chair Woodhead inquired about the economics surrounding the decision to not expand the facilities they already have, but to move entirely.

Mr. Trost noted that expansion of their current facilities was impossible because of the footprint and height restrictions of the building. He noted that this was approximately a \$20 million dollar, five acre project, and that downtown property was much more expensive to buy to try to expand what they currently are.

[6:50:46 PM](#) **Public Hearing**

The following people spoke or submitted a hearing card in support for the proposed petition: **Luann Lakis** (Downtown Community Council) stated she was in support of the project. **Mickelle Weber** (327 West 200 South #404) stated that the project was operating without tax dollars, and it was inspiring to see what they had accomplished. She noted that the Rescue Mission also acted as an overflow to other shelter's throughout the Salt Lake Valley all winter long. **Alfred Murillo** (1279 West 1400 South) stated that he was a pastor of a church that helped the community by donating food and clothing and by running after school programs, and they have had a partnership with the Rescue Mission for a few years, and would use their facilities as a drop off point to help aid the Rescue Mission. **Pamela Atkinson** (2040 Princeton Dr.) stated that when the homeless were taken inside and given a place to sleep and cared for, many of them took advantage of those opportunities. **Dan Butcher** (2570 East Monte Belle Drive) stated that he supported the Rescue Mission, and he encouraged the approval of this facility. **Brady Snyder** (Job Placement program at the Rescue Mission) stated that there were homeless service providers downtown, but at some point there was going to need to be expansion, and it made sense to look at other zones besides residential zones, where homeless shelters would be able to be placed, because residential areas politically would not welcome these types of facilities. **Larry Hoover** (435 South 400 West) stated he was in support of the project. **Jay Dee Clark** (366 West 500 South) stated that they were currently neighbors to the Rescue Mission downtown, for thirty years now, and shared walls and a loading dock. He noted that they were good neighbors and cooperative, and their property values had gone up. **Randy Ortega** (P.O. Box 510991) stated that he was hearing the concern of heavy trucks in the area, and where the homeless congregate in Pioneer Park now they were surrounded by heavy trucks every day, and the risk of this is minimal. **Bill Kimball** (2820 West Director's Row) representing East Office, adjoining property owners on the South and East. He stated they were in support of the Rescue Missions cause, and there was a crime problem currently in the area, and he felt the security would be better with full time security at the Rescue Mission's facility. He also stated that he did not think the property values would be affected considering the Industrial nature of the surrounding businesses, which were already not beautiful, and this facility look really nice. **Brian Baker** (1864 Mountain Crest Drive) stated the Rescue Mission would be a very good neighbor. **Greg Weatheroy** (463 South 400 West) stated that he used to be homeless, he entered the Rescue Mission and he was now the donation driver for the Rescue Mission, and he felt this was a great project. **Tamara Anderson** (644 South 900 East) stated that the Rescue Mission provided a very important service to the Community, and that

the city should do all it can to help this organization expand and provide for homeless citizens. **Richard Eaton** stated that he was helped by the Rescue Mission, and the city should approve this petition.

The following people spoke or submitted a hearing card in opposition to the proposed petition: **Colin Campbell** (7870 West 1100 South) stated that he was president of Cambelt International Corporation, which abuts this property. He stated that the city cannot provide additional security in the area as far as Police protection, which is already lacking. He stated that this was a great cause in the wrong spot. **Mark Eldredge** (2250 South Arnold Way) stated there was too much truck traffic in the area. **Larry Streadbeck** (3040 West 900 South) stated he was opposed to the rewording of the master plan, this facility was not appropriately located or buffered. He felt that the Community Council had not rightly represented the Manufacturing zones. **Forrest O'Dowd** (844 South Chestnut Street) stated he was representing Eaton Metal Products, and they were not in opposition to the philosophy, intent, or services of the Rescue Mission, just the location. He stated there as a lot of noise generated from their facility, and a lot of heavy trucks, and this operation would be a cost issue for everyone in the area, and they would now have to provide security. **Mike Shaw** (2950 West 900 South) stated he was the Safety Manager for Rocky Mountain Recycling located across the street from this property, he stated there were no sidewalks in the area, or night lighting and they have at least 30 to 40 trucks going in and out of their property daily. He was concerned that someone might walk through their facility to get to the shelter and be injured by a truck or heavy equipment. He stated that since they are a paper recycling facility there was also a fear of fire, and even employees were required to smoke in their vehicles, or at the front of the property near the street. He stated that the property was fenced, but it was impossible to totally secure and someone walking near the property could flip a cigarette that was blown into paper or cardboard, which could start a fire. **Larry Gibbons** (3432 West Minalle Street) Business Management Developer for Rocky Mountain Recycling stated that Mr. Trost noted that there are approximately 2,200 homeless individuals on the street in Salt Lake City, and if this was only a 400 bed unit, where would the other 1,800 go. He stated that he was concerned about the traffic that would be generated by the vans and busses in the area. Mr. Gibbons stated that Barry Walsh in the staff report's departmental comments stated that 900 West with curb, gutter and sidewalk should be over 80 feet wide, five lanes with a sidewalk. He noted that currently it was only two lanes with no sidewalk, and it would take tax money to improve this road, where it could be better spent. **Jason Sokoloff** (657 South Gladioca) Safety Manager for Allied Waste, stated that he was concerned with the possible increase of vehicle traffic and more people in the area. **Dave Streadbeck** (3040 West 900 South) stated that the Rescue Mission was a wonderful thing, just in the wrong location. **Patrick Kons** (2850 West 900 South) General Manager of Pacific Steel and Recycling, stated that right across the street from the property was an M-2 Heavy Manufacturing zone, where no residential houses were allowed. Their property was an open campus, and he was concerned with trucks, semi-trucks, and cranes that there was a high risk of people getting hurt. **Stanford Powell** (3075 West 900 South) stated he was a property owner to the west of this property, and they have had numerous theft regarding personal vehicles in the past couple of years. He stated that the homeless shelter would not fit into this zoning. **Randy Webster** (2850 West 900 South) stated he was in opposition because of the safety, added cost to surrounding businesses, and hard economic times.

Chair Woodhead closed the public hearing portion of the petition, and invited the applicant back to the table.

Mr. Trost stated that it seemed the only thing people were opposed to was the truck traffic, and the introduction of what was perceived as a criminal element into the area. He stated that the reality was that the Rescue Mission would be a closed gated community, and he could not imagine a safer environment, yet he understood the perceptions and objections, but did not think they were well founded.

Commissioner Dean inquired if Mr. Trost was concerned about the airport traffic and the noises, smells, and dust generated from surrounding industrial businesses.

Mr. Trost stated that modern technology would allow them to eliminate a lot of those problems, along with the design of the buildings, extra insulation, filtration systems, etc.

Commissioner Dean noted that there were proposed outdoor areas, specifically outdoor play areas for the daycare, and inquired if Mr. Trost had any concerns with this.

Mr. Trost stated that there was a solid interior type fence that would surround that area, so the children would not be able to leave that area.

Vice Chair McHugh stated that she drove out to the site at 11:30 a.m. and not one truck, airplane, person, or sound was present in the area. She stated that she did not think it would be as constant problem as it had been presented.

Chair Woodhead stated that the Commission had a couple of different choices; to follow the recommendation of staff and send a negative recommendation to the City Council; however, if there was an inclination to send a positive recommendation to the City Council, the Commission could adopt the proposed text from the applicant, or the petition could be continued to another meeting to be able to have time to come up with more suitable text. She noted that there was a possibility to move *homeless shelters* from the residential side of the zoning use table, and put it under institutional, and then a master plan amendment would not be required.

Vice Chair McHugh stated that the Commission had sent a favorable recommendation to the City Council to approve halfway houses in M-1 zones and the City Council had supported and approved that.

Mr. Sommerkorn noted that was correct and stated that halfway houses were considered an institutional use.

Chair Woodhead stated that the airport did not have an objection to this, but there would be a change required to the Airport Flight Plan Protection Overlay District (AFPP).

Mr. Nielson stated that would be a text change to the ordinance, so if that was what the Commission wanted to do they would need to put it on another agenda and re-notice it.

Commissioner Dean stated that if the Commission wanted to classify homeless shelters as an Institutional use that would be allowed under the AFPP.

Mr. Norris noted that there would still be a required text change to the M-1 zone to require homeless shelters on the table of permitted or conditional uses.

Commissioner Wirthlin stated that everybody respected what the Rescue Mission did, but the Planning Commission makes land use decisions, and he was trying to distinguish the differences between a homeless shelter being classified as an Institutional use or not, as compared to a hotel.

Mr. Sommerkorn noted that as far as a halfway house, it was classified as an institutional use because it was a controlled facility, meaning that nobody could leave at night, which was of the institutional nature. The residential nature of it would imply that it was open and people could come and go as they please. He stated that in this instance the Rescue Mission would not be functioning on this level, from what Mr. Trost presented.

Commissioner Scott stated that it was her understanding that the reason that hotels and motels, daycares, and restaurants were allowed in the M-1 zone, was because these particular facilities were to help support employees of the manufacturing businesses in the district. She stated that downtown as an eclectic place to live, and everyone interacted, but it was also based upon what was best for people. She stated that she also thought that this was a good project in the wrong place.

Commissioner De Lay stated that the City Transportation Department had commented that there was a right-of-way issue, it was a bad road, and everyone that worked out there was concerned about it. She stated that the City Engineering Department commented that they did not have an issue with this petition, however, there were obvious civil improvements needed in this area, for instance fire hydrants and water.

Commissioner Wirthlin noted that this was a special use facility meeting temporary needs, not a permanent residential development in a suburban area with single-family houses.

Commissioner Chambless stated that he shared the concern of the safety of the businesses in the area.

Chair Woodhead suggested taking a straw vote to see if Commissioners would be in favor of approving this petition, without the logistics of how that would be accomplished.

Commissioner De Lay stated yes.

Commissioner Dean stated that she would oppose a text amendment to open the door to residential, but she would be open to discussion on changing the institutional designation for this use.

Commissioner Scott stated that she would oppose.

Commissioner Chambless stated that that he would be supportive of the petition.

Commissioner Wirthlin stated that he was generally supportive.

Vice Chair McHugh stated that she would be supportive, but did not know what way she would like to see it expressed.

Chair Woodhead stated that a majority of the Commission would be in support and inquired if the Commission would like to re-notice this petition as a change to the definition of institutional use, to add *homeless shelters* specifically to that use.

Mr. Sommerkorn stated that there would be a number of changes that would have to be made.

Chair Woodhead stated that when she looked at the language in the proposed master plan amendment, it seemed a little vague. The proposed new text would say *preserve the existing predominately low-density character and related land use patterns in the residential part of the West Salt Lake community including: "appropriately placed and buffered special use residential development within non-residential zones"*. She stated that she was not happy with that language and she would suggest that staff come up with something clearer, or to re-notice this to discuss the inclusion of homeless shelters specifically being institutional uses.

Mr. Nielson stated that certainly the applicant could be invited to amend their application to a petition for a text change, or the Commission had the prerogative of initiating its own petition for a text change, so the Rescue Mission's application for a master plan amendment was not left in limbo.

Mr. Sommerkorn stated that the Mr. Nielson was correct; the Commission would eventually have to take action on the application as it is now, unless they changed their application.

Chair Woodhead stated that as she understood it, the language came from staff and not from the applicant.

Mr. Norris stated that was not true, the applicant provided the language, and staff discussed with them what the issues were with the existing master plan. He noted that staff then asked the applicant to submit language that addressed those issues.

Vice Chair McHugh inquired about advice for what the Commission should do.

Mr. Norris stated that the best thing to do would be to ask Mr. Trost if he was willing to amend his petition to reflect the changes in the zoning ordinance to make homeless shelters as an institutional use, and to make changes to the table of permitted and conditional uses in the M-1 and M-2 zones.

Commissioner Dean inquired if a language change would have detrimental effects on the current homeless shelter facilities in the Downtown districts.

Mr. Sommerkorn stated that it would be considered an institutional use rather than a residential use, but would still be a conditional use.

Commissioner Scott stated that one thing to remember as that not all homeless shelters were the same, some offer treatment, and in others there was some tolerance for drug or alcohol use, not on the facility but in the clients that come in. She stated that it seemed dangerous and difficult to lump all homeless shelters into one category.

Commissioner De Lay inquired if there was a moratorium on homeless shelters.

Ms. Atkinson stated that District two had a moratorium.

Commissioner Wirthlin agreed with Commissioner Scott that not all homeless shelters were the same and conceptually homeless shelters as an Institutional use makes sense, and it would make sense to make it a conditional use as well.

Chair Woodhead inquired if the Commission wanted to continue this petition. She asked the applicant how he felt about this discussion and the direction the Commission was pursuing.

Mr. Trost stated that the reason why they perused this application this way was because that was what they were told to do, they would need a master plan change. He stated that he was looking for direction as well.

Commissioner Wirthlin inquired of staff what was the most succinct way to get this done, without putting an unnecessary burden on the applicant.

Mr. Norris stated the regardless of what happened with the master plan, the applicant still needed to go through a zoning change, and if the Commission wanted to make text changes to allow homeless shelters to be institutional uses, the zoning change was still necessary, so really it was taking the process of the amendment of the master plan off the table.

Mr. Sommerkorn stated that the Commission had already asked the question, was it right to treat all homeless shelters as institutional uses.

Chair Woodhead inquired if there was a way to draft better language that made a more appropriate exception to the master plan, which would be more specific.

Mr. Nielson stated that there would be a way to change the language in the master plan to be clearer, but there might still be a problem regarding the AFPP.

Commissioner De Lay inquired if the Commission wanted to continue this.

Mr. Norris noted that what he was hearing from the Commission was for the applicant to amend their petition, so that it was no longer a master plan amendment, it was a zoning text amendment that reclassified homeless shelters as institutional uses, and at the same time amend the table of permitted and conditional uses to list it as conditional uses in those zones.

Chair Woodhead agreed with that.

8:21:27 PM Motion

Vice Chair McHugh made a motion regarding Petition PLNPCM2008-00742, Rescue Mission of Salt Lake, that Planning staff give direction to the applicant to amend their petition so that it is no longer a master plan amendment, it would be a zoning text amendment that reclassifies homeless shelters as Institutional uses, and amend the table of permitted and conditional uses, to list it as a conditional use in Manufacturing Zoning Districts.

Commissioner Dean seconded the motion.

Commissioners De Lay, Dean, Chambless, Wirthlin and McHugh voted, “Aye”. Commissioner Scott voted, “No”. The motion passed.

Chair Woodhead announced a short break at 8:22 p.m.

Chair Woodhead reconvened the meeting at 8:34 p.m.

PLNSUB2008-00574 View of Valley (VoV at Sugar House) Planned Development—a request by VoV, LLC, represented by Ronaldo Hunt, for a conditional use for redevelopment of existing Sugar House cottages located at approximately 1325-1339 East and 2100 South into a new single building, mixed use project (retail and residential). This property is located in City Council District Six, represented by J.T. Martin.

Chair Woodhead noted that this item was postponed.

8:35:00 PM Avenue Heights Planned Development—a request by Celtic Bank, for planned development approval of two principal structures on a single lot, and primary entrance on the side facade, located at approximately 678 North H Street. The project consists of removing the central section of a large single family home to create a duplex and single family home. The project is located in an SR-1A (Special Development Pattern Residential) zoning district. The property is located in City Council District Three, represented by Eric Jergensen. [View: Staff Report](#) [View: Public Comment](#)

Chair Woodhead recognized Ray Milliner as staff representative.

Mr. Milliner noted that The Celtic Bank, represented by Reese Howell was requesting planned development approval for the following:

1. Relief from Section 21A.36.010B1-2 requiring that not more than one principal building be allowed on a single lot.
2. Relief from Section 21A.24.010HI requiring that buildings have an entrance door along the front façade.

8:50:00 PM Public Hearing

Chair Woodhead opened the public hearing portion of the petition.

The following people spoke or submitted a hearing card in *opposition* to the proposed petition: **Jim Jenkin** (Greater Avenues Community Council Chair and Co-Chair of the Housing Compatibility Committee) stated that this house was built over height, and was approved by raising the initial grade of the property. He stated that the city had no real mechanism to correct these types of mistakes, which switched the burden to the neighbors. Mr. Jenkin stated that the new proposal increased the density and set a precedent for this area in the avenues. **Tom Vitelli** (555 13th Avenue) stated he was in opposition to the petition. **Bob Lewis** (516 14th Avenue) stated he would like to see the neighbors who were most affected by this to have involvement with Planning staff in the planning process. He stated he was concerned about the light pollution. **Ron Richards** (685 I Street) stated he was concerned about the height of the structure, and Celtic Bank continued to fund this project through all of its series of expansions so they are in a way a victim, but also the authors of their own problem. He stated that a multi-family use was not permitted under the current zoning, and this proposal would establish an undesirable precedent. **David Babcock** (701 I Street) stated he would rather have the house as it is, rather than multi-family structures, which will reduce the values of surrounding homes. He noted that no matter what was done, the height should be reduced. **Shane Carlson** (375 L Street) stated that the adjacent properties owners, especially to the north are the most negatively affected. He stated that he did not agree with the option from staff to mitigate this problem, and he felt that the lot should be re-subdivided and then a building built that conformed to the current SR-1A zoning standards. **Dominique Babcock** (701 I Street) stated that this had been going on for over seven years, and if the proposal could cut this house in half, it should be possible to restore the height and setbacks. She was concerned the northern area of the SR-1A zone would be condo-ized. **Tom Stillinge** (669 H Street) was in opposition. **E. Kay Barickman** (668 H Street) stated he was concerned that the builders and financiers would continue in a vein of bending rules, building now and permitting later to further injure the neighborhood. **Pradip Bandyopadhyaj** (697 H Street) stated that this proposal would not decrease the volume of the subject house from his property directly north of it. He stated that he did not get any light or a view because of this house. He stated that he would like to see the house torn down. **Cindy Cromer** (816 East 100 South) stated that this was one of many cases where the city failed property owners, and the city needed to step up and deal with these issues.

Chair Woodhead closed the public hearing portion of the petition.

Chair Woodhead announced a short break at 9:30 p.m.

Chair Woodhead reconvened the meeting at 9:35 p.m.

9:39:43 PM Motion

Commissioner Wirthlin made a motion regarding Petition PLNSUB2008-00670, Avenue Heights planned Development, based on the staff report, analysis, public testimony, and discussion of the Planning

Commissioners, the Planning Commission approve the Avenue Heights Planned Development subject to the following conditions:

1. Prior to the final occupation of either the buildings, a condominium conversion application shall be reviewed and approved by the City.
2. No increase in the overall footprint of the site is allowed.
3. No increase to the height of the structure shall be allowed as part of this application.
4. Any changes in existing grade shall be reviewed and approved pursuant to the SLC Zoning Ordinance.
5. Screening shall be provided on either side yard in the form of landscaping. A detailed landscape plan shall be provided as part of the building permit review.
6. No increase in the number of dwelling units beyond the three as described in the proposal and approved by the city shall be allowed.
7. No lighting shall create a nuisance to neighboring properties, nor shall concentrated rays of light shine onto other properties. Lighting shall be designed to minimize light trespass, glare, and other forms of light pollution with respect to other properties in the neighborhood, and flood lights and spotlights are expressly prohibited on the north side of the north structure and the south side of the south structure.
8. Interior, off-street parking garages shall be included to accommodate a minimum of two vehicles in the north structure and four vehicles in the south structure (i.e. spaces for two vehicles per unit).
9. No additional windows (to the existing structure as of January 2009) shall be added, nor existing windows enlarged, on the north side of the north structure, or the south side of the south structure.
10. Proper drainage will be installed for roof runoff and other water runoff from the structures, designed and maintained in a way that does not cause spillover in the neighboring properties.
11. Households within 300 feet of 678 H Street will be informed in advance of schedules for heavy demolition and excavation required to convert the structure, and demolition shall not occur on Sundays, federal holidays, or between the hours of 7 p.m. and 7 a.m.

Commissioner De Lay seconded the motion.

Commissioners De Lay, Dean, Wirthlin, and McHugh voted, “Aye”. Commissioners Scott and Chambless voted, “No”. The motion passed.

[9:44:32 PM](#) **Beck’s Sanitation Conditional Use, PLNPCM2008-00778**—a request by Dan Magana, on behalf of Beck’s Sanitation, located at approximately 578 South Iron Rose Place (3830 West) for a conditional use approval to locate a solid waste transfer station on the subject property. The property is located in an M-1 (Light Manufacturing) zoning district. The property is located in City Council District Two, represented by Van Turner. [View: Staff Report](#) [View: Public Comment](#)

Chair Woodhead recognized Nick Britton as staff representative.

9:51:18 PM Public Hearing

Chair Woodhead opened the public hearing portion of the petition; she noted that there were no members of the public present to speak. Chair Woodhead closed the public hearing.

9:51:38 PM Motion

Commissioner De Lay made a motion regarding Petition PLNPCM2008-00778, Beck’s Sanitation Conditional Use located at approximately 543 South Iron Rose Place, based on the analysis in the staff report and testimony heard, regarding the conditional use approval for a solid waste transfer station be approved by the Planning Commission, subject to the following conditions:

- 1. Review is required from the State of Utah’s Division of Solid and Hazardous Waste and the Salt Lake Valley Health Department as indicated by Salt Lake City’s Environmental Performance Standards in Section 21A.36.180 of the Zoning Ordinance;**
- 2. The grading plan should be submitted to Transportation that notes there is a maximum slope of two percent (2%) for the ADA parking stall and the staging area;**
- 3. The interior circulation must be modified to accommodate semi-trucks if semi-truck track is expected on site;**
- 4. The applicant must demonstrate in writing to Planning staff how material on the concrete drying bed will be prevented from becoming airborne;**
- 5. A sidewalk is required between the public right-of-way and the building access to comply with the “Complete Streets” directive; and**
- 6. An avigation easement must be filed with the Salt Lake City Airport Authority.**

Commissioner Scott seconded the motion.

Commissioners De Lay, Dean, Scott, Chambless, Wirthlin, and McHugh voted, “Aye”. The motion passed unanimously.

Discussion

9:52:33 PM Staker & Parson Companies / Salt Lake City Corporation Land Exchange and Rezoning—a request of property exchange between Staker & Parson Companies and Salt Lake City Corporation, that involves approximately 99 acres of land east of Beck Street in the foothills of Salt Lake City. As part of the proposal, Salt Lake City would exchange approximately 27 acres of city-owned land zoned M-1 Light Manufacturing and OS Open Space for approximately 72 acres of land owned by Staker & Parson Companies, currently zoned OS Open Space and EI Extractive Industries. The purpose of the land exchange is for Salt Lake City to obtain ownership of, and preserve, open space land in accordance with the Beck Street Reclamation and Foothill Area Plan and to allow Staker & Parson Companies to expand their gravel mining operation. The proposal includes a zoning map amendment that would rezone the property acquired by Salt Lake City to Open Space and Natural Open Space and the property acquired by Staker & Parson Companies to Extractive Industries. The properties are located in City Council District Three represented by Eric Jergensen. The parcels

included in the proposal are as follows: 08-13-300-009; 08-24-300-001 (portion of); 08-24-300-005 (portion of); 08-24-300-013-1001 (portion of); 08-24-300-011-1001; 08-25-200-001; and 08-25-200-008. View: [Staff Report](#)

Chair Woodhead recognized Wayne Mills as staff representative.

Rocky Mountain Power Northeast Substation at 144 South 1100 East—a request by Rocky Mountain Power, for a conditional use planned development and preliminary subdivision approval to reconstruct and expand electric power capacity to the existing Northeast Substation. This is a discussion of the Issues Only hearing that took place on January 14, 2009; a decision will be made at a later date. The project is located in an RMF-30 Low Density Multi-family Residential zoning district. The property is located in City Council District Four, represented by Luke Garrott.

Chair Woodhead noted that this item was postponed.

The meeting adjourned at 10:06 p.m.

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on February 25, 2009.

Go to FTR Gold at <ftp://ftrftp.slcgov.com/FTRPlayerPlusV21.exe> to download the digital recording.

Tami Hansen