

SALT LAKE CITY PLANNING COMMISSION MEETING

In Room 326 of the City & County Building

451 South State Street, Salt Lake City, Utah

Wednesday, June 24, 2009

Present for the Planning Commission meeting were Chair Mary Woodhead and Vice Chair Susie McHugh; Commissioners Michael Gallegos, Angela Dean, Michael Fife, Tim Chambless, Kathleen Hill, Matthew Wirthlin, Frank Algarin, and Babs De Lay. Commissioner Prescott Muir was excused.

A work session was held prior to the meeting regarding long range and general plan approaches; updates on the North Temple plan, the Euclid area Plan, and the Sustainable Community Development Code Revision project. Planning Commissioners present were: Chair Mary Woodhead and Vice Chair Susie McHugh; Commissioners Michael Gallegos, Angela Dean, Prescott Muir, Michael Fife, Tim Chambless, Kathleen Hill, Matthew Wirthlin, Frank Algarin, and Babs De Lay. Staff members present were: Wilford Sommerkorn, Pat Comarell, Cheri Coffey, Nick Norris, Nick Britton, and Tami Hansen.

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: Wilford Sommerkorn, Planning Director; Cheri Coffey, Programs Manager; Paul Neilson, City Attorney; Doug Dansie, Senior Planner; Everett Joyce, Senior Planner; and Tami Hansen, Planning Commission Secretary.

Commissioner Muir recused himself from the meeting.

5:49:26 PM Approval of Minutes from Wednesday May 27, 2009 and June 10, 2009.

Commissioner McHugh made a motion to approve the May 27, 2009 Planning Commission minutes. Commissioner De Lay seconded the motion. All in favor voted, "Aye". The minutes were approved.

Commissioner McHugh made a motion to approve the June 10, 2009 Planning Commission minutes, with noted changes. Commissioner Dean seconded the motion. All in favor voted, "Aye". The minutes were approved. Commissioners De Lay, Algarin, and Wirthlin abstained.

5:51:08 PM Report of the Chair and Vice Chair

Chair Woodhead noted that neither she, nor Vice Chair McHugh had anything to report.

5:51:14 PM Report of the Director

Mr. Sommerkorn stated that there would only be one Planning Commission meeting for the month of July, which would take place on July 8, as scheduled.

[5:52:36 PM](#) **Public Hearings**

Continued from June 10: Merrimac Flats Townhouse Development—a request from City and Resort Properties, LLC, represented by Nathan Anderson, for Planning Commission approvals to allow for the development of seven single-family attached dwelling units at approximately 38 West Merrimac Avenue. The project is located in Council District Five, represented by Jill Remington-Love. **View:** [Rezone Staff Report](#), [Planned Development Staff Report](#)

- a. **Petition PLNPCM2008-00679**—a request to rezone the property from RMF-35 residential multi-family medium density development to RMF-75 residential multi-family high density zoning classification. The applicant wishes to increase the potential density from five to seven units.
- b. **PLNSUB2009-00417**—a request for planned development approval to modify the lot size and street frontage requirements to ensure the proposed project is consistent with neighborhood setbacks.

Commissioner De Lay recused herself from the meeting.

Chair Woodhead noted that this petition was continued because a piece of the staff report was missing at the June 10 meeting.

Chair Woodhead recognized Doug Dansie as staff representative.

Mr. Dansie stated that the Commissioners should have received additional materials including: a zoning map from 1994, which indicated that the zoning was R-6 High Density Housing. He stated that there were some comments made that this area was down-zoned recently; however, in 1995 the entire City was rezoned, which was when this area was actually down-zoned to RMF-35. He stated that this site has an over-the-counter right to build five (5) units on it as it is.

Chair Woodhead inquired if that was based on zoning and not on the petition that was granted a year ago by the Commission.

Mr. Dansie stated the Commission's decision did not affect these petitions because that decision had a one year time limit to take out a permit, which was not done. He stated that the Commission had the option of asking the applicant to redesign this to five unit townhomes.

Mr. Dansie stated that the Commission should have received a petition signed by the neighbors on Richards Street, which was supplied by Gary Cash. He stated that Chris Durbage was concerned about privacy and having a tall building built in the area. He also raised some concerns about rental and parking issues and suggested gating Richards Street, which is problematic because it is a public street. Mr. Dansie stated that there were gated communities in the City, but they were all private.

Commissioner Chambless inquired if there would be subsurface development.

Mr. Dansie stated that was allowed, but the applicant chose to put parking on the ground level, and a basement would not be underneath that.

Commissioner Hill inquired what the maximum height was under the existing zoning, and the number of units the applicant planned on building on the lot.

Mr. Dansie stated the maximum height allowed was thirty-five (35) feet to the midpoint of the pitch, and five units were allowed in the zone.

Commissioner Hill inquired if the zoning was changed as proposed, what would be the maximum height allowed.

Mr. Dansie stated that it would be seventy-five (75) feet, but through the planned development process conditions could be attached to the specific approval of the petition to limit it to whatever height the Commission felt was appropriate.

Commissioner Fife inquired if the approval the applicant received in 2008 was expired.

Mr. Dansie stated yes, it expired in March of 2009.

Vice Chair McHugh inquired if the approval of the zoning could state that the height of the structure would be limited to forty-four (44) feet.

Mr. Sommerkorn stated no, not by changing the zoning. That request would have to be part of the planned development agreement.

Chair Woodhead stated that when that agreement expired, the next owner could come in and build up to seventy-five (75) feet.

Mr. Sommerkorn stated that was a possibility, but in the past the City Council had not implemented the rezone until the development agreement was executed and begun, but if the development did not go forward the zoning would not be changed.

Commissioner Dean stated for clarification that this was technically a four story structure because there were three living spaces above a first story garage.

Mr. Dansie stated that was correct there would be a garage on the first level, two full levels, and a full level in the dormer.

Commissioner Dean stated that this was surrounded by single-story residences.

Mr. Dansie stated that was correct and directly to the west there was a split-entry duplex.

Chair Woodhead inquired within the existing zoning what structures are allowed.

Mr. Dansie stated that a three-story structure with a dormer could still fit in to that zoning.

Commissioner Dean stated that a few months ago there was a petition for a rezone request for an apartment building to up the zoning and the Commission denied it, she inquired why staff felt that should be done here.

Mr. Sommerkorn stated that in that case that increase would not be in keeping with the existing plan, and that was the grounds the Commission used for denial. He stated that this petition was not inconsistent with the master plan and the area was currently zoned RMF-35, which did allow for increased densities in that area. He stated that the requested additional zoning would still be within the parameters of what the master plan allowed.

Mr. Dansie stated that the Central City master plan called for medium-density housing and the RMF-35 zoning technically is for medium-density housing.

Commissioner Dean argued that density was one thing, but a height of 35 to 75 feet was a pretty large jump. It was almost moving from single to multi-family housing in terms of compatibility.

Commissioner Hill stated that this did not seem compatible in scale or style with the neighborhood. She stated that the developmental guidelines were supposed to keep new developments complimentary to the neighborhood.

Chair Woodhead stated that was not necessarily a comparison between this project and an ideal project; it was a comparison of this project and other possibilities that may not be as good as this, like an apartment building.

6:11:51 PM Motion

Commissioner Dean made a motion regarding Petition PLNPCM2008-00679 to rezone 38 West Merrimac (or 1429 Richards Street) from RMF-35 to RMF-75. Based on the staff report and discussion, the Planning Commission forwards a negative recommendation to the City Council.

Commissioner Hill seconded the motion.

Commissioners Fife, Hill, Algarin, Dean, Chambless, Wirthlin, McHugh, and Gallegos voted, "Aye". The motion passed unanimously.

6:12:58 PM Motion

~~**Commissioner Fife made a motion regarding Petition PLNSUB2009-00417; Planned Development located at 38 West Merrimac (or 1429 Richards Street), the Planning Commission moves to deny the petition based on the fact that the rezone petition (PLNPCM2008-00679) was forwarded to the City Council with a negative recommendation.**~~

~~**Commissioner Dean seconded the motion.**~~

Discussion of the motion regarding PLNSUB2009-00417

Commissioner Wirthlin stated that he was not in favor of this motion because the applicant should be given a chance if they wished to come back with a petition that is consistent with the previous recommendation to deny the rezone.

Commissioner Chambless inquired if the Commission did that, would the public hearing be reopened.

Chair Woodhead stated that this would yield a new petition and a new hearing.

Commissioner Fife stated that he understood that the applicant could build a five unit development without going through the Planning Commission.

Commissioner Dean stated that was correct, but in order to build a townhome format, the Commission would need to approve the development.

Chair Woodhead stated that was correct, the townhome format did not comply with all the specific zoning rules and planned unit development approval was necessary in order to allow some flexibility in the application of the ordinance.

Commissioner Fife stated he would like to withdraw his motion.

Commissioner Dean stated she would withdraw her second.

6:15:39 PM Motion

Commissioner Wirthlin made a motion regarding Petition PLNSUB2009-00417; 38 West Merrimac Planned Development. The Planning Commission moves to continue this motion, to give the applicant a chance to come back with an application that mirrors the recommendation the Commission made to deny the rezone.

Commissioner Chambless seconded the motion.

Commissioners Fife, Hill, Algarin, Dean, Chambless, Wirthlin, McHugh, and Gallegos voted, “Aye”. The motion passed unanimously.

Mr. Dansie inquired if the Commission wanted this application to go through a subcommittee first or just to a future Commission meeting.

Chair Woodhead stated she did not think it needed to go to a subcommittee again.

Commissioner De Lay rejoined the meeting.

6:16:54 PM Petition PLNPCM2009-00616, Zoning Text Amendment—The Planning Division is reviewing a petition requested by Mayor Becker to amend the Salt Lake City Zoning Ordinance, to allow “public parks” in the Public Lands Zoning District. The proposed text change affects all properties zoned Public Lands citywide.
View: [Staff Report](#)

Chair Woodhead recognized Everett Joyce as staff representative.

Mr. Joyce stated that this ordinance amendment would allow the City to place a public park in a Public Land zoning district. He stated that the zone was originally created for public lands like school districts, but there was a piece of property that a school district did not need, they sold it to the City and the process was started to develop a public neighborhood park on that land. Mr. Joyce stated that this zoning change was necessary to accomplish that.

Commissioner Chambless inquired when the City started creating pocket parks with pieces of land like this in the City.

Mr. Joyce stated that this text amendment would not effect an interior block, but the pocket parks would have been created in the late 1970s and 80s starting in the East Central neighborhood.

6:19:01 PM Public Hearing

Chair Woodhead opened the public hearing portion of the petition. She noted that no one was present to speak and closed the public hearing.

6:19:21 PM Motion

Commissioner De Lay made a motion regarding Petition PLNPCM2009-00616; Fine Tuning Zoning Text Amendment based on the findings in the staff report, the Planning Commission finds that this does meet the applicable standards and transmits a favorable recommendation to the City Council.

Commissioner Chambless seconded the motion.

Commissioners De Lay, Fife, Hill, Algarin, Dean, Chambless, Wirthlin, McHugh, and Gallegos voted, “Aye”. The motion passed unanimously.

6:20:26 PM Petition No. PLNPCM2009-00643, Salt Lake City Code Maintenance; Fine Tuning text amendments—a request by Salt Lake City Mayor Becker to analyze the feasibility of amending the City Zoning Ordinance to provide for clarity and efficiency of use as part of an ongoing process of code maintenance. The following issues are being considered: **View:** [Staff Report](#)

1. Chapter 21A.36 Home Day Care and Home Occupations: Allow home day care and home occupations in legal conforming single family and duplex properties that are located within commercial or other non-residential zones.
2. Chapter 21A.36 General Provisions: Add the (MU) Mixed Use Zoning District to the Assisted Living, Nursing Care, Small Group Homes, Large Group Homes, Adult Day Care and Child Day Care uses listed in Chapter 36.
3. Chapter 21A.40 Accessory Uses, section 21A.40.090E: Add the (MU) Mixed Use Zoning District to the table (wireless communications facilities)
4. Chapter 21A.26 Commercial Districts: Amend 21A.26.080 Table of Permitted and Conditional Uses. Allow single-family and duplex uses as part of a mixed use development in the CN Zoning District.
5. Chapter 21A.46 Signs, section 21A.46.110 Signs, Corporate Flag: Allow additional anchoring at the bottom of flag to prevent excessive movement. These text changes are Citywide.

Chair Woodhead recognized Everett Joyce as staff representative

6:23:05 PM Public Hearing

Chair Woodhead opened the public hearing portion of this petition. She noted that there was no one present to speak and closed the public hearing.

6:23:28 PM Motion

Commissioner De Lay made a motion regarding Petition PLNPCM2008-00643, based on the findings listed in the staff report and the fact that this petition generally meets the applicable standards, the Planning Commission transmits a favorable recommendation to the City Council.

Commissioner Algarin seconded the motion.

Commissioners De Lay, Fife, Hill, Algarin, Dean, Chambless, Wirthlin, McHugh, and Gallegos voted, "Aye". The motion passed unanimously.

6:24:19 PM Briefing

Petition PLNPCM2009-00168; Northwest Quadrant Master Plan—a request by the City Council to develop a community master plan for the Northwest Quadrant. The Northwest Quadrant includes the incorporated area of the City located between the Bangerter Highway and the west City limits (8800 West) from 2100 South to the north City limits (3700 North). A public hearing on the matter will be held at a future date. There will be no decision made at this meeting. The community is located in City Council District One, represented by Carlton Christensen and in City Council District Two, represented by Van Turner (View the plan at: www.slcgov.com/CED/planning/pages/NWQMasterPlan.htm). View: [Staff Report](#)

Chair Woodhead recognized Everett Joyce as staff representative.

Presentation by Bruce Meighen and Megan Moore from EDAW, Inc from Ft. Collins, CO.

The meeting adjourned at 7:12 p.m.

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on June 24, 2009.

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

Tami Hansen