

SALT LAKE CITY PLANNING COMMISSION MEETING

In Room 326 of the City & County Building

451 South State Street, Salt Lake City, Utah

Wednesday, August 11, 2010

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

A field trip was held prior to the meeting Planning Commissioners present were: Frank Algarin, Vice Chair; and Commissioners Kathleen Hill, Michael Gallegos, Mary Woodhead, Charlie Luke and Michael Fife.

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, Planning Manager; Casey Stewart; Senior Planner, Ray Milliner: Principal Planner; Mike Maloy, Principal Planner; Wayne Mills, Senior Planner; Katia Pace Associate Planner; Paul Nielson, City Attorney; and Angela Hasenberg, Senior Secretary.

[5:46:12 PM](#)

Motion

Commissioner Woodhead made the motion to amend the agenda to bring item number 4, 5500 West Street Amendment to item number 1

Commissioner Luke seconded the motion.

Commissioners Luke, Fife, Gallegos, Dean, Wirthlin, Hill Algarin and Hill all voted "aye", the motion passed unanimously.

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Report of the Director

Mr. Sommerkorn stated that he received a letter in regard to an approval that was given to a project called Harvard Mercantile at 1234 S 1100 E, the approval was for a planned development. The project was approved several years prior and was sold and modifications were made, it was reviewed and approved again approximately eighteen months ago. The request was for an extension of the approval for another year.

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Motion:

Commissioner Woodhead made the motion to extend the approval.

Commissioner Gallegos seconded the motion.

Vote: Commissioners Luke, Gallegos, Fife, Dean, Wirthlin, Algarin and Woodhead all voted "Aye", Commissioner Hill abstained. The motion passed unanimously.

[5:49:17 PM](#)

Public Hearing

5500 West Street Amendment – A request by Paul Anderson for various approvals which would allow the combination of property on both sides of 5500 West Street between 300 South and 700 South, in order to develop the property for a warehouse use. The subject street is located between the CG General Commercial and M-1 Light Manufacturing zoning districts in Council District 2, represented by Van Turner. (Staff contact: Katia Pace at 801-535-6354 or katia.pace@slcgov.com)

- a. **PLNPCM2009-01389 5500 West Street Closure** – A request to close 5500 West Street between 300 South to about 490 South.
- b. **PLNPCM2010-00085 Major Street Plan Amendment** – A request to amend the Major Street Plan and remove 5500 West Street, between 300 South and 700 South, as a collector street from the Major Street Plan map.

Chair De Lay recognized Katia Pace as staff representative.

Ms Pace stated that this was a request for a street closure on 5500 West the street was built, the applicant, the LDS Church they were requesting the street closure for the Bishop's Storehouse project. The purpose was to keep the location safe and limit public access.

Ms Pace presented a PowerPoint presentation that indicated the property lines between the LDS Church property and Rocky Mountain Power.

The applicant planned to maintain the street in existence, but make it a private road with gates to limit public access.

Rocky Mountain Power had asked the applicant to provide access to their corridor.

Ms. Pace stated that the Transportation Department requested that their Transportation Master Plan be amended because 5500 West was designated as a collector street, and prior to street closure, the Planning Commission and the City Council would need to decide if the Master Plan would need to be amended. The Transportation department was open to the change due to the fact that 5600 W. was to be a major arterial street, but traffic that was anticipated to be on that road had been diverted to another corridor. Therefore, 5500 W. was not required to be maintained as a collector street.

Ms. Pace stated that staff recommended approval of the street closure, and that 5500 W., from 300 S to approximately 490 S. be declared surplus property and be vacated.

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Public Comments:

None.

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Close of Public Hearing

[5:53:48 PM](#)

Questions from the Commissioners:

Land Use attorney Paul Nielson clarified that the action would be to forward a recommendation to the City Council on closing the street. The City Council would not declare surplus property.

[5:54:04 PM](#)

Motion

Motion: Commissioner Wirthlin made the motion that in regard to PLNPCM2009-01389 5500 West Street Closure recommends that based on the information presented and findings in the staff report the Planning Commission forward a positive recommendation to the City Council to close the 5500 West Street between 300 to approximately 490 South subject to conditions of approval 1-4 and page one of the staff report and regarding PLNPCM2009-00358 Major Street Plan Amendment moved that the Planning Commission forward a favorable recommendation to City Council to amend Major Street Plan or remove 5500 West Street between 3rd and 700 South as a collector street.

Commissioner Algarin seconded the motion.

Commissioners Luke, Fife, Gallegos, Dean, Wirthlin, Algarin, Woodhead and Hill all voted "Aye", the motion passed unanimously.

[5:56:08](#)

PLNPCM2010-00448 & PLNPCM2010-00461 YNC Yalecrest Neighborhood Character Overlay District – A request by the Salt Lake City Council to amend the Salt Lake City Zoning Ordinance and Map. The proposed zoning text amendment will create a new overlay district to limit demolition of

homes that define the character of the Yalecrest neighborhood and preserve existing streetscape building setbacks. The proposed zoning map amendment will apply the YNC Yalecrest Neighborhood Character Overlay District to property located approximately between Sunnyside Avenue and 1300 South, and between 1900 East and 1300 East. The property affected is located in Council District 5, represented by Jill Remington Love, and Council District 6, represented by J.T. Martin. (Staff contact: Wayne Mills at 801-535-7282 or wayne.mills@slcgov.com, or Michael Maloy at 801-535-7118 or michael.maloy@slcgov.com)

Chairperson De Lay recognized Mike Maloy as staff representative, and noted the many hours that had been put into this presentation.

Mr. Maloy stated that, indeed, many hours have been put into this presentation, and noted that Senior Planner Wayne Mills was an integral part of the team that put the project together. He added that Mr. Mills was the primary author of the ordinance, but it was a team effort based on direction from the City Council.

Mr. Maloy gave a PowerPoint Presentation. He presented a map that gave the coordinates for the overlay district. He stated that it did not follow the existing National Historic District, that the City Council had modified the temporary zoning regulation that was in effect over the area and had reduced the Overlay to the current configuration.

Mr. Maloy stated that the proposal was an effort to preserve community character and clearly the people of the area recognize the value of their own community. He added that the goal was to maintain as much character as possible in the area, but make sure to use the correct tools to do it.

Mr. Maloy stated that there was a temporary zoning regulation in place, it was modified by the City Council. The expiration was September 10, 2011. The legislative intent statements were as follows: 1.) an effort of curbing potential demolition with the community, and looking at ways to establish a minimum and maximum building setbacks for front yards on new structures or remodels. 2.) Working groups: working groups would discover the correct tools for their community, but in the meantime, a temporary zoning regulation would be in place.

Mr. Maloy stated that this ordinance does not prohibit anyone from removing their roof structure; it meant that the applicant would have to go through an additional review before the Historic Landmark Commission.

Mr. Maloy stated that there were circumstances that would circumvent the temporary zoning, such as; if there were a home that was destroyed by fire, an option for that would be in place. An economic hardship would be a circumstance that would allow a demolition.

Updates since the last meeting:

- Historic Landmarks Commission did not recommend an adoption of the proposal. Motion to deny was unanimous. Vice Chair Anne Oliver stated:
 - (a) that she felt that the proposal would derail thoughtful consideration of other tools for preserving the area.
 - (b) Ill-defined terms. Terminology and standards do not seem clear and were vague. Should be clearly understandable.
 - (c) Standards of economic hardship should be addressed for single family residential.

Mr. Maloy stated that there were 109 comments and 63 were opposed and 15 opposed the ordinance, but supported additional regulations. The remaining were opposed.

[6:09:03](#)

Questions from the Commissioners

Commissioner Woodhead inquired whether staff still had the desire for the proposal to go forward to the City Council, and does staff feel that a positive recommendation would still have been appropriate.

Mr. Sommerkorn stated that there was validity to the comments made, but the proposal was presented because of the pending expiration of the temporary ordinance was coming September 10, 2011. Mr. Sommerkorn felt that because of the time constraints, this issue may not have received as much a research and building process that other issues might have had in the past. He stated that he felt it was safe to say that staff did not feel comfortable with the ordinance.

Mr. Maloy stated that he believed that proposal that was brought forth in the time frame that they had available does achieve a number of desired objectives. He felt that it created some questions, and it was aggressive from the current standard. He stated that he felt that it met the original intent.

Commissioner Woodhead noted that the question was not intended to assume anything negative about the work, and was impressed with what was accomplished in the timeframe available.

Commissioner Wirthlin asked if in the professional opinion of staff, was this the best possible solution. If there was more time and resources, would the product be the same.

Mr. Maloy stated that in his opinion, he believed there was merit in the demolition delay provision.

Mr. Sommerkorn explained that there were different options to solve the problem; however, public input was necessary.

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Commissioner McHugh arrived.

[6:13:30](#)

Commissioner Woodhead gave a summary of what had been given to the Planning Commission in the form of emails.

Commissioner Woodhead stated that her summary was not "exhaustive" and not all inclusive but included what she felt was general themes and comments from what she had read. She stated that there were some comments that were in favor of the ordinance as drafted; some that were not in favor of the ordinance but preferred a Historic District saying the ordinance wasn't strong enough. There were also quite a few comments in opposition and the points that were touched on were the 50 year standard was wrong, that too much remodeling has already occurred in the neighborhood, and it would not be fair to the people had not had the chance to remodel their own homes. The point was made that the remodeling in the neighborhood had already changed the nature of the neighborhood, thereby making it no longer historic. Another point was the definition of demolition went too far by including the 50% percent of the roof and that was the wrong standard. Another point was that the standards were too vague. Commissioner Woodhead stated that there had been a number of comments that used the language that any ordinance should be in harmony with the prevailing wishes of the homeowners, and that this ordinance did not support that. Others said that that the map of the district was wrong. The ordinances were anti family by not allowing bigger houses for growing

families. It was noted that second stories could be added without damaging the character of the neighborhood. The ordinance represents too much government inference and that it would happily survive without it. Many emails made appeals for general property rights. Set back regulations are too strict, the regulations involving the front of the house were too strict. The ordinances got in the way of modernization of the homes, and to bring them up to current standards. It was noted that it was felt that there was too much red tape and a lack of trust in the Historic Landmark Commission as the authority on this ordinance.

Commissioner Fife asked about a comment made about a "cloud of dust that will be formed over Yalecrest on September 11, as the houses come tumbling down." He inquired if there were pending demolitions in Yalecrest or what the sense was regarding it.

Planning Director Sommerkorn answered that he had spoken with the permits office that day and that there were no such permits being held in abeyance. He stated that as far as the City was aware, there were no pending demolition applications.

[6:19:05](#)

Public Hearing

Chairperson De Lay opened the public hearing.

Barbara Madsen represented Yalecrest Heights, stated that although their area was not longer part of the "Yalecrest Historic Designation" she felt that they were still impacted by the ordinance. She stated that in 1996 an ordinance was passed that changed the size of side yards and that was the reason the "monster homes" in the area were created. She asked for an amendment that the side yard requirement that would make the side yards what they were originally. She stated that their group was in **OPPOSITION** to the demolition ordinance and the local Historic District.

Ben Winchester representing the Preservationist for Property rights, he stated that they agreed with some of the areas of concern, and spoke in **OPPOSITION** of the demolition ordinance and also Yalecrest Overlay District. He stated that there were options, and advocated options and choice.

Kim Childs spoke in **SUPPORT** of the demolition ordinance. He stated that he felt the area might be too large for one ordinance.

Monty Luker , 1452 E Gilmer spoke in **OPPOSITION** stated that 75% of the 20 people he had spoken to.

Scott Brown, Michigan Avenue, spoke in **OPPOSITION** stated that there were more people actually against the ordinance and that it was a rush job and was too vague.

Commissioner Woodhead asked Mr. Brown if it was his position that there was no need for a new ordinance or new study groups.

Mr. Brown responded that he did believe in the small groups, but they were unnecessary for a new ordinance.

James Williams stated that he was a Structural Engineer and Consultant for Alex Shields who was an architect who lives in the neighborhood and was appearing on his behalf. He spoke in **OPPOSITION** of the ordinance. He stated that many of the homes in the neighborhood were made of unreinforced masonry and do not perform well in earthquakes and are not allowed by the current building code. He

stated that homes could be made to be safer, but would still not compare to new construction and do not conform to current building codes. He stated that upgrades present a false sense of security. He added that an owner should have the right to strengthen the home or replace and protect the life and safety of the family. He stated that the State of Utah had adapted in 2009 a residential code that states the purpose of minimum requirements to safeguard the public safety.

Cindy Cromer, stated that the City Council has approved Westmoreland as the City's newest Historic District. There was no opposition. She stated the differences between Yalecrest and Westmoreland, Westmoreland is a small group of homes with a unique design. She stated that it was not necessary that the proposal be perfect, that it was just a vehicle to extend another 180 days. She spoke in **SUPPORT** of the ordinance.

Susan Porter, 1601 Yalecrest Avenue, she spoke in **OPPOSITION** of the ordinance.

McKay Edwards 1400 E 900 S. spoke in **OPPOSITION** of the ordinance. He believes in upgrades and modernization of homes in the area.

Pam Clauson 1619 Yalecrest Avenue. She spoke in **OPPOSITION**. She would like the ability to improve her home to increase their value.

Cindy McDonald spoke and suggested four ideas: 1. Virtual reality tours. 2. A Pattern Book for design 3. Three hours with an architect, hour one, tell the architect what you need and want two hour, architect tours your home, hour three architect gives historical suggestions. 4. List of approved architects in the area.

Joe Cook, 980 Military Drive spoke in **OPPOSITION** of the ordinance. He disagreed with the terminology and felt it was underhanded in its description of what demolition is.

[6:53:36](#)

Close of Public Hearing

Commissioner Dean asked about the process, she noted that most of the comments were against the ordinance. She stated that she was unclear why the small groups had not been formed six months ago. She asked how we get more involvement.

Mr. Mills stated that this was being handled by the City Council.

Chairperson De Lay stated that this process had started many years ago, and she believed that the intent to help was there.

Planning Director Sommerkorn stated that the City Council had expressed that Legislative Intent and that there had been discussion in that regard, but he added that he was unsure how far the process had gone.

Chairperson De Lay stated that it seemed that there were a number of working groups in progress.

Commissioner Woodhead stated that there seemed to be an inclination to do what the Historic Landmark Commission had done, and send a negative recommendation to the City. She wondered if it would be possible to send a negative recommendation but with a directive to staff to start the process now with a Planning Commission sub-committee with the public groups to determine what a better end result would be.

Commissioner Gallegos stated that it would be good to know what the structure of the process would be like, so that the Planning Commissioners have better information in which to make a decision.

Commissioner De Lay suggested that it be handled in two phases, to vote on the motion and make a recommendation as a secondary part.

Commissioner Luke added that he did not want this to just "go away" but was concerned that a no vote would cause the issue to go away.

Commissioner McHugh stated that it was the idea of a positive recommendation that caused the most interest.

Mr. Mills stated that there were two different legislative intents that were adopted, one was the current proposal, the second was that the second legislative intent was that the groups would form and have six months to come up with ideas regarding the neighborhood.

Commissioner De Lay asked what the time frame was.

Mr. Maloy responded that the end date would be January 15, 2011.

Mr. Mills stated that the City Council had started the process.

Commissioner Wirthlin asked if Mr. Mills and Mr. Maloy were hoping for from the Historic Landmark Commission, a denial along with a recommendation.

Mr. Maloy responded that what was looked for was their best opinion, they discussed whether should be additional design guidelines, but the discussion quickly went toward recommending denial.

Commissioner Wirthlin asked if it would be possible to send a negative recommendation, but to add the recommendation to start the study or continue on the six month program.

Commissioner Woodhead asked if it would be possible to table the motion, with a recommendation that the Planning Commission set up a subcommittee that would immediately start looking at recommendations from the Planners.

Commissioner De Lay said that the options were to pass it, pass it with recommended amendments, to deny or to table it.

Mr. Nielson stated they could also initiate their own petition.

Commissioner Hill asked if there was a way to protect the community from the potential harm by a misfitting home.

Mr. Nielson stated that there was nothing under State law the City could do to extend the temporary regulation period. Mr. Nielson added there was only one opportunity for that, six months are offered.

Mr. Mills stated that if the time frame expires, then the regulation goes back to what it was previously, which was the Yalecrest Compatible Infill Overlay District.

Commissioner Fife stated that if this was a Historic District, then it needed to be designated as a historic district with design guidelines and go to the Historic Landmark Commission. If it was not, then staff needs to adjust the tweaks to maintain the scale and character of the neighborhood.

Commissioner Wirthlin added that the ordinance puts the cart before the horse. Additionally, the Yalecrest Infill Ordinance came from the community, there was community input, and it came from

the ground swell up. This proposal seemed to be a "band aid" fix and is temporary. Commissioner Wirthlin stated that any temporary fix would be bad law. A strong message would be a negative recommendation to the City Council, coupled with that of the Historic Landmarks Commission. The issue will not go away.

Commissioner Woodhead stated that unless a subcommittee was formed, the planning process would go forward without the Planning Commission. The Planning Commission becomes reactive.

Commission Wirthlin agreed with Commissioner Woodhead.

[7:07:52](#)

Motion

Commissioner Wirthlin made the motion in regard to PLNPCM2010-00448 & PLNPCM2010-00461 YNC Yalecrest Neighborhood Character Overlay District –based on the evidence, testimony received, staff report, I move that the Planning Commission forwards a negative recommendation to the City Council deny the petitions to establish a Yalecrest Neighborhood District Character Overlay District and amend the Salt Lake City Zoning Map as shown as attachment A.

Second: Commissioner Algarin

Vote: Commissioners Luke, Gallegos, Fife, Dean, Wirthlin, Hill, Algarin and Woodhead all voted "aye", Commissioner McHugh voted "Nay". The motion passed.

[7:10:23](#)

Motion

Commissioner Woodhead made the motion that the Planning Commission forms a subcommittee of four members or more of the Planning Commission to meet once between August 11, 2010 and the end of September, 2010 to address solutions to the problem of infill and demolitions in the Yalecrest neighborhood. Members to be appointed by the Chairperson.

Second: Commissioner Luke

Vote: McHugh, Luke, Gallegos, Fife, Dean, Wirthlin, Hill, Algarin and Woodhead all voted "aye", the motion passed unanimously.