

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**Room 326 of the City & County Building**  
**451 South State Street, Salt Lake City, Utah**  
**Wednesday, September 12, 2012**

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:35:58 PM](#) . Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

Present for the Planning Commission meeting were: Chairperson Angela Dean, Vice Chair Michael Gallegos; Commissioners Emily Drown, Michael Fife, Bernardo Flores-Sahagun, Clark Ruttinger, Marie Taylor, Matthew Wirthlin and Mary Woodhead. Commissioner Lisa Adams was excused.

Planning Staff members present at the meeting were: Wilford Sommerkorn, Planning Director; Nick Norris, Planning Manager; Molly Robinson, Urban Design Planner; Ray Milliner, Principal Planner; Ana Valdemoros, Principal Planner; Paul Nielson, City Attorney; and Michelle Moeller, Senior Secretary.

**FIELD TRIP NOTES:**

A field trip was held prior to the meeting. Planning Commissioners present were: Michael Fife, Bernardo Flores-Sahagun, Clark Ruttinger and Mary Woodhead. Staff members in attendance were Nick Norris, Ray Milliner and Ana Valdemoros. The following locations were visited:

1. **1462 Federal Heights Drive**- Staff gave an overview and identified issues of noise and visual impact created by the proposal. The Commissioners asked if the Applicant had a full set of plans. Staff explained the Applicant would have to address that at the Public Hearing. Staff reviewed the potential noise issues that could arise with the mechanical equipment and the projects orientation on the property. The Commission asked if they could put a condition of approval on the proposal. Staff stated yes, if it was related to a standard of review.
2. **Bonneville Dr** - Staff gave an overview of the proposal and why it was before the Commission. The Commissioners asked where the eight foot fence would be located. Staff stated it would be in the front yard around the garden
3. **1614 West 700 North**- Staff gave an overview of the proposal.

**BREIFING** [5:36:29 PM](#)

**Urban Design: The Planning Commission will receive an educational briefing from the City's Urban Designer regarding the basics of Urban Design and the role Urban Design plays in Salt Lake City. (Staff contact: Molly Robinson [molly.robinson@slcgov.com](mailto:molly.robinson@slcgov.com) or 801-535-7261).**

Ms. Robinson gave a presentation on Urban Design: Shaping Salt Lake City's Public Realm and reviewed the following.

- Urban Design: What is it?
- The Urban Design Process
- An Urban Design Approach for Salt Lake City

Mr. Nick Norris, Planning Manager, stated this was the first of many introductions to Urban Design for the Planning Commission. He stated Staff would schedule walking tours with the Commission as well as additional opportunities to learn about Urban Design, how it could be implemented and improve the city as a whole.

Chairperson Dean asked how the Commission could be involved in the process, more than just reading the Staff Reports and making decisions.

Ms. Robinson stated as things moved forward public activities would be held to help develop the Urban Design values and help discuss the shared vision for the city.

The Commission and Staff discussed walkability of the City and how urban design would help address the lack of midblock walkways. Staff stated there would be a program focusing on midblock walkways presented to the public in the near future.

#### **APPROVAL OF THE MINUTES FROM THE August 22, 2012 MEETING**

**MOTION [6:00:51 PM](#)**

**Commissioner Fife made a motion to approve the August 22, 2012 minutes. Commissioner Drown seconded the motion. Commissioners Drown, Flores-Sahagun, Taylor, Ruttinger Wirthlin, and Woodhead voted "aye". Commissioners Dean and Gallegos abstained from voting. The motion passed.**

#### **REPORT OF THE CHAIR AND VICE CHAIR [6:01:08 PM](#)**

Chairperson Angela Dean stated she had nothing to report at this time.

Vice Chair Michael Gallegos stated the Commissioners were invited to participate at the League of Cities and Towns conference on September 13.

#### **REPORT OF THE DIRECTOR [6:01:55 PM](#)**

Mr. Wilford, Sommerkorn, Planning Director, stated he had nothing to report at this time

[6:02:04 PM](#)

**PLNPCM2012-00406 Special Exception for a Hobby Shop / Pool House - A request by Mark Finlinson at approximately 1462 Federal Heights Drive to build a new accessory building behind an existing home the purpose of which is to house a small swimming pool. A public hearing for this proposal was requested by David and Susan Valenti. The subject property is located in the R-1/7,000 (Single Family Residential) zoning district, and in Council District 3 represented by Stan Penfold. (Staff contact: Ray Milliner at (801)535-7645 or [ray.milliner@slcgov.com](mailto:ray.milliner@slcgov.com)).**

Commissioner Flores-Sahagun asked to recues himself as he knew the Applicant.

Mr. Ray Milliner, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending that the Planning Commission approve the petition as presented.

The Commission asked why the use required a Special Exception for approval and where the mechanical equipment would be placed.

Mr. Milliner explained the ordinance (chapter 52) stated the impacts of the uses, although not detrimental to the neighborhood, had enough of an impact to warrant review. He read the possible impacts such as height, windows restrictions, rear yard placement and the allowed foot print of the structure. Mr. Milliner explained how each impact would ensure privacy; size and noise levels met the code.

Mr. Mark Finlinson, Applicant, stated the project met the code as far as the City was concerned. He read the letter from Mr. Valenti (located in the case file). Mr. Finlinson addressed the concerns of Mr. Valenti stating it was not a hobby house but a pool house; the proposed structure would be six feet away from the property line, late night activities should not be an issue, it would not prohibit the neighbors from enjoying the use of their property or enhancing their properties and the proposed structure was in keeping with the character of the neighborhood. Mr. Finlinson reviewed the design as outlined in the Staff Report.

Commissioner Woodhead asked where the mechanical equipment would be located.

Mr. Finlinson stated the design was halted until approval was granted therefore, he was not certain as to where the equipment would be located. He stated the equipment would not be loud or disruptive and he hoped it would be located inside the structure.

**PUBLIC HEARING** [6:18:13 PM](#)

Chairperson Dean opened the Public Hearing.

Ms. Susan Vogel Valenti, neighbor, stated she was opposed to the proposal and made the following points:

- The pool house would be located close to their patio with French doors opening to the fence line.
- Noise levels are a current problem and the addition of the pool house would increase the noise levels.
- Mechanical noise was a concern
- Project would impact the Applicants house the least and the neighbors the most.
- What would the long term use be if the property were sold

Chairperson Dean closed the Public Hearing

**DISCUSSION** [6:21:27 PM](#)

Commissioner Woodhead asked why doors would be opening to the property line.

Mr. Finlinson stated there were doors all the way around the structure to allow for light and airiness during the summer. He stated the structure was four feet from his home and six feet from the property line to be sensitive to the neighbors. Mr. Finlinson stated most of the doors were on the other side of the structure and the noise would be kept to a minimum.

Commissioner Woodhead stated windows were not allowed adjacent to the property line but the proposal asked for doors. She asked if doors were considered differently.

The Applicant and Staff explained all of the doors met the minimum ten foot setback required by the code.

**MOTION** [6:25:20 PM](#)

**Commissioner Fife stated in regards to PLNPCM2012-00406 Special Exception for 1462 Federal Heights Dr., based on the analysis, findings and conditions in the Staff Report, he recommended that the Planning Commission approve the proposed Special Exception. Commissioner Ruttinger seconded the motion.**

Commissioner Woodhead asked if all the windows were in compliance to the zoning code.

Mr. Milliner stated the project met all the standards in the ordinance and code.

Commissioner Gallegos asked if the conditions were included in the motion.

**Commission Fife stated including the two condition in the Staff Report.**

**Commission Ruttinger seconded the amendment.**

**The motion passed unanimously.**

[6:26:51 PM](#)

**PLNPCM2012-00225 Christensen Zoning Map Amendment – A request by Lars and Bethany Christensen to change the zoning of the vacant property located at approximately 1614 West 700 North from R-1/5,000 Single-Family Residential to CB (Community Business) zoning district to accommodate the construction of a new dental office. The subject property is located in Council District 1, represented by Carlton Christensen. (Staff contact: Ana Valdemoros at (801) 535-7236 or [ana.valdemoros@slcgov.com](mailto:ana.valdemoros@slcgov.com)).**

Ms. Ana Valdemoros, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff was recommending that the Planning Commission forward a favorable recommendation to the City Council.

Mr. Lars Christensen, Applicant stated the proposed area was underserved by the Dental industry. He stated he had looked for leasable space in the area but there were no buildings large enough to house his business.

Commissioner Gallegos asked about the layout of the building in relationship to the parking access.

Mr. Christensen stated there would be a driveway on the west side leading to the rear of the property.

Commissioner Ruttinger clarified the properties that would be zoned CB were adjacent to the current property.

Staff stated there were three properties, on the east and west sides, that would be rezoned as stated in the future land use map.

Commissioner Taylor stated she knew the Applicant as he had worked in her dentist office.

The Commissioners stated it would not be a conflict of interest.

**PUBLIC HEARING** [6:33:36 PM](#)

Chairperson Dean opened the Public Hearing seeing no one was present in the audience to speak for or against the petition; Chairperson Dean closed the Public Hearing.

**MOTION** [6:33:51 PM](#)

**Commissioner Wirthlin stated regarding PLNPCM2012-00225 Christensen Zoning Map Amendment, based on the findings in the Staff Report and the testimony given; he moved that the Planning Commission transmit a positive recommendation to the City Council with respect to the rezone request from a R 1/5,000 (Single Family Residential) to CB (Community Business) on the property at 1614 West 700 North. Commissioner Fife seconded the motion.**

Commissioner Taylor asked if it could be specified that the design blend ecstasically with the neighborhood.

The Commissioners stated that was not the issue in front of them.

**The motion passed unanimously.**

[6:35:09 PM](#)

**PLNPCM2012-00539 Special Exception for a grade change and additional height for a fence - The applicants Daniel and Laurelin Pace are requesting a grade change of greater than 2 feet to accommodate repairs to an existing rock wall. They are also requesting approval of a special exception for additional height for fences that would allow for a fence of 6 feet in height in the front yard and an 8 foot enclosure of a garden area, also in the front yard. The property is located at approximately 1025 North Bonneville Drive, in the FR-3 (Foothills Residential) zone, Council District 3, represented by Stan Penfold. (Staff contact: Ray Milliner (801)583-7645 or [ray.milliner@slcgov.com](mailto:ray.milliner@slcgov.com).)**

Mr. Ray Milliner, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending approval of the Special Exception for a grade change but was recommending the Planning Commission deny the Special Exception for additional height for the fence as it did not meet the standards in the ordinance.

Chairperson Dean asked if the eight foot fence were pushed behind the front face of the building would it be allowed as an accessory structure.

Mr. Milliner stated fences were classified differently than accessory structures. He stated it would not be considered a structure and eight foot fences were not allowed in the area.

Commissioner Woodhead asked if the City had suggested methods for protecting gardens from animals.

Mr. Milliner stated the rules read that the fencing should be conscientious of the animals.

Mr. Daniel Pace, Applicant, reviewed the history of the project and the issues with getting the project finished. He discussed the potential for injury on the property and explained the placement of the six foot and eight foot sections of fence. Mr. Pace stated the eight foot fence would prohibit animals from entering the garden on that side of the yard. He stated they would try to keep all the trees on the property and would replace any removed in order to keep the privacy barrier in place.

The Commissioners and the Applicant discussed the eight foot fence and whether or not it would prohibit deer from jumping the fence.

**PUBLIC HEARING**[6:54:55 PM](#)

Chairperson Dean opened the Public Hearing

The following individuals spoke in favor of the petition:

Lee and Janet Hunter, Robin Kimball, Nona Frisbey, Loyal Pace, Bill Kimball, Michael Keller, Lark Keller, Cynthia Pace, and Merel Keller

The following comments were made:

- Deer can jump the six foot fence so it would not be sufficient
- Project would beautify the neighborhood
- Project had taken a long time and should be allowed to be completed
- An eight foot fence would be ideal for the area.
- Applicant had complied with what had been asked
- Fences would increase the safety of the property

Mr. Steve Allred, neighbor, stated he noticed the Pace's retaining wall was not in conformity with the code and contacted the City Inspectors. He stated he learned this week that the wall was engineered which was an exception to the four foot setback, met the code requirements and pacified his concerns. Mr. Allred stated he did not oppose the project but would like one of the conditions to be that if any trees were removed they would be replace with a similar visual barrier.

Chairperson Dean closed the Public Hearing

## **DISCUSSION**

The Commissioners, Applicant and Staff discussed the halted building permit; the main problem with the permit was that the previous home owner deviated from the submitted plans in 1998. It was stated that the Applicant was only repairing the existing wall and asking for increased height for the fence.

Mr. Pace stated he was not sure what trees would be affected by the fence but they were committed to maintaining a privacy barrier and would replace trees if needed.

### **MOTION [7:10:35 PM](#)**

**Commissioner Gallegos stated with regard to PLNPCM2012-005391025 North Bonneville Dr, based on the findings listed by the Planning Commission, the testimony given and plans presented; he moved that the Planning Commission approve the Special exception for additional fence height and to allow a grade change of no more than four feet at 1025 North Bonneville Dr with the following conditions:**

- 1. A building permit for both the retaining wall and the fence shall be reviewed and approved by all necessary City Divisions.**
- 2. The maximum height of all fencing the front yard shall be six feet above the finished grade including the area of the garden. No height of eight feet above grade is allowed.**
- 3. The fence shall be wrought iron style or a suitable equivalent with a transparency of at least eight percent. Any change of primary material shall be reviewed and approved by the Planning Commission.**

**Commissioner Ruttinger seconded the motion.**

Commissioner Woodhead asked if the Commission would allow an eight foot fence around the garden area.

Mr. Norris stated the Planning Commission had the ability to decide if the proposal allowed for the approval of the eight foot fence but it needed to be tied to the standard.

The Commission discussed the approval of the eight foot fence and how it could be approved.

Staff explained it would not be setting a precedent because each property was considered separately however; it was not something that was in keeping with the neighborhood.



The Commissioners, Staff and Applicant discussed the elevations of the property and the need for the eight foot fence. It was decided that there were other ways to protect the garden area than installing an eight foot fence. It was also deemed that an eight foot was not necessarily safer than a six foot fence.

**Commissioners Wirthlin, Taylor, Ruttinger, Drown, Flores-Sahagun, Gallegos voted “aye”. Commissioners Fife and Woodhead voted “nay”. The motion passed 6-2**

**ELECTIONS [7:24:03 PM](#)**

The Commissioners voted on a new Chair and Vice Chair

Commissioner Taylor nominated Michael Gallegos to the new Chairperson.

Commissioner Gallegos accepted the nomination. All in Favor

Nominations for Vice Chair

Emily Drown

Clark Ruttinger

Both Commissioners accepted the nominations after a ballot vote Emily Drown was voted to be the Vice Chairperson.

**The meeting adjourned at [7:27:35 PM](#)**