

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**Room 126 of the City & County Building**  
**451 South State Street, Salt Lake City, Utah**  
**Wednesday, April 24, 2013**

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:36:46 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 Michael Gallegos; Commissioners Angela Dean, Michael Fife, Clark Ruttinger, Marie Taylor, Matthew Wirthlin and Mary Woodhead. Vice Chair Emily Drown Commissioners Bernardo Flores-Sahagun and Lisa Adams were excused

Planning Staff members present at the meeting were: Wilford Sommerkorn, Planning Director; Nick Norris, Planning Manager; Doug Dansie, Senior Planner; Wayne Mills, Senior Planner; Casey Stewart, Senior Planner; Michelle Moeller, Senior Secretary and Paul Neilson, City Attorney.

**FIELD TRIP NOTES:**

A field trip was held prior to the work session. Planning Commissioners present were: Clark Ruttinger, Mary Woodhead and Marie Taylor. Staff members in attendance were Nick Norris, Casey Stewart, Wayne Mills and Doug Dansie.

The following properties were visited:

- **24 North 600 W-** Staff gave an overview of the project. All new construction in this zone requires a planned development, issues include property to the west being landlocked from 600 West, Demolition of home may be an issue but, the City's plan and zoning say allow the proposal.
- **279 North 900 W-** Staff gave an overview of project and process for building a non-conforming use, non-complying structure. The Commission asked about the time frame for establishing a use after a fire.
- **294 N Federal Heights Drive-** Staff gave an overview of the project - Special Exception for in-line addition. The Commission asked about the site layout, shape of lot and setbacks.

**APPROVAL OF THE MINUTES FROM THE APRIL 10, 2013 MEETINGS**

**MOTION** [5:36:57 PM](#)

**Commissioner Ruttinger made a motion to approve the April 10, 2013 minutes. Commissioner Fife seconded the motion. Commissioner Dean abstained as she did not attend the April 10, meeting. The motion passed unanimously.**

**REPORT OF THE CHAIR** [5:37:28 PM](#)

Chairperson Gallegos stated he had nothing to report at this time

**REPORT OF THE DIRECTOR** [5:37:32 PM](#)

Mr. Wilford Sommerkorn, Planning Director, reviewed the proposed retreat for the next Planning Commission meeting. He asked the Commission to email ideas for discussion items to Staff. Mr. Sommerkorn reviewed the petition for the LDS Church in Sugarhouse stating they would like to make modifications to the plans. He stated the Public Hearing had been closed and asked if the Planning Commission would consider reopening the Public Hearing to allow further comments to be heard. Mr. Sommerkorn stated a motion was needed but could be done at a future meeting.

The Commission agreed to reopen the Public Hearing at a later meeting.

**PUBLIC HEARINGS**

[5:40:45 PM](#)

**Gianoulis Special Exception at approximately 294 N. Federal Heights Drive - Kevin Horn (project architect) is requesting approval from the City to construct an addition to the existing home that would not comply with front and rear yard setback requirements and would exceed grade/slope change limits at the above listed address. The property is zoned FR-3 (Foothills Residential). This type of request must be reviewed as a special exception. The subject property is within Council District 3, represented by Stan Penfold. The (Staff contact: Casey Stewart at (801) 535-6260 or [casey.stewart@slcgov.com](mailto:casey.stewart@slcgov.com) .Case number PLNPCM2013-00094).**

Mr. Casey Stewart, Senior Planner reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending the Planning Commission approve the in-line additions but deny the requested grade changes for the petition.

The Commission and Staff discussed the grade changes and if the area was buildable without the grade changes.

Commission and Staff discussed the standard, regarding in-line additions, the compatibility language and how it was interpreted.

Marina Gianoulis, Home Owner, reviewed the process the project had taken before coming to the Planning Commission. She stated the neighbors were in favor of the proposal.

Mr. Kevin Horn, Architect, gave an overview of the project discussing the layout and design of the structure. He reviewed the setbacks, the neighboring properties similar to the project and the proposed landscaping. Mr. Horn stated the proposal was in context with the neighborhood and complied with the standards in the ordinance.

The Commission asked the total height from the new garage slab to the tallest peak.

Mr. Horn stated the total height was roughly forty feet.

**PUBLIC HEARING** [6:11:35 PM](#)

Chairperson Gallegos opened the Public Hearing;

The following individuals expressed concern regarding the petition: Ms. Jenny Wilson, Mr. Chris Mautz and Mr. Mark Schoul.

The following comments were made:

- Need to preserve the neighborhood and keep with the character of the area
- Setbacks were not an issue in the area
- The grade was questionable
- How would the look and visual impact of the garage affected the neighboring properties
- Height of the proposal was an issue
- Massing of the project needed to be addressed

The Commission and Ms. Wilson discussed the location of her property and how her property would be affected by the proposal.

Chairperson Gallegos closed the Public Hearing. [6:20:50 PM](#)

Mr. Horn reviewed Ms. Wilson view of the garage from her property. He reviewed the requirements for the project and how the proposal met each one.

The Commission and Mr. Horn discussed the location and grade for the garage and if the garage could be located elsewhere on the property or at a different grade. Mr. Horn

discussed the issues with locating the garage in a different area of the property and stated not allowing the grade change would result in the garage and terrace being raised. The Commission asked if the garage needed to be the proposed size and if the grade change was approved could the mass be lessened. Mr. Horn stated the proposal addressed safety issues with the driveway and was the best use for the property.

The Commission and Applicant discussed the landscaping for the property and what would be presented to the neighborhood.

Staff stated the height of the structure from the garage slab to the tallest peak was forty five feet.

## **DISCUSSION**

The Commission and Staff discussed the other houses in the area and how the proposal was similar or different to those houses. They discussed the reasoning behind the grade change and design of the garage. Staff discussed the increase in garage space and the increase of massing with the changes. The Commission and Staff discussed the reasoning behind keeping the current grade.

The Commission discussed how the proposal related to the other houses in the area and the uniqueness of the lot.

## **MOTION [6:42:06 PM](#)**

**Commissioner Dean stated regarding petition PLNPCM2013-00094 Special Exception based on the findings listed in the Staff Report, the testimony and presentation, she moved the Planning Commission approve the in-line addition but deny the requested grade changes of the Special Exception. Commissioner Woodhead seconded the motion.**

The Commission discussed the motion, the possible solutions for the design and how it related to the neighboring properties.

**Commissioners Dean and Woodhead voted “aye”. Commissioners Taylor, Wirthlin, Fife, and Ruttinger voted “nay”. The motion failed 2-4.**

**Commissioner Taylor stated based on the testimony, plans presented and the following findings, she moved that the Planning Commission grant the Gianoulis Special Exception PLNPCM2013-00094 for 294 Federal Heights Circle for reduced corner side yard and rear yard setbacks and to change the grade as much as nine (9) feet in the front yard area; as much as 11 feet in the buildable area; and as much as ten (10) feet for the driveway. In addition to the standards *B, E, F, and G*, the Staff Report indicated were complied with, the requested special exception complies**

with the following particular standards for special exceptions (*the commission shall make findings on the special exception standards as listed below*):

- A. The proposal will be in compliance with ordinance and district purposes;
- C. The proposal will not have a material adverse effect upon the character of the area or the public health safety and general welfare;
- D. The proposal will be compatible with development of surrounding property

Commissioner Ruttinger seconded the motion.

The Commission and Staff discussed the standards and what needed to be in the motion regarding the findings.

Commissioner Wirthlin suggested amending the motion to state that the Commission found the grade change, as proposed, actually decreased the visibility of the garage and lessened the visual impact on the neighborhood and therefore, was actually in-line with the character of the neighborhood.

Commissioners Taylor and Ruttinger accepted the amendment to the motion.

Commissioners Taylor, Wirthlin, Fife, and Ruttinger voted “aye”. Commissioners Dean and Woodhead voted “nay”. The motion passed 4-2

Commissioner Dean was excused from the meeting at 6:51 P.M.

[6:51:05 PM](#)

**Neighborworks Special Exception at approximately 279 North 900 West** – Neighborworks Salt Lake is requesting approval from the City to demolish the existing building and reconstruct a new building that is similar in height and size at the above listed address. The existing building is considered a non-complying structure because it does not meet current zoning standards for building coverage and setbacks. The building has also been historically used for retail and office uses. These types of uses are not allowed in the current zoning district; therefore, the uses are considered nonconforming. The applicant is requesting approval to reconstruct the building and continue these nonconforming uses. The property is zoned R-1/5000, Single-Family Residential. This type of project must be reviewed as a Special Exception. The subject property is within Council District two,

**represented by Kyle LaMalfa. (Staff contact: Wayne Mills at (801) 535-7282 or [wayne.mills@slcgov.com](mailto:wayne.mills@slcgov.com) .Case number PLNPCM2012-00838)**

Mr. Wayne Mills, Senior Planner reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending the Planning Commission approve the petition as presented.

Mr. David Galvan, Neighborworks Real estate Broker, reviewed the proposal and the planned improvements for the building. They discussed the poor condition of the building and the fires within the building.

**PUBLIC HEARING [7:00:29 PM](#)**

Chairperson Gallegos opened the Public Hearing;

The following individuals spoke in favor of the petition: Ms. Shantel Marsell and Mr. Jeff Haslip.

The following comments were made:

- Support any redevelopment of the area
- Ensure use would not be something detrimental to the area in the future

Chairperson Gallegos closed the Public Hearing.

Mr. Nick Norris, Planning Manager reviewed how non-conforming uses were reviewed and the standards that would be required to be met for different uses would be allowed. He stated upcoming rezone petitions would provide clarity on the uses permitted on the subject property.

**MOTION [7:04:32 PM](#)**

**Commissioner Woodhead stated regarding Special Exception PLNPCM2012-00838, based on the findings listed in the Staff Report and the testimony heard, she move that the Planning Commission approve the proposed Special Exception with conditions 1 and 2 listed in the Staff Report,. Commissioner Fife seconded the motion. The motion passed unanimously.**

[7:05:38 PM](#)

**North 600 Apartments at approximately 24 North 600 West- GIV Holdings is requesting approval from the City to develop a 115 unit apartment building, that includes a mix of market rate, special needs, ADA and affordable units, which will be 5 stories in height at the above listed address. Currently the land is used for single family residential and the property is zoned Gateway Mixed Use GMU. This type of**

**project must be reviewed as a Planed Development. The subject property is within Council District 4, represented by Luke Garrott. The (Staff contact: Doug Dansie at (801) 535-6182 or [doug.dansie@slcgov.com](mailto:doug.dansie@slcgov.com) . Case number PLNSUB2013-00097).**

Mr. Doug Dansie, Senior Planner reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending the Planning Commission approve the petition as presented.

Mr. David Blake, and Mr. Chris Blake, Applicants asked the Commission if there were any questions regarding the project

The Commission and Applicants discussed the houses, that would not be removed, and what they would be used for. They discussed the reason behind not removing all the houses and why the proposal was appropriate for the area. The Commission and Applicant discussed the design, materials and layout of the proposed building. They discussed the proposed tenant for the first floor of the building and explained it would be a non-profit entity using the space for free, which should ensure the space was occupied for an extended period of time. They discussed the large art mural that would be located on the building.

**PUBLIC HEARING [7:21:03 PM](#)**

Chairperson Gallegos opened the Public Hearing;

The following individuals spoke in favor of the petition: Ms. Paige Pitcher and Mr. David Galvan

The following comments were made:

- Great improvement to the area
- Development will help the area to thrive
- Houses will be ok as they are in good condition and can be rented

The following individuals spoke in opposition of the petition: Ms. Laurie Bryant and Mr. Edward Aho

The following comments were made:

- Houses should be saved as they are historic in nature
- Will affect the businesses on the south side of the proposal
- Traffic will be an issue for neighboring properties

The Commission encouraged Ms. Bryant to work with the City regarding the adobe houses that will remain on the subject property.

Chairperson Gallegos closed the Public Hearing.

The Applicant discussed the condition of the houses being removed and how the history of the houses would be documented. The Applicant discussed the driveway along the south side of the property and the effect to the business located there.

The Commission and Applicant discuss the lot size and the proposed building size.

The Commission and Staff reviewed the location of the driveway along the south side of the property. Staff indicated it was 20 feet away from the property line.

**MOTION [7:38:56 PM](#)**

**Commissioner Fife stated regarding PLNSUB2013-00097 24 North 600 West Planned Development, based on the findings listed in the Staff Report, testimony and plans presented, he move that the Planning Commission approve the planned development/conditional use to allow a multi-family building at approximately 24 North 600 West and to modify the 5 foot maximum setback requirement for the enclosed/screened carport in the side yard and the modification of construction finish materials with the three conditions listed in the Staff Report.**

Commissioner Woodhead asked to add a condition four to the motion stating, the Applicant allow documentation of the properties during demolition.

**Commissioner Fife accepted the amendment.**

**Commissioner Woodhead seconded the motion.**

Staff stated this was a planned development and a conditional use and the language in the motion should reflect that.

**Commissioner Fife accepted the change to the motion.**

The Commission and Staff discussed the relevance of the additional condition.

**The motion passed unanimously.**

**The meeting adjourned at [7:43:41 PM](#)**