

SALT LAKE CITY PLANNING COMMISSION MEETING
Room 126 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, May 8, 2013

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:33:51 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; Vice Chair Emily Drown; Commissioners, Angela Dean, Michael Fife, Bernardo Flores-Sahagun Clark Ruttinger, Marie Taylor, and Mary Woodhead. Commissioner Lisa Adams and Matthew Wirthlin were excused.

Planning Staff members present at the meeting were: Wilford Sommerkorn, Planning Director; Joel Paterson, Planning Manager; Everett Joyce, Senior Planner; Ray Milliner, Principal Planner and Michelle Moeller, Senior Secretary.

FIELD TRIP NOTES:

A field trip was held prior to the work session. Planning Commissioners present were: Michael Gallegos, Clark Ruttinger and Marie Taylor. Staff members in attendance were Joel Paterson and Ray Milliner.

The following locations were visited:

1. **800 South Arlington Park-** Staff explained the proposed project and the concerns raised by the public. The Commissioners asked questions about the stream and asked about comments from the Public Utilities Department. The Commission asked about the existing vegetation, proposed landscaping and the use of existing vegetation. They asked about egress and ingress and potential hazards to pedestrians and cyclists on 800 South

[5:34:09 PM](#)

APPROVAL OF THE MINUTES FROM THE APRIL 24, 2013 MEETINGS

MOTION

Commissioner Woodhead made a motion to approve the April 24, 2013 minutes with the corrections. Commissioner Taylor seconded the motion. Commissioner Flores-Sahagun abstained as he was not present at the April 24, meeting. The motion passed unanimously.

REPORT OF THE CHAIR AND VICE CHAIR [5:35:03 PM](#)

Chairperson Gallegos stated he had nothing to report at this time

REPORT OF THE DIRECTOR [5:35:10 PM](#)

Mr. Wilford, Sommerkorn, Planning Director, stated reviewed the Boueck Village Plan Development and explained the Applicant was requesting a one year extension.

MOTION [5:36:05 PM](#)

Commissioner Taylor motioned to extend the petition for one year. Commissioner Woodhead second. Commissioners Taylor, Ruttinger, Woodhead, Dean and Flores-Sahagun voted “aye”. Commissioner Fife voted “nay”. The motion passed 5-1.

PUBLIC HEARING [5:36:34 PM](#)

Arlington Park Planned Development at approximately 1073 East 800 South - Jeff Beck is requesting City approval to develop 3 duplex buildings (6 units total) with a single access from 800 South. The applicant is requesting that the Planning Commission grant a reduction in the rear yard setback from 25 feet to 10 feet, and relief from the requirement that a single lot have only one principal building (the site would have 3 principal buildings) at the above listed address. Currently the land is vacant and the property is zoned R-2 Single and Two Family Residential. This type of project must be reviewed as a (Planned Development). The subject property is within Council District 4, represented by Luke Garrott. The (Staff contact: Ray Milliner at (801) 535-7645 or ray.milliner@slcgov.com. File number PLNSUB2013-00049).

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 petition as presented.

Mr. Mitchell Spence, Architect reviewed the site plan and the proposed project. He discussed the landscaping for the property and the use of existing vegetation. Mr. Spence discussed the history of the property and its uniqueness.

The Commission and Applicant discussed the number of trees that would be removed and/or replanted on the property. They discussed the grade of building C and the retaining wall to the rear of building C. The Commission and Applicant discussed the height of the building and retaining wall. They discussed on street parking and if it would be available in the area or if it would need to be incorporated on the property.

PUBLIC HEARING [5:57:26 PM](#)

Chairperson Gallegos opened the Public Hearing.

Ms. Ester Hunter, Community Council, stated the Developer had been great to work with; the park idea needed to be reviewed and that the elimination of on-street parking would cause more concrete than what was proposed. She stated if the parking was onsite the Community Council would not support the proposal. Ms. Hunter reviewed the layout of the proposal and the determination of the setbacks. She stated the Community would like the trees preserved.

The Commission and Ester Hunter discussed the density of the area and the opinion of the Community Council on the proposal.

The following persons were in opposition of the petition: Mr. Ed Butterfield, Ms. Rose Berchett, Mr. Nate Salazar, Mr. Tom Berchett, Ms. Paula Lee, Mr. Christopher Lee, Ms. Barbara Jones, Mr. Garrett Christopher, Ms. Julia Robertson, Mr. David Swanwick and Mr. Gavin Gillespie

The following comments were made:

- Replacement trees will not be able to replace the loss of mature trees
- Proposal puts pressure on the home to the rear of the property
- Trees create a noise barrier for the surrounding neighbors
- Proposal would detract from the area
- Park would be a great option
- Development needs to fit with the area
- New development requirements are in place to protect the neighborhood
- The 1100 East side is the rear of the development not the side
- Setbacks need to meet the ordinance standards
- Three buildings do not fit on the property
- Proposal will change the look of the area
- Precedent will be set for large developments
- Parking is all ready a problem in the area, proposal will increase it

- Three exceptions, for one property, is excessive
- Compromise for the neighbors is greater than that to the developer
- Development agreement should be put in place
- Put the garages at the rear of the buildings
- Property is unique and should be kept
- Neighbors do not want the proposal in the area

Mr. Christopher Lee presented a two minute video reflecting his opinion on the proposal; comments are reflected in the list above.

The Commission and Mr. Lee discussed who put the pink ribbon on the trees and what it represented.

Chairperson Gallegos closed the Public Hearing.

Mr. Mitch Spence stated he appreciated the comments made and they have implemented many of the suggestions. He reviewed the comments and concerns of the neighbors and explained how each would be addressed. Mr. Spence stated there would be a fence and trees at the rear of the property that would offer privacy for both properties, parking would be incorporated on the property and the majority of the mature trees would remain on the property or be replanted.

The Commission and Mr. Spence discussed the trees that would remain on the property. They discussed the grade changes, the roof color and the way the buildings addressed the street face. The Commission and Mr. Spence discussed the plan that incorporated on-site parking.

The Commission and Staff discussed why on -street parking could not be counted toward the required number of off-street parking stalls, the options for parking and the option for the Planning Commission to approve tandem parking through a Plan Development process. The Commission and Applicant discussed the effect of adding additional parking to the property.

The Commission discussed tabling the issue until the Applicant could present a plan depicting the required parking spaces. It was determined the plan included in the staff report supported tandem parking.

The Commission and Staff discussed what authority the Planning Commission had regarding vegetation. Staff stated the Planning Commission did not regulate vegetation but tried to encourage developers to work with existing vegetation.

Mr. Spence reviewed the setbacks on the north and the west sides of the property and the proposed buffers that would be put in place in those areas.

The Commission and Staff discussed the Plan Development process and if the orientation of the building to the street would be required if the front door was moved. It was noted that the existing plan for Building A meet the front façade controls noted required in the Zoning Ordinance. The Commission and Staff discussed if the building coverage was consistent with an R-2 zone.

DISCUSSION [6:55:44 PM](#)

The Commissioners stated they needed more information regarding the location of mature trees, the grading of the lot, an option to clearly address the street face and an option to address the existing setbacks before a decision could be made. It was stated to get a full idea of the impact of the proposal one needed to visit the property.

The Commission discussed the proposal and how it fit in the area and what the restrictions on the property should be. They discussed the proposed density of the proposal and if it fit into the area. The Commission discussed the rights of the Property Owner to develop the property.

Mr. Joel Paterson stated the proposal met the density requirements for the area and the Planning Commission did not have the authority to increase the density allotments.

The Commission agreed they would take a second field trip to the site.

MOTION [7:04:16 PM](#)

Commissioner Dean stated regarding PLNSUB2013-00049, Arlington Park Planned Development, she moved to table the petition, leave the Public Hearing open and have the Applicant to return with more specific information regarding site plan, indicating all existing mature trees which are to remain and which are to be removed, indicating the existing and new grade changes and options modifying the building massing to maintain the rear twenty five (25) foot setback as well as locating a main entry off of 800 South. Commissioner Woodhead seconded the motion.

Commissioner Woodhead stated as long as there was an understanding that not all of the things Commissioner Dean requested for the Applicant to address were necessarily things required to be changed for approval. She asked the Applicant and Staff for clarification on the tandem parking and if the Commission needed to change the conditions to allow it.

Staff stated the petition would need to be modified and re-noticed to address the tandem parking. Staff explained the Planning Commission could not reduce the number of required parking stalls but could offer a way to change the alignment of parking.

Commissioner Dean stated as an amendment to the motion she would like to see maneuvering radius for vehicles to access all parking areas.

The Commission and Staff discussed the application changes and the re-noticing process that would be taken to address the changes. They discussed the 1100 East frontage and the grade changes. Staff stated there was no way to bring the grade up to the street level.

Commissioner Dean and Commissioner Woodhead accepted the amendments.

Commissioners Drown, Dean, Flores-Sahagun, Taylor and Woodhead voted “aye”. Commissioners Ruttinger and Fife voted “nay”. The motion passed with a 5-2 vote.

[7:11:01 PM](#)

The Commissioners took a short break.

[7:18:27 PM](#)

Chapter 38 Nonconforming Uses and Non-complying Structures – The Salt Lake City Council is requesting the City modify zoning regulations that apply to uses of land and buildings that were legally established in the past, but due to changes in zoning laws, would no longer be permitted. The proposal would accomplish the following: restructure existing regulations for clarity, modify text for consistency with State law and incorporate text for in-line additions, solar energy devises, charter schools and the Americans with Disabilities Act. The proposed regulation changes will affect Chapter 38 and sections 21A.36.020 General Provisions, 21A.54.135 Conditional Uses, 21A.060.020 List of Terms and 21A.62.040 Definitions of the zoning ordinance. Other related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Everett Joyce at (801) 535-7930 or everett.joyce@slcgov.com). File Number PLNPCM2009-00167).

Mr. Everett Joyce, Senior Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending a favorable recommendation be forwarded to the City Council regarding the petition.

The Commission and Staff discussed the comments from the Salt Lake Attorney’s office and if the petition would require re-noticing prior to approval. They discussed how people are noticed of zoning changes.

PUBLIC HEARING [7:26:44 PM](#)

Chairperson Gallegos opened the Public Hearing seeing no one was present to speak for or against the petition Chairperson Gallegos closed the Public Hearing.

DISCUSSION [7:27:01 PM](#)

Commissioner Taylor stated the right types of business can add to areas and the proposal encourages those additions.

MOTION [7:28:05 PM](#)

Commissioner Woodhead stated as to petition PLNSUB2009-00167, based on the findings in the Staff Report, discussion before the Commission, additional comments forwarded to the Commission and the public comment, she moved to transmit a favorable recommendation to the City Council to adopt the proposed zoning text amendments relating to Nonconforming Uses and Non-complying Structures as amended by the Salt Lake City Attorney's Office as reflected in the memorandum. Commissioner Taylor seconded the motion. The motion passed unanimously

The meeting adjourned at [7:29:16 PM](#)