

SALT LAKE CITY PLANNING COMMISSION MEETING
Room 126 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, June 12, 2013

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [6:04:31 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 Lisa Adams, Angela Dean, Michael Fife, Bernardo Flores-Sahagun, Clark Ruttinger, Marie Taylor, Matthew Wirthlin and Mary Woodhead.

Planning Staff members present at the meeting were: Joel Paterson, Planning Manager; Casey Stewart, Senior Planner; John Anderson, Principal Planner; Daniel Echeverria, Principal Planner; Thomas Irvin, Principal Planner; Ray Milliner, Principal Planner; Michelle Moeller, Senior Secretary and Paul Nielson, City Land Attorney.

FIELD TRIP NOTES:

A field trip was held prior to the work session. Planning Commissioners present were: Lisa Adams, Michael Gallegos, Michael Fife, Bernardo Flores-Sahagun, Clark Ruttinger, Mary Woodhead and Marie Taylor. Staff members in attendance were Joel Paterson, Thomas Irvin, Daniel Echeverria, Ray Milliner and John Anderson.

The following locations were visited:

- Glendale Library Alley vacation- Staff reviewed the proposed request to partially close the alley, the City would retain ownership.
- 9 Line Master Plan- Staff described the area to be included in the Master Plan and the purpose for the plans creation.
- Seftel Alley Vacation- Staff described the propose alley vacation.
- Arlington Park Planned Development- Staff reviewed the proposed project and changes.

DINNER [5:24:51 PM](#)

Dinner was served to the Commission and Staff at 5:00 p.m. a briefing on the 9 Line Master Plan was given by John Anderson, Principal Planner.

9 Line Master Plan - The Planning Division, in conjunction with a consulting firm, is beginning to develop the 9 Line Master Plan. This plan will help plan the future development of the 9 Line Trail which is an area generally located along 900 South from 200 West to the Surplus Canal (approximately 1000 West). Planning staff will discuss the scope of work, schedule, goals and internal working group with the Planning Commission and request that the Planning Commission initiate a petition to start the creation of the 9 Line Master Plan. (Staff contact: John Anderson at (801) 535-7214 or john.anderson@slcgov.com).

Mr. John Anderson, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending the Planning Commission initiate a petition for the 9 Line Master Plan during the Public Hearing portion of the meeting.

The Commissioners and Staff discussed meeting dates for July. A meeting will be held July 10 and if needed on July 31.

The Commissioners discussed the property at approximately 294 North Federal Heights Circle. They discussed what was approved in the original petition and if their decision would be different if it was know that the entire structure would be demolished.

Mr. Joel Paterson, Planning Manager, explained the in-line addition Zoning Ordinance. He reviewed the approved proposal to demolish sections of the structure, the issues with the foundation that prohibited the use of the existing foundation and the demolition of the entire existing structure. Mr. Paterson stated a demolition permit was not issued and a stop work order had been put in place.

The Commissioners and Staff discussed what their options were to rehear or revoke the Special Exception. They discussed the finding needed for a revocation hearing.

[6:04:27 PM](#)

APPROVAL OF THE MINUTES FROM THE MAY 22, 2013 MEETINGS [6:04:40 PM](#)

MOTION [6:04:54 PM](#)

Commissioner Woodhead made a motion to approve the May 22, 2013, meeting minutes. Commissioner Drown seconded the motion. Chairperson Gallegos; Commissioner Adams, Fife and Wirthlin abstained from voting as they were not present at the subject meeting. The motion passed unanimously.

REPORT OF THE CHAIR AND VICE CHAIR [6:05:18 PM](#)

Chairperson Gallegos reported on the CNU conference several Commissioners attended. He commended Staff on a job well done.

Vice Chairperson Drown stated she had nothing to report at this time.

REPORT OF THE DIRECTOR [6:06:01 PM](#)

Mr. Joel Paterson, Planning Manager stated Staff was asking the Planning Commission to initiate a petition for the 9 Line Master Plan.

Chairperson Gallegos stated Commissioner Woodhead would represent the Planning Commission for the project.

MOTION [6:07:02 PM](#)

Commissioner Wirthlin moved that the Planning Commission initiate a petition to create the 9 Line Master Plan and appoint Commissioner Woodhead as a Planning Commission representative. Commissioner Adams seconded the motion. The motion passed unanimously.

[6:07:30 PM](#)

Mr. Paterson reviewed the petition for the property at approximately 294 North Federal Heights Circle. He explained the process the petition had gone through to receive a Special Exception. Mr. Paterson explained the in-line addition provisions of the Zoning Ordinance. He reviewed the approved proposal to demolish sections of the structure, the issues with the foundation that prohibited the use of the existing foundation and the demolition of the entire existing structure. Mr. Paterson stated a demolition permit was not issued and a stop work order had been issued. He stated the Planning Commission needed to decide if they wanted to rehear the petition or if they felt the project could move ahead without issue. Mr. Paterson asked the Planning Commission to decide if the approval was valid, if the facts changed, had the impacts to the surrounding neighborhood changed or had the overall project remained the same. He reviewed the original elevations of the petition and explained the elevations had not changed with the demolition of the existing structure.

The Commissioners and Staff discussed if the materials, elevations, and height were changed with the demolition. They discussed the location of the new construction and if they would have voted differently had they known the structure was being completely demolished. The Commissioners and Staff discuss the foundation core sampling report, the grade change and the in-line addition. The Commissioners asked if both items in the Special Exception needed to be reviewed, what a Revocation Hearing would entail, when the petition could be reheard and the reasons why the petition should or should not be

reheard. The Commissioners discussed if they were for or against holding a new hearing and what factors determined their decision.

MOTION [6:20:37 PM](#)

Commissioner Dean moved for the Planning Commission to schedule a Special Exception Revocation Hearing for the June 26, 2013 Planning Commission meeting. Commissioner Woodhead seconded the motion.

Mr. Paterson reviewed what was needed to list the item for the June 26 hearing.

The Commissioners and Staff discussed if the original plans had changed with the demolition, if the review would provide clarity on the plans and what issues needed to be reviewed at the rehearing. The Commissioners stated they would like to see to what extent the Applicant relied on the existing house to request the Special Exception. It was stated that the Applicant should have to argue that the Special Exception was still required without the existing house.

Mr. Paterson reviewed the ordinance and standards for Special Exceptions.

Commissioners Dean, Woodhead, Ruttinger, Drown and Flores-Sahagun voted “aye”. Commissioners Taylor, Wirthlin, Fife and Adams voted “nay”. The motion passed 5-4.

PUBLIC HEARINGS [6:27:32 PM](#)

Commissioner Dean stated she may have conflict of interest. She stated her Design Firm bid on a proposal for the Arlington Park Planned Development but was not selected for the project. Commissioner Dean stated her involvement would not influence her opinion on the proposal.

The Commissioners agreed to that Commissioner Dean does not have a conflict of interest related to the Arlington Park Planned Development and voted to let Commissioner Dean participate.

Arlington Park Planned Development at approximately 1073 East 800 South - Jeff Beck is requesting Planned Development approval to allow the construction of 3 two-family 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, to approve the use of tandem parking to meet the minimum off-street parking requirement and to allow more than one principal building on a lot (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. (Staff contact: Ray Milliner at (801) 535-7645 or ray.milliner@slcgov.com. Case 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. Mitch Spence and Mr. Jeff Beck, Applicants, reviewed the designs and requested changes. They reviewed the tandem parking plan and explained it was not feasible to widen the rear setback as it left the proposed building unusable. They reviewed the plan for the existing vegetation and how tandem parking would allow more trees to be kept on the property. They stated they would like to keep as many trees on the property as possible. They reviewed the turning radius on the property and the community outreach they had done. They discussed the impact on the neighborhood, what had been done to address the neighbor's comments, the retaining wall, the density of the project and the standards met by the project.

The Commissioners and Applicant discussed the location of the fault line in relation to the property, the accessibility to the property from 1100 East and the frontage and floor plan of Building A in relation to the street. The Commissioners and Applicant discussed the building elevation facing 800 East, the ordinance requiring a percentage of the façade to be glass and how it addressed the street. They discussed the porch design and the setback requirements for the 800 East façade. It was stated that it was not a requirement to be a front door but the 800 East façade did have to interact with the street.

The Commissioners and Staff reviewed the proposed overhang encroachment into the setback and what the ordinance allowed.

The Commissioners and Applicant discussed the front yard setbacks for the project.

Mr. Paterson reviewed the Zoning Ordinance requirements for front facing façades and reviewed the encroachment standards for porches, windows and stairs in a required setback.

The Commissioners and Staff discussed if the proposal met the standards. Staff stated it was their opinion that the proposal generally met the standards in the ordinance.

The Commissioners stated the motion needed to state the Planning Commission was not approving the South elevation as presented in the Staff Report but the revised elevation presented during the Planning Commission meeting..

The Commissioners and Applicant discussed the trees in relation to Building A, the existing and new grade changes on the site plan and putting a protection plan in place for the existing vegetation.

Mr. Paterson explained a vegetation protection plan could be put in place to ensure the existing trees remained on the property. The Applicant stated they would agree to such a plan.

The Commissioners and Applicant discussed the slope of the roof. Staff stated a roof with a minimum slope of 2/12 is considered a pitched roof and part of that design was to meet the height requirement without requesting a Special Exception for height.

PUBLIC HEARING [7:07:41 PM](#)

Chairperson Gallegos opened the Public Hearing.

Ms. Easter Hunter, Community Council Chair, stated the Developer had been great to work with from the beginning. She stated the Community Council had not received an early notice of the project because the City did not have such a provision. Ms. Hunter reviewed how the Community Council functioned. She reviewed the proposal to put a park on the property and the communities' preference to have a park instead of the proposed development. Ms. Hunter stated the Community Council was currently fundraising for a park somewhere in the area. She stated the Community Council supported tandem parking, was opposed to the setback variance and supported a tree protection plan.

The Commissioners and Ms. Hunter discussed if the changes to the plan were supported by the Community Council. Ms. Hunter stated the Community Council opposed the rear yard setback by sixty four percent.

Mr. Nate Salazar, Douglas Neighborhood Association, stated they were against the petition as presented. He stated the project was out of scope for the neighborhood and the restrictions were put in place for a reason. Mr. Salazar asked the Commissioners to listen to and take into consideration the comments from the Public.

The following individuals spoke in opposition of the petition: Mr. Tom Burchett, Ms. Barbara Jones, Mr. Alejandro Nuan, Mr. Joe Maughan, Ms. Laurel Maughan, Mr. Christopher Lee, Ms. Paula Lee and Mr. Garrett Christopher.

The following comments were made:

- Maintain setback requirements
- Rules are in place for a reason
- Property owner should have to show a compelling reason for the request
- Sixty percent of the neighbors are against the proposal
- Open space proposal was in the works
- Denial of the setback would encourage the negotiation for a park
- Parking in the area was all ready an issue and the increase in occupants would increase the parking problems
- People won't use the tandem parking and street parking in the area was permit only
- People will not park on 800 South but will park in the neighboring areas causing more parking issues in those areas
- Views from neighboring properties will be that of roof tops and parking lots
- Proposal will ruin the neighborhood
- A Park would be a better use of the property
- Adjustments to the proposal do not merit the approval of the project
- Proposal does not fit in the area

The Commissioners and Staff discussed the required rear yard setback of twenty five feet.

The following individuals spoke in favor of the petition: Mr. Larry Pease.

The following comments were made:

- Proposed development was a good use of the land

The following individuals submitted comment cards but did not wish to speak: Mr. Gavin Gillespie, Ms. Julia Robertson, Ms. Jenny Woo, Mr. Paul Frappier and Mr. Paul Rice.

The following comments were submitted:

- Opposed to ten foot setback
- Three buildings were too much for the lot
- Tandem parking would not work

Chairperson Gallegos closed the Public Hearing.

[7:30:05 PM](#)

Mr. Beck stated he understood the request and desire for a park and they were open to selling the property for that purpose. He explained privacy would not be an issue with the proposed plan and the Community Council approved the proposal. Mr. Beck stated parking was not an issue when they have been at the property. He stated the condos would be owner occupied not rentals. Mr. Beck said the proposal fit the density requirements for the area and there was no entrance to the property from 1100 East. He stated tandem parking does work in apartment complexes and was in line with the City's Master Plan. Mr. Beck stated it was in their best interest to protect the existing trees.

The Commissioners and the Applicant discussed the advantage to tandem parking and that if tandem parking was not approved more hard surface space would be required on the site.

DISCUSSION [7:37:31 PM](#)

The Commissioners discussed other projects where tandem parking had been approved. They discussed the rear yard setback and the neighbor's argument to keep the twenty five foot setback. The Commissioners discussed the setbacks for the project and the benefits of tandem parking. It was stated that the opposition to the setback and the roof line seemed to be an excuse to stop the development and push for a park.

The Commissioners asked Staff if it was appropriate to approve the project without the rear yard setback. Staff stated if that was the done Staff would ask for time to work with the Applicant on a different proposal. They discussed what would happen if parts of the project were tabled or denied.

MOTION [7:46:18 PM](#)

Commissioner Fife stated regarding Plan Development PLNSUB2013-00049, based on the findings listed in the staff report and the testimony heard, he move that the Planning Commission approve the proposed Arlington Park planned development with conditions 1-5 listed in the Staff Report and condition 6 that a tree preservation plan be submitted to the City. Commissioner Wirthlin seconded the motion. Commissioners Wirthlin, Fife, Drown, Adams and Ruttinger voted "aye". Commissioners Dean, Taylor, Woodhead and Flores-Sahagun voted "nay". The motion passed 5-4.

Commissioner Dean was excused for the evening.

[7:54:14 PM](#)

Steven Seftel Alley Vacation between Roosevelt and Emerson Avenues from approximately 1130 East to 1177 East - Steven Seftel is requesting that the alley located between Roosevelt and Emerson Avenues running west to east from approximately 1130 East to 1170 East be closed to vehicle access. The request is being made since this portion of the alley has not been accessible to vehicles for years and approval will allow adjoining owners to incorporate the alley property into their own yards. All of the adjacent properties are zoned R-1/5,000 Single Family Residential. This type of project must be reviewed as an Alley Vacation and will also require City Council approval. The alley is located in Council District 5 represented by Jill Remington Love. (Staff Contact: Thomas Irvin at 801-535-7932 or thomas.irvin@slcgov.com. Case number PLNPCM2013-00068).

Mr. Thomas Irvin, Principal 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.

Mr. Steven Seftel, Applicant, reviewed the history of the alley and the surrounding neighbors. He stated the alley was never used for vehicle traffic but encouraged criminal activity, dumping and overall was a liability. Mr. Seftel stated the alley would be more of an asset if absorbed into the surrounding properties.

PUBLIC HEARING [8:00:29 PM](#)

Chairperson Gallegos opened the Public Hearing.

The following individuals spoke in favor of the petition: Ms. Sharon Hatz, Ms. Christi Thorne and Mr. Mark Keeney.

The following comments were made:

- Never used for vehicle traffic
- Weeds are out of control
- Allows access to properties for crime to occur
- Lots are narrow and additional property would allow for improvements to houses
- Alley was in disrepair
- Alley was a nuisance which could be put to better use.
- Vacation should be extended for the entire length of the alley

Chairperson Gallegos closed the Public Hearing.

[8:05:09 PM](#)

DISCUSSION

The Commissioners and Staff discussed how the alley would be absorbed by the surrounding property owners and how that increase would affect the zoning of those properties. They discussed the easements to the property and if there was a way to turn the responsibility of maintenance over to the owners who wished to keep access to the alley. Staff explained only three adjoining property owners did not sign the petition for vacation.

MOTION [8:09:34 PM](#)

Commissioner Drown stated regarding PLNSUB2013-00068, based on the findings listed in the staff report, the evidence provided, and testimony heard, she move that the Planning Commission forward a favorable recommendation to the City Council to approve application PLNPCM2013-00068 to close the portion of the public alley between Roosevelt and Emerson Avenues from approximately 1177 East to 1130 East, subject to the conditions listed in the Staff Report. Commissioner Flores-Sahagun seconded the motion. Commissioners Adams, Drown, Fife, Woodhead, Flores-Sahagun and Wirthlin voted "aye". Commissioners Ruttinger and Taylor voted "nay". The motion passed 6-2.

[8:11:55 PM](#)

Mr. Paul Nielson stated he is the attorney for the City Library Board and needed to recues himself.

Commissioner Flores-Sahagun was excused for the evening.

[8:12:35 PM](#)

Glendale Library Alley Vacation at approximately 1365 S Concord St - The City administration is requesting approval to close the alley to vehicle access that is adjacent to the above listed address. The intent is to landscape the alley as part of the future Glendale Library. Currently the alley is undeveloped and is not being used for access to adjacent properties. The adjacent properties are zoned R-1/7,000 Single Family Residential. This type of project must be reviewed as an Alley Vacation and will also require City Council approval. The alley is within Council District 2, represented by Kyle LaMalfa. (Staff contact: Daniel Echeverria at (801) 535-7165 or daniel.echeverria@slcgov.com. Case number PLNPCM2013-00172).

Mr. Daniel Echeverria, Principal 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.

PUBLIC HEARING [8:14:44 PM](#)

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

MOTION [8:14:52 PM](#)

Commissioner Wirthlin stated regarding PLNPCM13-00172 Glendale Library Partial Alley Closure, Based on the findings listed in the staff report, testimony and plans presented, he move that the Planning Commission transmit a favorable recommendation to the City Council relating to this request to close to vehicle traffic a portion of the alley located along the east edge of the Glendale Library property at approximately 1365 S Concord Street. Commissioner Woodhead seconded the motion. The motion passed unanimously.

[8:16:09 PM](#)

Subdivision Ordinance Amendments Revisited - Salt Lake City proposes to amend the existing Salt Lake City Subdivision Ordinance in order to incorporate provisions consistent with the Mayor's Sustainability Code Initiative and update the subdivision review process with the intent to make it more efficient and comprehensive. The amendment will affect all of Title 20 Subdivisions. Related provisions of Title 21A Zoning and Title 18 Buildings and Construction may also be amended as part of this petition (Staff contact: Casey Stewart at (801) 535-6260 or casey.stewart@slcgov.com)

Site Development Ordinance Amendment Revisited - Salt Lake City proposes to amend the existing Salt Lake City Site Development Regulations, particularly those portions dealing with subdivision design, and update the regulations in conjunction and association with the Subdivision Ordinance amendment project. The amendment will affect chapter 18.28 Site Development Regulations. Related provisions of Title 21A Zoning and Title 18 Buildings and Construction may also be amended as part of this petition (Staff contact: Casey Stewart at 801-535-6260 or casey.stewart@slcgov.com)

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 make a motion to approve the proposed amendments to the ordinances.

PUBLIC HEARING [8:21:24 PM](#)

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

DISCUSSION[8:21:37 PM](#)

The Commissioners and Staff reviewed the proposed slope and grade requirements.

MOTION [8:25:28 PM](#)

Commissioner Woodhead stated based on the memorandum presented to the Planning Commission dated June 6, 2012, regarding the Subdivision Ordinance and Site Development Ordinance, she moved that those ordinances be corrected to reflect the changes set forth in the memorandum presented June 26, 2013. Commissioner Drown seconded the motion. The motion passed unanimously.

The meeting adjourned at [8:26:20 PM](#)