

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**Room 126 of the City & County Building**  
**451 South State Street, Salt Lake City, Utah**  
**Wednesday, July 10, 2013**

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [6:02:52 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 Lisa Adams, Michael Fife, Bernardo Flores-Sahagun, Clark Ruttinger, Marie Taylor, Matthew Wirthlin and Mary Woodhead. Vice Chair Emily Drown and Commissioner Angela Dean were excused.

Planning Staff members present at the meeting were: Wilford Sommerkorn, Planning Director; Nick Norris, Planning Manager; Wayne Mills, Senior Planner; Daniel Echeverria, Principal Planner; Michelle Moeller, Senior Secretary and Paul Nielson, City Land Use Attorney.

**FIELD TRIP NOTES:**

A field trip was held prior to the work session. Planning Commissioners present were: Lisa Adams, Bernardo Flores-Sahagun, Michael Gallegos, Clark Ruttinger and Marie Taylor. Staff members in attendance were Nick Norris, Wayne Mills and Daniel Echeverria.

The following locations were visited:

- **Yale Avenue** - Staff reviewed the proposal. The Commission asked if it was indoor space. Staff stated no it would include a roof but would be open on the side.
- **American Avenue Alley Closure** - Staff reviewed the proposal. The Commission asked about the UTA Rail Corridor and the use on the site adjacent to the alley.
- **Over Height Fence** - Staff gave an overview of the proposal. The Commission asked about the height of the fence at the driveway.

**Dinner Meeting [5:17:09 PM](#)**

The Commission and Staff discussed the initiation process for petitions as outlined in 21A.50.030. They discussed who could initiate a petition, the intent of the ordinance and changing the language to clarify the process. It was decided that a Commissioner would initiate a petition to change the language in 21A.50.030 during the official Planning Commission meeting.

## **APPROVAL OF THE MINUTES FROM THE JUNE 26, 2013 MEETINGS**

### **MOTION [6:03:02 PM](#)**

Commissioner Ruttinger made a motion to approve the June 26, 2013, meeting minutes. Commissioner Adams seconded the motion. The motion passed unanimously. Commissioner Taylor abstained from voting as she was not in attendance at the subject meeting.

### **REPORT OF THE CHAIR AND VICE CHAIR [6:03:52 PM](#)**

Chairperson Gallegos stated he had nothing to report at this time.

### **REPORT OF THE DIRECTOR [6:03:54 PM](#)**

Mr. Wilford Sommerkorn, Planning Director, reported on the approval of the Epic Brewing rezone by the City Council, subject to a development agreement being put in place. He stated the City Council had asked Planning Staff to look at closed court streets, consider rezoning or modifying the master plan to try and encourage the establishment and preservation of the residential character of those areas.

### **PUBLIC HEARINGS [6:06:19 PM](#)**

**Bayly Over Height Fence Special Exception at approximately 1248 W Talisman Drive** – Teag Bayly is requesting approval to construct a 6' fence on the east side of his home at the above listed address. The zoning ordinance defines the east side of this property as the front yard. In Residential zoning districts front yard fences are permitted up to a height of four feet in the front yard. The property is occupied by a single-family home and is zoned R-1/7,000 Single Family Residential. This type of project must be reviewed as a Special Exception. The subject property is within Council District 1, represented by Carlton Christensen. (Staff contact: Daniel Echeverria at (801) 535-7165 or [daniel.echeverria@slcgov.com](mailto:daniel.echeverria@slcgov.com) Case number PLNPCM2013-00388).

Mr. Daniel Echeverria, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending the Planning Commission deny the petition as presented in the Staff Report.

Mr. Teag Bayly, Applicant, reviewed the proposal, the safety issues in the area and the issues with the proposed gate for the RV pad. He discussed the standards and how the proposal addressed the standards. Mr. Bayly reviewed the plaque that could be placed on the fence to inform future owners of the rules for the gate. He reviewed the fences in the neighborhood and issues with those fences. Mr. Bayly stated the actions of future home owners should not be put on his shoulders and the safety of his children was at risk. He

stated due to his lot being on a corner the yard was visible from all sides and the fence would provide security and privacy to his property.

The Commission and Applicant discussed the following:

- If the fence could be constructed with a removable section, that would unscrew, allowing access to the RV pad.
- If the gate would swing outward or inward and if the gate was allowed to block the sidewalk for any period of time.
- If a solid fence would block the sunlight for the garden prohibiting the growth of the plants.

**PUBLIC HEARING [6:27:27 PM](#)**

Chairperson Gallegos opened the Public Hearing.

The following individuals spoke in favor of the petition: Ms. Sandra Archuleta, Mr. Tim Evans, Mr. Kevin Rogers, Mr. Alan Rogers, Ms. Ann Syphus, Mr. Ed Zaugg and Mr. Bryan Mortensen.

The following comments were made:

- Fence was not an issue in the area and the reasons for it were valid.
- The safety issues of the gate are not as substantial as they seem and can be mitigated by removing the driveway and allowing only an RV pad.
- Fence was in character for the area and would not deter from the neighborhood.
- Basement apartment was removed from the structure.
- Safety of children was the issue not the use of the RV pad.
- The fence was an improvement to the area.
- All the corner lots in the area have a hard ship in regards to the fence able areas.
- Children were in the area but the fence was not a safety risk.
- Shouldn't prohibit something because of something someone else may do in the future.
- Reasonable use of the gate would not create safety issues.

The following individuals were in opposition of the petition: Ms. Judy Thomas and Ms. Carla Hogan.

The following comments were made:

- Six foot fence would block the view of neighboring properties on the South.
- Fence would offer a prime location for graffiti in the area.

- North driveway allowed ingress and egress while other properties in the area have just RV pads.
- Fence does not maintain the character of the area.
- South side of property was front yard of property.
- Driveway has been used for more than an RV parking in the past.
- Six foot fence would increase the risk for children to be injured in driveway.

Chairperson Gallegos closed the Public Hearing.

Mr. Bayly stated the driveways are to code therefore, they were not included in the proposal. He stated the basement was remodeled and the structure was converted to a single family home. Mr. Bayly stated he would be willing to take out the run up, for the RV pad, in the parking strip if that was an issue.

The Commission and Applicant discussed what the fence would look like if it was brought to code. The Applicant stated it would be four feet and would not benefit anyone. They discussed the location of the fence and how it could be addressed. The Commission and Applicant discussed possible graffiti and that neighboring properties with such fences don't have graffiti. They discussed the option of a wood fence. The Applicant stated wood fences are hard to keep up and vinyl fits in the neighborhood. The Commission and Applicant discussed a fence on the west side of the property. The Applicant stated a fence on the west side was not in the proposal.

**DISCUSSION** [6:51:23 PM](#)

The Commission and Staff discussed the site plan, layout, height and location of the six foot fence. The Commission and Staff discussed the different views of the site plan and the site distance triangles required by transportation. They discussed if the gate could open outward to help block pedestrians while the RV was being moved and what the ordinance regulations were for blocking sidewalks. The Commission and Staff discussed if a section of the fence could be removed, what defined the driveway and if there was not a driveway was there an issue. Staff stated if the curb cut was removed then RV storage would not be allowed in that area.

The Commission discussed the options to adhere the fence to the ordinance. They discussed the placement of the gate and how it could be made to fit within the standards. It was stated that the fence would be a target for graffiti if it was a four feet or a six feet in height. The Commission asked what would need to be in the motion to approve the fence.

Staff read the standard and what the Commission needed to find for approval. The Commission and Staff talked about what conditions to put in the motion.

**MOTION** [7:09:49 PM](#)

**Commissioner Ruttinger stated regarding Special Exception PLNPCM2013-00388, based on the findings listed in the Staff Report, testimony and plans presented, he move that the Planning Commission approve the petition for a Special Exception for the additional fence height provided that the clear view triangles are maintained. Commissioner Woodhead seconded the motion.**

The Commission discussed if they should require the fence to be in line with the house and if it included the garden area.

**Commissioner Ruttinger stated the motion allowed for the additional height, was not required to be in line with the house and to include the garden area.**

**Commissioners Wirthlin, Flores-Sahagun, Ruttinger, Woodhead and Adams voted “aye”. Commissioner Taylor and Fife voted “nay”. The motion passed 5-2.**

[7:13:36 PM](#)

**Taylor Addition Special Exception at approximately 1270 East Yale Avenue -Doran Taylor (owner) is requesting approval from the City to construct an addition to the existing home that would not comply with the required 4-foot side yard setback on the west side of the home at the above listed address. The addition would be “in line” with the existing garage. The property is zoned R-1/5,000 Single Family Residential. This type of request must be reviewed as a special exception. The subject property is within Council District 5, represented by Jill Remington Love. The (Staff contact: Casey Stewart at (801) 535-6260 or [casey.stewart@slcgov.com](mailto:casey.stewart@slcgov.com) Case number PLNPCM2013-00334).**

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

Mr. Doran Taylor, Applicant, reported on the issues with the garage leaking and stated the only solution to the problem was to cover the area between the home and the garage to prevent snow build up. He stated the structure did not block the view from the neighboring property as it abutted a garage. Mr. Taylor asked the Commission to approve the petition as presented.

The Commission and Applicant discussed the view from the neighboring property to the subject property. They discussed the material proposed for the roof of the structure, the

layout of the two homes and the shading that would be created due to the addition. They discussed the drainage for the property and the issue with the garage leaking.

**PUBLIC HEARING** [7:23:22 PM](#)

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

The Commission and Applicant discussed the options for repairing the roof without adding the addition and how well it would work. They discussed the drainage for the roof.

The Commission and Staff discussed the public comments for the project. Staff stated the neighbor had emailed Staff with comments.

**DISCUSSION** [7:26:46 PM](#)

The Commission discussed if a Special Exception could be granted due to a condition with the property. They discussed the standards and finding for approval.

**MOTION** [7:33:36 PM](#)

**Commissioner Taylor stated regarding the Taylor Addition Special Exception PLNPCM2013-00334, based on the testimony, plans presented, findings and Staff Report, she move that the Planning Commission grant the Taylor Addition Special Exception PLNPCM2013-00334 for reduced side yard setback, located at approximately 1270 East Yale Ave. In addition to the standards A, 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):**

- b. The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;**
- c. The proposal will not have a material adverse effect upon the character of the area or the public health safety and general welfare as what is effected is the garage for the neighbor;**
- d. The proposal will be compatible with development of surrounding property as the proposed roof structure is in line with the current garage footprint , it will remain compatible with the surrounding property**

Commissioner Wirthlin stated the Staff Report was incorrect in the motion the findings should be listed as a, c, d. He stated the proposed motion should state the following as condition a:

- a. The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.

**Commissioner Rutting seconded the motion.**

Mr. Nick Norris, Planning Manager, asked the Commission to include language that required an additional Special Exception be applied for if the home owner or future home owner wished to enclose the addition.

The Commission and Staff discussed the language in the motion and if an addition needed to be made.

**Commissioner Taylor amended the motion to add a condition that the exception was specifically for a roof structure and that if at a later time the owner or future owner wished to enclose the area an additional process was required.**

**Commissioner Rutting seconded the amendment.**

**Commissioners Adams, Ruttinger, Fife, Flores-Sahagun, Taylor and Wirthlin voted “aye”. Commissioners Woodhead voted “nay”. The motion passed 6-1**

[7:39:45 PM](#)

The Commission took a short recess.

[7:47:17 PM](#)

**American Avenue Alley Closure at approximately 364 W. American Avenue - BM & V Enterprises is requesting the closure of a City-owned alley located between 900 South, 400 West, American Avenue, and the railway corridor. The alley was created as part of a subdivision plat but has not functioned as a public alleyway. The alley has been gated and used for parking and private business access. If the City decides to close the alley, it will be sold to the applicant at fair market value. The property abutting the alley is zoned CG General Commercial and is located in Council District 5, represented by Jill Remington Love. (Staff contact: Wayne Mills at (801) 535-7282 or wayne.mills@slcgov.com. Case number PLNPCM2013-00340)**

Mr. Wayne Mills, Senior Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated it was Staff’s recommendation that the Planning Commission forward a favorable recommendation to the City Council regarding the petition.

Mr. Tom Bowen, Applicant, stated the alley had been closed off for twenty five years and had not been used during that time. He asked the Commission to approve the petition as presented.

**PUBLIC HEARING** [7:50:46 PM](#)

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

**MOTION** [7:51:00 PM](#)

**Commissioner Fife stated regarding American Avenue Alley Closure PLNPCM2013-00340, 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 the alley located between 900 South, 400 West, American Ave., and the UTA rail corridor subject to the conditions listed in the Staff Report. Commissioner Woodhead seconded the motion. The motion passed unanimously.**

[7:52:10 PM](#)

Commissioner Flores-Sahagun left for the evening.

[7:52:15 PM](#)

**Sugar House Streetcar Rezoning and Master Plan Amendment - Sugar House Streetcar Zoning and Master Plan Amendment - Mayor Ralph Becker is requesting the City adopt new zoning regulations for the development of parcels in and around the vicinity of the Sugar House Steetcar line. The proposed regulations will be a new section of the Zoning Ordinance in Chapter 27. Related provisions of Title 21A - Zoning maybe also be amended as part of this application. In addition to the proposed zoning changes, text changes are proposed to the Sugar House Master Plan related to the streetcar corridor. The project is located within Council District 7, represented by Soren Simonsen. (Staff contact: Maryann Pickering at (801) 535-7660 or maryann.pickering@slcgov.com. Case numbers: PLNPCM2012-00576 and PLNPCM2012-00577).**

Mr. Nick Norris, Planning Manager, reviewed the petition as presented in the Staff Report (located in the case file). He stated it was Staff's recommendation that the Planning Commission transmit a favorable recommendation to the City Council regarding the petition.

The Commission and Staff discussed the allowed height for buildings in the area.



**PUBLIC HEARING [8:00:18 PM](#)**

Chairperson Gallegos opened the Public Hearing.

Ms. Judy Short, Sugar House Community Council, made the following comments:

- Historic Preservation tools should be built into the code.
- Architectural standards should be written in addition to the building form standards.
- New construction should draw on the architecture character of the area.
- Parking was a problem.
- New construction should reflect what was there.
- Need better pictures of the streetscapes.
- Alcohol kept to core areas.
- Design standards enforced.
- Make buildings orientate to the street.
- Bike stall requirement increased.
- Landscaping should be ten percent and balconies should not count as landscaping.
- No mention to a greenway overlay zone.
- A zone to protect single family residential areas.
- Water runoff collection areas should be in addition to the required open space areas.

The following individual spoke in favor of the petition: Mr. William Grua and Mr. Phil Blomquist,

The following comments were made:

- Zone all of Wilmington Plaza Associates property FB-SC.
- In favor of the Streetcar.
- Don't limit the parking requirements in the area.

The following individual spoke in opposition of the petition: Mr. Burton Brown, Mr. George Chapman, Mr. Doug Thimm, Mr. Jim Duffin and Ms. Ann Hopkins.

The following comments were made:

- Don't include the tennis courts and the boys and girls club in the zoning changes.
- Repair the tennis courts and make them functional.
- Significant negative impacts would be imposed on the residential neighborhoods from parking requirements.
- Increased parking in residential areas deters from the neighborhoods.
- Large developments and form based zoning does not work in Sugar House and around the stable residential areas.
- Not preferred option for Sugar House.

- Parking put in, in a proper way, in accordance to the other aspects of the ordinance was very important to make the intent of the ordinance viable.
- Houses on Simpson Ave should be added to the zoning.

The Commission and Mr. Chapman discussed what the preferred options would be. Mr. Chapman stated it would be to rezone the properties little by little and allow the Community to have more input.

The Commission and Mr. Thimm discussed how to address the parking issue. Mr. Thimm stated the ordinance set up the idea for screening accessory parking structures behind buildings, obscuring them from view while keeping them in the zones. He stated the maximum parking limits would not support the parking structures. Mr. Thimm stated the suggestion by Mr. Norris would allow for parking to support businesses.

Chairperson Gallegos closed the Public Hearing.

**DISCUSSION** [8:26:06 PM](#)

The Commission and Staff discussed parking for the area, the options for removing parking regulations from the proposed ordinance and instead using the general parking ordinance for the City (currently being reviewed by the City Council). They discussed the positives and negatives of removing the parking requirements from the proposed ordinance. The Commission and Staff discussed if there was a way to allow business owners to petition for additional parking. Staff reviewed how the parking was done on North Temple. The Commission and Staff discussed the concerns for parking for those taking the streetcar.

The Commission and Staff reviewed the process for adding the additional properties into the proposed zoning. They discussed the relocation of the tennis courts, the boys and girls club and open space in the area. The Commission and Staff discussed bus fare costs and how it was unrelated to this petition, but the message could possibly be addressed in the Plan Salt Lake policies. They discussed the historic preservation requirements in relation to the proposed rezoning, how locations for alcohol establishment could be regulated and where the current zoning allowed for alcohol establishments in relation to residential uses.

The Commission discussed tabling the petition to address parking for the different types of businesses and to review the proposal for the tennis courts and the boys and girls club.

**MOTION [8:57:23 PM](#)**

**Commissioner Woodhead stated as to the Sugar House Streetcar Master Plan Zoning Map and Text Amendments PLNPCM2012-00576 and PLNPCM2012-00577, she moved that the Planning Commission table the petitions to a the July 31 meeting allowing Staff to return with additional language regarding parking and other additional new changes mentioned by Staff. She stated the Public Hearing was closed. Commissioner Wirthlin seconded the motion.**

Commission asked Staff for information on other Cities that have implemented maximum parking requirements and where it is working. Staff reviewed other areas where maximum parking had been implemented and will forward information to the Commission.

**The motion passed unanimously.**

**MOTION [9:01:26 PM](#)**

**Commissioner Wirthlin stated pursuant to 21A.50.030, he motioned for the Planning Commission to initiate a petition to amend section 21A.50.030 where the Planning Commission would strike the language a City Council Member, a Planning Commissioner and substitute the words or the City Council, or the Planning Commission according to their respective policies and procedures. Commissioner Woodhead seconded the motion. The motion passed unanimously.**

**The meeting adjourned at [9:02:44 PM](#)**