

SALT LAKE CITY PLANNING COMMISSION MEETING
Room 126 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, September 25, 2013

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:57:55 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 Emily Drown; Vice Chair Clark Ruttinger; Commissioners, Michael Fife, Bernardo Flores-Sahagun, Marie Taylor and Matthew Wirthlin. Commissioners Lisa Adams, Angela Dean, Michael Gallegos, and Mary Woodhead were excused.

Planning Staff members present at the meeting were: Wilford, Sommerkorn, Planning Director; Nick Norris, Planning Manager; John Anderson, Principal Planner; Michael Maloy, 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: Emily Drown, Michael Fife, Bernardo Sahagun and Clark Ruttinger. Staff member in attendance was Joel Paterson, John Anderson and Michael Maloy.

The following locations were visited:

- **331 S 1000 W**- Staff described the project and described the existing development pattern in the area. The Commission asked questions about the typical lot width on the block.
- **2551 S Highland Dr**- Staff gave an overview of the proposed unit legalization and noted the public input that had been received. The Commission asked about the existence of a third dwelling unit and HAAB reviews and findings. The Commission asked about building permit records and past efforts of unit legalization.

APPROVAL OF THE MINUTES FROM THE SEPTEMBER 11, 2013 MEETINGS [5:58:07 PM](#)

MOTION [5:58:10 PM](#)

Commissioner Fife made a motion to approve the September 11, 2013, meeting minutes. Commissioner Withlin seconded the motion. The motion passed

unanimously. Commissioners Flores-Sahagun, Ruttinger, and Taylor abstained from voting as they were not present at the subject meeting.

REPORT OF THE CHAIR AND VICE CHAIR [5:58:26 PM](#)

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

Vice Chairperson Ruttinger stated he had nothing to report at this time.

REPORT OF THE DIRECTOR [5:58:33 PM](#)

Mr. Wilford Sommerkorn, Planning Director, reviewed the City Council briefings regarding the West Temple rezoning and the Land Use Tables. He stated the only issues were regarding drive thru windows, they will move forward with the Land Use Tables but will be looking at changing some of the requirements and Standards for drive thru windows and what zones they are allowed in. Mr. Sommerkorn stated the City Council passed the ordinance change to allow urban gardens in the open space zone. He stated the October 9, Planning Commission meeting will start at 5:30 pm and will not have a field trip.

PUBLIC HEARINGS [6:00:24 PM](#)

[Flanders Planned Development at 331 S. 1000 W.](#) - Bob Lund, representing Neighborworks is requesting to split an existing lot into two lots to accommodate the construction of two single family dwellings at the above listed address. Currently the land is vacant and zoned R-1/5000 Single Family Residential District. This proposal will be reviewed as a Planned Development and a Minor Subdivision. The subject property is located within Council District 2, represented by Kyle LaMalfa. (Staff contact: John Anderson at (801)535-7214 or john.anderson@slcgov.com)

- a. Planned Development - In order to split the existing lot into two lots, a Planned Development is required because as existing the lot cannot meet the frontage requirements for two lots. The applicants are requesting a reduction in that requirement. Case number PLNSUB2013-00227.**
- b. Minor Subdivision - If the Planned Development is approved allowing for a reduction in the lot frontages, a minor subdivision will required in order to split the lot into two lots. Case number PLNSUB2013-00550.**

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 approve the petition as presented.

Mr. Robert Lund, Nieghborworks Salt Lake, introduced himself.

The Commission and Applicant discussed the time table for the project. The Commission stated the process was rather slow for this type of item.

PUBLIC HEARING [6:05:40 PM](#)

Chairperson Drown opened the Public Hearing, seeing no one wished to speak for or against the petition, Chairperson Drown closed the Public Hearing.

MOTION [6:06:32 PM](#)

Commissioner Ruttinger stated regarding petition, PLNSUB2013-00227 Planned Development and PLNSUB2013-00550 Subdivision Amendment at 331 South 1000 West, based on the findings listed in the Staff Report, testimony and plans presented, he moved that the Planning Commission approve the Planned Development and Subdivision Amendment at approximately 331 S 1000 W with the conditions listed in the Staff Report. Commissioner Fife seconded the motion. The motion passed unanimously.

[6:09:19 PM](#)

[Clark Unit Legalization at approximately 2551 S Highland Drive](#) – Peter and Sandra Clark are requesting approval from the City to legalize a third residential dwelling unit in a two-family dwelling at the above listed address. Currently the property is recognized by Salt Lake City as a two family dwelling that is zoned R-1/5,000 Single-Family Residential. This type of project must be reviewed as a Special Exception. The subject property is within Council District 7, represented by Søren Simonsen. (Staff contact Michael Maloy at (801) 535-7118 or michael.maloy@slcgov.com Case number PLNPCM2013-00336).

Mr. Michael Maloy, Principal Planner, introduced Mr. Brendan Willig, Planning Intern, and explained he would present the subject petition.

Mr. Brendan Willig, Planning Intern, 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.

The Commission and Staff discussed the parking requirements for the area and the reduction of the requirements due to the bus routes. They reviewed the required compliance aspects that the Applicant would have to comply with if the Commission were to approve the petition. The Commission and Staff discussed the licensing needed for the units. They discussed why the petition needed approval from the Planning Commission

and did not receive Administrative Approval. Staff explained there was conflicting information that needed to be reviewed and addressed.

Mr. Peter and Sandra Clark, Applicants, reviewed the proposal and evidence that proved the property had been used as a tri-plex for a continuous time and why it should be approved. They discussed the conflicting information regarding which units were originally legalized and which needed to still be approved.

The Commission and Applicants discussed the possibilities of where the confusion came from. They discussed the use of the property and the minor updates made to the structure. The Commission and Applicant discussed the layout and utilities of the structure.

PUBLIC HEARING [6:26:06 PM](#)

Chairperson Drown opened the Public Hearing.

The following people spoke in favor of the petition: Mr. Robert Austin

The following comments were made:

- Structure has always been a tri-plex
- Uses the property well
- Plenty of parking in the area

Chairperson Drown closed the Public Hearing.

DISCUSSION [6:27:53 PM](#)

The Commission and Staff discussed the Board of Adjustment record regarding three units. Staff explained after review the Board of Adjustment determined it was a duplex.

MOTION [6:30:28 PM](#)

Commissioner Fife stated regarding petition, PLNPCM2013-00336, based on the findings listed in the Staff Report, the evidence provided, and the testimony heard, he move that the Planning Commission approve the Peter and Sandra Clark Special Exception-Unit Legalization PLNPCM2013-00336 for the third unit in a two family dwelling located at approximately 2551 South Highland Drive subject to:

- **Compliance with a life safety inspection,**
- **owners enrolling in the good landlord program,**

Commissioner Fife stated the basis for the motion was the affidavit that the property had been used as a three unit dwelling unit for over thirty years and the Applicant had gone through a process to legalize the units and subject to the conditions listed in the

Staff Report. Commissioner Taylor seconded the motion. The motion passed unanimously.

Other Business [6:32:30 PM](#)

The Commissioners discussed if there was a way to streamline adjustments to lot lines such as those in the petition PLNSUB2013-00227 and PLNSUB2013-00550.

Mr. Sommerkorn reviewed the history of residential zoning and explained the City would work to improve the way these properties are addressed in the future.

Mr. Joel Paterson, Planning Manager, reviewed when the Zoning Ordinance was changed and how the lot width issues could be addressed.

The Commission and Staff discussed the benefits of making the lots comply. Staff stated they would like to move in a direction to address these lots in the future. The Commission and Staff reviewed the zoning needed to address the lots and the extent of the reviewed process to make the changes. The Commission and Staff agreed to let Staff move forward with the idea and make the needed changes in the future.

The Commission and Staff reviewed the reasons behind requiring the Unit Legalizations in the City.

The meeting adjourned at [6:47:06 PM](#)