

SALT LAKE CITY PLANNING COMMISSION MEETING
Room 126 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, October 8, 2014

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:32:31 PM](#) . Audio recordings of the Planning Commission meetings are retained for an indefinite period of time.

Present for the Planning Commission meeting were: Chairperson Clark Ruttinger, Vice Chair Matt Lyon, Commissioners, Angela Dean,Carolynn Hoskins, James Guilkey and Michael Gallegos. Commissioners Emily Drown, Michael Fife and Marie Taylor were excused

Planning Staff members present at the meeting were: Cheri Coffey, Acting Planning Director; Nick Norris, Planning Manager; Michael Maloy, Principal Planner; Michelle Moeller, Senior Secretary and Paul Nielson, Senior City Attorney.

Field Trip

A field trip was held prior to the work session. Planning Commissioners present were: Carolyn Hoskins, Clark Ruttinger and Jim Guilkey. Staff members in attendance were Nick Norris and Michael Maloy.

The following location was visited:

- **Harvard Park Local Historic District-** Staff gave an overview of the proposal. The Commission asked if the addresses were correct. Staff stated yes the corner properties may be on the cross streets, but they are continuous on the block. The Commissioners asked what percentage of the property owners signed the application. Staff stated more than what was required.
- **24 & 9 Planned Development-** Staff gave an overview of the proposal, why it is back to the Commission as a major modification and identified concerns of the neighbors. The Commissioners asked how long the project had been on hold. Staff stated for some time now, multiple months. The Commission asked if it was a two story project. Staff stated yes.

**APPROVAL OF THE MINUTES FROM THE SEPTEMBER 24, 2014, MEETING [5:32:57 PM](#)
MOTION [5:33:14 PM](#)**

Commissioner Lyon moved to approve the September 24, 2014. Commissioner Gallegos seconded the motion. The motion passed unanimously. Commissioner

Dean, Hoskins and Guilkey abstained as they were not present at the subject meeting.

REPORT OF THE CHAIR AND VICE CHAIR [5:33:50 PM](#)

Chairperson Ruttinger stated he had nothing to report.

Vice Chairperson Lyon stated he had nothing to report.

REPORT OF THE DIRECTOR [5:33:56 PM](#)

Ms. Cheri Coffey, Acting Planning Director, stated she had nothing to report.

The Commission asked if the City Council voted on the West Salt Lake Master Plan.

Mr. Nick Norris, Planning Manager, reviewed the City Council hearing for the West Salt Lake Master Plan and stated it should be adopted in the next few months. He reviewed the Downtown Master Plan and the comments from the business community that need to be reviewed prior to taking the plan to the City Council.

[5:35:38 PM](#)

Chairperson Ruttinger stated the item for the Kilby Court Brewery had been postponed.

24 & 9 Planned Development Amendment at approximately 2442 S 900 East - Gabe Epperson is requesting approval from the City to reduce the side yard setback from 4 feet to 3 feet for a residential planned development at the above listed address. Currently the land is being developed for three attached single-family dwellings and the property is zoned RMF-30 Low Density Multi-Family Residential District. This type of project must be reviewed as a planned development amendment. The subject property is within Council District 7, represented by Lisa Adams. The (Staff contact: Michael Maloy at (801) 535-7118 or michael.maloy@slcgov.com.) Case number PLNSUB2014-00491.

Mr. Michael Maloy, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending that the Planning Commission approve the petition as presented.

Mr. David Robinson, applicant, reviewed the issue with the placement of the structure and the error in measurement related to property line location. He stated they will work with the neighbors and address their concerns.

The Commission and Applicant discussed the following:

- How they could address the overage and meet the setback requirements.
- If the foundation was square.
 - The foundation is square but the property line is not.
- If the floor plan of the north unit could be redone to lessen the square footage.
 - The units are presold and the tenant wants the floor plan they agreed on.
- The neighbor's concerns of privacy, encroachment and how they would be addressed.
- The actual measurement for the proposed setback and bases for the proposal.
- The proposal would meet the fire requirements if approved.

PUBLIC HEARING [5:51:43 PM](#)

Chairperson Ruttinger opened the Public Hearing.

Ms. Judy Short, Sugar House community Council, stated they originally approved the plans and believed the setbacks would be three feet six inches. She stated the Community Council wondered how the miss measurement happened and someone should have measured the project before it was sold. Ms. Short stated the parcels have been sold and the project should move forward.

Ms. Ruth Brown, neighbor, stated she was the owner of the south unit and would like the project to move forward. She stated she understood the concerns of the neighbor as something similar happened next to her current residence. Ms. Brown stated it was unfortunate that the mistake was made and the measurements were wrong. Ms. Brown asked the Commission to approve the changes to the project and allow it to move forward.

Chairperson Ruttinger closed the public hearing.

Mr. Dave Robinson stated he felt they had done what they could to address the issues.

The Commission, Applicant and Staff discussed the following:

- The concerns and comments from the neighbor on the north.
- If the conversation between Staff and the neighbor should or could be addressed by the Commission.
- There were no documents stating what resolutions would be made between the applicant and the neighbor therefore, was it allowable to be added as a condition to the motion.
 - Staff stated the Commission decision's needed to be based on the standards not the objection of a neighbor, regardless if there was something that

stated the neighbor agreed it was up to the Commission to decide if the project was approvable.

- Staff stated he had talked with Mr. Monson before the hearing and invited him to attend the meeting.
- Some of the solutions being proposed are civil in nature and not something the City can be part of.
- Mr. Monson has the ability to appeal the proposal.
- The proposed six foot fence, the location and how it may change in height based on where it is located.
- The windows on the north side of the structure and their impact.
- The driveway for the project in relation to the fence and walkways.
- The standards for changing setbacks and if the proposal met those standards.
- The comments from engineering regarding the drive approach.
- The standard setbacks for the area.
- The grade changes on the property.
- The reason a foot of property could not be purchased from the property on the north making the project meet the standards and accommodating the neighbor.
- Proposal would not affect the development of the property of the north in the future.
- Different options for the fence line and if it was appropriate to approve a different fence location.
 - Could delegate the fence location to the Planning Director, who could then discuss it with the property owner to come up with a solution.

MOTION [6:16:07 PM](#)

Commissioner Dean stated regarding petition PLNSUB2014-00491, 24 & 9 Planned Development Amendment, based on the analysis and findings listed in the Staff Report, testimony, and information presented, she moved that the Planning Commission approve the application with the condition that the Planning Director work with the Applicant to formalize the extent of new fencing and requirements as such with the guidance that the fence line terminate at the northwest corner of the unit rather than extend the full length of the north boundary. Commissioner Gallegos seconded the motion

Commissioner Guilkey asked if the exact location could be left to the Planning Director to finalize.

Commissioner Dean stated the motion was to allow for a guideline.

Staff stated it was hard to follow a guideline and that it was better if the Commission was going to make a motion to either give Staff the discretion to find the best location for the

fence after all the design and site plan else has come in or to simply say just require a six foot fence.

Commissioner Gallegos stated the motion should state as consistent with the Commissions discussion and agreement by the developer. He stated there were department comments that may need to be added.

Staff stated it was a standard practice to include the Department comments.

[6:18:52 PM](#)

Commissioner Dean amended her motion to allow the Planning Director to work with the Applicant based on the Commissions discussion to determine the appropriate extent and details of the fence and including the conditions complying with the city departments.

Commissioner Gallegos seconded the amendment to the motion.

Commissioners Guilkey, Dean, Hoskins, and Gallegos voted “aye”. Commissioner Lyon voted “nay”. The motion passed 4-1.

[6:20:14 PM](#)

Commissioner Guilkey stated this was his neighborhood and he had conversed with neighbors regarding the proposal prior to it becoming a petition. He stated it would not influence his evaluation of the proposal.

The Commission agreed to allow Commission Guilkey to participate in the discussion and decision on the petition.

[6:20:53 PM](#)

Upper Harvard & Yale Park Plat A Local Historic District - Vena Childs is requesting the City create a new local historic district for the “Upper Harvard” and “Yale Park Plat A” subdivision plats which includes all properties located on Harvard Avenue between 1500 East and 1700 East. (Staff contact: Michael Maloy at (801) 535-7118 or michael.maloy@slcgov.com. Case number PLNHLC2014-00111).

Mr. Michael Maloy, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending that the Planning Commission forward a favorable recommendation to the City Council regarding the petition.

The Commission and Staff discussed the following:

- What protection the National Historic District provided for the area.
 - More of an incentive program and did not protect demolitions of historic homes or changes to the homes.
- If the required fifteen percent signature requirement was met.
 - Staff reviewed the issues with signatures, how joint property owners were notified and the percentage of signatures for the petition.

Ms. Vena Childs, applicant, stated she was honored to be the applicant for the proposal and eleven of the sixty homes on the block would be one hundred years old next year. She reviewed the history of the neighborhood, the importance to protect the homes and the character of the neighborhood.

PUBLIC HEARING [6:37:06 PM](#)

Chairperson Ruttinger opened the Public Hearing.

Ms. Lynn Pershing, Yalecrest Community Council, reviewed the historic significances of the area. She stated the petition met the standards of review and preservation plan standards. She reviewed the public outreach for the proposal and stated the Community Council supported the proposal.

The following individuals spoke in favor of the petition: Mr. Jeff Geisler, Mr. Michael Lahey, Mr. Vinson Johnson, Ms. Connie Baring-Gould, Ms. Pam Allison, Ms. Mike Mallon, and Mr. Ryan Nelson.

The following comments were made:

- Developers push the limits of development and causes issues such as the tear down in this area.
- Neighbor's property rights are infringed on because over building causes less enjoyment of one's property.
- Area is beautiful and would hate to see it lost to development.
- Neighborhood needs to be protected.
- The small nature of the community was important and should remain.
- Other communities want what exists in the subject neighborhood so why would residents want it to change.
- Area allows for flexibility in family sizes and ages.
- Supports proposal for the area.
- Tear downs in the area need to stop.
- Original character of the street should remain.
- Historic processes are not onerous in any way.
- Property rights of the area, not individual rights should be addressed.

The following individuals spoke in opposition of the petition: Mr. Dixon Hindley and Mr. Gary Wavra.

The following comments were made:

- Property rights have not been addressed.
- Property rights allow for full development and the historic district overlay will prohibit that right.
- The signatures were not property obtained within the time frame outlined in the ordinance.
- The petition does not meet the definition of a block face as listed in the code.
- How does this affect the property owners in the future?
- How does this affect the allowable changes to homes in the future?
- Property owners have the right to develop the property the way they see fit and the proposal would hinder that.

Chairperson Ruttinger closed the public hearing.

The Commission and Staff discussed the following

- The dates listed in the staff report and those reported by the public regarding when the signatures were gathered.
- The signature affidavits gathered in September and if they complicated the issue.
- If the petition was complete.
 - Staff stated an Applicant was the only one who could appeal the issue of an incomplete application.
- Additional public comments would be taken at the City Council meeting.
- Staff clarified the definition of a block face and how it related to creating a Local Historic district.
 - The block face measurement is only a minimum used to determine the minimum area necessary for a proposed historic district and the proposal was for a larger area that exceeds the minimum.

MOTION 7:02:56 PM

Commissioner Guilkey stated regarding petition PLNHLC2014-00111 Yalecrest Upper Harvard and Yale Park Plat A Local Historic Designation, based on the analysis and findings listed in the Staff Report, testimony, and information presented, He moved that the Planning Commission transmit a favorable recommendation to the City Council to amend the Zoning Map by adding the H Historic Preservation Overlay district to the Upper Harvard and Yale Park Plat A subdivisions located on Harvard Avenue between 1500 East and 1700 East for the purpose of designating the Yalecrest - Upper Harvard and Yale Park Plat A local

historic district. Commissioner Gallegos seconded the motion. The motion passed unanimously.

[7:04:23 PM](#)

The Commission took a five minute break.

Work Session [7:07:58 PM](#)

Salt Lake City's Historic Preservation Policies and Program - The Planning Staff will present information on the City's Historic Preservation Policies and Program to the Planning Commission.

Ms. Cheri Coffey, Acting Planning Director, reviewed Planning Commissions role in implementing the preservation program, Profits through Preservation and the Preservation Master Plan. She stated the information would be presented at other City meetings as many people are involved in historic preservation.

The Commission and Staff discussed the following

- How a property is flagged to state it is in a historic district.
 - A note is added to the title.
- If properties were ever taken off the historic list.
 - It is a rare occurrence but it can be done if a structure is no longer contributing.
- What if any properties exist that could be developed but because it may be listed as historic developers are not interested.
 - The Historic Landmark Commission takes those issues into consideration when reviewing proposals.
- Reasons behind keeping certain structures in Bishop Place.
- The RDA is a tool to help implement city policies and support what is in place
- Areas where demolitions have been approved.
- The Historic Landmark Commission understands the criteria for historic development and work with the property owners, improving properties, while keeping with the historic standards.
- Historic Preservation applications that are approved administratively versus those approved by the Historic Landmark Commission.

The meeting adjourned at [7:36:40 PM](#)