

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**Room 126 of the City & County Building**  
**451 South State Street, Salt Lake City, Utah**  
**Wednesday, December 10, 2014**

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:37:32 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, Michael Fife, Michael Gallegos, James Guilkey and Carolynn Hoskins. Commissioners Marie Taylor and Emily Drown were excused.

Planning Staff members present at the meeting were: Nick Norris, Acting Assistant Planning Director; Michaela Oktay, Planning Manager; Doug Dansie, Senior Planner; Everett Joyce, Senior Planner; Casey Stewart, Senior Planner; John Anderson, Principal Planner; Michelle Moeller, Administrative Secretary and Paul Nielson, Senior City Attorney.

**Field Trip**

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

The following location was visited:

**Capitol Heights Planned Development-** Staff gave an overview of the proposal.

- The Commission asked where the “fill dirt” was, that was mentioned in the soil report.
  - Staff stated toward the back of the lot on the west.
- The Commission asked what trees would be removed.
  - Staff stated tree removal was under the jurisdiction of the Urban Forester but the intent was to keep the trees.
- The Commission asked about the driveway location and the alley location.
  - Staff stated they are not public areas.
- The Commission asked who would enforce the no parking on the private alley.
- The Commission asked if the hill counted as part of the lot size calculation.
  - Staff stated the slope would be removed.
- The Commission asked if there would be any additional fill added to the lot.
  - Staff stated engineered fill was required where they removed the existing fill.
- The Commission asked about the fire access from 10th Ave and through the alley.

**APPROVAL OF THE MINUTES FROM THE NOVEMBER 12, 2014, MEETING [5:37:46 PM](#)**

Commissioner Lyon stated he attended the field trip but was not listed as attending.

**MOTION 5:37:53 PM**

**Commissioner Fife moved to approve the November 12, 2014 as amended. Commissioner Guilkey seconded the motion. Commissioner Dean and Hoskins abstained from voting as they were not present at the subject meeting. The motion passed unanimously.**

**REPORT OF THE CHAIR AND VICE CHAIR 5:38:38 PM**

Chairperson Ruttinger stated he had nothing to report.

Vice Chairperson Lyon stated he had nothing to report.

**REPORT OF THE DIRECTOR 5:38:46 PM**

Mr. Nick Norris, Acting Assistant Planning Director, reported the Appeals Hearing Officer upheld the Planning Commission decision regarding the Volunteers of America proposal. He announced the City had hired a new Planning Director, Nora Shepard who would start in January.

5:40:04 PM

**Church of Scientology Conditional Use at approximately 709 E. South Temple Street - A request by Ray Quinney & Nebeker, P.C., representing The Church of Scientology for Conditional Use approval to operate a place of worship (less than four acres in size) within an existing office building located at the above address. The subject property is located in RO (Residential Office) zoning district and is located in Council District #3, represented by Stan Penfold. (Staff contact: Maryann Pickering at (801)535-7660 or maryann.pickering@slcgov.com). Case number PLNPCM2014-00629**

Mr. Casey Stewart, Senior 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.

The Commission and Staff discussed the following:

- If the use of a church would impact the surrounding business.
  - Staff stated current businesses would not be impacted by the subject building becoming a church.

The Applicant stated they had nothing to add and did not wish to speak.

**PUBLIC HEARING 5:44:27 PM**

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

**MOTION 5:45:11 PM**

**Commissioner Guilkey stated regarding petition PLNPCM2014-00629, Church of Scientology Conditional Use, based on the findings listed in the Staff Report, plans presented, and testimony heard, he moved the Planning Commission approve PLNPCM2014-00629. Commissioner Gallegos seconded the motion. The motion passed unanimously.**

**5:45:52 PM**

**Capitol Heights Planned Development at approximately 214 East 10th Ave - A request by Rob White (Sugar House Architects) and Phil Winston (Northstar Builders) for approval from the City to develop three new single family residential lots located at the above address. Currently the land is occupied by one single family dwelling. This type of project must be reviewed as a Planned Development and Preliminary Subdivision Plat. The subject property is within Council District 3 represented by Stan Penfold. (Staff contact: Casey Stewart at (801)535-6260 or casey.stewart@slcgov.com.) Case numbers PLNSUB2014-00617 and -00618**

- a. Planned Development (PLNSUB2014-00617) - a request to modify public street frontage requirements, building setbacks, and front façade requirements for the three new lots/buildings lots.**
- b. Preliminary Subdivision Plat (PLNSUB2014-00618) - a request for preliminary approval of the related subdivision plat for the three new residential lots.**

Mr. Casey Stewart, Senior 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.

- The Commission and Staff discussed the following:
- If it was common to have primary access, to a property, off an alley way.
  - It was not common but was sometimes necessary with infill development.
- How did the uncertainty over who owned the alley affect the proposed development.
  - It was not a city alley and there was no record of ownership for the alley way.
  - The subject property has twenty feet of legal access to the property regardless of who owns the property.
- How do you regulate who can modify the alley way.
  - It would be an issue addressed between the property owners.
- Who would enforce the proposed no parking signs.
  - If there was a continuing problem and is necessary for fire access the City could enforce the no parking.
  - The curbs could be painted red.
- How would the excavation of the lot impact the neighboring home, to the south, and what is being done to mitigate those impacts.

- Staff stated the required geotechnical study would address any issues with neighboring properties.
- If it was common for the geological testing to be done after a proposal was approved.

Mr. Phil Winston, Northstar Builders, reviewed the proposal and the geotechnical report. He gave a history of the property and the financial reasons for developing the property as a multi-home site. Mr. Winston reviewed the ownership history and the easement access of the alley. He reviewed the parking in the alleyway and asked the Commission to remove the requirement for the no parking signs. Mr. Winston stated the alley access would not change and their goal was to reinforce the slope and stabilize the property. He reviewed the layout and access to the proposed homes.

Mr. Rob White, Sugar House Architects, stated there were ways to reinforce foundations and the property without causing damage or geological issues for the neighboring homes.

- The Commission and Applicant discussed the following:
  - The geotechnical testing taking place on the property.
  - If the findings from the different tests were consistent.
    - The fill dirt information was correct but the soil samples were being reviewed.
  - The neighboring home would not be affected because of the technique that would be used to reinforce the foundation.
  - The drainage plan for the proposal.
  - If there were any underground springs or water.
    - There are no known underground springs
  - How to protect the soil if there was a large amount of rain.
    - The soil has been in place for a long period of time and nothing had happened.
  - If there could be reassurance or a condition put in place requiring the surface condition of the alleyway to be returned to its present state after construction.
    - Staff stated it could be added as a condition of approval.
    - The Applicant stated they would leave it in better condition.
  - What was considered as the front of the lot.
  - The setbacks for the property and the proposed north setbacks.
  - The proposed square footage of the homes
  - Would they be custom homes or spec homes.
    - That was still under consideration.

Mr. Dave Peterson, Geotechnical, stated micropiles were a great way to deal with foundations in areas such as this. He stated the process was feasible and commonly used.

**PUBLIC HEARING 6:45:07 PM**

Chairperson Ruttinger opened the Public Hearing.

Ms. Sydney Fonnsobeck, Capitol Hill Community Council, stated the Community Council had reviewed the proposal with the Developer and Planning Staff. She stated they would like to know a geological survey was completed and have someone be responsible if there were issues with the soil in the future. She reviewed the fire danger in the area and stated the new owners need to be aware of that risk. Ms. Fonnsobeck stated the alley should be kept as a fire lane and facing the one home toward 10th Ave preserved the streetscape and lessened the traffic on the alley.

The following individuals spoke to the petition: Ms. Whitney Fautin, Mr. Richard Miller, Ms. Laura Miller, Mr. Karl Houges, Mr. Eugene Sloan, Ms. Wendy Bolmer, Ms. Susannah Kesler and Mr. Ms. Bobbie Sausedo.

The following comments were made:

- A park should be built on the property not more homes.
- The safety of the area should be considered.
- Traffic and parking were an issue and the development would increase those issues.
- The neighbors did not support the development.
- Curb and Gutter would create more issues for the properties down the canyon.
- The neighbors supported cleaning up the property but three homes were too much for the lot.
- The property was currently a safety issue and something needed to be done.
- The access from the alley was an issue and the increase in traffic would be dangerous.
- Could the proposed homes be changed into duplexes in the future.
- Photos of the canyon rim are deceptive as there was more space in the front of the homes than what was reflected.

Chairperson Ruttinger closed the Public Hearing.

The Commission, Applicant and Staff discussed the following:

- The options of having two kitchens in the homes and if the homes could become duplexes in the future.
  - The homes do have a full kitchen and a kitchenette in the game room however, the approval was for single family homes and that was what they would be permitted as.
- The drainage for the property.
  - The water that comes off the property would run into a storm drain.
  - The Developer stated they would remove the curb and gutter if it was a concern.
- How the alley could be made to be a fire lane and help with the no parking area.

The Commission and Staff discussed the following:

- The side walk, surface repair of the ally surface and if speed bumps could be installed in the alley.
  - Staff stated the property was not owned by the developer therefore, they could not add speed bumps to the alley.
  - Staff stated a finding would be necessary stating the issues on the alley occurred or were generated by the development.
- The recommendation of adding a fence along the slope
  - It was a safety feature for the property.

The Commissioners discussed if they would or would not support the petition.

**MOTION 7:35:13 PM**

**Commissioner Gallegos stated regarding petition PLNSUB2014-00617/00618 Capitol Heights Planned Development / Preliminary Subdivision Plat, based on the findings listed in the Staff Report, testimony and plans presented, he moved that the Planning Commission approve the requested Capitol Heights Planned Development PLNSUB2014-00617 and Preliminary Subdivision Plat PLNSUB2014-00618 subject to the conditions 1 through 15 listed in the Staff Report, and with the following additions:**

1. **To provide the option for removal of the sidewalk and curb.**
2. **To allow the setback, on lot one, to be reduced on the front allowing a four foot setback on the north and maintaining the 10 foot setback throughout the development.**
3. **An addition to condition eleven, that the geological study include the impacts, current and long term, to adjacent neighboring properties regarding drainage and slope stability.**

**Commissioner Fife seconded the motion.**

Staff asked about the condition that the alley be returned to existing condition.

**Commissioner Gallegos amended the motion to include a condition requiring the alleyway be restored to its current condition or better. Commission Fife seconded the amendment.**

**Commissioners Gallegos, Dean, Fife and Guilkey vote “aye”. Commissioners Hoskins and Lyon voted “nay”. The motion passed 4-2.**

**7:38:54 PM**

The Commission took a short break.

Commissioner Lyon recused himself from the meeting for the next petition.

**7:45:43 PM**

**Ground Mounted Utility Boxes Text Amendment - A request by Mayor Ralph Becker for zoning text amendment related to regulating and processing requests for ground mounted utility boxes. The amendment will provide a more streamlined approach for administrative approval of small scale utility boxes in the public way and encourages utility boxes to be located on private property. The text amendment could affect all areas within the city. Related provisions of the City Code may also be amended as part of this petition. (Staff contact: Everett Joyce at (801)535-7930 or everett.joyce@slcgov.com.) Case number PLNPCM2014-00193**

Mr. Everett Joyce, Senior 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:

- If any other Cities had tried to make utility boxes more than just a green box.
  - Public art could be allowed on the boxes but it would be a separate process for that to be added and would be a request of the installer.
- If there had been discussion about requiring the boxes to be below ground.
  - Cannot be required because of the franchise agreements.
- The letter from Rocky Mountain Power.
- The requirement to only allow three boxes per block face.
  - The three would be total not per utility
- Why underground boxes were not always the best option.
- Putting the boxes on private property not in public right of ways.
- The differences in the block face lengths and if concessions would be made for smaller blocks.

#### **PUBLIC HEARING 8:00:59 PM**

Chairperson Ruttinger opened the Public Hearing.

The following individuals spoke to the petition: Ms. Patricia Lawrence

The following comments were made:

- Will the property owners be notified of the box site and will they have the ability to give input?
- Signatures from the property owner should be required to show actual agreement that the box can be placed on the private property.
- Would the same permitting process be followed as before?
- A time limit to fix the graffiti should be put in place
- A uniform color would be preferred.

Chairperson Ruttinger read the following card:

Mr. John Becker – we would like to know if these regulations apply to installations by utilities on public utility easements. We believe they should and that regulations should be uniform.

Staff stated the regulations would apply to the public way and private utilities for the boxes only.

Chairperson Ruttinger closed the Public Hearing

The Commission and Staff discussed the following:

- Who regulated the maintenance of the boxes?
- The permitting process.
  - The current permitting process would be followed, but is changing from a conditional use to a special exception.
- The graffiti was addressed by city ordinance and enforced by Civil Enforcement.
- Requiring a signed document indicating the utility had spoken to the property owner.
- What was the reasoning for changing this from a conditional use to the proposed in residential neighborhoods.
  - Through the appeals process the Appeals Hearing Officer identified, under the state law requirements for conditional uses, the use cannot be denied. The City can control location issues but could not deny the utility box making the process ineffective.
- The reasoning for not requiring all boxes to be approved through the special exception process.
- Why larger boxes could not be restricted.
  - Because of the federal laws
- The location priority and if applicants were required to show they had looked at all location options.
- The intention of the ordinance.
- Requiring all utilities to be underground.
- Would like to hear from the utility companies regarding what challenges would come about by requiring the boxes be placed on private property.

**MOTION 8:21:04 PM**

**Commissioner Guilkey stated regarding petition PLNPCM2014-00193, Ground Mounted Utility Boxes Text Amendment, based on the information and findings in the Staff Report, public input and discussion, he moved to transmit a favorable recommendation to the City Council to adopt the proposed zoning text amendment relating to ground mounted utility boxes. Commissioner Gallegos seconded the motion.**



Commissioner Dean stated she was not in favor of the ordinance because the number of boxes that would be allowed on a block face in a residential areas. She would like clarification on the need for the amount of boxes.

Chairperson Rutting stated a process requiring the applicant to prove all location options had been reviewed was needed.

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

8:23:14 PM

Commission Lyon rejoined the meeting.

**RMU-35 and RMU-45 Zoning District Changes - A request by the City Council for modifications to the RMU-35 and RMU-45 Residential/Mixed Use zoning districts. The amendments will allow for more density, modify the existing building setbacks, lower the building height in certain instances that may be approved through the conditional building and site design review process, adding design standards and clarify other sections of 21A.24. Other related provisions of Title 21A may be modified as part of this proposal. (Staff contact: John Anderson at (801)535-7214 or [john.anderson@slcgov.com](mailto:john.anderson@slcgov.com).) Case number PLNPCM2014-00127**

Mr. John Anderson, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was requesting advice and feedback on the proposal.

The Commission and Staff discussed the following:

- The setbacks for the proposed zoning.
- The general locations for this zoning.
- How the proposed zoning would affect existing low density developments.
- If the City would consider requiring active ground floor uses around the transit uses.
  - Staff stated that was one of the proposed changes on the list.
- The current number of buildings that are under this zoning and how many more properties could be added to the zone.
  - Only the existing properties would be affected by the ordinance changes.
  - New properties would require a zoning change.
- Why was this process chosen versus creating a new zone.
  - Staff stated it would basically be a new zone with the proposed changes.
- The difference between the zones and why they could not be combined into one zone.
- Whether the allowance of development on smaller parcels was an issue.
- If larger lots would be subdivided into smaller lots for development.
  - Would require rezoning.
- The parking for these developments.

## **PUBLIC HEARING 8:50:40 PM**

Chairperson Ruttinger opened the Public Hearing.

Ms. Cindy Cromer stated putting a height number on the zoning was misleading as additional height would be allowed and requested. She stated people should know what they are getting. Ms. Cromer stated there were areas where the zoning was proposed that would abut low density housing and may not work. She suggested looking at the structures in terms of mass, scale and structure rather than density. Ms. Cromer stated making the new development compatible with the surrounding neighborhood was more important than the neighboring density.

Chairperson Ruttinger closed the Public Hearing.

## **8:54:50 PM**

The Commission and Staff discussed the following:

- Where the zoning was being proposed.
- If there were height limits for the proposed zoning.
  - Staff reviewed the allowable height for each proposed district and if additional height would be allowed.
- If stepping would be required next to residential zones.
  - That could be added.
- The open space requirements for the proposal.

## **MOTION 9:01:17 PM**

**Commissioner Guilkey stated regarding PLNPCM2014-00127, RMU-35 and RMU-45 Residential/Mixed Use zoning districts, he moved that the Planning Commission table the petition to a future meeting to allow for additional edits and allow for the Public Comment period to remain open. Commissioner Lyon seconded the motion. The motion passed unanimously.**

## **Work Session 9:01:58 PM**

**Park Strip Landscaping - A request by the City Council to amend the water wise landscaping code. The purpose of the amendment is to simplify the ordinance, increase the allowed height of plants and objects in the park strip and clarify regulations regarding water being provided to trees in the park strip. Other related provisions to Title 21A may be modified as part of this proposal. The proposed application is city wide. (Staff contact: Doug Dansie at (801)535-6182 or [doug.dansie@slcgov.com](mailto:doug.dansie@slcgov.com).) Case number PLNPCM2014-00194**

Mr. Doug Dansie, Senior Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was looking for comments, questions and corrections to the proposed ordinance.

The Commission and Staff discussed the following:

- The size of tree required to be planted in the park strip.
- Who was currently enforcing the ordinance and why issues were not being taken care of. The allowable height of the plants in the park strip.
- If the Property Owner was required to plant new trees in the park strip.
  - Staff explained the programs that help with the cost of planting trees in the Park Strip and that the City owned the trees once they were planted. Who was liable for injuries stemming from accidents in the park strip.
  - It would likely be handled similar to how people falling on sidewalks are handled.
  - Staff will work with the City's Risk Management officer on these issues.
- Who was in charge of trimming the trees in the park strip.

Ms. Stephanie Duer, Water Conservation Manager, reviewed the plant list for park strips, maintenance information and the new website titled SLCgardenwise.com.

The Commission and Ms. Duer discussed the following:

- If the City had worked with local nurseries to help educate the public on the appropriate types of plants for the region.
- How the information is distributed.
- The demonstration gardens in the City.

**The meeting adjourned at 9:27:09 PM**