



# Staff Report

PLANNING DIVISION  
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission

From: Michael Maloy, AICP  
(801) 535-7118  
michael.maloy@slcgov.com

Date: October 8, 2014

Re: PLNSUB2014-00491 24 & 9 Planned Development Amendment

## Planned Development Amendment

**PROPERTY ADDRESS:** Approximately 2442 S 900 East  
**PARCEL ID:** 16-20-326-030  
**MASTER PLAN:** Medium Density Residential, Sugar House Community Master Plan (adopted 2005)  
**ZONING DISTRICT:** RMF-30 Low Density Multifamily Residential District

### REQUEST:

This is a request by Dave Robinson, developer, in behalf of Daniel and Angela Cope, property owners, to approve a planned development amendment located approximately at 2442 S 900 East (see Attachment A – Vicinity Map, and Attachment B – Property Photographs). The purpose of the amendment is to reduce the side yard setback of an attached single-family dwelling, which is currently under construction, on an interior lot from 4'-0" to 3'-0".

### RECOMMENDATION:

Based on the findings contained within this report (see Attachment C – Analysis of Standards), it is the opinion of Planning staff that the proposal generally meets the applicable standards and therefore recommends the Planning Commission approve (with conditions) Petition PLNSUB2014-00491 to amend the planned development and reduce the north side yard setback from 4'-0" to 3'-0" for a single-family attached dwelling located approximately at 2442 S 900 East (see Attachment D – Motions).

### ATTACHMENTS:

- A. Vicinity Map
- B. Property Photographs
- C. Analysis of Standards
- D. Motions
- E. Meeting Minutes
- F. Site Plan
- G. Application
- H. Community Council
- I. Building Elevations
- J. Landscape Plan
- K. Public Comment
- L. Agreement
- M. Department Comments

**PROJECT DESCRIPTION:**

On October 24, 2012, the applicant received Planning Commission approval of the “24 & 9” planned development and minor subdivision to construct three attached single-family dwellings on vacant property located approximately at 2442 S 900 East (see Attachment E – Meeting Minutes). On June 27, 2013, the applicant submitted a building permit application, and on June 9, 2014, building permit BLD2013-04429 was issued for the development.

In addition to the building permit, the applicant successfully recorded a plat to subdivide the original parcel into three parcels on May 20, 2014.

During the course of construction a survey error occurred that resulted in the incorrect placement of footings for the development. If left in place, the subject property will have a side yard setback of approximately 3.04 feet from the north property line (see Attachment F – Site Plan). The RMF-30 Low Density Multifamily Residential District requires a 4'-0" side yard setback (when a yard is provided) for attached single-family dwellings on an interior lot. In response to the error, the applicant has requested the planned development be amended to reduce the side yard setback from 4'-0" to 3'-0" along the north property line (see Attachment G – Application).

**KEY ISSUES:**

The key issues listed below have been identified through the analysis of the project, neighbor and community input, and City department review comments.

**Issue 1 Process.** On July 23, 2014, Salt Lake City Planning Director Wilf Sommerkorn determined the petition must be reviewed by the Planning Commission as a “major modification” of the October 24, 2012 planned development approval.

**Issue 2 Community Council.** On August 18, 2014, Judi Short, Land Use Chair of the Sugar House Community Council, wrote, “The Sugar House Community Council will waive the 45 day right to review this project . . .” This course of action was taken in response to the applicant’s petition for an expedited process. However, the Sugar House Community Council did provide a written recommendation for approval of the proposed amendment on September 13, 2014 (see Attachment H – Community Council).

**Issue 3 Options.** Upon learning of the construction error, the applicant met with various members of City staff to resolve the problem. Initially, the applicant discussed an option to purchase a 1'-0" strip of property from the adjacent property owner, which would be reviewed by the City as a “lot line adjustment,” however staff discovered that this course of action was not possible because the adjacent lot was approximately 43'-0" wide and the minimum lot width requirement for single-family detached dwellings is 50'-0". (City Code 20A.24.025.B requires lot line adjustments comply with all applicable zoning requirements, or reduce the amount of noncompliance.)

Following this realization, the applicant submitted on July 21, 2014, a written request to Planning Director Wilf Sommerkorn to approve a “minor modification” of the planned development approval. As stated previously, Mr. Sommerkorn determined that the request did not qualify as “minor amendment,” but could be considered by the Planning Commission as a “major modification.”

If the petition to amend the planned development is not approved, the development will be required to comply with City Code—unless overturned on appeal—which will likely result in demolition and reconstruction of the footings.

**Issue 4 Privacy.** An initial concern identified by staff was the potential impact on the privacy of adjacent resident(s). However, upon review of both the subject and adjacent properties, staff noted that a private driveway is located between the planned development and the adjacent single-family dwelling. Also, there is only one proposed window in the north building elevation of the planned development; the 2'-0" x 5'-0" window will have

“clouded” or “frosted” glass, which restricts visibility but allows natural light into the dwelling (see Attachment I – Building Elevations).

It should also be noted that although the applicant intends to construct a 6'-0" privacy fence, there is no vertical landscape elements within the north side yard. If needed, a series of columnar trees may be added to improve privacy (see Attachment J – Landscape Plan).

In general, it is the opinion of staff that the impact of the proposed side yard setback reduction of 1'-0" on the adjacent property is negligible.

**Issue 5 Public Comment.** On September 17, 2014, staff received a letter from David Monsen, owner of 2438 S 900 East, which is immediately north of the subject property. Mr. Monsen opposes the amendment citing concerns with encroachment and privacy (see Attachment K – Public Comment).

In response to the letter, staff met on site with Mr. Monsen, and his son, Kim, who resides in at 2438 S 900 East. To address these concerns, Mr. Monsen requested the applicant:

- Construct a 6 foot tall cedar fence, and
- Reimbursement of \$1,000.00 for a survey paid for by Mr. Monsen to prove the construction error.

Staff communicated the request to the applicant, who has agreed to the stipulations (see Attachment L – Agreement).

**Issue 6 Department Comment.** Staff routed the petition to all applicable Departments and Divisions of the City on August 5, 2014. All respondents recommended approval subject to compliance with City regulations and policies (see Attachment M – Department Comments). The applicant has reviewed the Department Comments and has agreed to comply.

#### **DISCUSSION:**

During the Planning Commission’s review of the original planned development, staff identified that there was an inconsistency regarding the side yard setback between drawing layers—one layer included a measurement of 3'-6" while another layer was labeled 4'-0". Staff brought this to the attention of both the applicant and the Planning Commission in order to clarify the applicant’s petition and subsequent decision by the Commission. It should be noted by the Commission, that if the applicant had requested a reduced side yard setback, staff would have likely supported the request at that time.

There are no other elements or features of the planned development being amended by this petition.

#### **NEXT STEPS:**

If the petition is approved, the applicant may proceed with construction. If the petition is denied, the applicant may file an appeal within 10 days of the decision of the Planning Commission or demolish the footings and rebuild in compliance with approved plans.

## **ATTACHMENT A – VICINITY MAP**

---



## **ATTACHMENT B – PROPERTY PHOTOGRAPHS**





**Westward View of Subject Property**



**Footings for Attached Single-Family Dwelling South of Adjacent Driveway**

## **ATTACHMENT C – ANALYSIS OF STANDARDS**



**21A.55.160: Modifications to Development Plan:**

Standard	Finding	Rationale
<p><b>A. New Application Required for Modifications and Amendments:</b> No substantial modification or amendment shall be made in the construction, development or use without a new application under the provisions of this title. Minor modifications or amendments may be made subject to written approval of the Planning Director and the date for completion may be extended by the Planning Commission upon recommendation of the Planning Director.</p>	<p><b>Complies</b></p>	<p>Applicant submitted Petition PLNSUB2014-00491 for planned development amendment on July 25, 2014.</p>
<p><b>B. Minor Modifications:</b> The Planning Director may authorize minor modifications to the approved development plan pursuant to the provisions for modifications to an approved site plan as set forth in chapter 21A.58 of this title, when such modifications appear necessary in light of technical or engineering considerations. Such minor modifications shall be limited to the following elements:</p> <ol style="list-style-type: none"> <li>1. Adjusting the distance as shown on the approved development plan between any one structure or group of structures, and any other structure or group of structures, or any vehicular circulation element or any boundary of the site;</li> <li>2. Adjusting the location of any open space;</li> <li>3. Adjusting any final grade;</li> <li>4. Altering the types of landscaping elements and their arrangement within the required landscaping buffer area;</li> <li>5. Signs;</li> <li>6. Relocation or construction of accessory structures; or</li> <li>7. Additions which comply with the lot and bulk requirements of the underlying zone.</li> </ol> <p>Such minor modifications shall be consistent with the intent and purpose of this title and the development plan as approved pursuant to this chapter, and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such modifications would result in a violation of any standard or requirement of this title.</p>	<p><b>Not Applicable</b></p>	<p>Planning Director Wilf Sommerkorn informed the applicant on July 23, 2014, that the proposed amendment does not qualify as a “minor amendment” as defined by Section 21A.55.060.B of City Code.</p>
<p><b>B. Major Modifications:</b> Any modifications to the approved development plan not authorized by subsection B of this section shall be considered to be a major modification. The Planning Commission shall give notice to all property owners consistent with notification requirements located in chapter 21A.10 of this title. The Planning Commission may approve an application for a major modification to the approved development plan, not requiring a modification of written conditions of approval or recorded easements, upon finding that any changes in the plan as approved will be in substantial conformity with the approved development plan. If the Commission determines that a major modification is not in substantial conformity with the approved development plan, then the Commission shall review the request in accordance with the procedures set forth in this section.</p>	<p><b>Complies</b></p>	<p>As stated previously, the proposed amendment is not authorized by “subsection B” of Section 21A.55.060.B. In response to the petition, Staff gave notice to all property owners consistent with Chapter 21A.10 of the Zoning Title.</p> <p>The proposed amendment does not impact building elevation design, and is a minor reduction of the side yard setback. Furthermore, the north building elevation along the side yard has a single window, which respects the privacy of adjacent residents. The applicant will also construct a 6'-0" tall privacy fence along the side and rear yard property lines.</p> <p>The application for major modification of the approved development plan does not require modification of written conditions of approval or recorded easements. Staff finds that the changes in the plan as proposed will be in substantial conformity with the approved development plan.</p>

## **ATTACHMENT D – MOTIONS**

---

### **Recommended Motion:**

Based on the analysis and findings listed in the staff report, testimony, and information presented, I move that the Planning Commission approve Petition PLNSUB2014-00491 to amend the planned development and reduce the north side yard setback from 4'-0" to 3'-0" for a single-family attached dwelling located approximately at 2442 S 900 East, with the following conditions:

1. Petitioner shall construct a 6'-0" tall fence along all side and rear yard property lines to provide a visual screen and improve privacy. Fence shall be constructed of cedar and in a pattern as shown in Attachment L - Agreement.
2. Petitioner shall comply with Department Comments contained within Attachment M – Department Comments.

### **Not Consistent with Staff Recommendation:**

Based on testimony received and the following findings, I move that the Planning Commission deny Petition PLNSUB2014-00491 to amend the planned development and reduce the north side yard setback from 4'-0" to 3'-0" for a single-family attached dwelling located approximately at 2442 S 900 East.

The Planning Commission shall make findings on the planned development amendment standard for "major modification" as listed below:

- C. Major Modifications: Any modifications to the approved development plan not authorized by subsection B of this section shall be considered to be a major modification. The Planning Commission shall give notice to all property owners consistent with notification requirements located in Chapter 21A.10 of this title. The Planning Commission may approve an application for a major modification to the approved development plan, not requiring a modification of written conditions of approval or recorded easements, upon finding that any changes in the plan as approved will be in substantial conformity with the approved development plan. If the Commission determines that a major modification is not in substantial conformity with the approved development plan, then the Commission shall review the request in accordance with the procedures set forth in this section.

# **ATTACHMENT E – MEETING MINUTES**

---



**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**Room 326 of the City & County Building**  
**451 South State Street, Salt Lake City, Utah**  
**Wednesday, October 24, 2012**

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:31:09 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 Angela Dean, Michael Fife, Bernardo Flores-Sahagun, Clark Ruttinger, Marie Taylor and Mary Woodhead. Vice Chair Emily Drown; Commissioners Lisa Adams and Matthew Wirthlin were excused.

Planning Staff members present at the meeting were: Wilford Sommerkorn, Planning Director; Joel Paterson, Planning Manager; Casey Stewart, Senior Planner; Michael Maloy, Principal Planner; Maryann Pickering, Principal Planner; Paul Nielson, City Attorney; and Michelle Moeller, Senior Secretary.

**FIELD TRIP NOTES:**

A field trip was held prior to the meeting. Planning Commissioners present were: Michael Fife, Clark Ruttinger and Marie Taylor. Staff members in attendance were Joel Patterson, Michael Maloy and Maryann Pickering. The following locations were visited:

1. **24 and 9 Project:** Staff described the proposal and the history of the site. An earlier project was approved for the site, about four years ago, that was similar to what was being proposed.
2. **596 North Wall Street:** Flag lot Subdivision- Staff described the proposed subdivision and site layout.

**WORK SESSION [5:31:14 PM](#)**

**PLNPCM2009-00484 - Briefing on amendments to the City's Subdivision Ordinance. The amendments will affect Title 20 (Subdivisions) and chapter 18.28 (Site Development Regulations) of the City Code. Related provisions of Titles 18 (Building and Construction),**

**and 21A (Zoning) may also be amended as part of this petition. (Staff contact: Casey Stewart at 801-535-6260 or [casey.stewart@slcgov.com](mailto:casey.stewart@slcgov.com)).**

Mr. Casey Stewart reviewed the proposed changes to the ordinance as presented in the Staff Report (located in the case file). He stated the proposal would be brought back to the Planning Commission for approval in the future.

The Commissioners and Staff discussed what was meant by lessening the public process and what it would entail. Staff gave the example that currently a Public Hearing was required for things such as subdividing lots. Staff stated the new process would require the abutting property owners be notified of an application and after review it would be approved administratively therefore, lessening the review time by two or three weeks. The Commissioners and Staff discussed if the notice would go to the Community Councils when a subdivision of property was proposed. Staff stated the proposed ordinance changed the requirements to state only the abutting property owners would be notified. The Commission asked if that was the best option and served the Public in the best manner.

The Commissioners and Staff discussed south facing windows and the term economically infeasible. It was agreed that the language would be changed to physically or technically infeasible. They discussed how the requirements for subdivisions with 25 or more lots were determined and if that was the best language to use. Staff stated they would review the language and see what was best.

The Commission and Staff discussed the types of applications that would be approved administratively with the new proposals and the options for appeals to those decisions.

The Commission thanked Staff for their hard work.

**APPROVAL OF THE MINUTES FROM THE October 10, 2012 MEETING [5:55:15 PM](#)**

**MOTION**

**Commissioner Woodhead made a motion to approve the October 10, 2012 minutes with the noted changes. Commissioner Flores-Sahagun seconded the motion. Commissioners Adams, Dean, Fife, Flores-Sahagun and Woodhead voted “aye”. Commissioners Ruttinger and Taylor abstained from voting. The motion passed.**

**REPORT OF THE CHAIR AND VICE CHAIR [5:55:56 PM](#)**

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

**REPORT OF THE DIRECTOR [5:56:04 PM](#)**

Mr. Wilford, Sommerkorn, Planning Director, reviewed the items approved by the City Council on October 23, 2012 such as the Historic Preservation Plan, the ordinance for Designation of Local Historic Districts, the ordinance for the creation of Character Conservation Districts, the Historic Preservation fine tuning and the signs for Library Square.

**PUBLIC HEARING [5:56:57 PM](#)**

**Marmalade Hill Flag Lot - A request by Lily Grove for Conditional Use and Preliminary Subdivision approval to subdivide and create a flag lot at approximately 596 N. Wall Street. The subject property is located in the SR-1A (Special Development Pattern Residential District) 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](mailto:maryann.pickering@slcgov.com).**

- a. **PLNPCM2012-00542 – A conditional use request to allow the creation of a flag lot.**
- B. **PLNSUB2012-00543 – A preliminary subdivision request to create 2 lots from one existing parcel**

Ms. Maryann Pickering, Principal Planner, reviewed the petition as outlined in the Staff Report (located in the case file). She stated it was Staff's recommendation that the Planning Commission approve the petition as presented.

Ms. Lily Grove, Applicant, gave the history of the property and the explained their goal would be to create a home compatible with the neighborhood.

**PUBLIC HEARING [6:02:33 PM](#)**

Chairperson Gallegos opened the Public Hearing seeing there was no one present to speak for or against the petition; Chairperson Gallegos closed the Public Hearing.

**DISCUSSION [6:02:38 PM](#)**

The Commissioners and Staff discussed how the utilities were configured on the property. Staff stated the utilities would be separated when the property was developed.

**MOTION [6:03:34 PM](#)**

**Commissioner Ruttinger stated in regards to Marmalade Hill PLNPCM2012-00542 and preliminary subdivision PLNSUB2012-00543 based on the findings listed in the Staff Report and the testimony heard, he moved that the Planning Commission approve the proposed conditional use with conditions one through six as mentioned in the Staff Report. Commissioner Taylor seconded the motion. The motion passed unanimously.**

[6:06:03 PM](#)

**24 and 9 Residential Planned Development** - A request by Dave Robinson to construct a residential planned development located at approximately 2442 S 900 East Street. The property is zoned RMF-30 Low Density Multi-Family Residential District, and located within Council District 7, represented by Søren Simonsen. (Staff contact: Michael Maloy at 801-535-7118 or [michael.maloy@slcgov.com](mailto:michael.maloy@slcgov.com))

- a. **PLNSUB2012-00503 Planned Development** – A preliminary subdivision request to create four parcels
- b. **PLNSUB2012-00504 Preliminary Subdivision** – A planned development request to construct one building that contains three single-family attached dwellings, along with a detached garage.

Mr. Michael Maloy, Principal 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 approve the petition as presented.

Mr. Dave Robinson and Mr. Søren Simonsen, Applicants, stated they were happy to review the zoning or answer any questions.

Commissioner Woodhead asked if the Applicant agreed with the solutions that Staff was proposing in regards to the zoning issues.

Mr. Robinson stated they were in agreement with the conditions and explained the current accessory structure was designed as a carport. He stated they had envisioned it being a continuous carport but it could be designed as three abutting carports similar to what was in the neighborhood.

**PUBLIC HEARING** [6:12:47 PM](#)

Chairperson Gallegos opened the Public Hearing.

Ms. Judy Short, Sugar House Community Council, suggested instead of carports the developer should look into individual garages for the properties. She stated overall the Community Council was in support of the proposal.

Mr. Stephen Zank, neighbor, made the following comments:

- Proposal did not fit in with the Master plan
- Proposal should adhere to all of the required setbacks for the area.
- Proposal did not meet the higher level of design as outlined in the Master Plan and should be compatible with the area.



Chairperson Gallegos closed the Public Hearing.

**DISCUSSION** [6:17:46 PM](#)

Mr. Maloy stated attached single family dwellings were a permitted use in the zoning and also within the Sugar House Community Master Plan. He read the language in the ordinance and stated the proposal met the standards as outlined in the Staff Report. Mr. Maloy reviewed the developments in the area and explained the proposal was compatible with the area.

Mr. Robinson said as to the site plan and the design, there was a lot of thought that went into the process. He reviewed the safety features they put into the design such as the single drive approach and the increased setback from 900 East. Mr. Robinson explained the carports could be made into garages but they did not intend for the spaces to be assigned to individuals.

The Commissioners, Staff and Applicants discussed the three foot six inch setback and the requirement to have a four foot setback. Staff explained the four foot setback requirement and the Applicant stated the request for the three foot six inch setback was an error. It was stated that the building code would require three feet from the property line if windows were installed. The Applicants stated windows were in the proposal therefore, they would change the language to state a four foot setback would be put in place.

The Commission and Staff discussed if the Commission was reviewing the design or strictly the zoning. Staff stated the Commission could make conditions relative to the design however, the requirement needed to be linked to a standard in the ordinance as to why it was being put in place. They discussed the four lot subdivision being requested in the proposal, how the lots would be laid out and what easements would be required for access.

**MOTION** [6:28:19 PM](#)

**Commissioner Fife stated regarding PLNSUB2012-00503 and PLNSUB2012-00504 based on the findings listed in the Staff Report, testimony and plans presented, he moved that the Planning Commission approve the petition with the four lot minor subdivision with the seven conditions listed in the Staff Report. Commissioner Woodhead seconded the motion. The motion passed unanimously.**

[6:29:38 PM](#)

**PLNPCM2011-00640 Form Based Code for West Temple Gateway - The Salt Lake City Planning Commission will conduct a public hearing to receive comments in response to a petition submitted by Mayor Ralph Becker to amend the Salt Lake City Zoning Title and Map from D-2 Downtown Support District and RMF-75 High Density Multi-Family Residential**

**District to FB-UN1 and FB-UN2 Form Based Urban Neighborhood District for properties located approximately between 700 South Street and Fayette Avenue (975 South), and between West Temple Street and 300 West Street. The purpose of the zoning amendment is to ensure future development will enhance residential neighborhoods and encourage compatible commercial development in compliance with the City Master Plan. Related provisions of Title 21A Zoning may also be amended as part of this petition. The subject properties are located in Council District 4, represented by Luke Garrott, and Council District 5, represented by Jill Remington Love. (Staff contact: Michael Maloy at (801) 535-7118 or [michael.maloy@slcgov.com](mailto:michael.maloy@slcgov.com))**

Mr. Michael Maloy, Principal 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 for the petition as presented.

The Commission and Staff discussed the square footage for Row Houses as per the conversation at the October 10, Planning Commission meeting, stating that the proposed square footage was too large for the area. Staff reviewed the research that had been done and the option to eliminate minimum lot sizes or lower the square footage. The Commission stated that would be something to look at before the ordinance was approved.

The Commission and Staff discussed the allowable building materials and why some materials were excluded in the ordinance. Staff explained the Planning Division was flexible and were open to rewording that portion of the ordinance to allow for more flexibility.

The Commission and Staff discussed the sign code for all signs in the area. They discussed the zoning on Jefferson Street and extending the UN-1 district to 800 South. Staff and The Commission discussed the zoning on Montrose Ave and Washington.

**PUBLIC HEARING [6:44:16 PM](#)**

Chairperson Gallegos opened the Public Hearing.

The following people spoke in opposition of the proposal:

Mr. Reid Jacobsen, Mr. Will Jamison, Mr. Zatzar Tabez, Mr. Mark Broadbent and Ms. Sherry Viner.

The following comments were made:

- Zoning changes at 840 South 200 West would not be a benefit to the Community.

- D-2 zoning to UN-2 zoning would hinder the rental/ sale of some business in the area as it would limit the available uses for the properties.
- Removal of the D-2 zoning would restrict the buildable height. A taller height would use the property to the building code.
- Were commercial uses grandfathered in when the zoning changed

The following people spoke in favor of the proposal: Mr. Jeff Taylor and Mr. Paul Christenson

The following comments were made:

- Changes to the UN-2 zoning -See packet of information (located in the case file)
- Proposal to have traffic use the alleys would not be a good option as it would not be safe.
- Setbacks needed to be addressed
- Staff had incorporated the comments of the property owners.
- Allows for development to take place in the area.
- Need to clear up the ingress and egress from properties

Mr. Randy Cassidy, property owner, stated he was neutral to the proposal, explained his current project and how the proposal would affect it. He stated the proposal would determine what standards he needed to comply with and how parking was laid out on his property.

The Commission and Staff discussed how current projects would be affected by the proposed ordinance and whether they would follow the current zoning or the proposed zoning standards.

Chairperson Gallegos closed the Public Hearing.

Mr. Joel Patterson, Planning Manager, stated a non-conforming status remained with the property not with the owner therefore, uses that are allowed now would be allowed in the future.

**DISCUSSION [7:11:19 PM](#)**

Mr. Maloy reviewed the proposed traffic on the allies and the ingress and egress for the area. He stated the proposal was to promote a more pedestrian friendly environment. Mr. Maloy stated the non-conforming uses remained with the land and were fully transferable. He explained if there was a change in use or a significant remodel or addition then the new provisions would apply. Mr. Maloy stated the proposal was not intended to make the structures unusable.

The Commission and Staff discussed the allowable height throughout the subject area. They discussed the changes that should be made to the proposal addressing the concerns of the Public. They discussed the options and when non-conforming uses could be expanded.

The Commission asked if there was a time period when the current zoning would end and if people could move ahead with current project during that time or if they needed to follow the proposed ordinance. Staff explained if building permit applications were filed and accepted before the zoning was changed then they would follow the current ordinance. Staff stated once the Council approved the proposed ordinance then those rules would apply.

The Commission gave Staff a list of changes to be made to the proposed ordinance before bringing it back to the Commission for approval including the following:

- Add food processing to the allowable uses
- incorporating the request by Mr. Jeff Taylor and Bruce Johnson, 864 Washington Street
- increase the height limit on the corners of 200 West to sixty five feet
- Row house minimum lot size- reduce the size or eliminate the restriction all together
- More flexibility on building materials or more options for materials
- Incorporate smaller lots on Jefferson and Washington into the UN-1 adjacent to 800 South
- Address the egress and ingress off of Jefferson and Washington

The Commission agreed to close the Public Hearing for the proposal.

**MOTION [7:33:34 PM](#)**

**Commissioner Woodhead stated regarding petition PLNPCM2011-00640, she moved that the Planning Commission table the petition to a future meeting. Commissioner Taylor seconded the motion. The motion passed unanimously.**

**The meeting adjourned at [7:33:55 PM](#)**



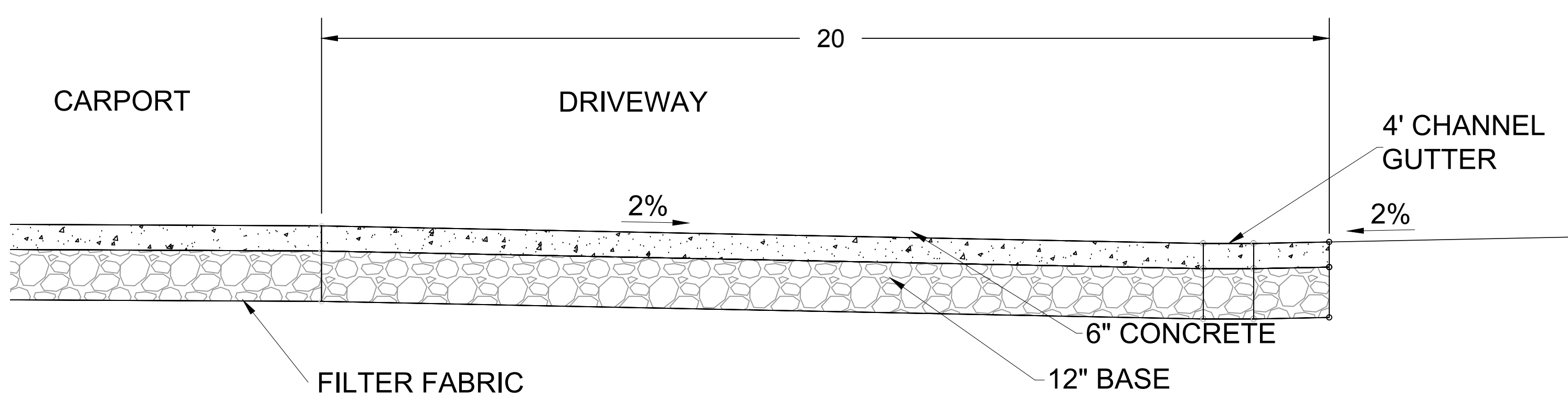
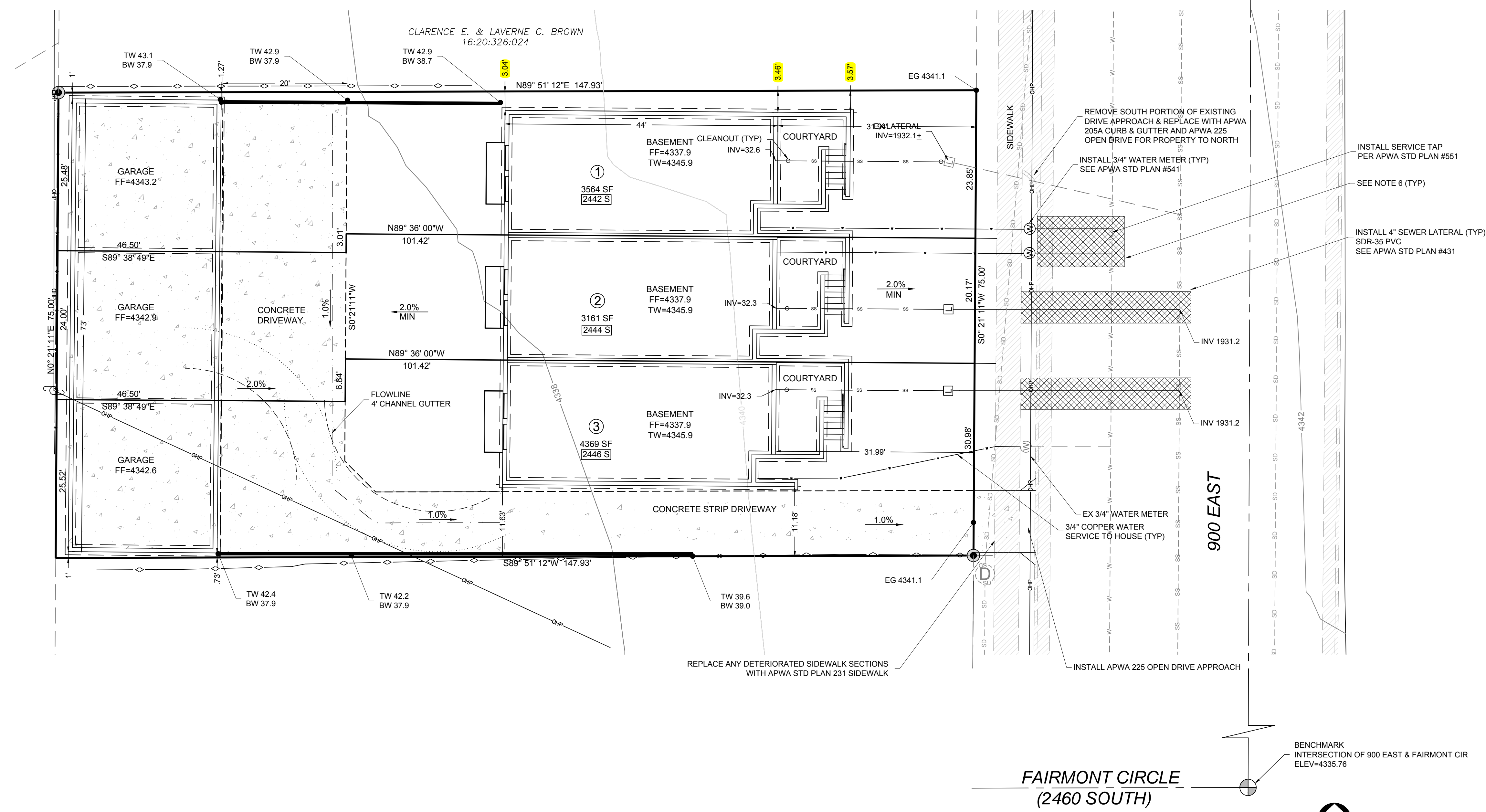
# **ATTACHMENT F – SITE PLAN**

---

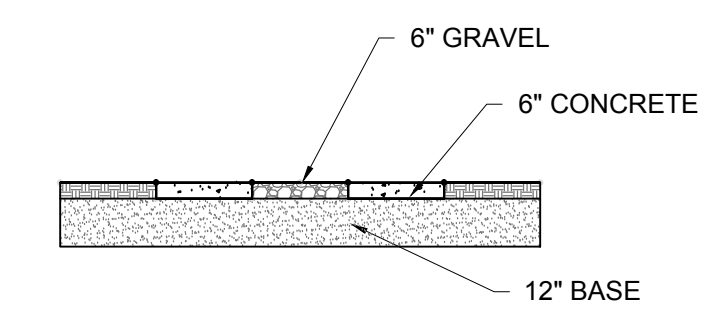
LEGEND	
	ROAD CENTERLINE
	PROPERTY BOUNDARY
	LOT LINE
	LOT ADDRESS
	BUILDING SETBACK / PUE
	SECTION CORNER
	SET BAR & CAP
	EXISTING SURVEY MONUMENT
	EDGE OF PAVEMENT
	EXISTING CURB & GUTTER

### GENERAL NOTES

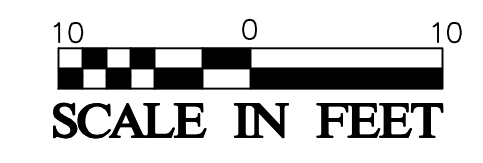
- CONTRACTOR MUST OBTAIN A PUBLIC WAY PERMIT FROM SLC ENGINEERING PRIOR TO THE START OF ANY CONSTRUCTION OR EXCAVATION WORK IN THE PUBLIC WAY. SAID CONTRACTOR MUST BE LICENSED, BONDED AND INSURED, AND PAY ALL APPLICABLE FEES.
- CONTRACTOR MUST OBTAIN A TRAFFIC CONTROL PERMIT FROM SLC ENGINEERING PRIOR TO OBTAINING A PUBLIC WAY PERMIT.
- LOCATION, SUPPORT, PROTECTION AND RESTORATION OF ALL EXISTING UTILITIES AND APPURTENANCES, WHETHER SHOWN OR NOT SHOWN ON THE APPROVED CONSTRUCTION DRAWINGS, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- THE CONTRACTOR SHALL GIVE NOTICE OF INTENT TO CONSTRUCT TO BLUE STAKE (TELEPHONE NUMBER 800-662-4111) AT LEAST 2 WORKING DAYS BEFORE START OF CONSTRUCTION.
- PRIOR TO OCCUPANCY PERMIT BEING ISSUED, IT IS RECOMMENDED THAT ALL TRIP HAZARDS ON THE PUBLIC SIDEWALK BE REMOVED.
- ALL CONCRETE INSTALLED IN PUBLIC WAY SHALL COMPLY WITH APWA 2012 STANDARDS.
- ALL UTILITY CUTS SHALL BE PER APWA STD. PLAN 255.
- ALL UTILITY CUTS PER APWA STD PLAN #255. TRENCHING & BEDDING PER SLOPU STD OF PRACTICE #1.
- CURB AND GUTTER SHALL BE INSTALLED PER APWA 205A, 206, AND 251 OR 252.
- REPLACE SIDEWALK UTILITY CUTS PER APWA 231.
- THIS STRUCTURE REQUIRES A MINIMUM OF 1,500 G.P.M. AT 20 P.S.I. A MINIMUM OF 1 FIRE HYDRANT IS WITHIN 400 FEET OF THE STRUCTURE. FIRE HYDRANTS SHALL BE PROVIDED WITH TWO 2" OUTLETS AND ONE 4" OUTLET THAT ARE MALE NATIONAL STANDARD THREADS, DRY BARREL TYPE WITH A SINGLE CONTROL VALVE AND DRAIN VALVE AT THE BASE OF THE FIRE HYDRANT. FIRE HYDRANTS SHALL BE INSTALLED WITHIN 15 FEET OF A FIRE DEPARTMENT ACCESS ROADWAY MEASURED AT THE TOP FRONT OF CURB. NEW FIRE HYDRANTS SHALL BE COLOR CODED AND BE DIRECTED BY PUBLIC UTILITIES AS TO THE COLOR AND SHADE OF THE HYDRANT BONNET. FIRE HYDRANTS SHALL BE EQUIPPED WITH AN INDEPENDENT LATERAL CONTROL VALVE PLACED AT THE BASE INLET OF THE FIRE HYDRANT. A 3 FOOT CLEARANCE SHALL BE MAINTAINED AT ALL TIMES AROUND FIRE EQUIPMENT TO INCLUDE BUT NOT LIMITED TO HYDRANTS, FIRE DEPARTMENT CONNECTIONS AND FIRE SUPPRESSION CONTROL VALVES. WATER MAINS AND LATERALS SHALL BE A MINIMUM 9 INCH INSIDE DIAMETER.
- PRIOR TO OCCUPANCY PERMIT BEING ISSUED, IT IS RECOMMENDED THAT ALL TRIP HAZARDS ON THE PUBLIC SIDEWALK BE REMOVED.
- PLEASE ADD A NOTE THAT THE CONTRACTOR, PRIOR TO OBTAINING THE PUBLIC WAY PERMITS, MUST OBTAIN A TRAFFIC CONTROL PERMIT FROM SLC TRANSPORTATION.
- PLEASE ADD A NOTE THAT A CERTIFIED ADDRESS MUST BE OBTAINED FROM SLC ENGINEERING, (ALICE MONTOYA 535-7248) PRIOR TO THE BUILDING PERMIT BEING ISSUED.



REAR DRIVEWAY SECTION



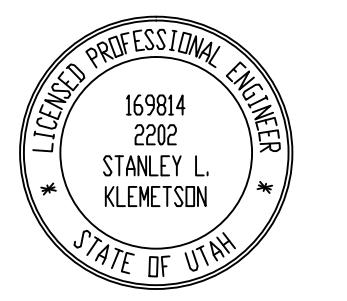
SIDE DRIVEWAY SECTION



**BLOCK**  
city  
314 W Broadway #250 Suite A  
Salt Lake City, UT 84101

**24 and 9**  
2442 SOUTH 900 EAST  
SALT LAKE CITY, UT

PROJECT No. 1201



**DELTA**  
Engineering  
801.709.0799 · www.dcivil.biz

DRAWN: KDC  
CHECKED: SLK  
DATE: 7/16/14  
SCALE: SHOWN  
SHEET TITLE:  
SITE PLAN

SHEET No.

**C-1**

## **ATTACHMENT G – APPLICATION**

---





see PLNSUB 2012-00503  
for Plan drawings

# Planned Development

SALT LAKE CITY PLANNING

### OFFICE USE ONLY

Project #: PLNSUB 2014-0049	Received By: Thomas Irvin	Date Received: 7/25/14	Zoning: RMF-30
Project Name: 24 + 9			

### PLEASE PROVIDE THE FOLLOWING INFORMATION

Request:

Address of Subject Property: 2442 South 900 East

Name of Applicant: Dave Robinson Phone: 801-372-2950

Address of Applicant: 628 N Puysepoy St

E-mail of Applicant: dcr628@yahoo.com Cell/Fax: 801-372-2950

Applicant's Interest in Subject Property:  
 Owner  Contractor  Architect  Other

Name of Property Owner (if different from applicant): Ruth Brown / Ty McCarthey / Dan Cope

E-mail of Property Owner: ty.mcCarthy@Comcast.net Phone: 801-750-8683

➔ Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

### AVAILABLE CONSULTATION

➔ Planners are available for consultation prior to submitting this application. Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

### WHERE TO FILE THE COMPLETE APPLICATION

Mailing Address: Planning Counter PO Box 145471 Salt Lake City, UT 84114	In Person: Planning Counter 451 South State Street, Room 215 Telephone: (801) 535-7700
--	--

### REQUIRED FEE

➔ Filing fee of ~~\$688.57~~, plus additional cost of postage for mailing notice. \$ 714

### SIGNATURE

➔ If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent: 	Date: 7/25/14
----------------------------------	------------------



**SUBMITTAL REQUIREMENTS**

Staff Review

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <b>1. Project Description</b><br>Description of your proposed use and existing use (please attach additional sheet/s)  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | <b>2. Planned Development Information.</b><br>Description of how your project meets one or more of the following objectives (please attach additional sheet/s)   |
|                                     | <i>NA</i>                           | <ul style="list-style-type: none"><li>a. Combination and coordination of architectural styles, building forms, building materials, and building relationships;</li><li>b. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;</li><li>c. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;</li><li>d. Use of design, landscape, or architectural features to create a pleasing environment;</li><li>e. Inclusion of special development amenities that are in the interest of the general public;</li><li>f. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation;</li><li>g. Inclusion of affordable housing with market rate housing; or</li><li>h. Utilization of "green" building techniques in development.</li></ul> |
| <input type="checkbox"/>            | <input type="checkbox"/>            | <b>3. Minimum Plan Requirements</b>  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Site plan and elevation drawing drawn to scale at a minimum 1:20   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | One paper copy (24" x 36") of each plan and elevation drawing  |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | A digital (PDF) copy of the each plan and elevation drawing  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | One 11 x 17 inch reduced copy of each plan and elevation drawing   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <b>4. Site Plan</b><br>Site plan (see <i>Site Plan Requirements</i> flyer for further details)   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <b>5. Elevation Drawing (if applicable)</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Detailed elevation, sections and profile drawings with dimensions drawn to scale   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Type of construction and list the primary exterior construction materials  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Number, size, and type of dwelling units in each building, and the overall dwelling unit density   |

*(All the same as previous)*

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**



I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.



---

July 25 2014

Dear Mayor Becker;

The 24 & 9 subdivisions, permit number BLD2013-04429, was submitted through the Planned Development process and approved by the Planning Commission in 2013. This row of 3 townhomes is located at 2442 South and 900 East.

Clearing, grubbing and excavation began a few weeks ago and the footings for the townhomes and the detached garages are poured.

The footings for the entire structure are offset along the North property line by a matter of inches. Our surveyor, civil engineer, concrete guys and superintendent are very competent, have worked together on other jobsites and this has never happened to us before. It looks like the North East point they were all shooting from was incorrect by several inches. Now, instead of being 4' from the North property line, the footings are 3' 6" from the property line at the North East point of the homes and just over 3' from the property line at the North West point of the homes. The approximate 6" difference would be due to the fact that the building lot is not exactly square.

Our surveyor has shot and re-shot this site and we have looked at any possible solution. If we try and pick up 2" from each unit, we miss the needed rebar. If we crop the north unit by approximately 1', we change the precise exterior elevation, wipe out one of the bedrooms in the basement and eliminate the on-suite bathroom upstairs. If we attempt to do a boundary line adjustment to the North, we will be denied due to the non-complying lot size of the neighbor.

We have confirmed with Richard Martin at Building Services that the less than 1' encroachment does not change anything regarding fire rating or building code, since a modified building location will be further than 3 feet from the property line.

A meeting with planning staff determined that a "Minor Modification" is not available in this instance.

It seems that we are now left with 2 choices: 1) Tear out all of the footings and re-pour them, resulting in the dumping of tons of perfectly good concrete into the landfill and the loss of resources spent, or 2) the much preferred option of, requesting and receiving Planning Commission's approval for a new site plan that recognizes the new setbacks, of which we record the revised site plan at the County and immediately resume the stalled construction.

The less than 4' distance from the neighboring property to the North should have no negative affect on our neighbor. In fact, a privacy fence is to be installed on the shared property line.





---

July 25 2014

Their home is situated toward their North property line, then separated by their drive approach, then a privacy fence, then 3' plus to the subject structure.

We believe that the request we are making of the Planning Commission is reasonable and appropriate under the circumstances. We are not asking for additional square footage of the structure, additional units, height, etc. This is a minor shift of the same approved structure and site plan. Our request is the unfortunate result of a technical error that was made in the field.

We believe that the solution consists of the requested minor modification to the site plan from Planning Commission and an amendment to the recorded lot lines with the County. Our surveyor and civil engineer have already prepared the revised site plan and it is attached.

Thanks for considering this request for a modification.

Sincerely,

Gabe Epperson

**ATTACHMENT H – COMMUNITY COUNCIL**

---

## Maloy, Michael

---

**From:** Judi Short <judi.short@gmail.com>  
**Sent:** Monday, August 18, 2014 4:42 PM  
**To:** Paterson, Joel; Maloy, Michael  
**Subject:** 2442 South 900 East

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

The Sugar House Community Council will waive the 45 day right to review this project issue. We are currently discussing this, and I will get you a letter for the Planning Commission hearing before Michael sends out the staff report.

Judi Short  
Land Use Chair  
Sugar House Community Council

--

Judi Short  
801.487.7387 h  
801.864.7387 c

September 13, 2014

TO: Salt Lake City Planning Commission  
FROM: Judi Short, Land Use Chair  
Sugar House Community Council  
RE: 2442 South 900 East



On October 13, 2012, I wrote a letter to you regarding this project, and you approved the proposal. At that time, the staff report clearly stated that the northern side yard setback was 3'6". That is what you approved.

After the foundation was poured a few months ago, a building inspector came, and measured the foundation. He found that the setback was 3'6", not 4' as is required by code. He did not seem to care that 3'6" was approved by the Planning Commission, and he issued a stop work order.

Our Land Use Committee has reviewed this project again, and finds no reason to change our initial recommendation to approve this project as designed. We do find it disconcerting, however, that there seems to be some variance in how things are measured on the part of Salt Lake City. In this case, various people had measured with a laser, and then the inspector came along with a tape measure and had a different finding. The fact that the property isn't square complicates the matter. We have heard this type of complaint before, and think the city should come up with a standard procedure to obtain more uniformity. This delays projects unnecessarily.

We understand that there has been a recent property line dispute with the neighbor to the north, but that this is now resolved. We urge you to approve this so construction can continue. All three units are pre-sold, and the owners are anxious to have the building finished so they can move in.

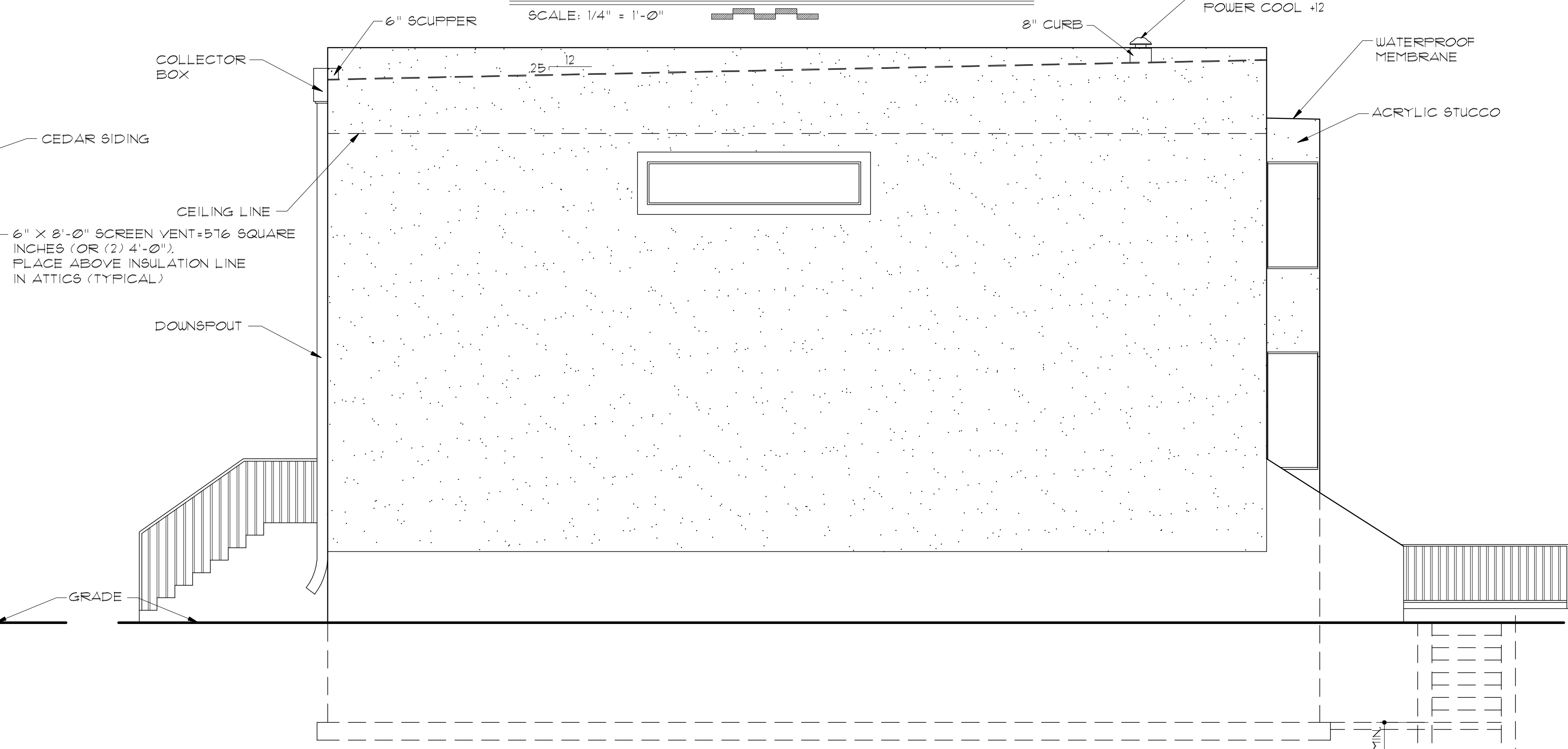
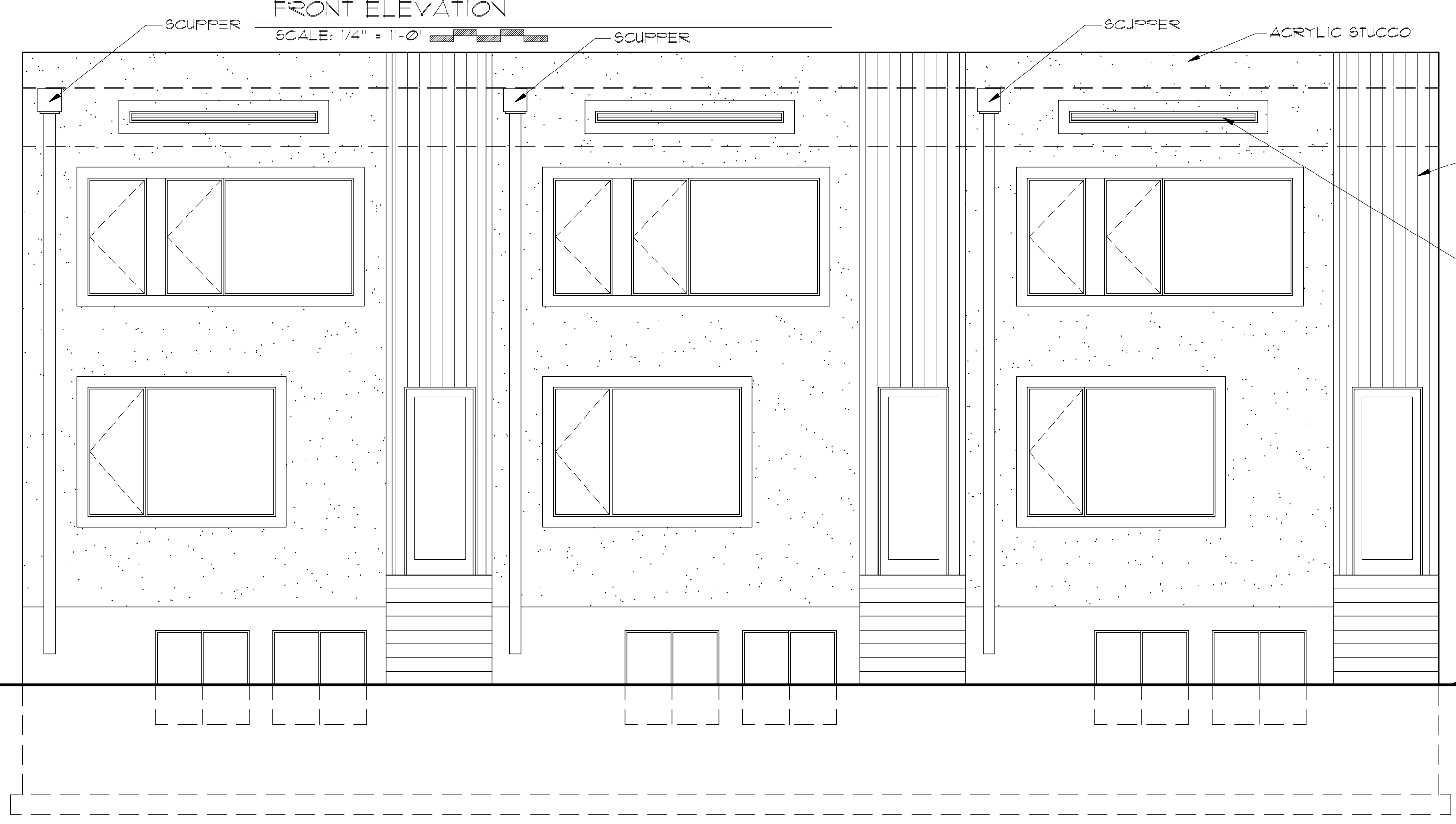
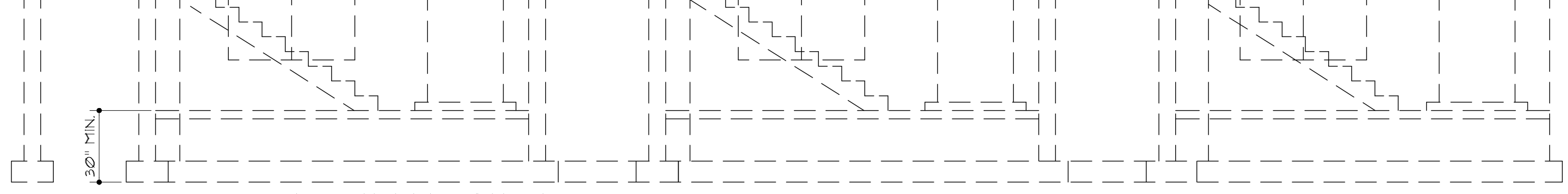
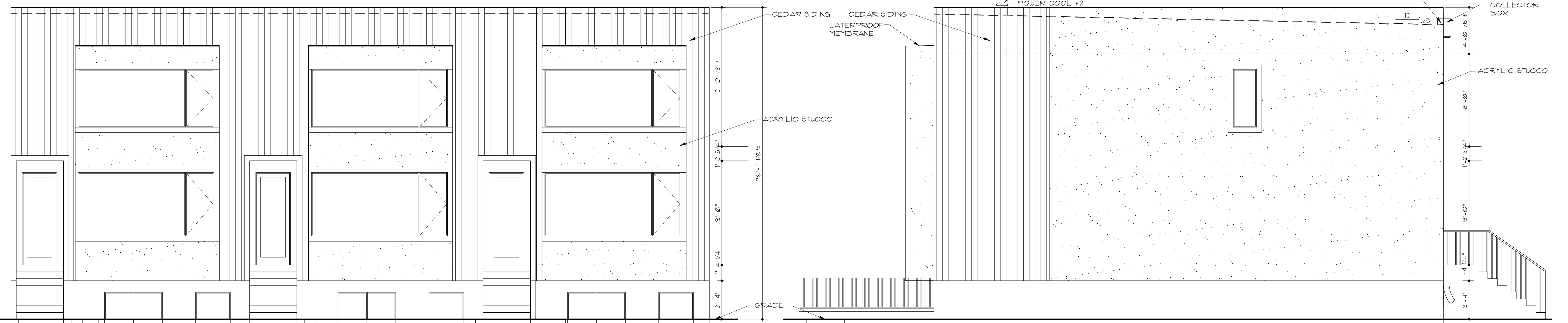


**ATTACHMENT I – BUILDING ELEVATIONS**

---

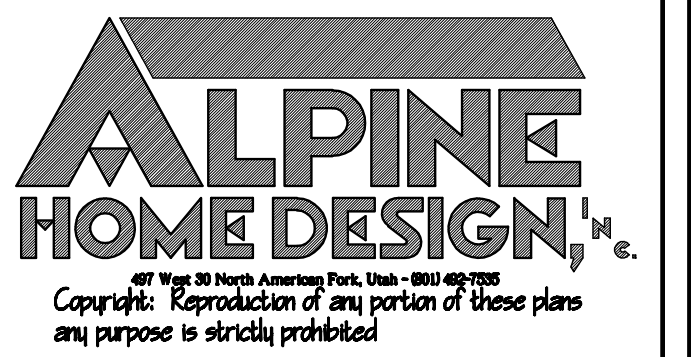
# **ATTACHMENT J – LANDSCAPE PLAN**

---



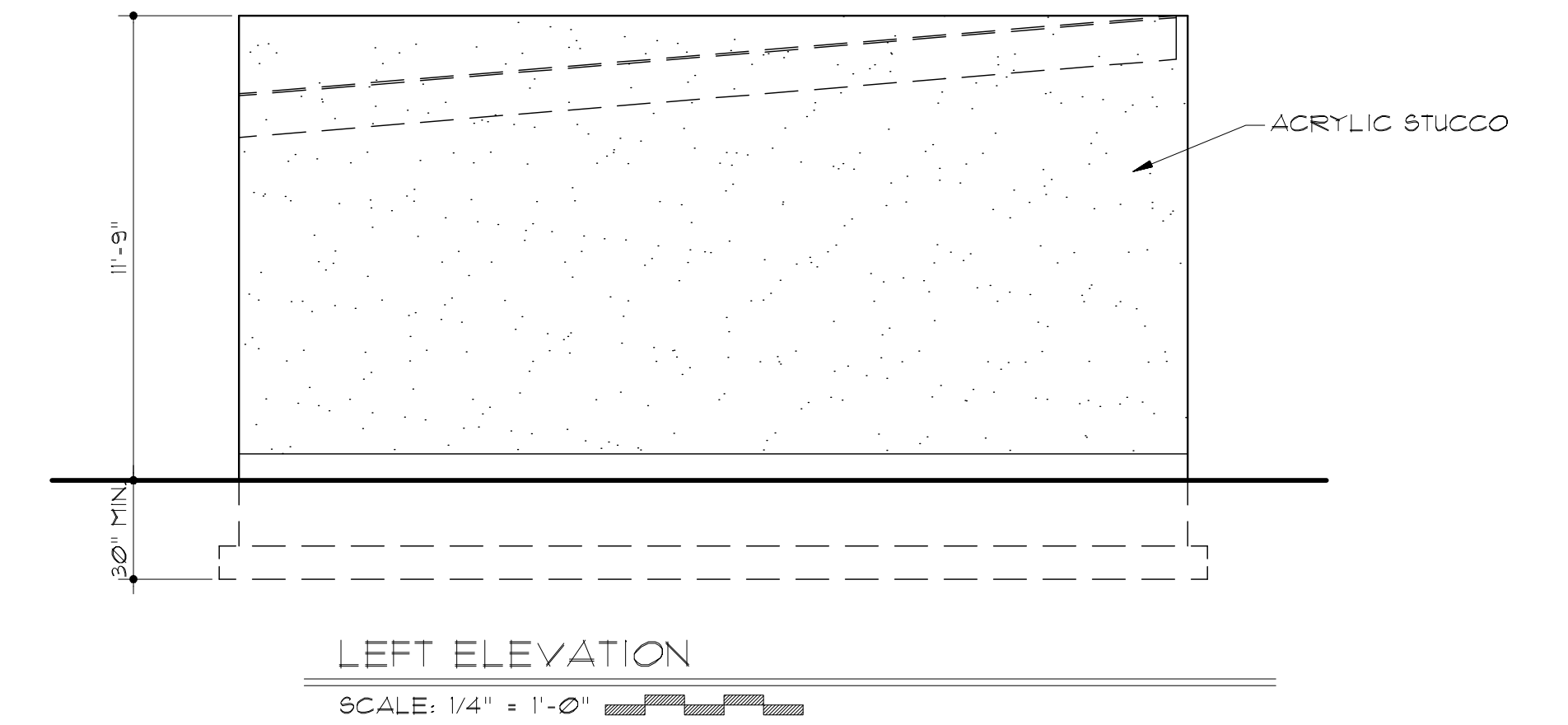
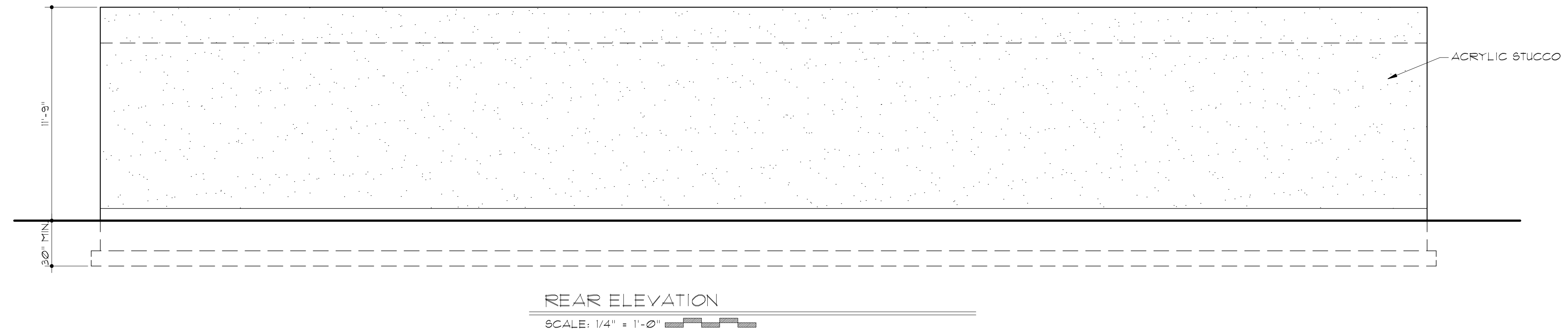
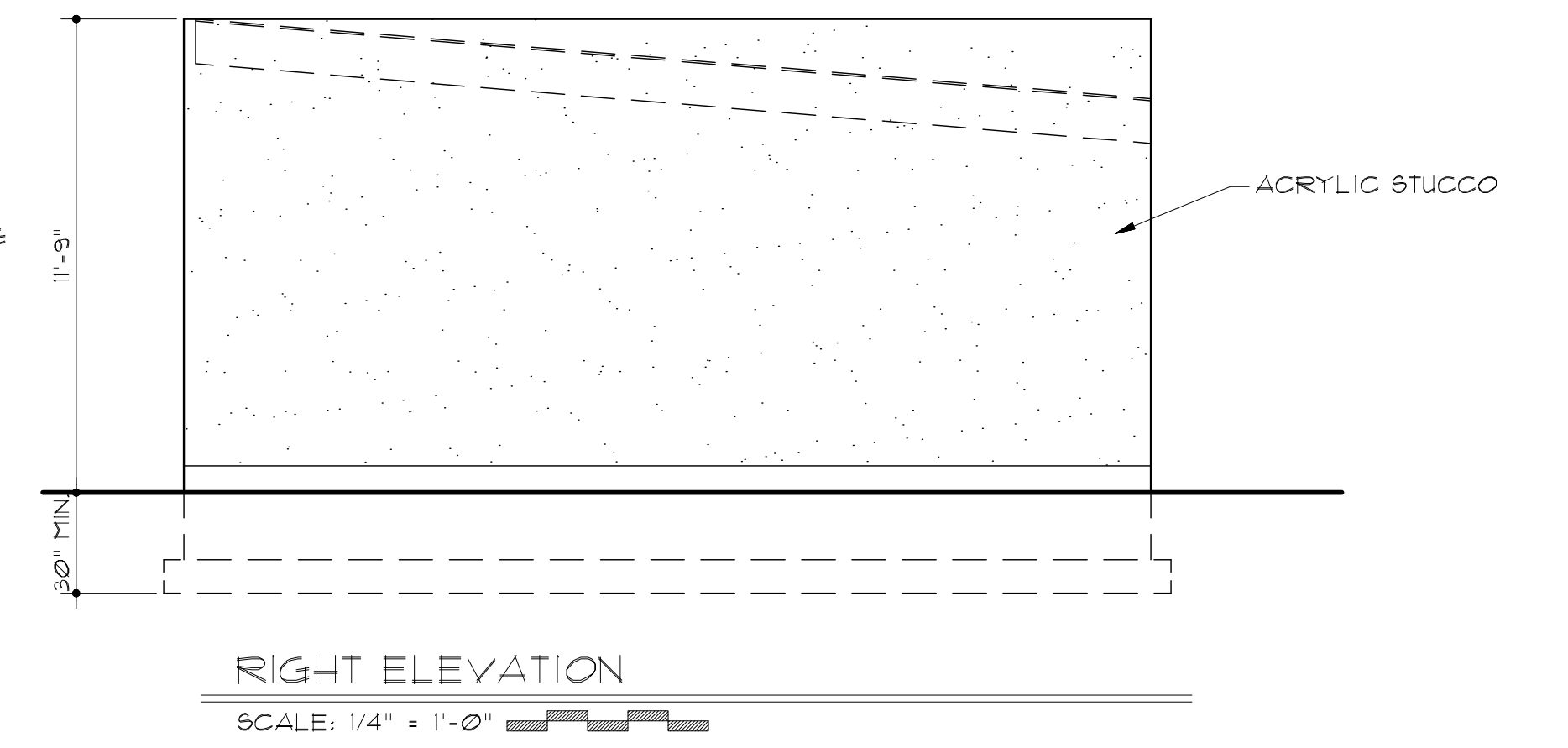
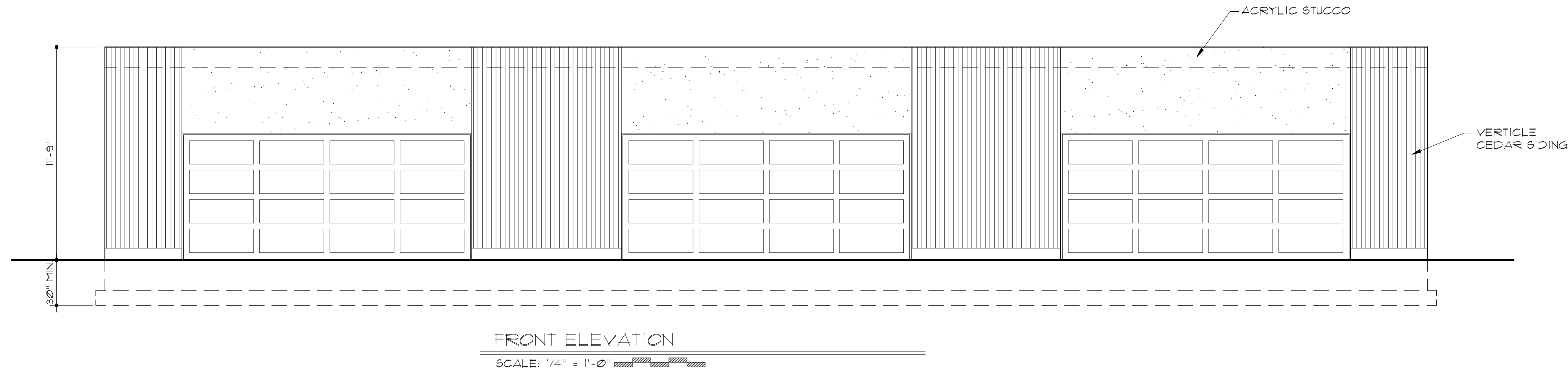
REAR ELEVATION  
SCALE: 1/4" = 1'-0"

LEFT ELEVATION  
SCALE: 1/4" = 1'-0"



<b>A NEW RESIDENCE FOR CITY BLOCK</b>		
24 AND 9		
Contractor and all subcontractors working on this project take full liability of these plans and shall thoroughly review and verify all dimensions, locations, notes, etc. prior to starting any stage of construction.		
Drawn By PSH Date 10/23/2013	Drawing Number 1737-352	Sheet Number 4

PROVIDE SCUPPERS TO ALLOW FOR  
ROOF DRAINAGE AS REQUIRED



A NEW GARAGE FOR CITY BLOCK		
24 AND 9		
Contractor and all subcontractors working on this project take full liability of these plans and shall thoroughly review and verify all dimensions, locations, notes, etc. prior to starting any stage of construction.		
Drawn By PSH Date 6/6/2013	Drawing Number GARAGE	Sheet Number 2

**ATTACHMENT K – PUBLIC COMMENT**

---

September 17<sup>th</sup>, 2014

Dear Mr. Michael Maloy,

Thank you for speaking with me yesterday about Case number PLNSUB2014-00491-2492 S 900 East. I am writing and I will attend the meeting on the 24<sup>th</sup> as well.

I purchased the property directly north of this property being discussed just months ago. (2438 South 900 East)

"Just out of the gate, " I am not willing to allow the side yard setback allocation for the said property.

Early on in the survey for footing we noticed that the new survey folks had misaligned the south existing mark by almost three inches, we mentioned to someone on the property that something wasn't right with the two "new" marks, but was told they were right.

Once the footings were poured, we continued to tell workers something was wrong with what had been set.

To determine the correct survey we then paid out of pocket close to \$1000.00 to retain, James P. Fronk, P.L.S. of Applied Land Solutions (801-380-6225) ([appliedlandsolutions@hotmail.com](mailto:appliedlandsolutions@hotmail.com)) to identify my property lines. (You may contact him for his report.) He informed us that indeed the southeast corner mark was definitely off the remaining survey stake, which had been done years ago and is in the fence clearly visible. He then informed us that the marks that had now been put in and what they poured footing to, was 1'-6" on my property, this now greatly concerned me as they were now beginning to mark for foundation walls.

I contact the developer and told him that there was a problem, we met, my survey person, and their survey person was extremely defensive and arrogant about his marks. We clearly showed what was correct. The next few days many individuals came and walked the property, surveyed again and again. The same conclusion, they where on my property in the rear 1'-6" and allowing the 1' set back now shows 2'-6" that they have to move their footings. Now this line also affected the main house footing and they were now clearly under the 4' set-back throughout most of the north pour. What this means is the whole pour is off it's marks affecting both my property and the south adjacent property. They finally agreed that they were wrong.

I feel strongly, since it is investors and the property will be sold off when finished, I should not have to live with someone's sloppy work and allow a change in the set back. We made mentioned throughout the process something was wrong, but feel it fell on deaf ears. I want to be a good neighbors but this now strikes at the core of

doing what is right and they should fix their own problem on their property and not make me suffer for their carelessness. Visiting the property you will also note, we are the ones who demanded a barrier to be put up, also to put caps on exposed rebar. The property now presents a dangerous fall area towards the front of the property where anyone could be seriously injured.

Please hear my request that they should fix their problem on their property first NOT making me make allocations for sloppy work. I can be contacted anytime 801 618 8927. Thank for allowing us to speak up on this matter.

Sincerely,

David Monsen

2438 South 900 East, Parcel Id: 16-20-326-024

**SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA  
In Room 326 of the City & County Building  
451 South State Street  
Wednesday, September 24, 2014, at 5:30 p.m.**

Item #6 -24 & 9 Planned Development Amendment at approximately 2492 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



# **ATTACHMENT L – AGREEMENT**

---



October 1, 2014

Re: Property line issue at 24 and 9

Dear Michael,

With regards to the property line issue; I understand that Mr. Monsen, the neighbor to the North, has some concerns regarding the mis-placed footings. I certainly appreciate his concerns and we have taken steps internally to make sure this does not happen again. We have not had this problem before and we understand that in these infill areas, there is little room for error.

We typically put a lot of effort into making sure the neighboring property owners are aware of the process, location, etc. of the proposed structures. We make it a point to show the neighbors that by placing the wall of a detached garage 1' from the property line, that often the footings will end up at the property line and the necessary excavation will encroach onto their property until we can get it backfilled. Unfortunately, the survey was off and the footings of the garage are encroaching on Mr. Monsen's property. We will crop that section of garage footings and the wall will be built 1' from the property line as intended. Unfortunately, that option is not available with the primary structure due to placed rebar.

I spoke with one of our partners who attended the meeting between our surveyor and Mr. Monsen and confirmed that our surveyor was disrespectful. I am addressing that internally as well. Although there is no excuse for such disrespect, I am sure our surveyor understood the difficulty that the delays were going to cause many parties.

As far as investors on our projects; we specifically target the end user and homeowners as our clients. We put forth a lot of effort to ensure great product in these infill areas and we feel strongly that the neighborhoods are strengthened with homeowners. We have actually lost buyers on this project because of the delays, but our existing buyers are committed to seeing this through. One buyer in particular has been in place for almost 2 years and is of course anxious to see this move forward.

I understand that Mr. Monsen spent money out of his pocket for a survey and the amount is \$1,000.00. We will re-imburse him \$1,000.00.

We will also install at our expense, the fence as outlined in our submitted site plan.

With winter approaching, we certainly feel that time is of the essence. We do not want the open area to remain. We feel that the site becomes safer when we can pour the walls and backfill the site.

Thank you for your assistance on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Robinson".

Dave Robinson



**Maple** now

So you don't have that burden of trying to understand me



## **ATTACHMENT M – DEPARTMENT COMMENTS**



# DEPARTMENT COMMENTS

## 2442 S 900 EAST

### PLNSUB2014-00491

Date	Task/Inspection	Status/Result	Action By	Comments
8/5/2014	Fire Code Review	Complete	Itchon, Edward	No comment.
8/11/2014	Transportation Review	Complete	Walsh, Barry	The revision to the building location (one foot to the north) reducing the north side yard setback from 4' to 3' is favorable to transportation in that it increases the driveway width on the south from 10.75 feet to 11.75 feet.
8/14/2014	Public Utility Review	Complete	Stoker, Justin	No apparent issues with regards to utilities.
8/19/2014	Engineering Review	In Progress	Weiler, Scott	<p>Since April 2014, a Subdivision Improvement Construction Agreement is no longer required for a planned development.</p> <p>An existing shared drive approach at the north side of the site needs to be narrowed to only serve the neighboring property. Sheet C-2 incorrectly shows this work at the south side of the site.</p> <p>The restoration of the pavement in 900 East for the utility cuts must be done per APWA Standard Plan 255.</p> <p>The proposed tree species in the park strip must be approved by the Urban Forester.</p> <p>Prior to performing work in the public way, a Permit to Work in the Public Way must be obtained from SLC Engineering.</p>
8/20/2014	Building Review	Complete	Maloy, Michael	No comment. Recommend approval.
8/20/2014	Planning Department Review	Complete	Maloy, Michael	Proposal is compliant with applicable approval standards. Recommend approval.
8/20/2014	Police Review	Complete	Maloy, Michael	No comment. Recommend approval.
8/20/2014	Sustainability Review	Complete	Maloy, Michael	No comment. Recommend approval.
8/20/2014	Zoning Review	Complete	Maloy, Michael	No comment. Recommend approval.