

SALT LAKE CITY PLANNING COMMISSION MEETING
Room 126 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, April 22, 2015

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:30:17 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; Commissioners Angela Dean, Emily Drown, Michael Fife, Michael Gallegos,Carolynn Hoskins, Marie Taylor and James Guilkey. Vice Chair Matt Lyon was excused.

Planning Staff members present at the meeting were: Nora Shepard, Planning Director; Michaela Oktay, Planning Manager; Lex Traughber, Senior Planner; Tracy Tran, 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: Clark Ruttinger, Carolynn Hoskins, Michael Fife and Marie Taylor. Staff members in attendance were Michaela Oktay, Tracy Tran and Lex Traughber.

The following site were visited

- **Proposed Yale Park Local Historic District** – Staff reviewed the general facts of the proposal.
- **Proposed Uintah Heights Local Historic District** - Staff reviewed the general facts of the proposal.

APPROVAL OF THE MINUTES FROM THE APRIL 8, 2015, MEETING. [5:30:27 PM](#)

MOTION [5:30:33 PM](#)

Commissioner Fife moved to approve the April 8, 2015. Commissioner Drown seconded the motion. The motion passed unanimously. Commissioner Taylor and Hoskins abstained as they were not present at that meeting.

REPORT OF THE CHAIR AND VICE CHAIR [5:30:54 PM](#)

Chairperson Ruttinger stated he had nothing to report.

REPORT OF THE DIRECTOR [5:30:59 PM](#)

Ms. Nora Shepard, Planning Director, reviewed the project priority list for the Planning Division and stated a list of the top ten would be presented to the Commission at a later date. She reviewed the ordinance fine tuning currently in progress and that it would be brought to the Commission for review and approval at future meetings.

Chairperson Ruttinger reviewed the postponed agenda items for the audience.

[5:33:08 PM](#)

Boyer Tower Design Approval Time Extension - A time extension is requested by the Applicant of the previously approved Boyer Tower 151 Conditional Building and Site Design Approval - a high-rise office building. The project was originally approved on April 23, 2014. The location of the project is approximately 151 South State Street. The subject property is within Council District #4, represented by Luke Garrott. (Staff contact: Casey Stewart at (801) 535-6260 or casey.stewart@slcgov.com.) Case number PLNPCM2014-00045

Ms. Michaela Oktay, Planning Manager, reviewed the applicant's request for a time extension of one year. She explained that the Commission would need to make a motion to extend the approval.

MOTION [5:33:37 PM](#)

Commissioner Gallegos stated regarding PLNPCM2014-00045, Boyer Tower 151 Conditional Building and Site Design Approval, he moved that the Planning Commission grant the one year time extension for the petition. Commissioner Fife seconded the motion. The motion passed unanimously.

[5:34:22 PM](#)

Yalecrest - Uintah Heights Local Historic District - A request to create a new local historic district known as Yalecrest – Uintah Heights. The proposed boundaries of the Yalecrest-Uintah Heights Local Historic District are generally along the north side of 1300 South and along both sides of Laird Avenue from 1300 East to 1500 East including all the homes on Laird Circle and Uintah Circle. Any owner of real property that is proposed to be rezoned may file a written objection to the inclusion of their property in the proposal within 10 days following the public hearing with the Planning Commission. All written objections will be forwarded to the City Council. The subject district is located in Council District 6 represented by Charlie Luke. (Staff contact: Lex Traughber at (801) 535-6184 or lex.traughber@slcgov.com.) Case number PLNHLC2014-00807

Mr. Lex Traughber, 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 for the petition.

The Commission and Staff discussed the following:

- How the boundaries for the proposed districts were determined. That the Historic Landmark Commission reviews the boundaries as part of their review of the proposed districts.
 - The applicant determines which properties are included in the proposal and those boundaries are evaluated by the Historic Landmark Commission.
- The minimum number of property owners needed to initiate a petition and if partial block faces were allowed to be included.
 - The proposed boundaries generally follow the current subdivision boundaries or other logical boundaries.

Ms. Jill Greenwood, applicant, reviewed how the properties were chosen to be included in the petition. She reviewed why it was important to protect the homes in the area for the future. Ms. Greenwood reviewed the historic home tour that would be held in the area and the number of people that attend such events because they are interested in historic homes. She asked the Commission to support the petition.

PUBLIC HEARING [5:47:33 PM](#)

Chairperson Ruttinger opened the Public Hearing.

Ms. Lynn Pershing, Yalecrest Community Council, reviewed the architectural significance of the area and the well known men that built the homes. She reviewed the high number of contributing structures in the area and that it was the gateway to Yalecrest. Ms. Pershing stated it was important for the area to be protected and preserved. She reviewed the number of demolitions the past few years and that the National Historic District did not prohibit or prevent demolitions from occurring. Ms. Pershing stated the Community Council supported the petition and asked the Commission to help protect the area and forward on a positive recommendation regarding the petition.

The following individuals spoke in favor of the petition: Ms. Kelly Marinan.

The following comments were made:

- The criteria for review of a local historic district, including current City policies
- The East Bench Master Plan emphasizes the need to protect existing neighborhoods.
- Should make an overall historic district not piecemeal it.
- Workshops are held to help the public learn how to retrofit their homes for earthquakes.

The following individuals spoke in opposition of the petition: Mr. Rick Allis, Mr. Grant Willis, Mr. Rick Oliver, Mr. Dave Winters and Ms. Susan Porter.

The following comments were made:

- Bought their home in the area because of the character of the neighborhood.
- Homes need to be updated for earthquake safety.
- Newer homes are seismically safer than the existing homes.

- Need to include a more flexible interpretation of the historic designation that encouraged home owners to improve the safety of their house and allow some modifications to the front of structures as long as they strengthen the house.
- Improving seismic safety and the safety of the houses should be the first priority of the city.
- Opposed to all historic districts because of the earthquake issues.
- Homes are not safe in these areas and need to be updated.
- Best way to protect this area was by passing ordinances that encouraged retrofitting the homes to be earthquake safe.
- The process for initiating the petition was not fair and was slipped in through the back door.
- Neighbors were not properly notified of the proposal.
- The proposed restrictions would make it difficult to make updates to the homes.
- People in the area are currently respectful when making changes to the homes and did not need the additional restrictions.
- There were only a small majority of people that wanted the local historic district in the area.
- Most people in the area did not want a historic district.
- A historic district would make renovations too costly for families and elderly.
- Need clear literature that outlined the pros and cons of Local Historic District.
- Please oppose the proposal.

The Commission and Mr. Willis discussed if earthquake information was taken into account prior to the ordinance being written. It was stated that earthquake issues was not something the Commission could take under consideration at the current meeting however; the seismic retrofitting can occur in or out of historic districts. Historic District designation did not preclude someone from making seismic upgrades to their home.

Chairperson Ruttinger read the following cards:

Ms. Emily Willis – because of the concern of URM’s withstanding an earthquake along the Wasatch Fault. I encourage the Planning Commission to reject the historic land designation and instead focus on ordinances.

Mr. David Brewer – inclusions on the National Register with its resources and the state of Utah Tax credits and additional resources along with existing zoning requirements are sufficient to ensure that the historic character of building exteriors in the Yalecrest neighborhood. The neighborhood is and has been for nearly 100 years one of the most desirable areas in the City all without the extra level of review and approval imposed by the proposed Yalecrest- Uintah Heights Local Historic District. Thank you.

Chairperson Ruttinger closed the Public Hearing.

The Commission and Staff discussed the following:

- Regardless of the recommendation from the Planning Commission, ballots would be sent to the property owners as a next step. All information would be transmitted to City Council.
 - Staff reviewed the ballot process and purpose, which is for owners to weigh in on their opposition or support of the local historic district proposal.
- The ballot process was the best opportunity for the property owners to have their voice heard.
- How the ballot results affect the voting requirements for the City Council. If the ballots received are a majority in support, City Council can vote by a simple majority to approve the district. If the majority of ballots are in opposition, the City Council would need a supermajority of votes to approve the district.
- The property owner support ballots are non-binding.
- If the Planning Commission should hear both petitions prior to making a motion.
 - Would have to have a reason to wait on the making a motion.
 - Should be making a motion on each petition individually.
- The historic survey done, by the City, to review the historic status of the homes in the subject areas.
- The reasoning behind the proposed boundaries for the district. The boundaries are proposed by the applicant, they are then reviewed by the Historic Landmark Commission and their review standards.

MOTION [6:20:09 PM](#)

Commissioner Drown stated regarding PLNHLC2014-00807, Yalecrest - Uintah Heights Local Historic District, based on the findings and analysis in the Staff Report, testimony, plans presented and discussion, she moved that the Planning Commission forward a favorable recommendation to the City Council on the proposed Local Historic District. Commissioner Guilkey seconded the motion.

Commissioner Taylor discussed her disagreement with the process.

Commissioner Drown stated she would hope the seismic issues were addressed in the ordinance.

Commissioners Hoskins, Taylor, Fife, Drown, Guilkey and Dean voted “aye”. Commissioner Gallegos voted “nay”. The motion passed 6-1.

[6:22:49 PM](#)

Yalecrest - Yale Park Local Historic District - A request to create a new local historic district known as Yalecrest – Yale Park. The proposed boundaries of the Yalecrest - Yale Park Local Historic District are generally between 1300 East and 1500 East along Gilmer Drive, Thornton Avenue, and Yale Avenue. Any owner of real property that is proposed to be rezoned may file a written objection to the inclusion of their property in the proposal within 10 days following the public hearing with the

Planning Commission. All written objections will be forwarded to the City Council. The subject district is located in Council District 6 represented by Charlie Luke. (Staff contact: Tracy Tran at (801) 535-7645 or tracy.tran@slcgov.com.) Case number PLNHLC2014-00410

Ms. Tracy Tran, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). Staff was recommending that the Planning Commission forward a favorable recommendation to the City Council for the petition.

Ms. JanEllen Burton, applicant, reviewed the purpose of protecting the area and ensuring the examples of historic architecture were protected for the future. She stated teardowns were prevalent and a Local Historic District was the only legal way to protect the oldest homes in the area. Ms. Burton stated the history of the area was priceless and should be protected, there are ways to improve homes in historic districts and updates are allowed. She stated the process was not cumbersome and most applications were approved administratively. Ms. Burton encouraged the Commission to approve the petition.

PUBLIC HEARING [6:30:26 PM](#)

Chairperson Ruttinger opened the Public Hearing.

Ms. Lynn Pershing, Yalecrest Community Council, reviewed the history of the neighborhood, the percentage of contributing structures and the importance to preserve and protect the area. She stated interior improvements are not regulated and updates are allowed within reason under a Local Historic District. Ms. Pershing stated the petition met the standards for approval, the applicants did their due diligence to notify the neighbors of the pros and cons of a Local Historic District and the Community Council supported the petition.

The following individuals spoke in favor of the petition: Ms. Katharine Biele

The following comments were made:

- Normandie Circle was thrilled to be one of the new Local Historic Districts and supported the new proposal.
- The percentage to begin the process was to get ones foot in the door and start the education process.
- Some of the homes are on the fault line and no amount retrofitting or rebuilding would change those results of an earthquake.

The following individuals spoke in opposition of the petition: Mr. Monte Luker, Mr. Dave Winders, Ms. Susan Porter and Mr. Rick Oliver.

The following comments were made:

- Most of the residents in the area did not want it.
- The number of people in attendance did not clearly reflect the number of people against the Local Historic District.

- Normandie Circle set precedence for a small group to have a Local Historic District put in place.
- Demolitions have been on the increase because the residents are scrambling to make the updates before the proposal is approved.
- Want to keep the streetscape but there needed to be a balance.
- Local Historic Districts are too restrictive.
- Should be an exception for those that did not want to be part of the Local Historic District.
- The process was a formality and didn't take the residents voice into account.

Chairperson Ruttinger closed the Public Hearing.

The Commission and Staff discussed the following:

- If the properties could be removed from the Local Historic District once it was put in place.
 - Yes there is a process, it would follow the same process as the designation process.
- If there was an Architectural Review Committee that reviewed historic properties before demolition permits were issued. There is a process for demolition of a contributing structure which differs from noncontributing structure.
 - Staff reviewed the process for new construction in a Local Historic District.
- The definition of a H Historic Preservation overlay and how it applied to an area. The same review standards apply to landmark buildings and contributing buildings within a historic district.
- The Commission was not voting on whether or not they thought this area should be a historic district but if the application met the standards for a map amendment.
- The Commission's review was a building block for the process.
- More of the residents and not the direct property owners are attending meetings.
- The Commission would like to have a better understanding on the impact of a Local Historic District.
- The process moves fast and people may feel that they have any say or are not being heard.
- The petitions might be individual but they have an impact on the entire area.
- Staff stated changes to clarify the process are being proposed and that the Planning Commission will review those future proposed changes to local historic district designation
- The process was set up to move forward quickly and not really address the concerns of the property owners.
 - Perhaps one of the most important part of the process was the ballot and the discussion with the City Council who makes the final decision.
- Why this was not an administrative approval and brought to the Planning Commission for review.
 - By statue the Planning Commission is required to review all legislative matters. A map amendment is a legislative matter.

- The process and the Commission's role in the process. To review the 5 standards for a Map Amendment.

MOTION [6:56:41 PM](#)

Commissioner Drown stated regarding PLNHLC2014-00410, Yalecrest - Yale Park Local Historic District, based on the findings and analysis in the Staff Report, testimony, plans presented and discussion, she moved that the Planning Commission forward a favorable recommendation to the City Council on the proposed Local Historic District. Commissioner Guilkey seconded the motion. Commissioners Hoskins, Taylor, Fife, Drown, Guilkey and Dean voted "aye". Commissioner Gallegos voted "nay". The motion passed 6-1.

Vice Chair Elections [6:58:01 PM](#)

The Commission discussed the term for a Vice Chairperson.

Commissioner Fife nominated Angela Dean for Vice Chairperson. Commissioner Drown seconded the nomination.

Commissioner Dean nominated James Guilkey for Vice Chairperson. Commissioner Gallegos seconded the nomination.

The Commission took a vote Commissioner Guilkey was nominated for the position of Vice Chairperson.

[7:01:18 PM](#)

Commissioner Guilkey stated he was prepared to initiate a petition regarding modifying the parking ordinance.

Commissioner Gallegos stated this should be scheduled to a future meeting to give the Commission time to review the proposal.

The Commission and Staff reviewed the process for the Commission to submit a petition. The Planning Commission should put the matter on a future agenda to discuss the topic and proposal and then the Commission could vote on whether to initiate a petition.

MOTION [7:03:43 PM](#)

Commissioner Gallegos made a motion to add the proposed petition to a future meeting agenda. Commissioner Fife seconded the motion.

Commissioner Fife asked for the motion to be amended to be date specific.

Commissioner Gallegos approved the amendment to hold the petition discussion at the last Planning Commission meeting in May.

Commissioner Fife seconded the amendment. The motion passed unanimously.

MOTION FOR CLOSED SESSION [7:05:36 PM](#)

Commissioner Taylor made a motion to go into closed session to discuss pending or reasonably anticipated litigation. Commissioner Guilkey seconded the motion.

VOTE [7:05:55 PM](#)

Mike Gallegos - aye

Angela Dean - aye

James Guilkey - aye

Emily Drown - aye

Michael Fife - aye

Marie Taylor - aye

Carolynn Hoskins - aye

Clark Ruttinger - aye

The Commission held a conversation regarding pending or reasonably anticipated litigation.

The meeting adjourned at [8:16:44 PM](#)