

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**Room 326 of the City & County Building**  
**451 South State Street, Salt Lake City, Utah**  
**Wednesday, September 28, 2016**

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:30:26 PM](#). Audio recordings of the Planning Commission meetings are retained for an indefinite period of time.

Present for the Planning Commission meeting were: Chairperson Matt Lyon, Vice Chairperson Carolynn Hoskins; Commissioners Maurine Bachman, Ivis Garcia, Andres Paredes, Clark Ruttinger and Sara Urquhart. Commissioners Emily Drown and Michael Gallegos were excused.

Planning Staff members present at the meeting were Michaela Oktay, Planning Manager; Casey Stewart, Senior Planner; David Gellner, Principal Planner; Michelle Moeller, Administrative Secretary and Paul Nielson, City Attorney.

**Field Trip**

A field trip was held prior to the work session. Planning Commissioners present were: Maurine Bachman, Ivis Garcia, Carolyn Hoskins, Clark Ruttinger and Sarah Urquhart. Staff members in attendance were Michaela Oktay and David Gellner.

The following sites were visited:

- **1481 S 1500 E** - Staff gave an overview of the proposal.

Chairperson Lyon reviewed the changes to the agenda.

[5:30:32 PM](#)

**APPROVAL OF THE AUGUST 24, and SEPTEMBER 14, 2016, MEETING MINUTES.**

**MOTION** [5:30:49 PM](#)

**Commissioner Ruttinger moved to approve the August 24, 2016, meeting minutes. Commissioner Paredes seconded the motion. Commissioner Urquhart abstained from voting as she was not present at the meeting. The motion passed unanimously.**

**MOTION** [5:31:23 PM](#)

**Commissioner Hoskins moved to approve the September 14, 2016, meeting minutes. Commissioner Urquhart seconded the motion. Commissioner Ruttinger abstained from voting as he was not present at the meeting. The motion passed unanimously.**

**REPORT OF THE CHAIR AND VICE CHAIR** [5:31:40 PM](#)

Chairperson Lyon stated he had nothing to report.

Vice Chairperson Hoskins stated she had nothing to report.

**REPORT OF THE DIRECTOR** [5:31:48 PM](#)

Ms. Michaela Oktay, Planning Manager, stated she had nothing to report.

[5:31:53 PM](#)

**RYE Social Club Conditional Use at approximately 239 South 500 East** - Chris Wright (owner) is requesting a Conditional Use approval from the City to convert the existing RYE Restaurant and bar to a social club (less than 2,500 square feet in size) at the above listed address. The key difference being a social club can serve alcohol to non-dining patrons. The property is zoned R-MU (Residential-Mixed Use) and is within Council District 4, represented by Derek Kitchen. (Staff contact: Casey Stewart at (801)535-6260 or [casey.stewart@slcgov.com](mailto:casey.stewart@slcgov.com).) Case number PLNPCM2016-00483

Mr. Casey Stewart, Senior Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending the Planning Commission approve the petition as presented.

Mr. Lance Saunders, reviewed the petition and reasoning for the request.

The Commission, Applicant and Staff discussed the following:

- If a social club and night club were defined the same way in the code.

**PUBLIC HEARING** [5:37:55 PM](#)

Chairperson Lyon opened the Public Hearing, seeing no one wished to speak; Chairperson Lyon closed the Public Hearing.

**MOTION** [5:38:44 PM](#)

Commissioner Ruttinger stated regarding, PLNPCM2016-00483 RYE Social Club Conditional Use, based on the information in the Staff Report, he moved that the Planning Commission approve the proposed conditional use, subject to the conditions listed in the Staff Report. Commissioner Garcia seconded the motion. The motion passed unanimously.

[5:39:58 PM](#)

**Over-Height Fence Special Exception at approximately 1481 S 1500 E** - Lindsey Henderson and Nicole Neumarker, owners of the property at the above listed address are requesting approval for a proposed over-height fence, 9-feet in height to be installed along a 12-foot long portion of the north side of their property in order to provide additional privacy in their rear yard. The subject property is zoned R-1/5000 Single-Family Residential and is located within Council District 6, represented by Erin Mendenhall. (Staff contact: David Gellner at (801)535-6107 or [david.gellner@slcgov.com](mailto:david.gellner@slcgov.com).) Case Number PLNPCM2016-00623

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

The Commission and Staff discussed the following:

- Elevation of this application to the Planning Commission level.
- If the trees were on the Applicants property or the neighbor's property.
- The location of the access to the existing garage.
- Site specific conditions and structures that were pertinent to this property.

Ms. Lindsey Henderson and Ms. Nicole Neumarker, reviewed the location of the trees, the height of the deck,

The Commission, Applicant and Staff discussed the following:

- The time frame as to when the deck was built.
- The previous fence, that was removed, and the location of that fence.
- The height of the fence prior to the deck being constructed.
- The reason for the requested nine foot fence.

#### **PUBLIC HEARING [5:50:17 PM](#)**

Chairperson Lyon opened the Public Hearing.

The following people spoke to the petition: Ms. Bianca Shepard and Mr. Russ Shepard.

The following comments were made:

- Not opposed to a variance or compromise.
- Nine foot fence was too high.
- The trees are on the property line.
- Would like to come to a compromise on the height of the fence.
- Height of fence blocking light into their yard.

The Commission and the Shepards discussed the following:

- Their idea of a compromise.
- Why the deck was raised.
- The existing fencing on the north side of the property.
- The privacy issues.

Chairperson Lyon closed the Public Hearing.

The Applicants stated they discussed the issue with the neighbors and tried to compromise. They stated they also discussed splitting the cost of the fence but nothing moved forward.

The Commission, Staff and Applicant discussed the following:

- If lattice would be an option for the top of the fence.
- If there was a rule as to which direction the fence should face.
- Additional public comments received via email for the petition.

The Commission discussed the following:

- If additional conditions could be added to the approval.
- Why they would or would not approve the petition.
- The adverse impacts that would or would not be created by the additional height.

**MOTION [6:09:33 PM](#)**

**Commissioner Urquhart stated regarding PLNPCM2016-00623 – based on the findings listed in the Staff Report, she moved that the Planning Commission approve an over-height fence of 9-feet tall in order to provide the applicant with additional privacy in their rear yard as requested. Commissioner Ruttinger seconded the motion.**

The Commission discussed what the possible conditions were for the proposal.

The Commission and Applicant discussed if they would or would not like lattice on the top of the fence.

**MOTION [6:16:08 PM](#)**

**Commissioner Urquhart stated regarding PLNPCM2016-00623 – based on the findings listed in the Staff Report, she moved that the Planning Commission approve an over-height fence of 9-feet tall in order to provide the applicant with additional privacy in their rear yard as requested. Commissioner Ruttinger seconded the motion. The motion passed unanimously.**

**[6:17:09 PM](#)**

**Petition to study and make recommendations regarding the Historic Landmark Commission and the land use ordinances pertaining to the H Historic Preservation Overlay - Mayor Biskupski has initiated a petition requesting that Planning Staff study and make recommendations for potential changes to the City's zoning ordinance for the following issues:**

- a. Review the role and responsibilities of the Commission under the current code in the creation of local historic districts/sites as well as the standards and decision making processes for granting or denying approval of development proposals within the H Historic Preservation Overlay.**
- b. Study and assess how other communities within and outside Utah structure their local regulations, standards and decision making functions. Assemble a possible range of options for the City to consider and to identify best practices to provide greater clarity, consistency, transparency and accountability, and**

- c. **Make recommendations to the Mayor and the City Council for any changes to the City's ordinance for the role and responsibilities of the Historic Landmark Commission, the standards, and the decision making process for historic districts and landmark sites.**

**Planning Staff will brief the Commission on the petition, scope, projected timeline and take input on the study. (Staff contact is Michaela Oktay at (801)535-6003 or [Michaela.oktay@slcgov.com](mailto:Michaela.oktay@slcgov.com).) Case number PLNPCM2016-00330**

Ms. Michaela Oktay gave an overview of the proposal (located in the Case file). She asked the Commission for questions or comments.

The Commission and Staff discussed the following:

- The number of members on the Historic Landmark Commission.
- The number of historic applications processed each year and the percentage of those applications that are approved. That the public likely did not know the number of applications approved, 99 percent are approved with an average of about 350 per year.
- The turnaround time for applications.
- How to best distribute information about Historic Districts to the public.
- A brochure real-estate agents could handout when selling properties in Historic Districts.
- The pros and cons of giving the Historic Landmark Commission additional authority to recommend more frequently on zoning map amendments. That this would increase predictability for applicants but would be an additional body providing recommendations to City Council,
- The appeal authority should not be political. It puts Council Members in a difficult situation, it should be a Hearing Officer or other body.

**The meeting adjourned at [7:00:07 PM](#)**