

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).

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.

- 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)

- 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)

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](#)