

SALT LAKE CITY PLANNING COMMISSION MEETING
City & County Building
451 South State Street, Room 326, Salt Lake City, Utah
Wednesday, January 11, 2017

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:30:25 PM](#). Audio recordings of the Planning Commission meetings are retained for a period of time.

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

Planning Staff members present at the meeting were Michaela Oktay, Planning Manager; Doug Dansie, Senior Planner; Michael Maloy, Senior Planner; Tracy Tran, Principal Planner; Michelle Poland, 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, Weston Clark, Ivis Garcia, Carolyn Hoskins, and Sara Urquhart. Staff members in attendance were Michaela Oktay, Doug Dansie and Michael Maloy.

The following sites were visited:

- **68 E Columbus Court** - Staff gave an overview of the proposal.
- **45-53 South 600 West** - Staff gave an overview of the proposal.

APPROVAL OF THE DECEMBER 14, 2016, MEETING MINUTES. [5:30:32 PM](#)
MOTION [5:31:03 PM](#)

Commissioner Clark moved to approve the November 9, 2016, meeting minutes. Commissioner Urquhart seconded the motion. Commissioner Drown and Paredes abstained from voting as they were not at the subject meeting. The motion passed unanimously.

REPORT OF THE CHAIR AND VICE CHAIR [5:31:18 PM](#)

Chairperson Lyon stated he had nothing to report.

Vice Chairperson Hoskins stated he had nothing to report.

REPORT OF THE DIRECTOR [5:31:33 PM](#)

Ms. Michaela Oktay, Planning Manager, reviewed the changes in Planning Management and the briefing timeline for the Homeless Services proposals.

Mr. Paul Nielson, City Attorney, reviewed the process for the homeless services proposals and encouraged the Commissioners to refrain from ex parte communications.

Ms. Oktay stated the City Council would be briefed on the East Bench Master Plan and the TSA changes on January 17.

[5:34:24 PM](#)

Silverhawk Special Exceptions at approximately 68 E Columbus Court - A request by Tom Hasleton, Silverhawk Enterprises, for a special exception to permit additional building height, wall height, grade changes and retaining walls for property located at the above listed address. The proposed building height at its greatest point will be approximately 29 feet 8 inches. The proposed wall height at its greatest point will be approximately 26 feet 9 inches. The proposed grade changes and retaining walls at the greatest point will be approximately 12 feet 9 inches. Currently the property is vacant and zoned R-2 (Single- and Two-Family Residential District). The subject property is within Council District 3, represented by Stan Penfold. (Staff contact: Michael Maloy, AICP, at (801)535-7118 or michael.maloy@slcgov.com.) Case number PLNPCM2016-00793

Mr. Michael Maloy, 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.

The Commission and Staff discussed the following:

- The City's purview to ensure the home reflected the proposal.
- The depth of the original city approved plans.
- The parts of the building that were out of compliance with the ordinance.
- How the additional height of the building affected the neighbors.

Mr. Tom Hasleton, Silverhawk Enterprises, reviewed the history of the proposal, process followed, the issues with the measurements on the depth of the foundation, the reasoning for the Special Exception and the changes made to help the home better fit the area. He reviewed the height of the home, how the view from other homes in the area would be affected and asked the Commission to approve the Special Exception for the proposal.

Mr. Ryan Braithwaite, attorney, stated the height was affected by the flat roof design as requested by the HOA, it was a given that a home would be built on the property, was in compliance with the neighborhood and was within the CCNR for the area. He stated a view was not a property right and a home with a pitched roof would be taller than the current design.

PUBLIC HEARING [6:17:25 PM](#)

Chairperson Lyon opened the Public Hearing.

Mr. Scott Mercer, attorney for Mr. Jeremy Ferre, stated the ten feet in height was a mistake by the builder and should not be at the expense of Mr. Ferre. He stated the

project did not qualify for a Special Exception under the code 21A.24. He stated the fact that the roof was not pitched did not apply as that was not what was proposed, the requested height was fifty percent over the allowable height and should be a variance not a special exception. Mr. Mercer stated the problem was self-imposed and not because of topography of the property. He stated the applicant had not tried to come to a resolution and the proposal should not be approved as it would negatively impact Mr. Ferry more than allowed in the code.

Mr. Jeremy Ferre stated he notified the builder that there was an issue when the foundation was installed, the back wall of the structure had the biggest impact from his back yard and should have been lowered ten feet from what existed. He submitted a petition, from neighbors, in opposition to the proposal. Mr. Ferre stated knew there was a lot behind his home when he purchase it but he expected that the HOA and the City could enforce the ordinance. He stated the precedent had not been set for a ten foot exception in height. Mr. Ferre asked the Commission to uphold the ordinance that everyone else had to abide by and that objected the proposal as it impacted his view from multiple points of his home, the value of his home and the HOA was willing to revoke their approval as the proposal did not comply with the CCNR's

The Commission and Mr. Jeremy Ferre discussed the following:

- The pictures presented by the builder and if they were an accurate representation of the impacts to the neighborhood.

Mr. Lincoln Hobs (Columbus Court Association) stated the association was of the belief that the plans as currently presented were in compliance with the associations CCNR's and was had not offered to withdraw its approval with respect to the variance issue. He reviewed the associations view on the proposal and stated they supported the current plans.

The following individuals spoke to the petition: Mr. Phil Taussky, Mr. Aaron Peterson and Mr. Chris Ferre

The following comments were made:

- One could tell the foundation was taller than proposed when it was initially installed.
- The builder did not stop the building the neighborhood had to stop the construction.
- The builder would not adhere to the proposal as shown in the current issues.
- The obstruction of the view would impact the values of the neighboring homes.
- The construction of the home impacted the sale of the neighboring home negatively.
- Building the home out of compliance should not be allowed by anyone and the builder should be held accountable.

Chairperson Lyon read the following card:

Ms. Amanda Noxon - Mr. Ferre should not have to be impacted by the builder's mistake. Chairperson Lyon closed the Public Hearing.

The Commission, Staff and Applicant discussed the following:

- Language in the ordinance allowing a Special Exception to be granted by the Planning Commission for this district.
- The research Staff had done to determine the height of the subject structure and how it was in keeping with the CCNRs for the area.
- Language in the ordinance regarding financial impact was considered in the ordinance.
- The protections for views in the area and if there was a view shed in the area.
- It is not a right to have a view across someone's property therefore, it was not a taking situation.
- The neighbors concern was the length and the width of the home was what was encumbering the view.
- The changes from the previous plan to the current plan.
- The layout of the structure and how it accommodated the height.
- The height of the roof, the location of the over height section and the number of feet the home was over in height.
- The plan could impact the area more with a pitched roof and be in compliance but since the roof was flat it was over height and required the Special Exception.
- The applicant stated he would guarantee the proposal would be done to the current plan.
- The roofline of the home.
- The standards for pitched roofs and flat roofs and how they applied to the petition.

The Commission discussed the following:

- Special Exceptions made in the area and the amount of height granted for those exceptions.
- The appeals process for the petition.
- How the HOA and CCNRs apply to the proposal.
- The issue at hand was whether the proposal met the standards as outlined in the ordinance for additional building height.
- The language for a Motion and who would pay for the requested survey.

MOTION [6:55:04 PM](#)

Commissioner Drown stated regarding PLNPCM2016-00793 Silverhawk Special Exceptions, based on information in the Staff Report and comments received in the public forum, she moved that the Planning Commission approve special exception petition for additional building height, wall height, and grade changes located at approximately 68 E Columbus Court with the following conditions:

- 1. Building height, wall height, grade changes, and retaining walls as depicted in the final plans, shall be equal to or less than preliminary plans attached to the Staff Report.**

2. **Applicant shall submit to the City an independent certified survey of building height to ensure compliance with approved plans for the subject property prior to occupancy.**

Commissioner Bachman seconded the motion.

The Commission discussed the following:

- If the mistake and hardship are removed and this was a new proposal would the Commission approve the proposal?
- How the public petition applied to the Commission's decision.

Commissioners Bachman, Paredes, Garcia, Drown and Hoskins voted "aye". Commissioners Urquhart and Clark voted "nay". The motion passed 5-2.

[6:59:56 PM](#)

Planned Development at approximately 45-53 South 600 West - A request by Gary Hassenflu to construct the West Gateway Commons. The development is a proposed market rate multi-family development to be located at the above listed address. This site is just west of the Gateway retail/office and residential development. The development would consist of a U-shaped 5-story building of studio, one, and two-bedroom units. The site is 0.90 acres, it is proposed to have approximately 100 units, community room, exercise room and ground level office space facing the street (garage level). The subject property is located in the GMU (Gateway Mixed Use) zoning district and is within Council District 4 represented by Derek Kitchen. (Staff Contact: Doug Dansie at (801)535-6182 or doug.dansie@slcgov.com) Case Number PLNSUB2016-00835

Mr. Doug Dansie, 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. Gary Hassenflu, stated they were excited to build the proposal and asked the Commission for questions.

The Commission, Staff and Applicant discussed the following:

- The landscaping required for the proposal.
- If the park strip was included in the Planned Development.
- If the zoning required active uses on the main floor and how the proposal met those requirements.
- Why retail was not required and if it should be required for the proposal.
- The use and evolution of the first floor spaces.
- If public space was required as part of the development.
- The location of the dog park in the proposal.
- The length and width of the building and if there were maximums for the zoning.
- The current zoning allowed for zero setbacks.

- The cost of the housing units in the proposal.
- The number of studios, one and two bedroom units in the proposal.
- The requirement to consolidate the lots and the process to do so.
- If there would be a pedestrian connection to the Gateway from the development.
- The materials for the proposal and the percentages of stucco and brick.
- The recycling and waste areas for the development.

PUBLIC HEARING [7:23:33 PM](#)

Chairperson Lyon opened the Public Hearing.

The following individuals spoke to the petition: Ms. Angela Elstie and Mr. John Beasley

The following comments were made:

- Proposal would be great for the area.
- How the neighboring concert venue and its noise levels affect the proposal.
- How neighboring areas would be affected such as - 666 W 100 S.

Chairperson Lyon closed the Public Hearing.

The Commission, Staff and Applicant discussed the following:

- The noise ordinance and how the concert venue would impact the development.
- How the property at 666 West and 100 South would be impacted by the proposal.
- The proposal and the concert venue would work together on the noise issues.
- The parking for the proposal.

The Commission discussed the following:

- The proposal generally met the standards.
- The zoning in the area should be reviewed to encourage more enticing developments.
- The current zoning encouraged excessive building footprints and active spaces needed to be encouraged.
- Zoning did not encourage an identity for the area.
- The Proposal and area needed a more urban feel.
- The proposal was great for the area and changes were coming in the near future to update the zoning for the area.
- The Commission could review the area in the future to address future developments.
- The mural was a great way to bring about the identity of the neighborhood.
- Encouraging different types of housing in the neighborhood.

MOTION [7:36:50 PM](#)

Commissioner Bachman stated regarding PLNSUB2106-00835 Planned Development, based on the information in the Staff Report, testimony, and discussion by the Planning Commission, she moved that the Planning Commission approve the Planned Development request. In order to comply with

the applicable standards and conditions one through five as listed in the Staff Report. Commissioner Hoskins seconded the motion. The motion passed unanimously.

[7:38:21 PM](#)

Northwest Quadrant Zoning – Staff will brief the Planning Commission on the proposed zoning text amendments for the Northwest Quadrant, which may include changes to the M-1 light industrial zoning district, lowland conservancy overlay district, the AG agricultural district and other related sections of the zoning ordinance related to the area north of I-80 and west of the Salt Lake City International Airport. The changes will be consistent with the recently adopted Northwest Quadrant Master Plan.

Ms. Tracy Tran, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff was requesting the Planning Commission's input on the direction Staff is taking with the Northwest Quadrant Zoning Changes.

The Commission and Staff discussed the following:

- The location of the prison.
- The definition of open space in the ordinance.
- Where trails would be located in the area.
- If it made sense to designate open space in the area.
- The Community Council's that oversaw the subject area.
- The AG zone and impacts to the grazing lands in the zone.
- The area should not be zoned all M1 but should be a mix of zones, allow AG to remain and entice something more than warehouses or parking lots.
- The owners of the current AG zoned property.
- Why the residential component was removed from the Master Plan.
- Transportation to this area.
- The protections to wildlife in the area.
- The uses allowed in the M1 zoning.
- Holding another field trip in order to understand the layout of the area.

The meeting adjourned at [8:06:31 PM](#)