

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**City & County Building**  
**451 South State Street, Room 326, Salt Lake City, Utah**  
**Wednesday, June 28, 2017**

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:32:33 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, Sara Urquhart, Weston Clark and Andres Paredes. Commissioners Emily Drown, Brenda Scheer, Ivis Garcia and Clark Ruttinger were excused.

Planning Staff members present at the meeting were Wayne Mills, Planning Manager; Daniel Echeverria, Senior Planner; Chris Lee, Principal Planner; Michelle Poland Administrative Secretary and Paul Nielson, Senior City Attorney.

**Field Trip**

A field trip was held prior to the work session. Planning Commissioners present were: Sara Urquhart, Matt Lyon, Carolyn Hoskins, Maurine Bachman and Weston Clark. Staff members in attendance were Wayne Mills, Daniel Echeverria and Chris Lee.

- **2290 S 1300 East** - Staff gave an overview of the proposal and oriented the Commission to the area.
- **1373 E Arlington Drive**- Staff gave an overview of the proposal and oriented the Commission to the area.

**APPROVAL OF THE JUNE 14, 2017, MEETING MINUTES. [5:32:46 PM](#)**

**MOTION [5:32:53 PM](#)**

**Commissioner Urquhart moved to approve the June 14, 2017, meeting minutes. Commissioner Hoskins seconded the motion. Commissioners Hoskins, Bachman, Urquhart, Clark and Paredes voted “aye”.**

**REPORT OF THE CHAIR AND VICE CHAIR [5:33:13 PM](#)**

Chairperson Matt Lyon stated reviewed the time limit for applicant presentations.

Vice Chairperson Carolynn Hoskins stated she had nothing to report.

**REPORT OF THE DIRECTOR [5:34:23 PM](#)**

Mr. Wayne Mills, Planning Manager, stated he had nothing to report.

**[5:34:27 PM](#)**

**Sugar House Development, Planned Development and Conditional Building and Site Design Review at approximately 2290 S 1300 East – David Dixon, representing the property owner Sugar House Property, LLC is requesting Planned**

**Development and Conditional Building and Site Design Review approval to develop two office buildings with an associated parking structure, and a multi-family residential building with ground floor retail at the above listed address. The development must be reviewed as a Planned Development as the associated buildings will not have frontage on a public street. Other zoning requirements may be modified through the Planned Development process. The development also must be reviewed through Conditional Building and Site Design Review as the process is required for buildings that exceed 50 feet in height in the associated zone. Currently the land is occupied by a parking lot and vacant retail store. The subject property is located in the Sugar House Business District-1 (CSHBD-1) zoning district and is within Council District 7, represented by Lisa Adams. (Staff contact: Daniel Echeverria at (801) 535-7165 or [daniel.echeverria@slcgov.com](mailto:daniel.echeverria@slcgov.com).) Case numbers PLNSUB2017-00298 and PLNPCM2017-00300 (Legislative Item)**

Mr. Daniel Echeverria, Senior Planner, reviewed the petition as outlined in the Staff Report (located in the case file). He stated Staff recommended that the Planning Commission approve the petition as presented.

The Commission and Staff discussed the following:

- Condition two in the Staff Report and the final details Staff would be reviewing under this condition.
- If the applicant was required to reconnect Stringham Avenue to 1300 East.
- How the Master Plan and design standards applied to the proposal.
- Why Stringham Avenue was not being built to public street standards.
- The difference between a private and public street.
- The maintenance plan requirement for the private streets and if private property rights could be enacted.
- If an easement would be given to the City on Stringham Avenue.
- The long term standards the street would be under to ensure access and use of the street.
- The landscaping plan for the property.
- If Stringham Avenue would be fully developed to the 1300 East intersection.

Mr. Mark Isaac, Mr. Cameron Bassett and Mr. Dave Dixon, applicants, reviewed proposal and the public outreach for the proposal. The Applicants reviewed the potential of the development, the circulation master plan for the property and the plans for Stringham Ave. They reviewed the layout of the proposal, the connections being made for access throughout the property, the proposed uses and how the development would benefit the area. They reviewed the additions to the proposal that resulted from the work session comments. The Applicants reviewed the details of the architecture and how the space would activate the street and city center.

The Commission, Applicant and Staff discussed the following:

- The ownership of the streets in the plan and if the 1300 East intersection would be fully developed.
- If a street easement would be given to the City.
- Why it was an advantage to the development to have a private street and not a public street.
- If the architectural embellishments made the design look more suburban instead of urban.
- The pedestrian walkways on the site in relation to the building entrances.
- How the layout of the area promoted people to not use their cars while at the site.
- The bike trail and why it was located at the back of the development.
- The layout of the medical building.
- The signage plan for the development.
- The landscape plan for the site.
- The operation program for the art gallery and how to ensure the space was activated.
- The materials for the parking structure and how they broke up the massing of the structure.

#### **PUBLIC HEARING [6:55:22 PM](#)**

Chairperson Lyon opened the Public Hearing.

Ms. Judy Short, Sugar House Community Council, stated the project had improved greatly, the area would change over the years and the project would activate the area. She stated signage was needed to notify people what was in the buildings and how to get around the area. Ms. Short reviewed the bike path, the new streets and how the proposal fit the area. She stated the Community Council supported the proposal as presented.

The following individuals spoke to the petition: Ms. Liz Jackson, Ms. Deedra Hansen Lambert, Mr. William Bogus, Mr. Landon Clark and Ms. Laurie Bray.

The following comments were made:

- The developers were easy to work with and the proposal was a positive for the area.
- The increase in traffic was a huge negative for the area.
- Would a morning traffic impact study be conducted?
- Why more apartments were needed and why the development needed to be so large.
- Liked the design concept and the layout of the buildings.
- The development would help alleviate a current safety issue on Ashton Avenue.
- The interaction the developer had with the Community Council was great.
- Supported the development, the design and the proposal as a whole.

- Traffic as a whole needed to be addressed for Sugar House.
- The art gallery would be a great addition to the community.

Chairperson Lyon closed the Public Hearing.

The Commission, Applicant and Staff discussed the following:

- Traffic in Sugar House and how issues could be addressed for the area.
- UDOT's review of 1300 East regarding the proposal.
- The parking terrace and if the public would have access.
- Landscaping for the parking structure and the site.
- The parking requirements and if they were met for the site.

The Commission discussed and stated the following:

- The community outreach was a positive.
- The retail at the base of residential, design and architecture were a plus.
- The location of the building in relation to the parking structure.
- The public or private street on the site were troubling.
  - The maintenance of the road would be better if it was private versus public.
  - Conditions could be placed on the street regarding maintenance and access.
- Need to add signage to the gallery and medical building.
- How to get people to walk and use public transportation while visiting the area.
- Would like to ensure Stringham Avenue was completely constructed to 1300 East.
- The language for the motion.

#### **MOTION [7:47:21 PM](#)**

**Commissioner Bachman stated based on the information in the Staff Report, the information presented, and the input received during the public hearing, she moved that the Planning Commission approve petitions PLNSUB2017-00298 and PLNPCM2017-00300, Sugar House Development Planned Development and Conditional Building and Site Design Review, with the conditions listed in the Staff Report with the following modifications:**

- **Leave conditions 1, 3, 4, and 5 from the Staff Report**
- **Delete Condition number 2 as listed in the Staff Report.**
- **Add a condition that they obtain a cross access agreement for the roadway connection to 1300 East from the adjacent property owners and have it before the project was developed.**
- **Ensure there was additional signage and wayfinding signage throughout the development to integrate it into the community.**
- **Have the applicant submit a management plan to maintain the gallery space as open space, art space, hours of operation that it would remain an active space and what their plan was to keep it that way.**

- On the north side of the medical building, to make it more integrated for pedestrian use, dress up the entry way, add additional signage and develop the interior to be more inviting.
- The Commission delegates the final review and approval of the above listed conditions to Staff.

**Commissioner Paredes seconded the motion.**

Commissioner Urquhart asked to amend the motion to have the applicant return to the Commission for final review and approval of the listed conditions.

**Commissioner Bachman accepted the amendment. Commission Paredes seconded the amendment.**

**Mr. Mills asked for clarification on the motion regarding the conditions.**

**Commissioner Bachman restated the following:**

- The intent of the management plan was to ensure that the gallery space helps to activate the pedestrian experience along Stringham Avenue.
- Submit an amended plan for the ground floor of the medical building that helps to activate the pedestrian way along Stringham Avenue.

**Commissioners Bachman, Hoskins, Urquhart and Paredes voted “aye”.**

Commissioner Clark stated he appreciated the work conducted on the proposal and there were great aspects to the project but ultimately he feared the projects fatal flaw was its orientation to the parking structure and the parking lot. Commissioner Clark stated the activation at this juncture including the gallery made him nervous and was too artificial for the purposes of the zone.

**Commissioner Clark voted “nay”. The motion passed 4-1.**

[7:54:18 PM](#)

**Appeal of Special Exception administrative approval at approximately 1373 E Arlington Drive – This is an appeal filed by the neighbor of the subject property regarding an administrative approval of a special exception for an inline addition to the back of the house. This type of appeal is required to be heard by the Planning Commission as if it were a new request for a special exception. The request by the property owner is to expand the existing single family dwelling on the parcel through front and rear additions. The proposed additions to the front of the structure comply with setback requirements of the R-1/7000 (Single Family Residential) zoning district. The side yard setbacks of the rear addition varies because of the angled lot lines. The proposed addition does not encroach closer to the side property line than the existing structure, but requires a special exception because the existing side yard setback is less than what is required by**

**ordinance. (Staff contact: Chris Lee at (801)535-7706 or [chris.lee@slcgov.com](mailto:chris.lee@slcgov.com))  
Case number: PLNAPP2017-00404 (Administrative Item)**

Mr. Chris Lee, Principal Planner, reviewed the petition as outlined in the Staff Report (located in the case file). He stated Staff recommended that the Planning Commission approve the petition as presented.

The Commission and Staff discussed the following:

- Who decided if a tree was removed or remained?
- If the fire marshal had reviewed the proposal and if not when that would happen.

Ms. Kris Getzie, applicant reviewed the reasoning for the addition to the home, that the addition was in keeping with the neighborhood and the tree was being protected. She reviewed the survey of the property and the history of the home.

Ms. Julie Bleyer-White and Mr. Michael White reviewed the site plan, the issue with the tree, the retaliation they received because they appealed and the arborist's review to protect the tree. They stated they were in support of the addition but not at the cost of the tree. They read the standards and how the proposal did not meet the standards.

Ms. White stated property owners called the City about the petition and were made to feel that their opinion did not matter. She asked the Commission to stop the petition and save the tree.

The Commission and Appellant discussed the following:

- If a survey of the property was conducted.

#### **PUBLIC HEARING [8:26:36 PM](#)**

Chairperson Lyon opened the Public Hearing.

- Ms. Monica McQueen read a letter in proxy for Mark Finlinson –Dated June 26, 2017. To Whom It May Concern, my name is Mark Finlinson. I live at 1462 Federal heights drive, my house sits behind the White's house and the Lynch house please excuse me tonight as I had to be out of town with my family. About a year ago Mr. Lynch cut down a large tree approximately fifty feet tall that was not on his property. He had done a survey and knew the tree was not a part of his property. His survey markers were clearly visible. The neighbors who owned the tree have hired an attorney the other neighbors are really sad because it was such a beautiful tree. Mr. Lynch's insensitivity to the neighborhood has been horrible at best. The other neighbors behind me are Michael and Julie White, they are the petitioner tonight. They like other neighbors are sensitive to the heritage to the neighborhood and to the trees that make Federal Heights a great place to live. When they built their garage they worked closely with the surrounding neighbors and made sure there were no trees disturbed. My hope from the Committee is that they will do everything to preserve the tree that is shared by both neighbors. Trees are a big part of why people move to this area. Mr. Lynch

should not have the right to continue his destruction in the neighborhood unabated. Thank you for listening. Sincerely Mark Finlinson.

- Mr. Carl Wilmarth read a letter from the arborist Ben Behunin – The Lindon tree in question on Arlington Drive is valuable much more so than just a shade tree or common yard tree. Lindon trees have a shallow root system, four feet deep. In explaining for tonight's hearing the first four feet of depth are the most critical to the root system. There would be no more damage done at four feet versus ten feet of depth. The damage to the root system would be the same. A tree that size (I estimate to be approximately ninety years old) has survived decades during its' life time it has sequestered tens of thousands of pounds of carbon into its wood fiber. A tree needs CO<sub>2</sub> in order to survive. The tree takes CO<sub>2</sub> and filters off the oxygen sequestering the carbon in its wood fiber. It sequesters that carbon at a rate of 1.62 pounds of carbon for every pound of wood fiber that the tree makes. Trees are very efficient at sequestering carbon they become more efficient as they grow older. If a tree is damaged or stressed or dying it is no longer able to sequester the carbon into its wood fiber. As a tree to sequester that carbon is released back into the atmosphere so it is very important to keep the large trees as healthy as possible because they are most effective at air filtration. Damage to trees root systems causes stress to a tree and reduces its ability to clean the air. Thank you Ben.
- Ms. Corinne Wilmarth read the letter from Sandra and Aaron Ferrer – To Whom it may concern. As the property owners of 1383 East Arlington Drive we continue to object to the granting of a Special Exception for the 1373 Arlington Dive for all of the reasons stated in our original objection. We are working out of state at this time and are unable to sign the petition, "Save Our Tree" that opposes the variance to be granted for inline addition to 1376 Arlington but would do so if we were in town. Federal Heights is a beautiful and historic tribute to Salt Lake City. The one hundred plus sycamore trees that line our streets are a testament to the love of community by our residents. We have spent thousands of dollars replacing the beautiful old trees that this new home owner cut down and which for the natural separation of our properties. Certainly he had the right to do so other than the huge old tree sitting on a neighbor's property that is in litigation today because he cut it down without consent from the owner and we subsequently paid for the new fence in its entirety and new trees on our property as a result. Our neighbors, the Whites, are justified in their concern that completing this addition as proposed will kill the existing tree that is half owned by the Whites. They hired a professional arborist. Our experience with this new homeowner has demonstrated little to no appreciation for the old trees in our beautiful neighborhood. There is a reason our fine City has building codes for our neighborhoods and I believe they should be followed in this case. Thank you for your consideration.

Chairperson Lyon closed the Public Hearing.

The Commission and Appellant discussed the following:

- Who owned the tree and what was the significance of the tree.

- They had half ownership of the tree and the tree was significant to the property.
- It was a unique tree that could grow very large in diameter.

The Commission and Applicant discussed following:

- Who owned the tree and what was the significance of the tree.
  - The Applicant was not intending to remove the tree.
  - The American elm was growing into the Lindon tree therefore, the London tree would never grow to its fullest potential.
  - Would hinder the improvement of the property.
  - The history of the other tree that was removed.
  - The history of the messages between the two parties.

The Commission and Staff discussed the following:

- The regulations for approval or denial of a Special Exception in the zoning code.
- The Commission's purview over the tree.

**MOTION [8:43:04 PM](#)**

**Commissioner Bachman stated regarding Appeal of Administrative Special Exception for an Inline Addition PLNPCM2017-00404, based on the findings listed in the Staff Report, testimony and the proposal presented, she moved that the Planning Commission approve the Special Exception request for an inline addition at 1373 E Arlington Drive. The Commission finds that the project complies with the review standards as demonstrated in Attachment D of the Staff Report. Commissioner Urquhart seconded the motion. Commissioners Bachman, Hoskins, Urquhart, Clark and Paredes voted "aye". The motion passed unanimously.**

**The meeting adjourned at [8:45:01 PM](#)**