



# Staff Report

PLANNING DIVISION  
COMMUNITY & NEIGHBORHOODS

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**To:** Salt Lake City Planning Commission

**From:** Lauren Parisi, Associate Planner  
801-535-7932, [lauren.parisi@slcgov.com](mailto:lauren.parisi@slcgov.com)

**Date:** January 25, 2017

**Re:** PLNPCM2016-00898 – Denver Street Over-Height Wall and Fence

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## Special Exception

**PROPERTY ADDRESS:** 562 S. Denver Street  
**PARCEL ID:** 16-06-454-013-0000  
**MASTER PLAN:** Central Community  
**ZONING DISTRICT:** RMF-45 – Moderate/High Density Multi-Family Residential

### REQUEST:

Holly Addi, the owner of the property at 562 S. Denver Street, is requesting approval for a proposed over-height wall and fence. Front yard walls and fences are permitted up to four feet, but extra height can be approved through a Special Exception. The proposed 6-foot concrete wall would be installed parallel to the front property line and span the width of the lot in order to provide additional security on the site. The proposed 6-foot chain link fence would replace an existing 6-foot fence along the south property line. The Planning Commission has final decision making authority for Special Exceptions.

### RECOMMENDATION:

Based on the findings listed in the staff report, it is the Planning Staff's recommendation that the Planning Commission deny the request for an over-height wall and approve the request for an over-height fence as proposed.

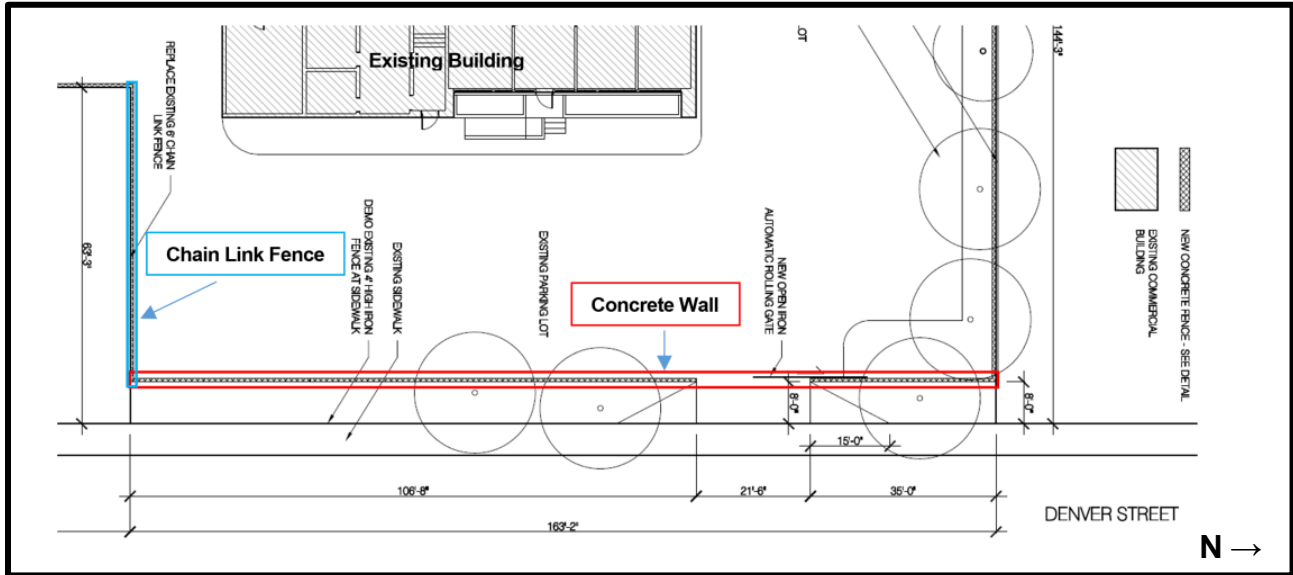
**Recommended Motion:** Based on the information contained in the staff report, and comments received, I move that the Planning Commission deny part of Special Exception request PLNPCM2016-00898 for additional wall height, but approve the request for additional fence height.

### ATTACHMENTS:

- A. Vicinity Maps
- B. Applicant Materials
- C. Site Photographs
- D. Zoning Standards
- E. Analysis of Standards
- F. Public Process and Comments
- G. Motions

**PROJECT DESCRIPTION:**

This is a Special Exception request for an over-height wall and fence located in the front yard of the subject property. The applicant has proposed to install a 6-foot concrete wall parallel to the front property line spanning the width of the front yard approximately 163 feet. The wall would be setback 8 feet from the front property line, which runs just behind the existing sidewalk. A motorized, iron gate would be installed as a part of the wall along the existing drive approach on the northeast side of the property. The gate would be approximately 21’6” wide. The applicant would also like to replace an existing 6-foot chain link fence on the south side of the property. The portion of this fence in the front yard of the property (setback less than 25 feet) would be considered over height.



Walls and fences are limited to 4 feet in front yards (up to the front façade of the building) and 6 feet in rear yards in all residential districts. The subject property is zoned RMF-45 - Moderate/High Density Multi-Family Residential. All adjacent and abutting properties are also zoned RMF-45. There is currently a commercial building used for storage on the subject property; however, the surrounding land uses are a mix of single-family and multi-family buildings.

Additional height for fences and walls may be requested through the Special Exception process. The Special Exception will only be approved if the proposal meets the General Standards and Considerations for Special Exceptions (21a.52.060) and if it is determined that there will be no negative impacts upon the established character of the affected neighborhood and streetscape, maintenance of public and private views, and matters of public safety. In this instance, the applicant is requesting additional wall and fence height for security reasons. As explained in their project description attached, there have been issues with trespassing on the site.

## KEY ISSUES:

The key issues listed below have been identified through the analysis of the project.

### Issue 1: Planning referral to a Planning Commission Hearing

Section 21A.52.040(5)(b) of the Salt Lake City Municipal Code states that: *“The planning director or the planning director’s designee may refer any application to the planning commission due to the complexity of the application, the significance in change to the property or the surrounding area.”*

This application has been elevated to a Planning Commission hearing as the proposal is not meeting many of the specific standards for over-height wall requests as well as the general standards for Special Exceptions as described in “Attachment E” of this report.

### Issue 2: Character of the Neighborhood – Not Resolved

The subject property as well as the majority of the properties within this city block are zoned RMF-45 – Moderate/High Density Multi-Family Residential as depicted by the zoning map on this page. The RMF-45 zoning district does not permit commercial or industrial uses. The subject property once housed a soap manufacturing company, which is considered a light-manufacturing use.

The purpose of the RMF-45 zoning district is to, *“provide an environment suitable for multi-family dwellings of a moderate/high density... This district includes other uses that are typically found in a multi-family residential neighborhood of this density for the purpose of serving the neighborhood. Such uses are designed to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighbourhood.”*



The residential character on this block is not anticipated to change as the Central Community Master Plan calls for medium-high density residential in the area. As such, it is important to encourage the maintenance of a safe and comfortable place to live and play. The proposed over-height, front-yard concrete wall generally does not promote this goal. Residential fences are restricted to four feet in front yards by the Zoning Ordinance. Anything taller tends to block light, airflow and views of front yards and homes on the block – all things that contribute to the character and safety of a neighborhood. A solid material like concrete or masonry block also restricts light, airflow and transparency into front yards and views of properties.

Other homes on Denver Street have chain link and wrought iron fences in their front yards. Transparency of fences is important. The proposed six foot concrete wall would create a walled-in effect for which the ordinance standards specifically aim to prevent. The proposed wall is uncharacteristically tall and opaque and not conducive to the neighborhood aesthetic on the street. Planning staff has encouraged the applicant to consider a more transparent fencing material such as wrought iron to combat any adverse impacts on surrounding residential properties and avoid a walled-in effect. The applicant has indicated that they prefer the modern look of a concrete wall as opposed to something

like a wrought iron or a more transparent fence. The applicant has proposed a more transparent metal gate to help to break up the solid wall.

The applicant's proposal to replace the existing 6-foot chain link fence on the south side of the property does not compromise the character of the neighborhood nor does it create a walled-in effect. There are other chain link fences on the block and, though 6-foot fences are typically not found in front yards, the fence would run along the interior lot line and would not block light, airflow or views to the property.

### **Issue 3: Security of the Subject Property and Impact on the Neighborhood**

The applicant is proposing an over-height wall and fence on the property due to security issues. In their project description attached, the applicant notes problems with theft and trespassing on the site. Section 21A.52.030(A)(3) of the Special Exception chapter states:

*“Additional height for fences, walls or similar structures may be granted to exceed the height limits established for fences and walls in chapter 21A.40 of this title if it is determined that there will be no negative impacts upon the established character of the affected neighborhood and streetscape, maintenance of public and private views, and matters of public safety. Approval of fences, walls and other similar structures may be granted under the following circumstances subject to compliance with other applicable requirements:*

*e. Exceeding the allowable height limits, in cases where it is determined that a negative impact occurs because of levels of noise, pollution, light or other encroachments on the rights to privacy, safety, security and aesthetics;”*

In addition, Section 21A.52.060 (General Standards and Considerations for Special Exceptions) states:

*“No application for a special exception shall be approved unless the planning commission or the planning director determines that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below and, where applicable, the specific conditions for certain special exceptions...”* (See “Attachment E” for standards).

The applicant's proposal is certainly meeting standard “e” regarding encroachments to safety and security, but the proposed wall may also have undue adverse effects on both the character and security of the area.

Crime Prevention Through Environmental Design (“CPTED”) policies encourage natural surveillance that allows people to easily observe the space around them and eliminate hiding places for criminals. They state:

*“Natural surveillance is generally achieved by the use of appropriate lighting, low or see through fencing or landscaping, the removal of areas that offer concealment, and the placement of windows, doors, and walkways to provide the opportunity for easy observation of surrounding areas by responsible users of property.”*

Additionally, a solid wall may make it difficult for first responders to easily access the property in case of an emergency such as a fire. The wall may also obstruct a driver's vision from pedestrians on the sidewalk as they're entering and existing the property. While the wall is proposed to be set back 8 feet from the property line, the Transportation Division's site distance triangle

requirement requires walls to be set back at least 10 feet from the back of the sidewalk along driveways. Furthermore, if the site were to be developed in the future, the wall may make it difficult for construction equipment to gain access to the site. Overall, the height and material choice for the proposed wall poses some unforeseen security risks to neighbors and future residents alike. Again, Planning staff understands the need to secure the site including the vacant building, which is why something like a 6-foot wrought iron fence may be a good solution for both security aesthetic purposes.

The applicant's proposal to replace the existing 6-foot chain link fence on the south side of the property does not compromise security of the area, which is why Planning staff has recommended that this part of the Special Exception request be approved.

**NEXT STEPS:**

**Partially Denied with Staff's Recommendation**

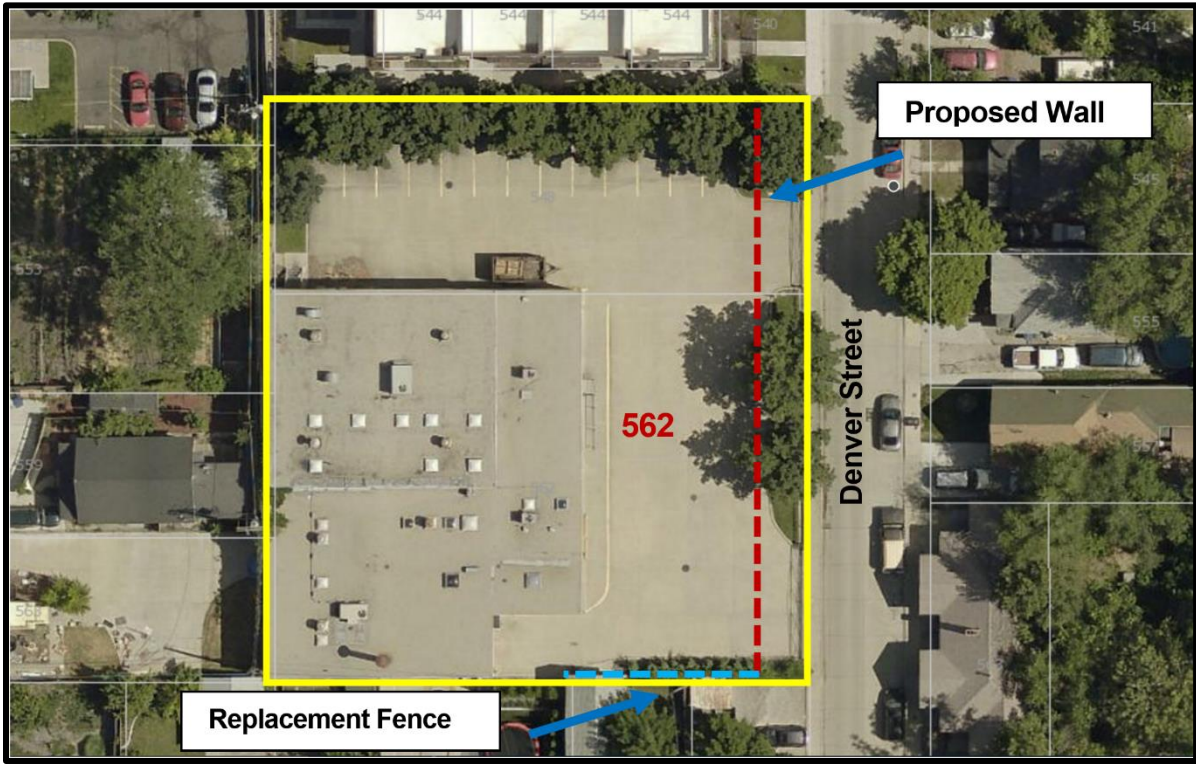
If partially denied, the applicant will be able to apply for a building permit to construct a 4-foot concrete wall and a 6-foot chain link fence in the front yard of the subject property.

**Approved**

If approved, the applicant will be able apply for a building permit to construct a 6-foot concrete wall and 6-foot chain link fence in the front yard of the subject property.

# ATTACHMENT A: VICINITY MAPS





# **ATTACHMENT B: APPLICANT MATERIALS**



# SOAPCO... ART STUDIO space

562 Denver Street | SLC, UT | 84111

The SoapCo ART STUDIO space Project -  
'Transform the Aesthetic of the street' through design and elevate security. One step at a time.....

Overview of Special Request:

1. To allow a 6 ft. fence (when code is 4 ft.), for security.
2. To allow the usage of material to be constructed out of natural 'concrete' to coincide with the façade of the building and the modern design of the project. (Code says 'no walled in' and therefore, we will have an open slatted gate.)



While it was once a soap factory, the SoapCo today is an art space where large canvases are painted that go into galleries throughout the United States. It is basically our back yard, as our home is on 427 East 600 South, and the two properties were purchased together.

The current fence that surrounds the front portion of the SoapCo Art Studio is constructed of metal slats- 4 ft tall, and butts directly up against the sidewalk. The neighborhood gets a lot of wandering vagrants that jump over this 4 foot tall fence, throw their trash through the slats, and decide to use the space as their skate boarding arena. This has become a huge problem, and needs a solution. The new proposed fence will alleviate this, all while improving the aesthetic of the neighborhood by bringing a modern architectural design sense to this downtown street known as 'Denver Street.' The new proposed fence will be 6 ft, will not butt up directly against the sidewalk (will be brought inside property by 8 ft), and will be constructed out of concrete. To comply with the city's 'no walled in effect' we will have a see thru gate for entering and exiting the property constructed of metal slats- this will be the relief so that the entire front does not have the walled-in effect.

The usage of concrete for the material was chosen to stay uniform with the façade of the exterior building, as it will have a concrete façade early this summer of 2017 as well. This uniform sense is important to the design of the ART STUDIO SPACE. The inspiration behind the concrete is from many architectural winning projects including the pulitzer prize winning design of 2016 chilean Architect Alejandro Aravena for his use of natural concrete, and Tado Ando a very famous architect for his use of concrete in nature and design. The usage of concrete also will allow us to grow beautiful vines up the exterior all while having sustainability qualities of lasting a very long time without peeling and rotting as stucko or other materials would. This improves the neighborhood and becomes a win-win for the city, the street, and the property owners.

Design is very important to cleaning up an area. I own an art gallery 4 blocks away 'Arte Haus Collectif', and I am very vested in this neighborhood and in Salt Lake City and the Arts Community. Cleaning up Denver street from 500 south – 600 south is our goal, and we feel as though it will thrive and attract more people who will want to do the same. We have had to watch the SWAT team on several occasions in the middle of the night raid homes near us. We are trying to desperately clean up the area one project at a time and alleviate this.....Please consider this exception.

COMPS SIMILAR :

This property, an Architectural Design Firm, One block away- has a brick fence, 6 ft tall, with a metal gate.

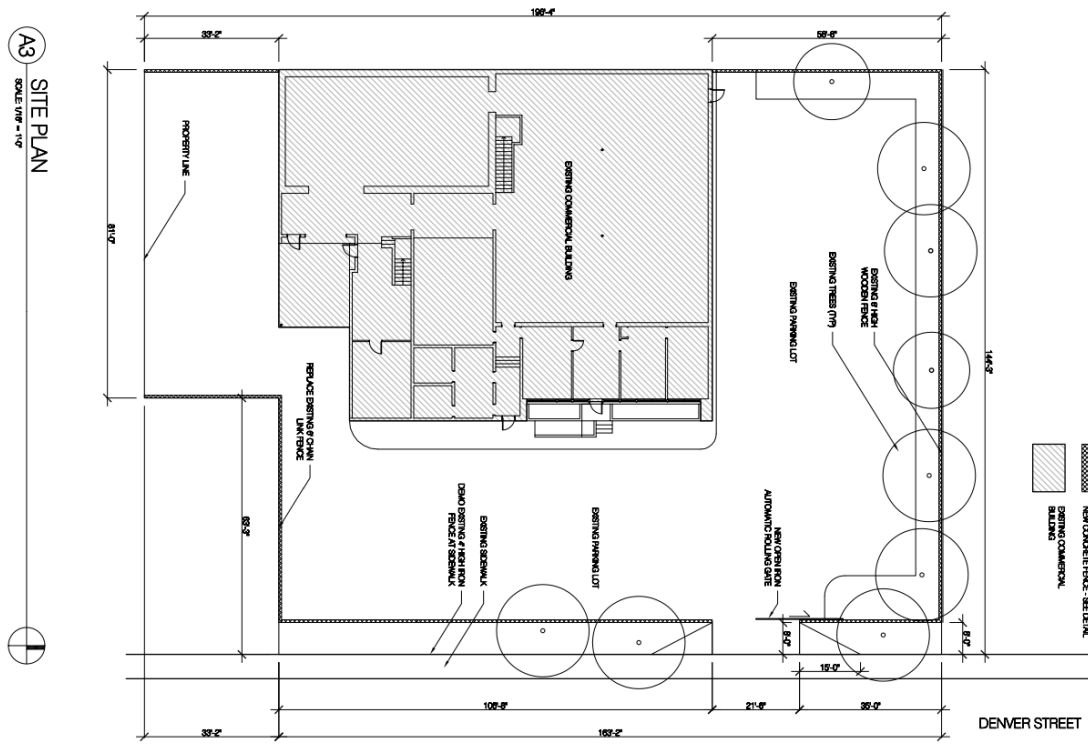


This property, 5 houses away – has an 8 ft chain link fence with a black tarp walling in their property with no relief.



**SAFETY:**

Currently the fence butts up directly to the side walk. We are moving the fence in 8ft. which will allow more room for fire trucks or any safety vehicles. The property won't be completely walled-in, as there will be an open metal slatted gate that is more than 20 ft wide. This slatted gate will create enough visibility of the property. It is our goal to make the neighborhood safe all while adding extra measures of security.



Similar Projects with Similar use of Concrete:

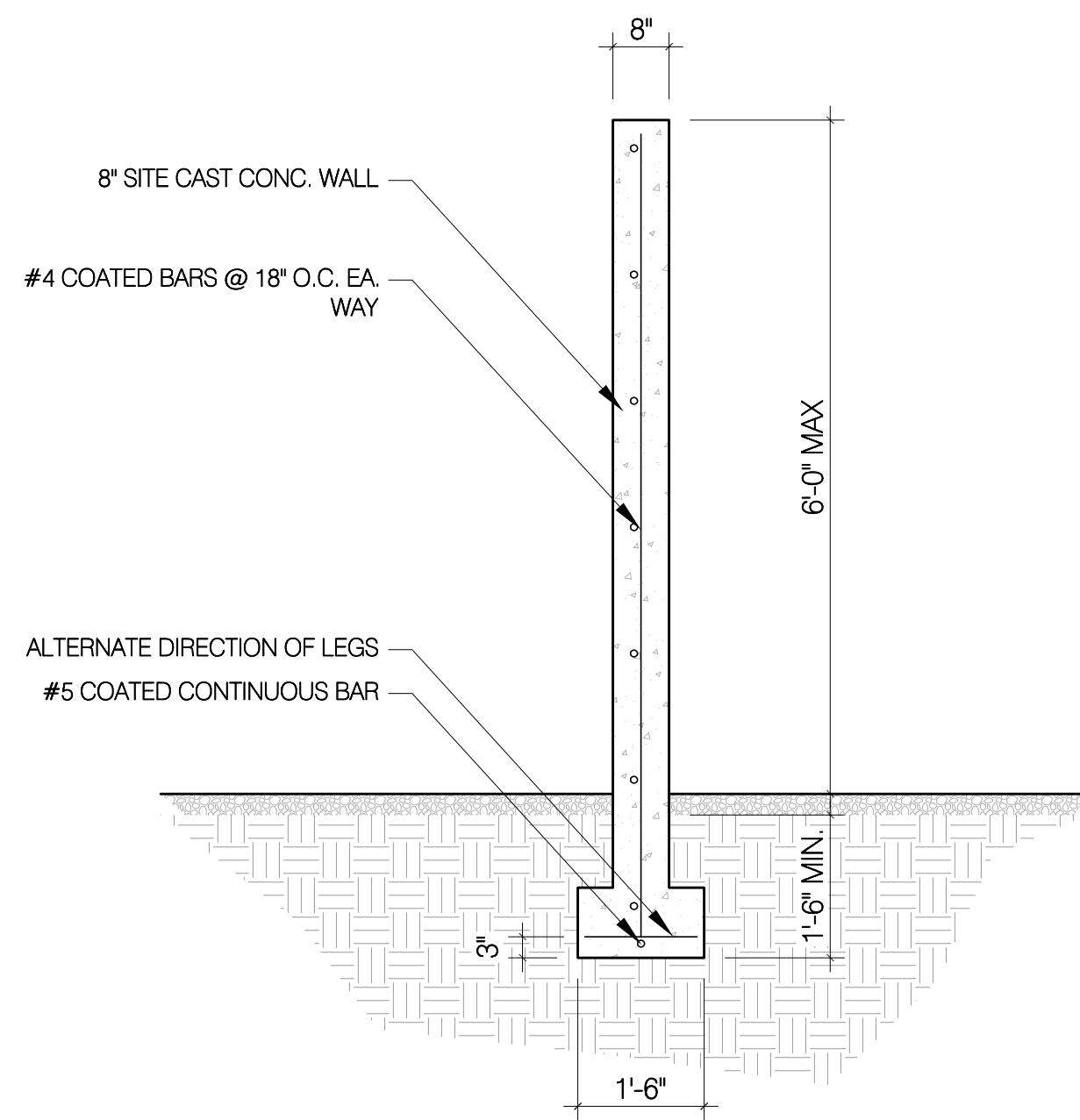




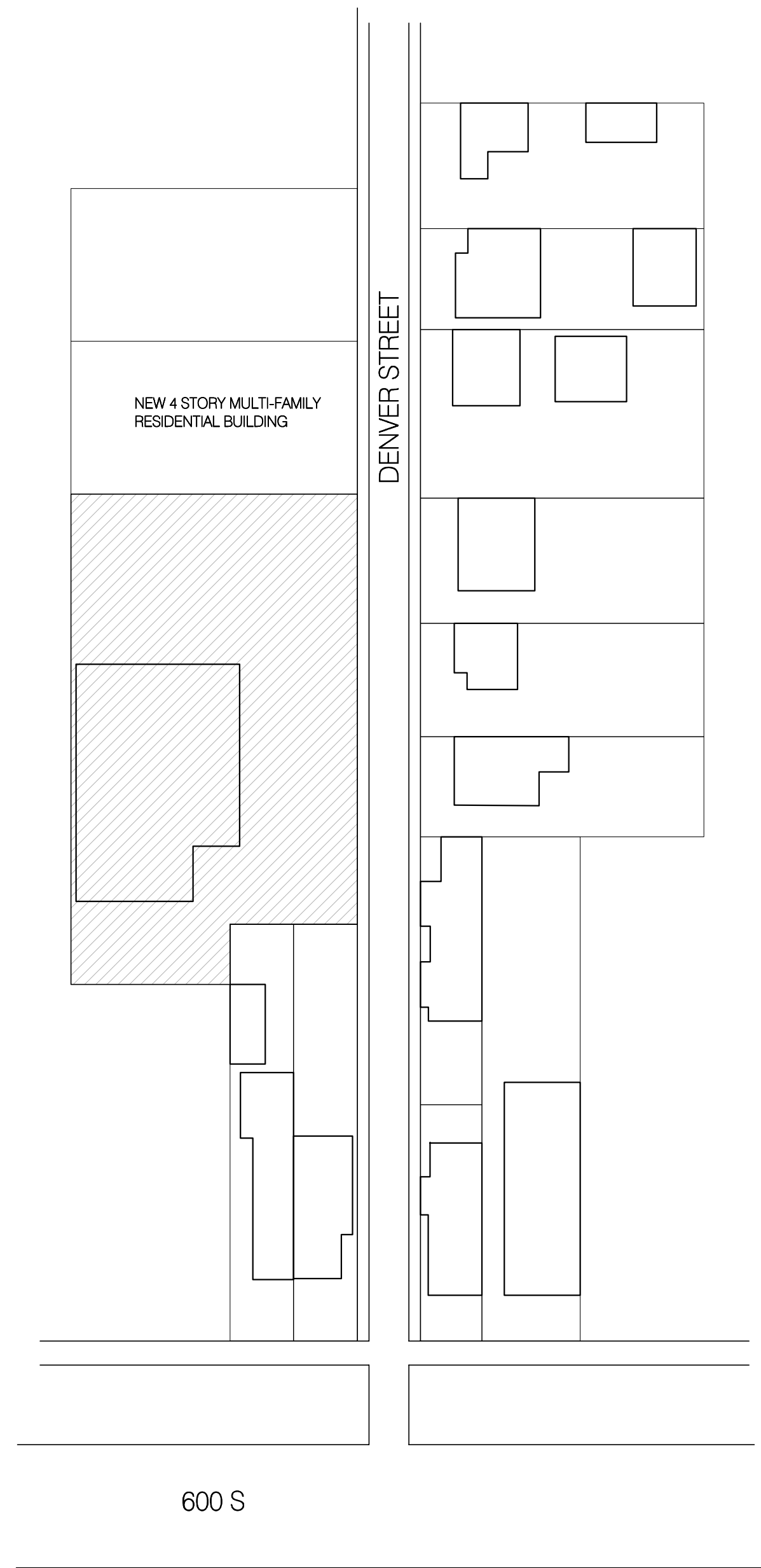


Thank you!

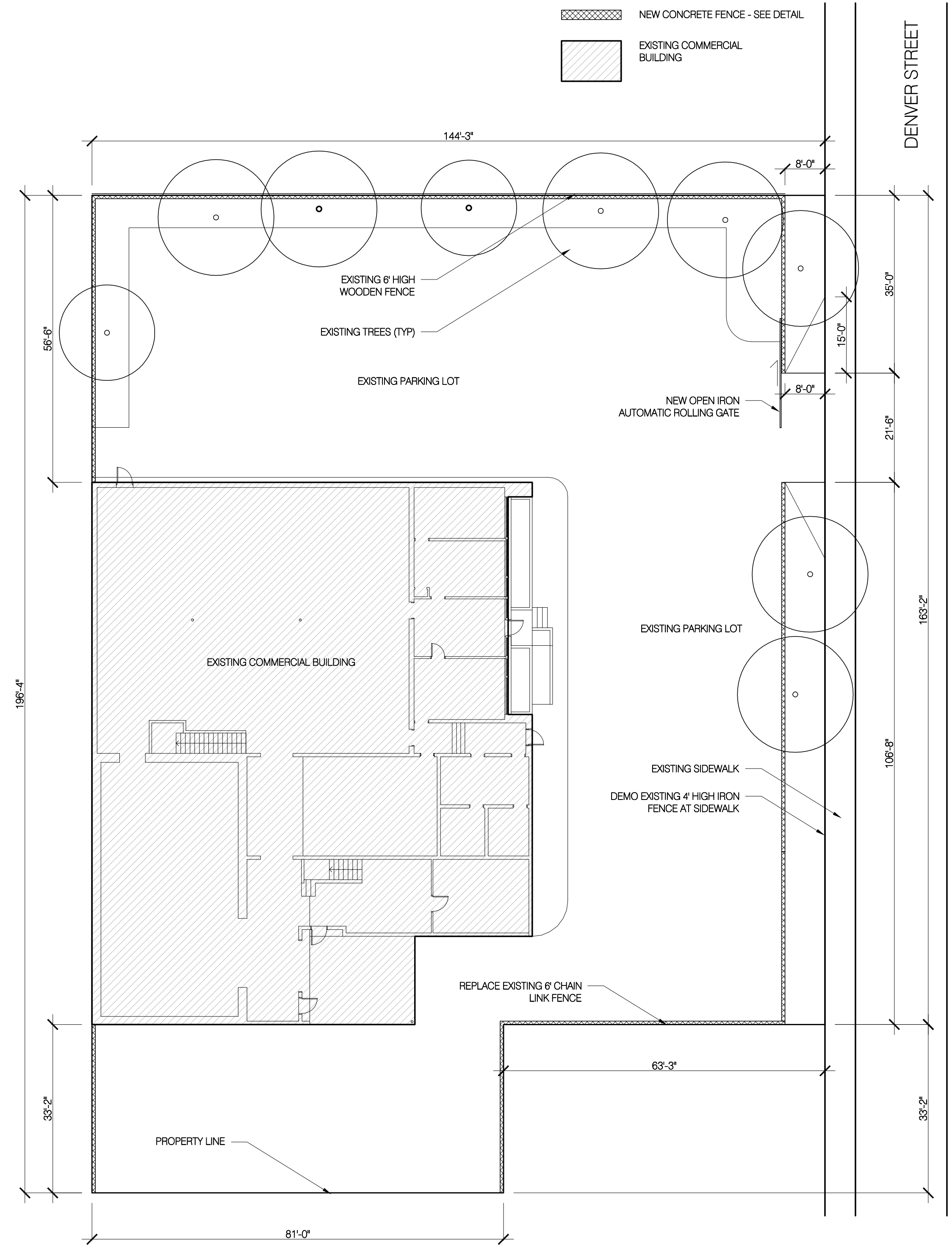




**A2** WALL DETAIL  
SCALE: 1/2" = 1'-0"



**A3** VICINITY MAP  
NOT TO SCALE



**A3** SITE PLAN  
SCALE: 1/16" = 1'-0"

05 JAN 2017

SOAP COMPANY  
562 DENVER ST.  
SALT LAKE CITY, UT 84111

SITE PLAN

A1.0



proposed 6' high concrete fence  
setback 8' from sidewalk







existing 4' high iron fence  
at sidewalk



proposed 6' high concrete fence  
setback 8' from sidewalk





neighborhood character



## **ATTACHMENT C: SITE PHOTOGRAPHS**

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**Subject property with existing 4-foot wrought iron fence to be replaced with wall.**



**View looking south down Denver street – subject property on the right.**



**Homes directly across Denver Street to the east.**



**Residential Building to the north of subject property with 5' 10" wrought iron fence.**



**Office building on the north side of the block on 500 South and Denver Street. Wall is approximately 3'5".**

## **ATTACHMENT D: ZONING STANDARD FOR FENCE HEIGHT**

### **21a.40.120: Regulation of Fences, Walls, and Hedges**

#### **Zoning Standards for Wall/Fence Height:**

The zoning ordinance regulates wall and fence height. For front yards, walls and fences are allowed up to 4 feet in height.

<b>Regulation</b>	<b>Zone Regulation</b>	<b>Proposal</b>	<b>Complies</b>
Front Yard Wall/Fence Height	4 feet (4')	6 feet (6')	No; Special Exception requested

## **ATTACHMENT E: ANALYSIS OF STANDARDS**

### **21A.52.030: Special Exceptions Authorized**

**(A)(3)** Additional height for fences, walls or similar structures may be granted to exceed the height limits established for fences and walls in chapter 21A.40 of this title if it is determined that there will be no negative impacts upon the established character of the affected neighborhood and streetscape, maintenance of public and private views, and matters of public safety. Approval of fences, walls and other similar structures may be granted under the following circumstances subject to compliance with other applicable requirements:

Sections a through h of this section list the instances where an over-height fence may be approved. Only one of these instances needs to be applicable to request an over-height fence.

<b>Standard</b>	<b>Finding</b>	<b>Rationale</b>
21A.52.030: Special Exceptions Authorized (A)(3) Additional height for fences, walls or similar structures may be granted to exceed the height limits established for fences and walls in chapter 21A.40 of this title if it is determined that there will be <b>no negative impacts upon the established character of the affected neighborhood and streetscape, maintenance of public and private views, and matters of public safety.</b> Approval of fences, walls and other similar structures may be granted under the following circumstances subject to compliance with other applicable requirements:	Does Not Comply	As the wall is proposed in the front yard along the entire front property line of the site, it does have a large impact on the streetscape and character of the neighborhood. There are other uses besides residential on the block, but the properties immediately surrounding the site are all residential. The homes directly east of the subject property may be impacted the most as the wall will be in their direct line of vision. Tall, concrete fences are not typical of this area and pose a variety of safety concerns.
<b>a.</b> Exceeding the allowable height limits; provided, that the fence, wall or structure is constructed of wrought iron, tubular steel or other similar material, and that the open, spatial and nonstructural area of the fence, wall or other similar structure constitutes at least eighty percent (80%) of its total area.	N/A	This standard is not applicable.
<b>b.</b> Exceeding the allowable height limits within thirty feet (30') of the intersection of front property lines on any corner lot; unless the city's traffic engineer determines that permitting the additional height would cause an unsafe traffic condition.	N/A	This standard is not applicable.
<b>c.</b> Incorporation of ornamental features or architectural embellishments which extend above the allowable height limits.	N/A	This standard is not applicable.
<b>d.</b> Exceeding the allowable height limits, when erected around schools and approved recreational uses which require special height considerations	N/A	This standard is not applicable.
<b>e.</b> Exceeding the allowable height limits, in cases where it is determined that a negative impact occurs because of levels of noise, pollution, light or other <b>encroachments on the rights</b> to privacy, safety, <b>security</b> and aesthetics	Complies	The applicant has explained that the existing 4-foot wrought iron fence in the front yard of the property is not sufficient for keeping out transients as well as animals. They have recently dealt with trespassing, theft and dog bites and feel that a taller fence would increase security and overall safety on the property.

f. Keeping within the character of the neighborhood and urban design of the city	Does Not Comply	None of the other properties on Denver Street have a 6-foot solid wall in their front yard. Tall, solid fences are not typical in front yards of residential <i>or</i> commercial properties in Salt Lake City. Though the City welcomes modern design, an opaque wall is not a particularly pleasing as it blocks the view of the property and hinders interaction with pedestrians on the street.
g. Avoiding a walled-in effect in the front yard of any property in a residential district where the clear character of the neighborhood in front yard areas is one of open spaces from property to property	Does Not Comply	The proposed wall does tend to create a walled-in effect as it spans the width of the front yard (163'2") and is uncharacteristically tall and opaque.
h. Posing a safety hazard when there is a driveway on the petitioner's property or neighbor's property adjacent to the proposed fence, wall or similar structure.	Does Not Comply	Along driveways, walls and fences are required to be set back at least 10 feet from the back of the sidewalk. The wall is currently proposed to be set back approximately 8 feet, but this is something the applicant may be willing to modify to come into conformance.

**21a.52.060: General Standards and Considerations for Special Exceptions:** No application for a Special Exception shall be approved unless the planning commission or the planning director determines that the proposed Special Exception is appropriate in the location proposed based upon its consideration of the general standards set forth below and, where applicable, the specific conditions for certain Special Exceptions.

Standard	Finding	Rationale
A. Compliance with Zoning Ordinance and District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.	Does Not Comply	The purpose statement for fences (21A.40.120) recognizes a balance between the concerns for private concerns for privacy and the visual impact on the public. In this case, the proposed wall may secure the private property from trespassers, but would also have a considerable negative impact on the public realm as the proposed location is highly visible from the street and is not in harmony with the RMF-45 zoning district and surrounding residential neighborhood.
B. No Substantial Impairment of Property Value: The proposed use and development will not substantially diminish or impair <b>the value of the property</b> within the neighborhood in which it is located.	Complies	The homes directly east of the subject property across Denver Street may be impacted the most as the wall will be in their direct line of vision from their front yards, create a walled in effect, and is not characteristic of the residential neighborhood; however, there is no evidence that there will be a <i>substantial</i> impact on property value of the subject site.
C. No Undue Adverse Impact: The proposed use and development will not have a <b>material adverse effect</b>	Does Not Comply	As the wall/fence is impactful to views on a residential street, it will have an adverse effect on the character of the residential area and creates a walled-

<b>upon the character of the area</b> or the public health, safety and general welfare.		in effect that is conducive to accidents and increased criminal activity.
<b>D. Compatible with Surrounding Development:</b> The proposed Special Exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.	Does Not Comply	The proposal is not compatible with surrounding uses and development or neighboring properties nor in accordance with the purpose of the RMF-45 zoning district.  There are no other 6-foot concrete fences on the block; however, the ordinance would let the applicant construct a 4-foot concrete wall in their front yard.
<b>E. No Destruction of Significant Features:</b> The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.	Complies	The proposal will not result in the destruction of significant features.
<b>F. No Material Pollution of Environment:</b> The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.	Complies	The proposal will not create any pollution.
<b>G. Compliance with Standards:</b> The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.	Does Not Comply	In addition to the general Special Exception standards, the fence must comply with the standards in section 21A.52.030.A.3. See analysis above.

## **ATTACHMENT F: PUBLIC PROCESS AND COMMENTS**

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### **Public Process:**

- Public hearing notice mailed on January 10, 2017
- Public hearing sign posted on property on January 13, 2017.
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites on January 19, 2017

### **Staff Comments:**

City Department/Division comments regarding the Special Exception can be found below:

Fire – Edward P. Itchon; Fire Protection Engineer

The concern is that the proposed wall/fence might obstruct the line of sight when backing out of the drive way. Children and foot traffic maybe affected if the obstruction is permitted to be built. Although my concern is not a fire issue, but a medical one to which FD would respond.

### **Public Comments:**

Public comments regarding the Special Exception can be found below.

Bob R. Manchego – Property Owner at 539 S. Denver Street

Does not believe the proposal is a good idea. Believes the wall would bring in taggers. He is against the proposal.



## Parisi, Lauren

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**From:** Bernie T Morris <berniemorris@rocketmail.com>  
**Sent:** Wednesday, January 18, 2017 11:17 AM  
**To:** Parisi, Lauren  
**Subject:** PLNPCM2016-00898

I would like to vote no on the special exception. My reason being that it backs our Trolley Place condo parking. I don't like the idea of someone being able to shield themselves behind that wall to take advantage of cars or people in the lot. There also is a lot of tagging in that area and I feel like it would just become a big blank canvas to tag ,devaluing our property. Thank you Bernie T Morris

Sent from my iPhone

# **ATTACHMENT G: MOTIONS**

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## **Potential Motions**

### **Staff Recommendation:**

Based on the information contained in the Staff report, and comments received, I move that the Planning Commission deny part of Special Exception request PLNPCM2016-00898 for additional wall height, but approve the request for additional fence height.

### **Not Consistent with Staff Recommendation:**

Based on the information contained in the Staff report, and comments received, I move that the Planning Commission approve Special Exception petition PLNPCM2016-00898 for additional wall and fence height.