



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Linda Mitchell, Principal Planner, 801-535-7751
Date: December 4, 2019
Re: PLNPCM2019-00852 –Over-Height Fence

Special Exception

PROPERTY ADDRESS: 762 West 1355 South
PARCEL ID: 15-11-480-020-0000
MASTER PLAN: Westside
ZONING DISTRICT: M-1 (Light Manufacturing)

REQUEST: Wayne Gordon, architect representing the property owner, is requesting Special Exception approval for an over-height fence in the front yard. The proposed six-foot (6') high chain-link fence would be in the front yard along the front and side property lines and driveway approach. Fences are permitted up to four feet (4') in height in the front yard, but additional height may be approved through a Special Exception. The applicant is proposing the additional fence height for increased security and crime deterrence, such as trespassing, theft, and vagrancy. The Planning Commission has final decision-making authority for Special Exceptions.

RECOMMENDATION: Based on the information in this staff report, Planning Staff recommends that the Planning Commission deny the special exception for an over-height fence in the front yard.

ATTACHMENTS:

- A. [Vicinity Map](#)
- B. [Site Plan](#)
- C. [Additional Applicant Information](#)
- D. [Site Photographs](#)
- E. [Zoning Standards](#)
- F. [Analysis of Standards](#)
- G. [Public Process and Comments](#)
- H. [Department Review Comments](#)

BACKGROUND

The subject property currently has a building, recently built and permitted as a woodworking mill with a warehouse area. The subject property is zoned M-1 (Light Industrial). The zoning designation of surrounding properties to the west, east and south are M-1 (Light Industrial) and to the north is PL (Public Lands). The subject property is located within an industrial district in the Westside Master Plan, where the development pattern is inconsistent and the boundary between industrial land uses and residential land uses meanders. As shown in Figure 1 (below), the surrounding land uses are a mix of industrial and residential buildings.

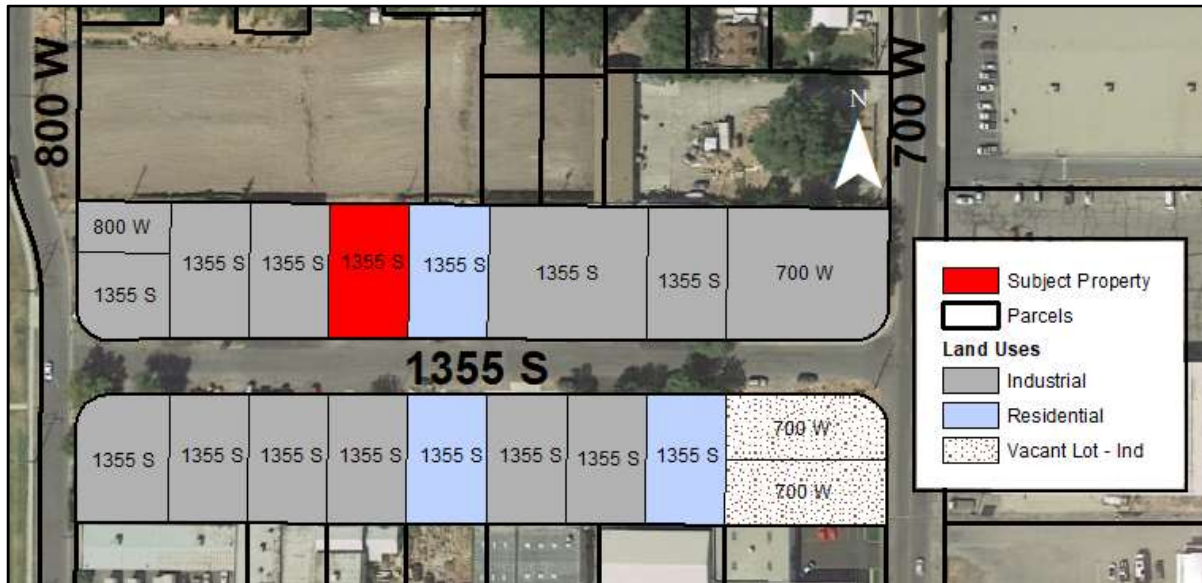


Figure 1. Surrounding Land Uses

Prior to 2007, the subject property contained a single-family residence. In 2007, the home was demolished and in 2014 a seven-foot (7') high chain-link fence was installed to secure the vacant property. There is not evidence that that City granted a permit to build the fence.



Figure 2. 2006 Aerial

PROJECT DESCRIPTION:

This is a request for Special Exception approval for an over-height fence located in the front yard of the subject property. In this zoning district the front yard is the area within 15 feet of the front property line (the property line along the street). Within this area, fences and walls are limited to four feet (4') in height. The applicant has proposed to install a six-foot (6') high chain-link fence in the front yard along the front and side property lines and driveway approach to connect with a proposed gate located approximately 17 feet and 6 inches from the front property line (Figure 3).

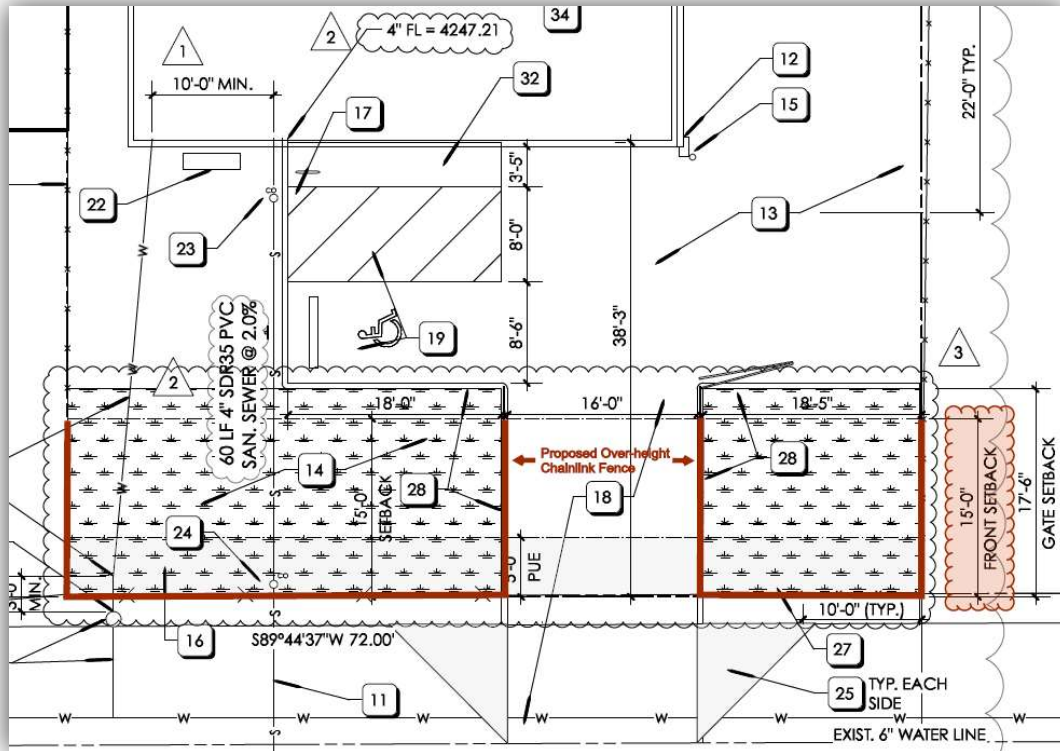


Figure 3. Enlarged Site Plan

Additional height for fences may be granted through the Special Exception process if the proposal meets the General and Specific Standards for Considerations for Special Exception (sections 21A.52.060 and 21A.52.030) 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. The applicant is requesting the additional fence height for increased security and crime deterrence, such as trespassing, theft, and vagrancy ([Attachment C](#)).

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
- Issue 2. Neighborhood Compatibility
- Issue 3. Security and Impact on the Neighborhood

Issue 1. Planning Referral to a Planning Commission Hearing

Special Exceptions can be approved by Staff “administratively”, meaning that they do not have to go through the Planning Commission public hearing process; however, Subsection 21A.52.040A(5)(b) of the Salt Lake City Zoning Ordinance states the following:

“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.”

The application has been elevated to a Planning Commission hearing as the proposal does not comply with all the general standards and considerations for Special Exceptions ([Attachment F](#)).

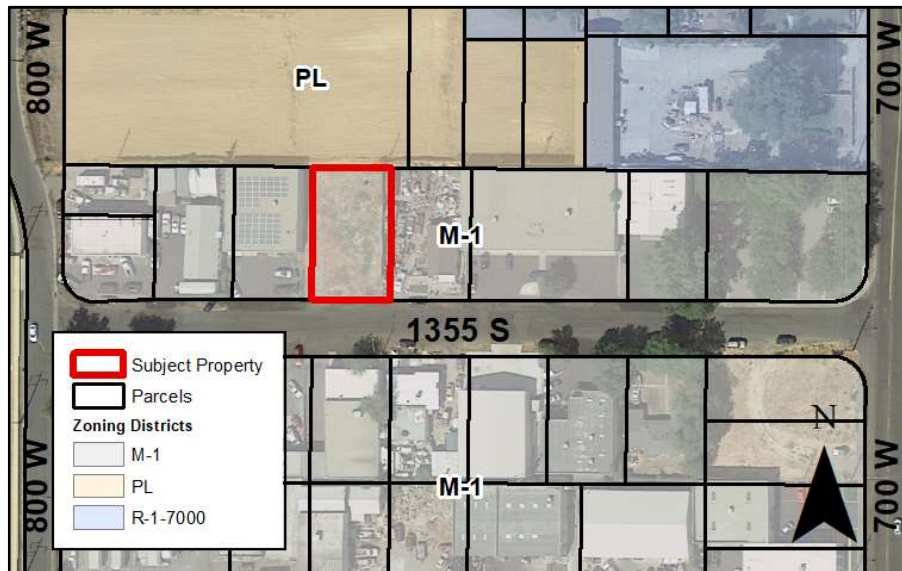


Figure 4. Surrounding Zoning Districts

Planning staff initially mailed a notice of application letter to all abutting properties and those properties located across the street from the subject property. Staff received one (1) email that expressed concerns with the proposed over-height fence ([Attachment G](#)). In conjunction with staff’s review of such factors as location, height, existing land uses, and impacts, it was determined the request for an over-height fence at the subject property does not meet the applicable special exception standards. However, the subject property is located in an uncharacteristic industrial neighborhood and has the challenges to balance between the residential and industrial uses and the variation of existing front yard fences between the west and east half of the block.

Issue 2. Neighborhood Compatibility

The subject property and majority of surrounding properties are zoned M-1, Light Industrial (Figure 4). There are light-industrial uses and residential uses within the neighborhood.

The purpose of the M-1 zoning district seeks “to provide appropriate locations for manufacturing, fabrication, processing, packaging, distribution, storage, shipping and other transportation activities contributing to the economic base of the city; to enhance employment opportunities; to encourage the efficient use of land; to enhance property values and the tax base; to improve the design quality of industrial areas; and to help implement adopted plans.”

The residential character on this block is anticipated to change as the Westside Master Plan calls for industrial uses but it recognizes the [industrial] corridor has inconsistent development patterns as residential uses abuts or surrounded by industrial uses. In the master plan, residents expressed concerns to focus on how the [industrial] corridor impacts the perception of their community. The proposed over-height chain-link fence in the front yard would diminish the open front yard areas of the block. In addition, the chain-link fence would not be an improvement to the design quality of the industrial area.

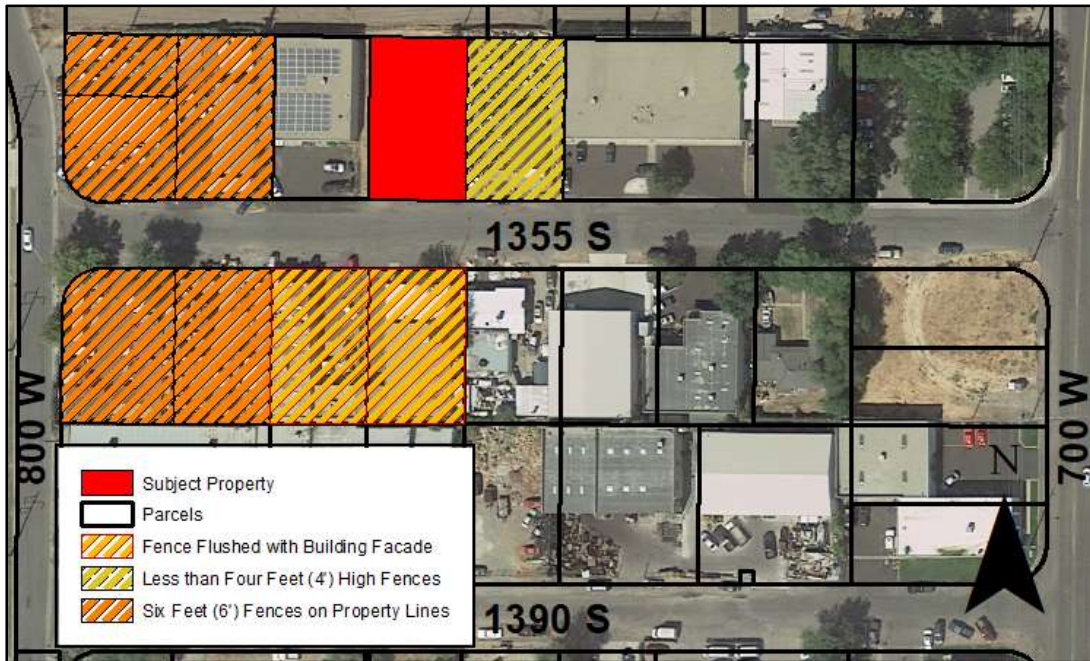


Figure 5. Front Yard Fences

Four (4) properties on 1355 South have chain-link fences on the front property lines along 1355 South, with two (2) of those properties located on the corners of 1355 South and 800 West. There are no other over-height fences in the front yards along the subject street. (Figure 6).



Figure 6. View of 1355 South Facing West (subject property is the blue building on the right)

Issue 3. Security and Impact on the Neighborhood

The applicant is proposing an over-height fence on the property due to the neighborhood's susceptibility to crime. Section 21A.52.030A(3) of the Special Exception chapter states the following:

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:

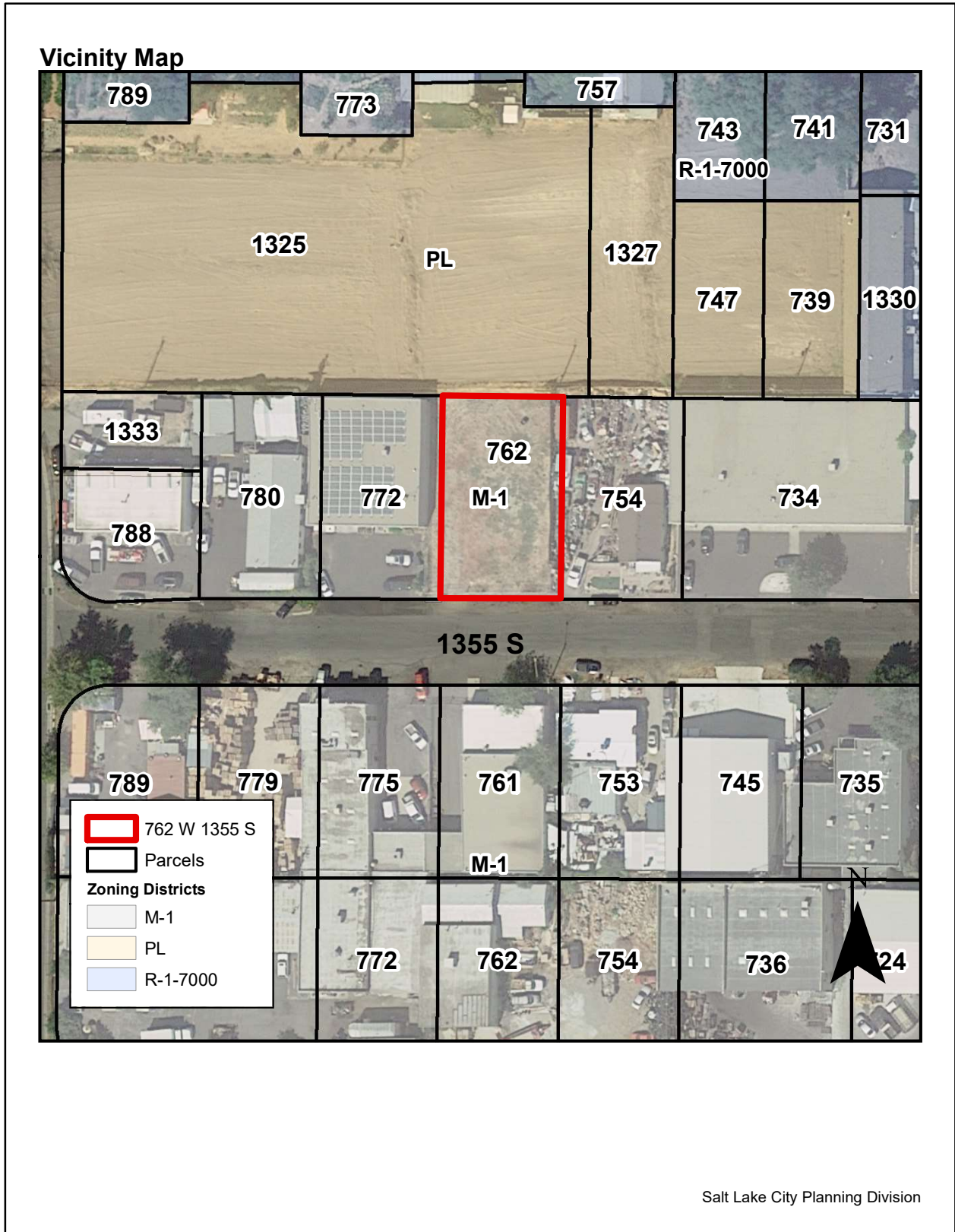
e. Exceeding the allowable height limits, in cases where it is determined that a negative impact occurs because of levels of noise, pollution, light or other encroachments on the rights to privacy, safety, security and aesthetics;

An active housing and zoning enforcement case was opened on January 11, 2019 (case id HAZ2019-00040) for transients nesting in cars in front of the subject property. Recently, the existing building on the subject property was constructed which had been vacant since 2007. It is unclear whether the request for an over-height fence for security purposes is substantiated when the building was recently constructed. There is no additional evidence to evaluate the security concerns expressed by the applicant. Therefore, the proposed fence does not meet standard "e" regarding encroachment to safety and security.

NEXT STEPS:

- If denied, the applicant would be required to remove the fence or lower it to a maximum height of four feet (4') in the front yard .
- If approved, the applicant would be required to obtain a building permit for a six-foot (6') high chain-link fence along the front yard property lines and driveway approach and relocate the rolling gate that complies with all zoning regulations.

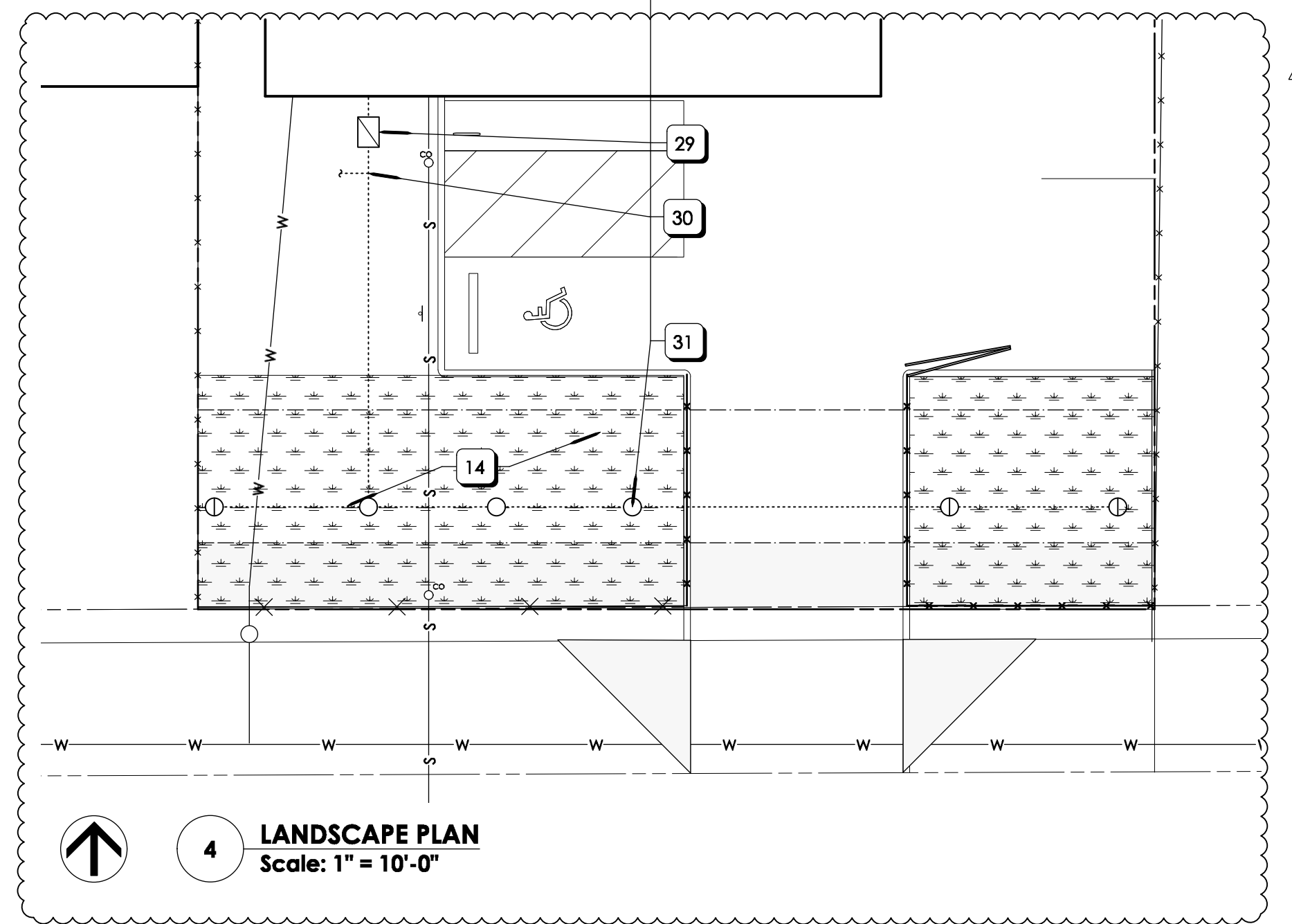
ATTACHMENT A: VICINITY MAP



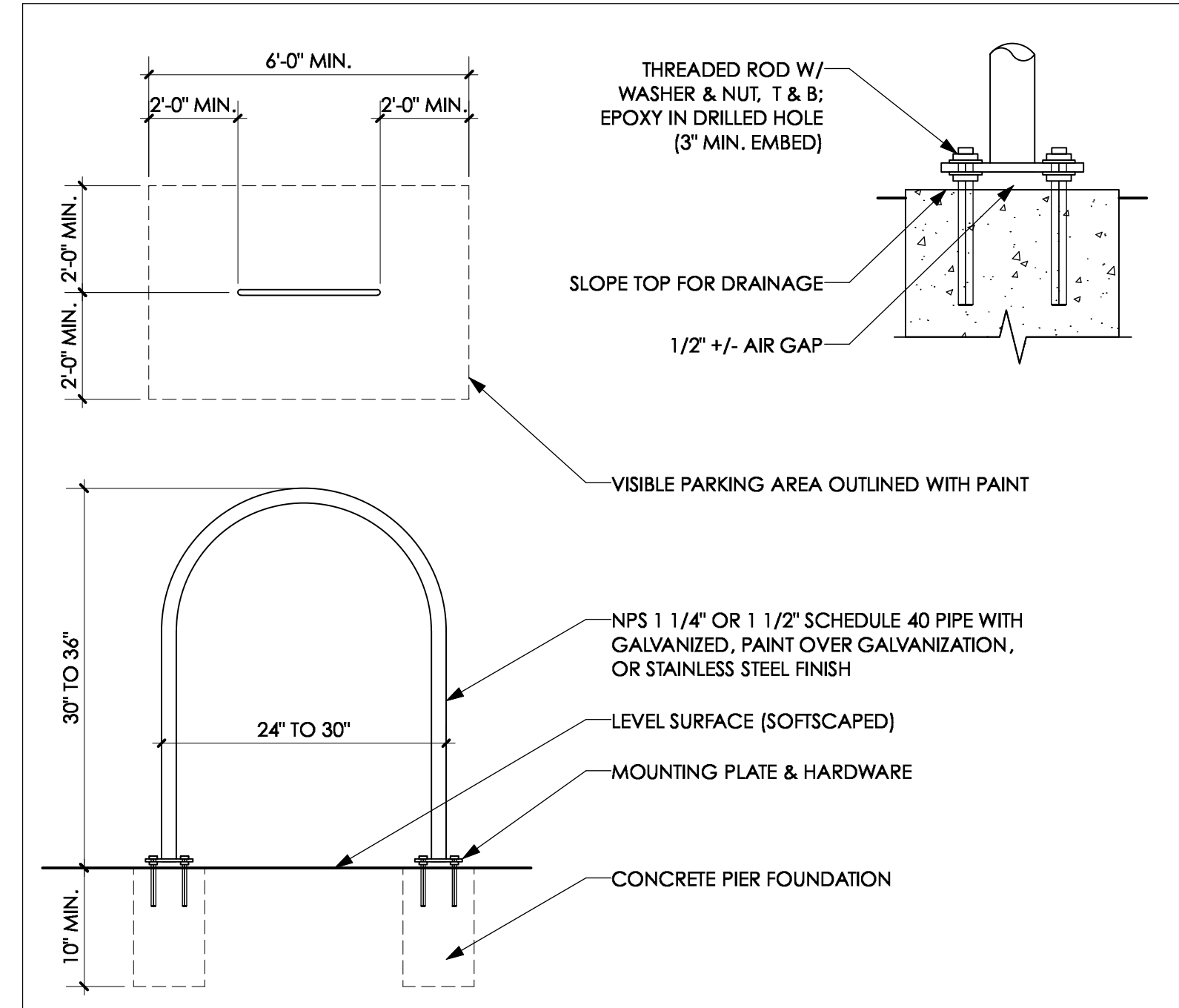
ATTACHMENT B: SITE PLAN

SITE CONSTRUCTION

- A. COMPACT UNDER-SLAB AREAS TO MINIMUM 95% DENSITY. BACKFILL AREAS NOT UNDER SLABS OR FOUNDATIONS TO MINIMUM 90% ASTM D-689. PRIOR TO BACKFILLING, WALLS SHALL BE LATERALLY BRACED BY THE FLOOR FRAMING AT THE TOP AND THE BASEMENT SLAB AT THE BOTTOM, OR OTHER ADEQUATE TEMPORARY SHORING WHERE APPLICABLE. FILL WHICH IS DIRECTLY UNDER CONCRETE SLABS ON GRADE SHALL BE A MINIMUM FOUR INCHES OF COMPACTED GRANULAR FILL. BASE FILL FOR CONCRETE SLABS AND WALK TO BE GRADED SAND, FREE OF ORGANIC MATTER. BACKFILL AREAS NOT UNDER SLABS OR FOUNDATIONS TO MINIMUM 90% ASTM D-689. BACKFILL EXCAVATIONS AS PROMPTLY AS WORK PERMITS WITH SUBSOIL GRADED FREE OF LUMPS LARGER THAN 6 INCH, ROCKS LARGER THAN 3 INCH AND DEBRIS. BACKFILL AROUND BUILDING AND UP TO EDGE OF WALKS TO DRAIN WATER AWAY FROM BUILDING. LEAVE FINAL GRADED AREAS RAKED SMOOTH. BACKFILLING MATERIAL TO BE FREE OF DEBRIS, ORGANIC MATERIAL, AND SILT. BACKFILL TO BE GOOD QUALITY WELL DRAINING SAND OR GRAVEL FOR A MINIMUM 1.5 FEET BACK FROM FACE OF WALL.
- B. BALANCE CUT AND FILL FOR SLABS ON GRADE AND DRIVEWAY TO REDUCE EXPORT FROM SITE.
- C. PROVIDE NECESSARY PRECAUTIONS TO PREVENT SOIL EROSION.
- D. TREE STUMPS AND ALL DEAD FOLIAGE SHOULD BE FULLY REMOVED FROM AROUND AND UNDER THE BUILDING SITE AND DISPOSED OF OFF-SITE SO THAT THEY DO NOT ATTRACT TERMITES AND OTHER PESTS.
- E. ALL CANALS, SCUPPERS, AND DOWNSPOUTS SHALL HAVE SPLASH BLOCKS AND AN ADEQUATE DRAINAGE PATH AWAY FROM BUILDING.
- F. SURFACE WATER SHALL DRAIN AWAY FROM HOUSE AT ALL POINTS. DIRECT THE DRAINAGE WATER TO THE STREET OR TO AN APPROVED DRAINAGE COURSE BUT NOT ONTO NEIGHBORING PROPERTIES. THE GRADE SHALL FALL A MINIMUM OF 6 INCHES WITHIN THE FIRST 10 FEET.
- G. THE OWNER AND ARCHITECT SHALL APPROVE THE SITE LAYOUT PRIOR TO DIGGING THE FOOTINGS.
- H. OBTAIN TOPSOIL FROM LOCAL SOURCES. NO TOPSOIL SHALL BE OBTAINED FROM BOGS OR MARSHES. TOPSOIL AND LARGE BOULDERS FROM THE SITE SHALL BE STOCKPILED FOR FUTURE USE BY THE OWNER.
- I. ALL TREES DESIGNATED FOR REMOVAL FROM THE BUILDING SITE ARE TO BE MARKED FOR REVIEW BY THE OWNER OR ARCHITECT.
- J. THE OWNER AND ARCHITECT SHALL DETERMINE WHICH TREES ARE TO BE TRANSPLANTED OR MAINTAINED DURING CONSTRUCTION.
- K. FOOTINGS SHALL BEAR ON FIRM UNDISTURBED SOIL.
- L. A DRAINAGE SYSTEM SHALL BE INSTALLED AROUND THE PERIMETER OF THE FOUNDATION FOOTING. THE DRAINAGE SYSTEM SHALL CONSIST OF THE FOLLOWING ITEMS: DAMP-PROOFING SHALL BE CAREFULLY APPLIED ACCORDING TO MANUFACTURER'S DIRECTIONS TO COVER ALL BELOW GRADE SURFACES TO FORM A WATERTIGHT BARRIER. CARE SHALL BE TAKEN DURING BACKFILLING AND OTHER CONSTRUCTION TO PREVENT DAMAGE TO THE DAMP-PROOFED SURFACE; A FREE-DRAINING BACKFILL OF 3/4 INCH MINIMUM CRUSHED STONE OR GRAVEL THAT IS FREE OF SMALLER PARTICLES SHALL BE USED TO LINE AND FILL THE EXCAVATION FOR ALL BELOW-GRADE WALLS; AN ENGINEERED DRAINAGE SYSTEM MAY BE SUBSTITUTED FOR A FREE DRAINING BACKFILL; A FRENCH DRAIN SHALL BE INSTALLED SO THAT ALL PERFORATED PIPES ARE LOCATED BELOW THE LEVEL OF THE BOTTOM SURFACE OF THE FOOTING. FRENCH DRAIN PERFORATED PIPES SHALL BE INSTALLED WITH THE HOLES DOWN TO ALLOW WATER TO RISE INTO THE PIPE; THE PERFORATED PIPE SHALL BE SURROUNDED AND SET IN A MINIMUM OF 2 INCH DEPTH BED CONSISTING OF 3/4 INCH MIN. CRUSHED STONE FREE OF SMALLER PARTICLES; THE PERFORATED PIPE AND CRUSHED STONE SHALL BE SURROUNDED BY A FILTER MEMBRANE TO PREVENT ADJACENT SOIL FROM WASHING INTO AND CLOGGING THE FRENCH DRAIN SYSTEM; FRENCH DRAINS SHALL BE SLOPED DOWNWARD A MINIMUM OF 1/4 INCH PER FOOT OF RUN AND CONNECTED TO DAYLIGHT.
- M. WHEN INSTALLING A RADON CONTROL SYSTEM, A 4 INCH LAYER OF AGGREGATE IS PLACED UNDER THE BUILDING ENVELOPE. A 4 INCH DIAMETER PERFORATED PIPE IS LAID ON THE AGGREGATE THROUGH THE CENTER OF THE STRUCTURE. THE PIPE IS CONNECTED TO AN UN-PERFORATED RISER TUBE THAT VENTS TO THE OUTSIDE. SEAL ALL SLAB PENETRATIONS AND PIPE SEAMS COMPLETELY. ACTIVE OR PASSIVE RADON MITIGATION INSTALLED PER EPA GUIDELINES.
- N. LANDSCAPE DESIGN IS NOT INCLUDED IN THIS DOCUMENT. LANDSCAPING, LANDSCAPE ACCESSORIES, AND SITE FURNISHINGS WILL BE UNDER SEPARATE CONTRACT BETWEEN OWNER AND LANDSCAPE CONTRACTOR. EXCEPTION: SOIL AND SITE IMPROVEMENTS REQUIRED FOR BUILDING CONSTRUCTION TO BE INCLUDED IN THIS CONTRACT.
- O. THE CONSTRUCTION AREA AND ACCESS TO THE CONSTRUCTION AREA SHALL BE AS SMALL AS REASONABLE TO FACILITATE CONSTRUCTION. THIS AREA IS TO BE CLEARLY DEMARCATED AND ROPED OFF TO PREVENT ANY DESTRUCTION OF NATURAL TERRAIN OUTSIDE OF CONSTRUCTION AREA BY CONSTRUCTION VEHICLES.
- P. USE A BARRIER CLOTH UNDER EXTERIOR WALKWAYS TO PREVENT OVERGROWTH. PROTECT EXISTING TREES AND VEGETATION WHICH ARE TO REMAIN. REPAIR OR REPLACE ANY DAMAGED VEGETATION OR TERRAIN THAT IS INDICATED TO BE PROTECTED OR IS MORE THAN EIGHT FEET FROM THE EDGE OF ANY SPECIFIED CONSTRUCTION AREA.

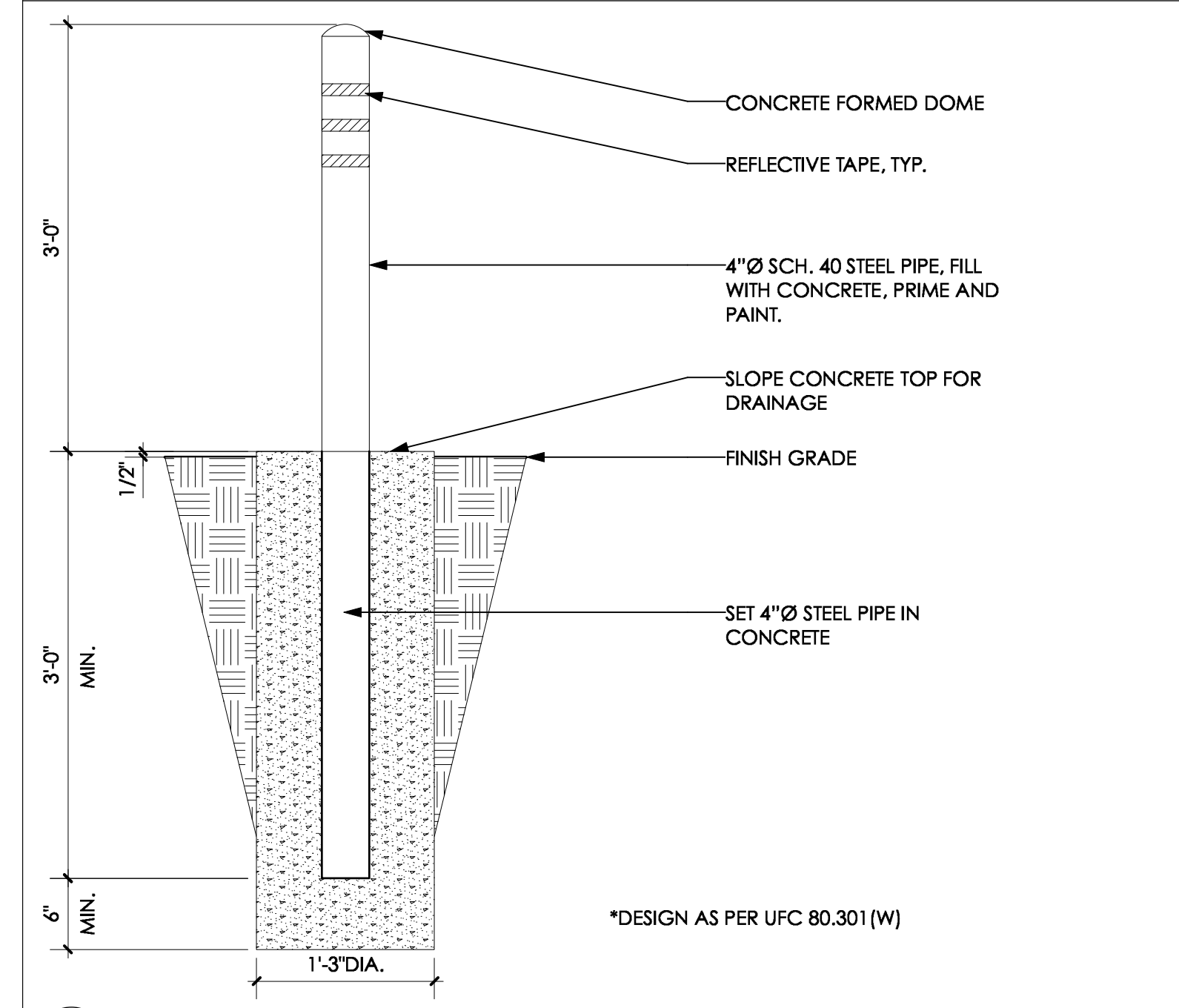


4 LANDSCAPE PLAN
Scale: 1" = 10'-0"



3 SINGLE BICYCLE RACK DETAIL
N.T.S.

NOTE: REFER ALSO TO SLC 'STANDARD BICYCLE PARKING' F1.1 AND F1.g1



2 BOLLARD DETAIL
Scale: 1" = 1'-0"

*DESIGN AS PER UFC 80.301 (W)

GROUND COVER SCHEDULE

TYPE:	DROUGHT TOLERANT SOD
SPECIES:	KENTUCKY BLUEGRASS- MALLARD
	- OASIS
	- FULL MOON
	- FOYATITE
	- NIGHTCRAWLER
	OR TALL FESCUE

SITE PLAN KEYED NOTES

1. (E) FENCE TO REMAIN
2. (E) POWER POLE
3. (E) OVERHEAD POWER LINE
4. POLE MOUNTED TRANSFORMER AS PER POWER COMPANY REQUIREMENTS
5. OVERHEAD ELECTRICAL SERVICE
6. (E) 3/4" WATER METER AND LINE TO STREET MAIN
7. 0.2% FLOOD / 1% CHANCE OF SHALLOW PONDING LESS THAN 1 FOOT SPECIAL FLOOD HAZARD AREA
8. SEWER LATERAL CONNECTION AS PER APWA PLAN NO. 431
9. WATER SERVICE LINE CONNECTION AS PER APWA PLAN NO. 541
10. (E) ASPHALT PAVING
11. EXCAVATE, BACKFILL AND ASPHALT PATCHING FOR SEWER LATERAL AS PER APWA PLAN NO. 255
12. CONCRETE SPLASHBLOCK AT DOWNSPOUT
13. ASPHALT PAVING AS PER APWA PLAN #251
14. SOD LANDSCAPING AT FRONT YARD
15. CONCRETE FILLED STEEL BOLLARD
16. (E) 5' PUBLIC UTILITY EASEMENT
17. BICYCLE PARKING; SEE DETAIL, THIS SHEET
18. ASPHALT PAVED DRIVEWAY AS PER APWA PLAN #251 (8" BASE COURSE W/ ASPHALT 1" THICKER THAN ADJACENT EXISTING 355 SOUTH ASPHALT)
19. ACCESSIBLE PARKING WITH WHEEL STOP, STRIPED LOADING ZONE & POLE SIGN AS PER SHEET G0.0
20. VERTICAL 2 PIPE VENT SYSTEM FOR UNIT HEATER PER MECHANICAL WITH INTEGRAL FLASHING; COORDINATE WITH METAL BUILDING SUPPLIER
21. CONT. METAL GUTTER
22. CONDENSER PER MECHANICAL
23. CLEANOUT (5' MAX. FROM BUILDING)
24. CLEANOUT (50' MAX. SPACING BETWEEN CLEANOUTS)
25. 10' SITE DISTANCE TRIANGLE; PLANTINGS, ET AL, IN THIS AREA SHALL NOT EXCEED 30" IN HEIGHT
26. 1 HOUR RATED EXTERIOR WALL PER FLOOR PLAN & ASSEMBLY TYPES
27. (E) FENCE TO REMAIN TEMPORARILY AS SITE SECURITY FENCE DURING CONSTRUCTION. FINAL FENCE HEIGHT TO BE VERIFIED VIA ZONING SPECIAL EXCEPTION
28. TYP. CONC. CURB PER APWA PLAN NO. 209
29. BELOW GROUND IRRIGATION CONTROL VALVE PER APWA PLAN #633
30. STUB FOR FUTURE IRRIGATION LINE
31. IRRIGATION STATIONARY HEAD PER APWA PLAN #621
32. CONC. LANDING
33. FIELD VERIFY SEWER MAIN ELEVATION; PROVIDE MIN. 2% SLOPE FOR 4' SEWER LATERAL TO BUILDING
34. LOCATION OF WASTE AND RECYCLING CONTAINERS INSIDE BUILDING PER FLOOR PLAN
35. 3/4" TYPE K COPPER PIPING MIN. 3' FROM WATER METER
36. 3/4" PEX WATER SERVICE LINE W/ BELOW-GROUND RATED FITTING; EMBED IN SAND BELOW FROST LINE
37. N/A

ZONING INFORMATION

ADDRESS: 762 W 1355 S, SLC UT
 PARCEL NO.: 15114800200000
 LEGAL DESCRIPTION: LOT 7, DOTSON SUB. 4654-702 4851-1108 5380-0711 7444-0270 7599-2246 9312-5151 10234-4783

ZONE: M-1 (LIGHT MANUFACTURING)

MINIMUM LOT AREA: 10,000 SF
 ACTUAL LOT AREA: 5680 SF
 MINIMUM LOT WIDTH: 80'
 ACTUAL LOT WIDTH: 72'
 (NOTE: LOTS LEGALLY EXISTING AS OF APRIL 12, 1995, SHALL BE CONSIDERED LEGAL CONFORMING LOTS.)

MAXIMUM BUILDING HEIGHT: 65'
 ACTUAL BUILDING HEIGHT: 26' 9"

FRONT YARD: 15' MIN.
 INTERIOR SIDE YARD: 0' MIN.
 REAR YARD: MIN. 0'

LANDSCAPE YARD REQUIREMENTS: ALL REQUIRED FRONT AND CORNER SIDE YARDS SHALL BE MAINTAINED AS LANDSCAPE YARDS IN CONFORMANCE WITH SLC ZONING CHAPTER 21A.48.

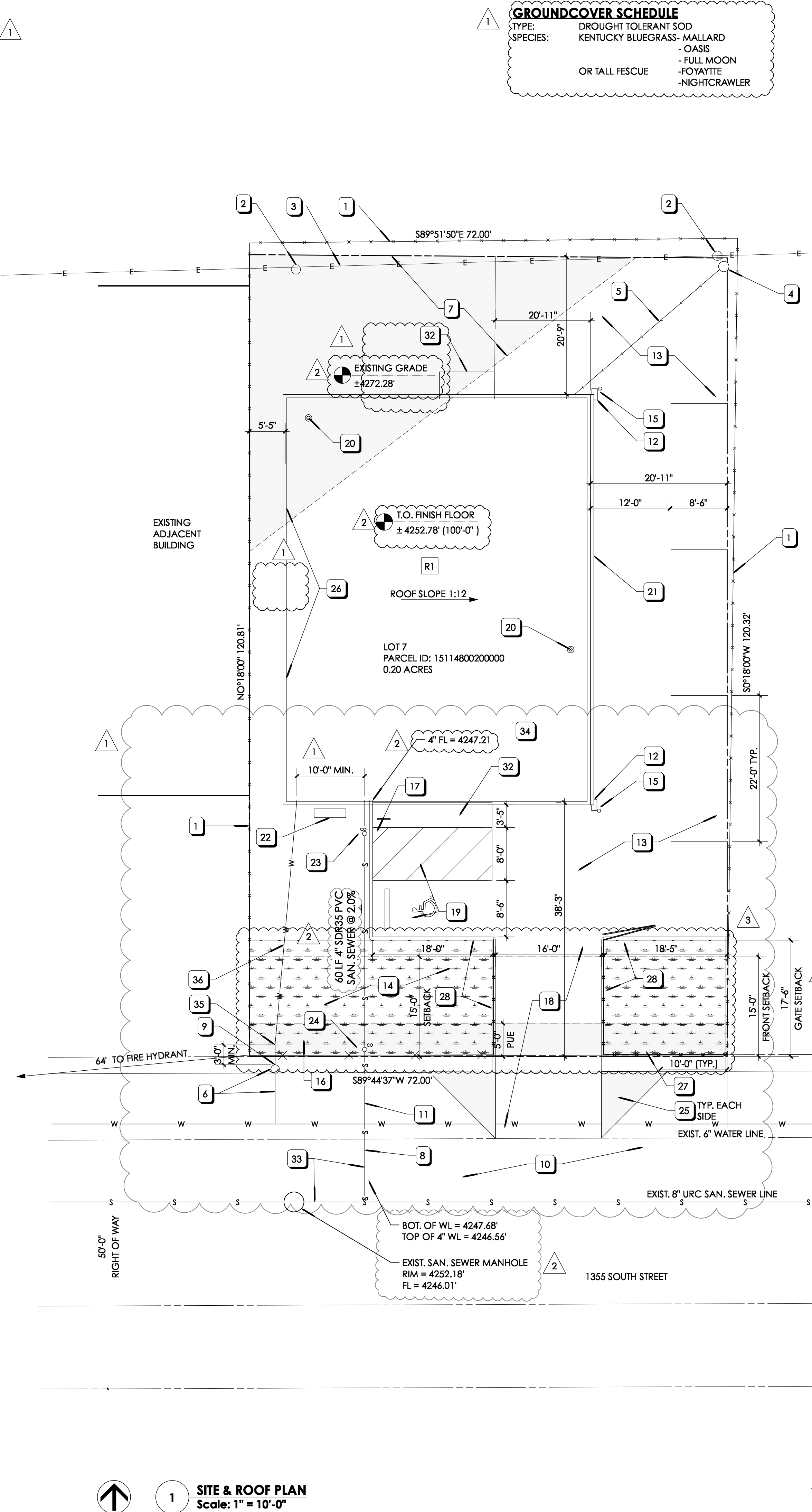
PARKING REQUIRED: 3 SPACES PER 1000 SF OFFICE & RETAIL
 1 SPACE PER 3 EMPLOYEES PLUS 1 SPACE PER COMPANY VEHICLE

PARKING PROVIDED: 656 SF OFFICE/RETAIL 3
 (3) EMPLOYEES 1
 (1) COMPANY VEHICLE 1

TOTAL PARKING PROVIDED 5

ACCESSIBLE SPACE REQUIRED: 1 PER 25 SPACES
 ACCESSIBLE SPACES PROVIDED: 1

(BICYCLE PARKING REQUIRED: 5% OF SPACES (2 MINIMUM)
 BICYCLE PARKING PROVIDED: 2



1 SITE & ROOF PLAN
Scale: 1" = 10'-0"

AMD ARCHITECTURE
 311 S 900 E STE 103
 SALT LAKE CITY
 UTAH 84122
 TEL 801-322-3053
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THE GENERAL CONTRACTOR AND/OR ALL SUB CONTRACTORS WORKING FROM THESE PLANS AND SPECIFICATIONS SHALL NOT BE HELD RESPONSIBLE FOR ANY DAMAGE, LOSS, EXPENSE AND ANY OTHER RESULTS ARISING FROM THE USE OF THESE PLANS AND SPECIFICATIONS UNLESS SUCH DAMAGE, LOSS, EXPENSE AND ANY OTHER RESULTS ARE CAUSED BY THE NEGLIGENCE OR WILLFUL MISFEASANCE OF AMD ARCHITECTURE. AMD ARCHITECTURE SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE, LOSS, EXPENSE AND ANY OTHER RESULTS ARISING FROM THE USE OF THESE PLANS AND SPECIFICATIONS UNLESS SUCH DAMAGE, LOSS, EXPENSE AND ANY OTHER RESULTS ARE CAUSED BY THE NEGLIGENCE OR WILLFUL MISFEASANCE OF AMD ARCHITECTURE.

DATE: 05 NOV 2018

REVISIONS:
 1 PLAN REVIEW 1/17/19
 2 PLAN REVIEW 2/7/19
 3 FENCE REVISION 9/3/19

SITE & ROOF PLAN

SP1.0

ATTACHMENT C: ADDITIONAL APPLICANT INFORMATION



Healthy. Efficient. Ecological Design
311 South 900 East, Suite 103
Salt Lake City, Utah 84102
801.322.3053
www.amdarchitecture.com

Special Exception For Martinson Workshop, 762 West 1355 South

The provision(s) and section number(s) of the Zoning Ordinance for which an exception is sought:

21A.40.120: REGULATION OF FENCES, WALLS AND HEDGES:

E.1.b: Nonresidential zoning districts: No fence, wall or hedge shall be erected to a height in excess of four feet (4') when within any required front yard area. Fencing for outdoor storage shall be located behind any required front yard area.

E.8: Special Exception Approval Standards: The planning commission or historic landmark commission may approve taller fencing if it is found that the extra height is necessary for the security of the property in question as defined in chapter 21A.52 of this title.

The facts of the specific situation giving rise to the request for a Special Exception:

The subject property currently has a 7' high fence (exceeding 4') along the front property line. As it was erected by the previous property owner without a permit, it was not considered as legally noncomplying during the review process. Therefore, a special exception is requested to legalize said fence. The subject property and its neighbors have been susceptible to crime, including trespassing, theft and vagrancy, and the additional fence height is necessary for increased security. Regarding impacts on the character of the neighborhood, this fence has existed without complaint; other properties on the block also have fences exceeding 4'.

The existing fence does include a vehicle gate at the property line. To comply with 21A.40.120.E.9 Gates, the gate will be relocated and set back 17'-6".

ATTACHMENT D: SITE PHOTOGRAPHS



Image 1. Front View of Subject Property



Image 2. Abutting Property to the East of the Subject Property



Image 3. Abutting Property to the West of the Subject Property



Image 4. View of 1355 South Facing East (subject property is the blue building on the left)



Image 5. Light Industrial Use Across the Street from Subject Property.



Image 6. Residential Use Across the Street from Subject Property.

ATTACHMENT E: ZONING STANDARDS

21A.40.120: Regulations of Fences, Walls and Hedges:

E(1)(b). *Nonresidential zoning districts: No fence, wall or hedge shall be erected to a height in excess of four feet (4') when within any required front yard area. Fencing for outdoor storage shall be located behind any required front yard area.*

Regulations	Permitted	Proposed	Complies
Front Yard Fence Height	Four feet (4')	Six feet (6')	No. Requires Special Exception Approval
Allowed Materials	Chain-link, pre-woven chain-link with slats, wood, brick, tilt-up concrete, masonry block, stone, metal, composite/recycled materials or other manufactured materials or combination of materials commonly used for fencing	Chain-link	Yes
Sight Distance Triangle and See Through Fences	Within the area defined as a sight distance triangle, see through fences that are at least fifty percent (50%) open shall be allowed to a height of four feet (4').	N/A	In the absence of a sidewalk, the sight distance triangle is measured from the edge of the asphalt. There is an approximate 11 feet width gravel strip between the subject property and edge of asphalt.

ATTACHMENT F: ANALYSIS OF STANDARDS

21A.52.060: General Standards and Considerations for Special Exceptions

No application for a special exception shall be approved unless the planning commission, historic landmark 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.

Standards	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 found in section 21A.40.120 recognizes the balance between the private concerns for privacy and the public concerns for enhancement of the community appearance. The proposed fence may secure the subject property from trespassers but has a negative impact on the public realm.
B. No Substantial Impairment Of Property Value: The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.	Complies	There is no evidence that there will be a substantial impact on the value of the property within the neighborhood where the subject property is located.
C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.	Does Not Comply	An over-height chain-link fence would diminish the character of the neighborhood. It would also be conducive to creating a precedent for the approval of other front yard fences along the block. The proposed fence would have a material adverse effect upon the character of the area.
D. Compatible With Surrounding Development: 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 additional fence height is not compatible with the surrounding uses and development or neighboring properties. The neighborhood character of the area primarily consists of fences that meet the current zoning regulations, with the exceptions of the properties to the west with an approximate six-foot (6') high fences along the property lines.
E. No Destruction Of Significant Features: 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.

F. No Material Pollution Of Environment: 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.
G. Compliance With Standards: 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 standards for a Special Exception, the over-height fence must comply with the standards in subsection 21A.52.030A(3). Refer to analysis below.

21A.52.030: Special Exception 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:*

Standards	Finding	Rationale
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:	Does Not Comply	The proposed over-height fence would be in the front yard along the property lines and driveway approach. It would have a negative impact upon the streetscape and character of the neighborhood. There are residential properties across the street and abutting the subject property. The Westside Master Plan states the residents' idea for the future of the industrial corridor tended to focus on buffering between the two current uses [residential and industrial]. Therefore, the proposed additional fence height would have a negative impact on the public realm.
a. 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;	Complies	The proposed chain-link is constructed of an acceptable material and it is at least eighty percent (80%) open
b. Exceeding the allowable height limits on any corner lot; unless the city's traffic engineer determines that permitting the additional height would cause an unsafe traffic condition;	Does not Comply	The subject property is not a corner lot.
c. Incorporation of ornamental features or architectural embellishments which extend above the allowable height limits;	Does not Comply	The proposed fence does not incorporate architectural embellishments.

d. Exceeding the allowable height limits, when erected around schools and approved recreational uses which require special height considerations;	Does not Comply	The subject property is not a recreational use or school.
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;	Does Not Comply	The applicant has explained that the subject property and its neighbors have been susceptible to crime, including trespassing. The request for additional fence height would increase security and overall safety but with the recently constructed building on the subject property, it is unclear whether susceptibility of crime may change.
f. Keeping within the character of the neighborhood and urban design of the city;	Does Not Comply	The surrounding neighborhood consists of a mixture of industrial and residential uses. Majority of the properties in the neighborhood do not have fences in the front yard. There are two (2) corner lot properties to the west that have approximately six-feet (6') high fences along the front property lines. The other fences in the neighborhood meets the current zoning regulations. Therefore, the proposed fence would not maintain the existing character of the neighborhood.
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; or	N/A	This standard is not applicable.
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.	N/A	This standard is not applicable.

ATTACHMENT G: PUBLIC PROCESS AND COMMENTS

Public Process:

- Special Exception notice of application mailed on September 26, 2019
- Public hearing notice mailed on November 22, 2019
- Public hearing sign posted on the property on December 2, 2019
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites on November 22, 2019

Public Comments:

A public comment was received during the Special Exception noticing period, in opposition of the request, which expressed concerns regarding the open front yard area on the block face and the neighborhood characteristic.

No additional comments were received at the time this Staff Report was published. Any public comments received up to the public hearing meeting will be forwarded to the Planning Commission.

Mitchell, Linda

From: [REDACTED]
Sent: Thursday, October 3, 2019 5:43 PM
To: Mitchell, Linda
Subject: Petition PLNPCM2019-00852 - I disagree with raising the fence

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Mitchell,

I have reviewed the above petition and I think allowing the fence to be raised is a bad idea.

- 1) There are no other properties along the street that have tall fences up against the street. The existing fence at the street gated off a vacant lot. One could see California Ave from 1355 S St. A tall fence against the street will give the block a rough, or industrial feel; closed-in and dangerous. There are still families along this street. There are also a lot of 40-ft, semi-trailers and vans up and down the street daily. The fence could be an easy mistake for a driver backing into 763 West.
- 2) I don't understand how the fence can work with employee and customer parking. And I only see one handicap parking in the Site Plan attached and it's behind the fence. Every other shop along the street offers several parking places for off street parking. Rather than the fence, add some off-street parking and maintain symmetry with other shops.

There are a lot of apartments and condos going up just over on 13th South. The Granary District is just around the corner. I think 1355 S St should maintain a softer look and keep the street clear for the daily commercial traffic.

Thank you for the opportunity to comment on this project.

William Komlos, for Arc Tech, LLC
1076 S Lake St
SLC UT 84105 &
761 W 1355 S St
SLC UT 84104
[REDACTED]

ATTACHMENT H: DEPARTMENT REVIEW COMMENTS

Transportation (Michael Barry)

No issues with a chain-link fence because it is at least 50 percent see-through.