

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**Room 126 of the City & County Building**  
**451 South State Street, Salt Lake City, Utah**  
**Wednesday, January 8, 2014**

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:28:46 PM](#). Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

Present for the Planning Commission meeting were: Chairperson Emily Drown, Vice Chair Clark Ruttinger; Commissioners, Michael Fife, Michael Gallegos, Marie Taylor, Matthew Wirthlin and Mary Woodhead. Commissioner Angela Dean, Bernardo Flores-Sahagun and Carolynn Hoskins were excused.

Planning Staff members present at the meeting were: Wilford Sommerkorn, Planning Director; Nick Norris, Planning Manager; Casey Stewart, Senior Planner; John Anderson, Principal Planner; Thomas Irvin, Principal Planner; Maryann Pickering, Principal Planner; Michelle Moeller, Senior Secretary and Paul Nielson, City Land Use Attorney.

**FIELD TRIP NOTES:**

A field trip was held prior to the work session. Planning Commissioners present were: Emily Drown and Clark Ruttinger. Staff members in attendance were Nick Norris, John Anderson, Thomas Irvin, and Casey Stewart.

The following locations were visited:

- **Liberty Park Place** - Staff gave an overview of the project. The Commissioners asked if the building would be demolished. Staff stated the building was not protected from demolition and the issues were building design and buffering.
- **Taylor Unit Legalization** - Staff gave an overview of the project and the reason for denial. The Commissioners and Staff discussed parking, garage and the entrances to the building.
- **Clift Infill** - Staff gave an overview of the project.

[5:29:03 PM](#)

**APPROVAL OF THE MINUTES FROM THE DECEMBER 11, 2013 MEETINGS**

**MOTION** [5:29:06 PM](#)

**Commissioner Ruttinger made a motion to approve the December 11, 2013, meeting minutes. Commissioner Fife seconded the motion. The motion passed unanimously.**

**REPORT OF THE CHAIR AND VICE CHAIR [5:29:14 PM](#)**

Chairperson Drown stated she had nothing to report.

Vice Chairperson Ruttinger stated he had nothing to report.

**REPORT OF THE DIRECTOR [5:29:22 PM](#)**

Mr. Wilford Sommerkorn, Planning Director, reported that the 9<sup>th</sup> and 9<sup>th</sup> rezone was approved by City Council.

**PUBLIC HEARINGS [5:29:54 PM](#)**

**Commissioner Ruttinger moved to adjust the agenda, beginning with the last item on the agenda until Commissioner Gallegos was present. Commissioner Woodhead seconded the motion. The motion passed unanimously.**

**[A-Frame Sign Regulation Clarifications](#) - The Salt Lake City Council is requesting the City change the zoning regulations to modify the size of allowed A-Frame signs to comply with typical manufacturing dimensions of these types of signs. The proposed regulation changes will affect Section 21A.46.055 – Temporary Portable Signs. Related provisions of Title 21A – Zoning may also be amended as part of this petition. The changes would affect certain zoning districts that allow for A-Frame signs. (Staff contact: Maryann Pickering at (801) 535-7660 or [maryann.pickering@slcgov.com](mailto:maryann.pickering@slcgov.com).)**

Ms. Maryann Pickering, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff was recommending the Planning Commission transmit a favorable recommendation to the City Council to adopt the proposed clarifications.

The Commissioners asked if the Planning Commission could regulate the content of the signs.

Staff reviewed the standards and regulations for signs.

**PUBLIC HEARING [5:34:59 PM](#)**

Chairperson Drown opened the Public Hearing, seeing no one wished to speak for or against the petition, Chairperson Drown closed the Public Hearing.

**MOTION** [5:35:12 PM](#)

**Commissioner Fife stated regarding the A-Frame Sign Regulations clarification Zoning Text Amendment, PLNPCM2013-00740, based on the findings listed in the Staff Report, testimony and plans presented, he moved that the Planning Commission transmit a favorable recommendation to the City Council to adopt the proposed clarifications to the A-Frame sign regulations that would be effective citywide. Commissioner Woodhead seconded the motion. The motion passed unanimously.**

[5:36:12 PM](#)

Commissioner Gallegos joined the meeting.

**[Taylor Unit Legalization Appeal for 158 South 1100 East](#)- Karyn Taylor is requesting that the Planning Commission overturn a decision made by the Zoning Administrator that a triplex could not be recognized at this address since the structure did not exist prior to April 12, 1995 as required by ordinance. The applicant is claiming that the cut-off date is arbitrary and should not be strictly enforced. The property is zoned R-2 (Single and Two-Family Residential) and within Council District 4 represented by Luke Garrott. (Staff contact: Thomas Irvin at (801) 535-7932 or [thomas.irvin@slcgov.com](mailto:thomas.irvin@slcgov.com)). Case number PLNAPP2013-00907**

Mr. Thomas Irvin, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending the Planning Commission deny the petition as presented.

The Commissioners and Mr. Paul Nielson, City Attorney, discussed if it was appropriate for Commissioner Taylor to present during the Taylor Unit Legalization hearing.

Commissioner Taylor recused herself and left the room for the hearing.

Commissioner Ruttinger asked if the application was required to meet all the standards of review.

Mr. Irvin stated all the standards were required to be met. He reviewed the history of the structure and stated in 1995 the property was an empty lot therefore, the units did not exist.

The Commission and Staff discussed the use of the property prior to 1995 and the 1996 permits for the property. Staff stated the initially permit was for a single family dwelling,

the duplex was added after additional square footage of land was acquired. The Commission and Staff discussed the Certificate of Present Condition and its purpose.

Mr. Clinton Taylor, Applicant, reported on the history of the property and the process the former owner had gone through to legalize the additional units. He reviewed the utility configuration for the structure, stated the building was constructed as a tri-plex and had remained as such. He stated based on the uniqueness of the property they were requesting an exception to the criteria regarding the one year gap between 1995 and 1996.

The Commission and Applicant discussed if the property was owner occupied. The Applicant stated they lived at 176 South.

**PUBLIC HEARING [5:50:04 PM](#)**

Chairperson Drown opened the Public Hearing.

Commissioner Drown read the following:

Ms. Alyssa Bray - the property was not zoned for a tri-plex, there were issues with the initial building not following zoning, Taylor's knowingly assumed responsibility with purchase, the process felt underhanded, what authority did Zoning / City Planning have if the proposal was granted, conflict of interest with Karyn (Marie) Taylor being on the Commission

The following individuals spoke in opposition of the petition: Mr. Jonathan Bray

The following comments were made:

- Owners knew the zoning status when they purchased the property
- Variance for tri-plex should not be granted as the property had always been zoned for a duplex
- Zoning should have been enforced prior to this issue arising

The following individuals spoke in favor of the petition: Mr. Robert Taylor

The following comments were made:

- The building had always been a tri-plex
- 1995 date did not apply to this unit as it was constructed after that date
- Why didn't the City get involved in the process sooner

Chairperson Drown closed the Public Hearing.

**DISCUSSION** [5:55:10 PM](#)

Commissioner Gallegos stated if the Commission approved the petition it would be in conflict with the ordinance.

The Commission asked Mr. Nielson to review his comments listed in the Staff Report and direct the Commission on their authority to approve the petition.

Mr. Neilson stated the appeal basically stated that the Applicant did not like the policy put in place by the City Council, which was not a discretionary matter. He stated therefore, the Planning Commission did not have the authority to question the wisdom and policy determination of the City Council. Mr. Nielson stated the Planning Commission could not make legislative changes which the petition was asking them to do.

Mr. Nick Norris, Planning Manager, gave the history of the April 12, 1995, date and why it was referenced by the City.

Commissioner Woodhead stated the Planning Commission made a recommendation to the City Council regarding the ordinance and at that time they questioned the 1995 date. She stated the date made approving similar petitions difficult and the individual facts needed to be considered.

Mr. Sommerkorn stated if someone had issues with the ordinance as written it would need to be taken to court or to referendum or asking the City Council to amend the ordinance.

Mr. Nielson stated this was a legislative issue and needed to be addressed with the City Council.

Commissioner Ruttinger stated ordinances were set in place to protect properties and this was a unique situation with a property that was clearly a tri-plex. He stated the unit did not detract from the spirit of the ordinance or the intent of the ordinance.

The Commission discussed if they had authority to overturn the policy of City Council. It was stated that the original property owner knew a tri-plex was not allowed under the zoning and built it anyway.

**MOTION** [6:02:29 PM](#)

**Commissioner Gallegos stated regarding the Taylor Unit Legalization Appeal PLNAPP2013-00907, based on the findings listed in the Staff Report and testimony presented, he moved that the Planning Commission affirm the Planning Director’s Administrative Decision to deny the triplex unit legalization request. Commissioner Woodhead seconded the motion. Commissioners Wirthlin, Fife, Woodhead, and Gallegos voted “aye”. Commissioner Ruttinger voted “nay” The motion passed 4-1.**

The Commissioners and Staff reviewed the appeal process.

Commissioner Taylor returned to the dais.

[6:04:03 PM](#)

**Liberty Park Place Mixed Use Condominiums at approximately 1321 South 500 East - Michael Lobb (owner) requests approval from the City to develop a mixed use (live/work) project located at the above address. Currently the land is occupied by a vacant building. This type of project must be reviewed as a Planned Development and Preliminary Condominium Plat. The subject property is within Council District 5 represented by Erin Mendenhall. (Staff contact: Casey Stewart at (801) 535-6260 or [casey.stewart@slcgov.com](mailto:casey.stewart@slcgov.com). Case numbers PLNSUB2013-00587 and -00589).**

- a. Planned Development PLNSUB2013-00587 - a request to exceed building height limits and landscape buffer requirements of the Neighborhood Commercial (CN) zoning district.**
- b. Preliminary Subdivision Plat PLNSUB2013-00589 - a request for preliminary approval of the related condominium plat for the six proposed condo units.**

Mr. Casey Stewart, 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. Michael Lobb, Applicant, stated he agreed with the Staff Report as presented. He gave the history of the building and property.

The Commission and Applicant discussed the location and plans for the landscape buffer. They discussed the recycling/garbage facilities and if the Applicant would be willing to work with the City regarding those facilities. The Applicant stated he would be willing to accommodate any requests.

**PUBLIC HEARING** [6:12:22 PM](#)

Chairperson Drown opened the Public Hearing.

The following individuals spoke in opposition of the petition: Mr. Joseph Schmidtkey, Ms. Kathy Byers and Mr. Tony Byers.

The following comments were made:

- Height was an issue and would shade the yard to the east
- Buffer zone should stay at seven feet
- Height could be accommodated in another manner
- Did not fit the area and should not be allowed
- Why was this necessary when another plan was approved

Chairperson Drown closed the Public Hearing.

Mr. Neilson asked what was meant by limited common ownership on the drawing. He recommended requiring the Applicant to change the language to designate the areas as common instead of limited common before final approval.

The Commission and Applicant discussed why the current plan was better than the prior plan. The Applicant stated the previous approvals were to amend the zoning, the height was being reduced from the previous proposal, the current plan worked best for the property and allowed the maximum use of the property.

The Commission and Staff discussed if shadows would be accommodated due to the reduction in height.

The Applicant stated if the original setback was followed the building would shadow the property more than what was being presented.

The Commission and Applicant discussed the location of the reduced setback. They discussed the proposal brought before the Commission previously.

The Commission and Applicant discussed the businesses that would be in the building. The Applicant stated it would be a place for residents to use as office space as well as private entities.

**MOTION** [6:25:51 PM](#)

**Commissioner Ruttinger stated regarding the Liberty Park Place Mixed Use Project Planned Development PLNSUB2013-00587, based on the findings listed in the Staff Report and the testimony heard, he moved that the Planning Commission approve the Liberty Park Place Planned Development PLNSUB2013-00587, as proposed subject to the conditions listed in the Staff Report, that a recycling and garbage disposal plan be presented to the Planning Director for approval as part of the final process and to designate the common areas. Commissioner Woodhead seconded the motion. The motion passed unanimously.**

**Commissioner Ruttinger stated regarding the Preliminary Condominium Plat PLNSUB2013-00589, based on the findings listed in the Staff Report and the testimony heard, He moved that the Planning Commission approve the Preliminary Condominium Plat subject to conformance with the Plan Development approval. Commissioner Woodhead seconded the motion. The motion passed unanimously.**

The Commissioners stated the Commission takes the neighbors comments into consideration when making decisions however, this plan accommodated those concerns, made adjustments and had protections for the surrounding properties.

[6:28:32 PM](#)

**Clift Infill Project - A request by Dave Robinson and Gabe Epperson to amend the Northwest Community Master Plan Future Land Use Map and the Salt Lake City Zoning Map, for property located at approximately 552 North 1500 West. The purpose of the amendments is to allow the future development of the site with a higher density than is currently allowed. The subject properties are zoned R-1/7,000 (Single Family Residential District) and are located in City Council District 1 represented by James Rogers (Staff contact: John Anderson at (801) 535-7214 or [john.anderson@slcgov.com](mailto:john.anderson@slcgov.com).)**

- a. **PLNPCM2012-00697 Master Plan Amendment - a request to amend the Northwest Community Future Land Use Map to change the designation from low density residential to medium density residential.**
- b. **PLNPCM2013-00057 Zoning Map Amendment - a request to amend the Zoning Map from R-1/7,000 (Single Family Residential District) to SR-3 (Special Development Pattern Residential District).**

Mr. John Anderson, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending the Planning



Commission transmit a negative recommendation to the City Council relating to this request.

The Commission and Staff discussed the number of buildings that could be constructed on the property under the standards. Staff stated they did not analyze a development plan, they looked at the compatibility of the development with the neighborhood and if a development agreement was an option. The Commission and Staff discussed the water rights for the properties and the proposed site plan.

Mr. Dave Robinson, Developer, stated the proposal was to achieve the best and highest use of the property. He reviewed the issues with the ordinance that made developments such as this difficult. Mr. Robinson stated different zoning options were available for the property.

Mr. Epperson, Developer, gave an overview of the proposal and the history of the property. He stated the Master Plan was outdated, current growth patterns and demographics had changed and would support the infill of this area. Mr. Epperson stated Neighborworks supported the project. He discussed the layout, impact of the project to the area, price and configuration of the proposed homes. Mr. Epperson stated they were requesting the property be rezoned to SR-3 with a development agreement.

The Commissioners and Staff discussed if something other than what was proposed could be developed and why the proposal was not compatible with the area. The Commission asked Staff if they would give a different recommendation were a development agreement reached. Staff stated they could not give an opinion until site plans were submitted, there was not a zone that could support the proposed development and Council and Commission would need to look at what could be done to possibly allow infill projects similar to this.

**PUBLIC HEARING [6:58:41 PM](#)**

Chairperson Drown opened the Public Hearing.

Mr. Steve Johnson, Fairpark Community Council, stated a letter was sent to Staff strongly opposing the initial proposal of thirty two units. He stated the proposal would control the only existing access to the inner block which would limit the other properties in the area from being developed. Mr. Johnson stated the proposal was located on the primary travel route to the elementary school and the increase in housing would increase the traffic in the area making it unsafe for the children.

The Commission asked Mr. Johnson if the existence of a development agreement would change the opinion of the Community Council regarding the project.

Mr. Johnson stated the project would create a neighborhood that did not relate to the surrounding area.

The following individuals spoke in opposition of the petition: Ms. Shauna Peck, Mr. Michael Pieper and Mr. Tom King.

The following comments were made:

- The proposal did not meet the standards of the area
- Developers did not meet the criteria
- Not a special needs area in terms of housing
- Master Plan should be upheld and zoning kept as is
- Only developers benefited from the project
- Already issues with the way the current homes are hooked to city utilities
- Land owner did not take care of the property
- Property was offered but the developers did not want the property
- Keep the minimum lot size seven thousand square feet
- Large lot sizes were desirable and allowed for garden spaces
- Not the place for small lots and large houses

Chairperson Drown read the following comment cards

- Ms. Ann Pineda – Current zoning is a protection we home owners depend on. We invested in a neighborhood of home and the stability of long term neighbors. Higher densities would decrease the community commitment we not enjoy
- Ms. Deanna Taylor- I oppose this project because of the detrimental changes to our neighborhood and the negative impact that would result. High density housing would change the character of the neighborhood in a way that would create problems such as more traffic. I do not support a zone change for this project. There are no benefits except to those would gain finically from the change.
- Mr. Robert Ouellette- Feel too much congestion in area, school children will be endangered due to additional traffic.
- Ms. Elaine Holman- I want to set the record straight that I am strongly in opposition to the rezoning.
- Ms. Tammy Pieper- In opposition

Chairperson Drown closed the Public Hearing.

Mr. Robinson stated they had worked with the Community Council, were sympathetic to the neighbors and that was why they would like a development agreement guaranteeing the property would be developed as stated. He stated they were willing to answer and resolve the issues with neighbors.

Mr. Epperson reviewed other projects in the area and the issues with meeting the larger square footage for the lots. He stated they were not trying to create future problems but help improve the area for future development if so desired.

The Commission and Staff discussed private streets and if the streets for this project could be required to be public.

The Applicants stated private streets were recommended and all of the City Departments had looked at the proposal.

The Commission and Applicant discussed the number of units that could be put on the property under current zoning, what was driving the proposed number of homes, the market and the area. They discussed the proposed green space that would be available.

Mr. Sommerkorn stated the Planning Commission had the ability to require City Streets or private streets but there had been issues with meeting City standards in the past.

The Applicant stated there were ways to address street ownership.

The Commission and Applicants discussed the surrounding properties and if they would need to be rezoned in the future to allow for development. The Applicant stated other properties would need to go through the same process to allow development.

Mr. Sommerkorn stated the Commission needed to decide if the proposal was an appropriate design for the area and that the City Council would be the one to enter into a development agreement not the Planning Commission.

The Applicants stated they were willing to raise the bar, work through the process and the agreement ran with the land so it would not change after the project was complete.

The Commission and Staff reviewed the future land use map for the area.

**MOTION** [7:41:19 PM](#)

**Commissioner Gallegos stated regarding the Clift Infill Project and the Amendment to the Northwest Community Master Plan and Zoning Map Amendment, petitions PLNPCM2012-00069, and PLNPCM2013-00057, based on the findings listed in the Staff Report, testimony and plans presented, he moved that the Planning Commission transmit a negative recommendation to the City Council relating to this request to amend the Salt Lake City Zoning Map from the R-1/7000 Single Family**

**Residential zoning district to the SR-3 Special Development Pattern Residential zoning district and not to amend the Northwest Community Future Land Use Map from Low Density Residential to Medium Density Residential on a property located at 552 North 1500 West. Commissioner Woodhead seconded the motion.**

Commissioner Taylor stated she was pro agriculture within the City, but thought within those areas, higher pockets of density were desirable in order to create diversity. She stated this would allow different family types to live close to each other.

Commissioner Woodhead stated it was not easy to say no to the project but the development pattern in the neighborhood did not support it.

The Commission discussed the lot sizes that would have allowed for the project to be approved.

**Commissioner Wirthlin, Fife, Woodhead, Ruttinger and Gallegos voted “aye”. Commissioner Taylor voted “nay”. The motion passed 5-1.**

**The meeting adjourned at [7:44:27 PM](#)**