

SALT LAKE CITY PLANNING COMMISSION MEETING
Room 126 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, January 22, 2014

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:35:29 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: Commissioners, Bernardo Flores-Sahagun, Michael Gallegos,Carolynn Hoskins, Marie Taylor, Matthew Wirthlin and Mary Woodhead. Chairperson Emily Drown, Vice Chair Clark Ruttinger Commissioner Angela Dean, and Michael Fife were excused.

Planning Staff members present at the meeting were: Wilford Sommerkorn, Planning Director; Michaela Oktay, Planning Manager; Michael Maloy, Principal Planner; Daniel Echeverria, Principal Planner; Michelle Moeller, Senior Secretary, Paul Nielson, City Land Use Attorney and Katie Lewis, City Land Use Attorney.

FIELD TRIP NOTES:

A field trip was held prior to the work session. Planning Commissioners present were: Bernardo Flores-Sahagun, Carolynn Hoskins, Marie Taylor, and Mary Woodhead. Staff members in attendance were Michaela Oktay and Michael Maloy.

The following locations were visited:

- **888 South 400 West-** Staff gave an overview of the proposal and stated the hearing was an issues only hearing. The Commission requested to have a discussion regarding Conditional Use Permits in the future.

Commissioner Gallegos excused the Chair and Vice Chair and stated he would be acting as Chair for the meeting.

[5:35:52 PM](#)

APPROVAL OF THE MINUTES FROM THE JANUARY 8, 2014 MEETINGS

[5:35:59 PM](#)

Commissioner Taylor requested tabling the minutes until corrections could be submitted and reviewed.

Commissioner Woodhead stated due to Commissioner Taylor being recused for a portion of the subject meeting (she was an Applicant) the Commission should make certain that the minutes are not being tabled to allow Commissioner Taylor to amend the section regarding her personal property. She stated Commissioner Taylor should not be given the chance to edit the minutes in a way that the general Public was not given.

[5:37:00 PM](#)

Commissioner Wirthlin motion to table the minutes to review pending written suggested changes that the Commission could consider. Commissioner Woodhead seconded the motion.

Commissioner Taylor asked if it would be appropriate for her to abstain.

The Commissioners stated she could abstain.

Commissioner Taylor abstained from voting. The motion passed unanimously.

REPORT OF THE CHAIR AND VICE CHAIR [5:38:11 PM](#)

Acting Chairperson Gallegos stated he had nothing to report.

REPORT OF THE DIRECTOR [5:38:17 PM](#)

Mr. Wilford Sommerkorn, Planning Director, stated he had nothing to report.

[5:38:24 PM](#)

PUBLIC HEARINGS

Acting Chairperson Gallegos stated the Levinzon Fence Special Exception had been withdrawn from the agenda.

[5:38:48 PM](#)

[Volunteers of America Youth Center at approximately 888 S 400 West Street](#) - Hannah Vaughn, MHTN Architects, is requesting approval from the City to develop a two story building and 25 parking stalls for a youth homeless shelter with 30 beds at the above listed address. Currently the land is vacant and the property is zoned CG (General Commercial District). This type of project must be reviewed as a Conditional Use. The subject property is within Council District 4, represented by Luke Garrott. (Staff contact: Michael Maloy at (801) 535-7118 or michael.maloy@slcgov.com. Case number PLNPCM2013-00916.)

Acting Chairperson Gallegos stated this was an issues only hearing and a decision would be made at a future meeting. He reviewed how the meeting would proceed.

Mr. Michael Maloy, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated this would be the first meeting of many, was an issue only public hearing and the petition would be brought before the Commission for further review at a later date. Mr. Maloy stated Staff was looking for the Planning Commissions direction and help in identifying the potential impacts, mitigations measures or conditions that could be attached to the property.

Mr. Sommerkorn, reviewed what a Conditional Use is, the standards for denying a Conditional Use and the Planning Commission's role in reviewing/approving a Conditional Use.

Ms. Katie Lewis, City Land Use Attorney, stated the ordinance and State Law emphasizes that Conditional Uses "shall" be approved so long as the conditions can be placed on the use to mitigate negative impacts. She stated the only way to not approve the Conditional Use was to find that there were no conditions that could be put on the permit application that would mitigate the negative impacts. Ms. Lewis stated this meeting was to gather information that would help to determine what the possible negative impacts were and if they could be mitigated.

Mr. Sommerkorn stated Staff would review the parts of the application that were subject to the Conditional Use and those parts that were permitted.

The Commission and Staff discussed if, in the future, additional clarification on the Commissions role in approving Conditional Use applications would be given.

Mr. Sommerkorn stated information has always been included in Staff Reports as to whether Staff feels the conditions of approval are being met. He stated the Commission was the deciding body, they need to take into consideration and review all the information presented in the Staff Reports and throughout the public process.

Mr. Maloy stated the Conditional Use was specifically for the shelter component of the project. He reviewed the zones where shelters are and are not allowed. Mr. Maloy stated the construction, setback, heights and landscaping are compliant. He stated the only element that was under consideration was the requested thirty shelter beds. Mr. Maloy presented a slideshow depicting the property and proposal.

Ms. Kathy Bray, President/CEO Volunteers of America Utah, gave an overview of the project and their program. She explained the space issues with their old building and the programs that would be available to youth in the new facility. She discussed the need for an emergency shelter for youth in the city as the numbers of homeless youth was rising. She discussed the property selection, the information submitted with the Staff Report, the list of supporting businesses and how they would partner with the center to provide activities for the youth. Ms. Bray reviewed the property value impact study.

The Commission and Applicant discussed if the research was reflected in the design. Ms. Bray stated yes it was a key factor in the design of the center.

Ms. Peggy McDonough, MHTN Architects, reviewed the research process conducted to develop the design of the structure. She stated the center would be a place of hope and healing with a sense of activity, productivity and excitement. Ms. McDonough stated it would be less institutional, more welcoming and be a contributor to strengthening the neighborhood. Ms. McDonough explained the youth's input for the facility was that it should be designed as a launching pad not a landing pad. She discussed research of other centers and their operations. Ms. McDonough discussed the graphic elements and components that made up the center, the function, entry locations, layout and floor plan. She explained the elements of the proposal that would draw the youth off the street and into the Center.

The Commissioners and Ms. McDonough discussed the shelter portion of the structure. They discussed the number of volunteers and staff that would be on site and the parking for the facility.

Ms. McDonough described the exterior architecture and elements that would make the building unique but still fit with the neighborhood. She discussed the solar easements.

The Commission asked about the groups of people that would be outside of the structure and questioned if the area would be used as a hangout.

Ms. McDonough stated the amenities would pull youth off the street and promoted the activities inside. She reviewed the internal court yards and stated the intent of the center was to draw the youth in and let them do what they do.

Mr. Mark Maunazer, Volunteers of America, discussed the legislation for dealing with homeless youth and the points of the program that help the youth to move out into society. He stated there were tested techniques used to address the youth and would be used this center. He discussed the roll of the center in getting youth off the street and

moved out of homelessness. He reviewed the programs to engage the youth and stated the shelter would not be a first come first serve shelter therefore; youth would not be waiting outside. Mr. Maunazer reviewed the benefits for the youth to use the center and to encourage them out of homelessness.

PUBLIC HEARING [6:39:46 PM](#)

Acting Chairperson Gallegos opened the Public Hearing and reviewed the rules.

The following individuals spoke in favor of the petition: Mr. Jason Mathis, Mr. Vasilios Priskos, Ms. Tara Rollins, Mr. Mike Ferro, Ms. Susan Anderson, Mr. Don Russell Ms. Romina Rasmussen, Ms. Camille Winnie, Ms. Karen Keene, Mr. Mike Harman, Ms. Alana Kindness, Mr. Lance Dunkley, Mr. Robert Comstock and Ms. Courtney Orton.

The following comments were made:

- Both the Downtown Alliance and Chamber of Commerce supported the project
- Program was needed as youth were a vulnerable population that needed attention
- Art Space was selling the property because it was a good fit for what was happening in the neighborhood
- Art Space considered the impacts of the proposal before selling the property and were proud to be part of the project to help the youth in the community
- The Utah Housing Coalition was in favor of the petition
- Youth need a positive experience
- The homeless youth need a help up and VOA can do that with the proposed facility
- How bad was the home life of these kids that they thought the street was a better option
- There was a misperception that these kids are criminals or bad kids causing trouble
- The VOA has a plan and an excellent program to help these kids.
- Beautiful building that would add to the area
- Would not prohibit walking, biking or the use of Trax from the area
- If the center was built and the beds left out it would create the issue everyone was worried about
- Area was not Daybreak and this type of function belonged in the neighborhood
- Community needed this center
- Designer made the best choices to accommodate neighbors and the area
- Center would not increase crime in the area
- Youth are well behaved, responsible and have not been an issue in the current facility
- There was a difference in the adult long term homeless and the youth that would be using the center
- This center will help the youth to avoid long term homelessness
- Youth are vulnerable and need a hand up not a handout

- Large numbers of homeless Students in the school district that could utilize this type of facility
- Most of these kids want to succeed and be successful, it takes the community to help them get there
- Abuse and trauma are at the root of many of the public health and safety issues this City faces, this center would help with those issues
- Design mitigates the concerns of the neighbors, operations are to take youth off the street and make them functioning adults.
- These programs help the people that use them, bring about nothing but good to help these people move from homelessness to a functioning lifestyle.
- Concerns of the neighbors could be answered by visiting the center and meeting with the youth
- Allowing the overnight shelter was what was in question

Commissioner Woodhead asked if the businesses in the neighborhood were part of the Downtown Alliance. Mr. Mathis stated they were not part of the Downtown Alliance.

Acting Chairperson Gallegos asked Mr. Priskos his opinion on the design of the building and the way it fit with the neighborhood.

Mr. Priskos stated he felt the design was beautiful and fit with the neighborhood well. He reviewed other properties next to homeless shelters that work well.

Commissioner Taylor asked if there was response from the tenants of Art Space.

Mr. Priskos stated tenants have expressed both support and concern for the project. He stated all of the tenants have been made aware of the project.

Commissioner Taylor asked what some of the specific negative comments were.

Mr. Priskos stated the biggest concern was loitering.

The following individuals spoke in opposition of the petition: Mr. David Steffensen, Mr. Bryan Steffensen, Mr. Micah Steffensen, Mr. Frederick Federer, Mr. Jeff Wade, Ms. Carol Burbidge, Mr. Norman Fuelner, Ms. Madelyn Boudreaux, Mr. Quin McCallum-Law, Mr. Erik Steffensen, Mr. Skylar Nielsen, Mr. Tom Mertens and Mr. Dustin Hansen.

The following comments were made:

- The proposed use was irreconcilably in conflict with applicable adopted City planning policies, documents and master plans
- Subject corner was described as a key in all of the Master Plans for this area, how does this fit if it is a key corner of the plan
- The City could not approve the proposal due to the fact it did not comply with the Master Plans, policies and documents

- The proposed building was beautiful and the facility was needed but it did not belong in the area
- Would increase the concentrated homelessness in the area
- Create a huge negative impact on the area
- Need to disperse the Homeless throughout the City not concentrate it
- Mayor Becker promoted improving the efficiency of Salt Lake, this center would prohibit the use of the corner and its efficiency
- Center would take away from the Granary project and waste the money spent on that study
- Aggressive Panhandling, public intoxication, drug sales, trespassing, theft, vandalism are all issues in the area due to homelessness
- If thirty beds are full, where do the others go
- Could be upwards of fifteen thousand people brought to the area
- Area should remain industrial
- Garbage will increase
- There are all ready expansion plans for the center therefore, this will be much bigger than what was being proposed
- Many more than forty people will be in the Center and those without beds will be out in the neighborhood
- City property can be developed and this would be a detriment to that development
- Financials should be disclosed so tax dollars are not used
- Understand the need for these kids however, some of these individuals can be dangerous and will be preyed upon by the adults
- Important project but the neighborhood cannot support the increase in homeless individuals
- Proposal was required to meet the guidelines for zoning, mitigate detrimental effects and meet the future and current master plans
- This type of facility may work in the area down the road but not right now
- Reviewed the neighbors and those that did not want the project
- Art Space did not care about the neighborhood or its tenants
- Fearful for the safety of the kids using the facility and the proximity to the adult homeless shelters
- Crime and vandalism from current youth center were an issue.
- Negative impacts cannot be mitigated
- Property values will fall
- Crime and drug abuse will increase
- Residence will not want to stay there
- Property owners cannot enjoy their properties
- The current facility has a problem with loitering
- Not against VOA or the shelter but was against the influx of homeless adults in the area which will create a dangerous place for the neighborhood and the youth that will use the center
- Center would be too close to the existing homeless center

Mr. Bryan Steffensen stated it would not be youth outside; it would be the adult homeless standing outside because it is so close to adult services. He stated the adults will prey on the youth and become a danger to those using the facility. Mr. Steffensen stated it would create a major negative impact to the area.

Acting Chairperson Gallegos read the following cards

Mr. Jeffrey Paul Shell- would like to understand the programs overnight requirements and enforcement to prevent nearby camping. He would like to know the plans for the State Painting property.

Mr. Tyler Hillam- I have worked within three blocks of the current center and never witnessed or was negatively affected by the clients or employees. I see no issue with a greater serving facility.

[7:40:14 PM](#)

Acting Chairperson Gallegos stated the Public Comment period would continue to a later date.

[7:40:24 PM](#)

The Commission took a short break.

[7:48:12 PM](#)

The Commission reconvened

Ms. Bray, Applicant, clarified the use of the word expansion stating the intent was to move from the current location to the new facility, if there is an opportunity to expand when they move it would be within the existing facility. She explained where the youth that could not be housed at the center would be housed at night, they would not be sent out on the street. Ms. Bray stated the center would be a tool for moving the youth forward out of homelessness, there would not be lines of people waiting to get in, it would help add to the area and contribute to the community.

The Commission and Applicants discussed if the concerned citizens have been invited to the facility. Ms. Bray stated not everyone had come and more community outreach will be done.

The Commission and Applicants discussed if youth, who had used the facility, had been tracked to see if the programs worked. They discussed the average number of nights a person stayed in the shelter. The Applicant stated it depended on the needs of the youth, the youth still see that the future is bright and they have something to work toward.

The Commission and Applicant discussed how the shelter would protect the youth coming to the shelter from the crime and activities in the area. The Applicant stated Police are involved, adults over the target age will not be served at the center and will be encouraged to move to facilities where they can get assistance and cameras would be installed to help watch the street.

The Commission and Applicant discussed handing out sleeping bags. The Applicant stated things are given to those that don't want help but everything would be done to get them off the street. The Applicant stated research had been done to make this facility what it was and the facility needed to be a learning center and to meet the basic needs of those that are being served to get them off the street.

The Commission stated it sounded like a holistic approach to helping these kids and creating a support system.

Commissioner Taylor asked about touring the facility.

The Applicant stated tours could be arranged as needed with those that want to see the facility.

[8:01:20 PM](#)

DISCUSSION

Acting Chairperson Gallegos stated the formal consideration would be done at a future meeting.

Commissioner Wirthlin explained, as stated at the beginning of the hearing it was not helpful for the Commission to hear the emotional concerns of the public. He stated the design was not a consideration; the issue was whether or not the detrimental effects of a homeless shelter use could be reasonably mitigated. Commissioner Wirthlin stated future discussion should be regarding the thirty beds that are under consideration as that is the decision before the Commission. He stated neither side gave evidence to the existence of detrimental effects of the thirty beds being added to the facility. Commissioner Wirthlin asked Staff to look at possible detrimental effects and give options of how they could be mitigated.

Commissioner Woodhead stated one of the issues raised was the possibility that this Conditional Use was in conflict with the Master Plans. She asked how that would affect the standards of approval and could Staff put something together regarding how the center possibly conflicted or was inconsistent with the adopted Master Plans.

Commissioner Taylor asked if it was possible to have the facility near a liquor establishment. Staff stated they would research if there were any applicable distance requirements.

Commissioner Taylor asked for research on how much the Commission was required to consider the impact to the City property. Staff stated the resale value on the fleet block was not a issue of consideration in this case.

Commissioner Taylor asked for a larger print of the layout of the building.

The Commission discussed if they had heard any factors that required mitigation. It was stated that effects had to be specific and different from other shelters. The Commissioners stated there was nothing in particular that came up that needed to be mitigated, the only possible issue was the relation to the Master Plans, and if there were any conflicts.

The Commission discussed the concept of the youth homeless attracting the adult homeless and if the area already had an issue with the homeless would it be an extra burden and something that the Commission should take into consideration.

Mr. Sommerkorn stated some of the issues are anecdotal and the Commission would need to look at if the claims are substantial. He stated research did not always support the negative claims.

Mr. Maloy stated the Staff Report would include comments from other departments including Law Enforcement that should indicate the validity of these claims.

Acting Chairperson Gallegos closed the discussion.

Mr. Sommerkorn stated the petition would be brought back to the Commission on approximately February 26, 2014.

[8:13:38 PM](#)

[Zoning Amendment Initiation and Planning Commission Regulation Changes](#) - The Planning Commission is requesting the City adopt changes in how the City Council and Planning Commission initiate petitions. Additional changes intended to consolidate, standardize and update the regulations related to the Planning Commission and Historic Landmark Commission are included as part of this proposal. The amendments will affect sections 21A.50 and 21A.06 of the Zoning Ordinance. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff Contact: Daniel Echeverria at (801) 353-7165 or Daniel.echeverria@slcgov.com)

Mr. Daniel Echeverria, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending the Planning Commission forward a favorable recommendation to the City Council regarding the petition.

The Commissioners discussed the proposal to change the Policies and Procedures.

Commissioner Wirthlin stated he would like to address the Policies and Procedures at a later meeting when more Commissioners were present. He stated it looked as if many of the things that were being taken from the ordinance would need to be incorporated in the Policies and Procedures and maybe this should be done all at the same time.

Mr. Sommerkorn stated the proposal would need to go to the City Council which could take some time. He suggested moving ahead with the proposal and amend the Policies and Procedures later.

Commission Taylor would like to see each Planning Commissioner or City Council member have the ability initiate petitions individually. She stated her concern was that requiring more than one person to initiate a petition would create issues with "back scratching". Commissioner Taylor stated this had never been an issue with moving things forward in the past. She stated requiring more people to initiate a petition could cause an issue with moving things forward as the Commission did not meeting frequent enough to address some of these issues.

Staff stated the particulars of how many commissioners need to vote to initiate a petition could be addressed in the Policies and Procedures that are approved by the Commission, dictating how many members were needed to initiate a petition.

Acting Chairperson Gallegos asked if the proposal were adopted as presented if the Commission could still develop policies and procedures among themselves.

Staff Stated that was correct.

Acting Chairperson Gallegos stated the proposal promoted efficiency as the Commission still had to agree to forward it to the City Council at some point regardless of initiation.

Commissioner Taylor would like feedback from the City Council on the proposal.

Staff stated discussions with City Council had been held and there was opposition to setting a specific number in the zoning code language.

The Commissioners discussed a possible motion.

[8:21:06 PM](#)

Mr. Paul Nielson arrived at the meeting.

[8:21:17 PM](#)

PUBLIC HEARING

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

[8:21:36 PM](#)

DISCUSSION

Commissioner Woodhead stated she would not support the changes proposed by Commissioner Taylor as she was not sure it was appropriate for one person to propose a petition. She stated when the Policies and Procedures were edited a number could be included.

Mr. Nielson stated the Policies and Procedures could not do anything that was contrary to the ordinance.

The Commissioners and Staff discussed the effects of changing the language in the ordinance. They discussed the costs of initiating a petition.

[8:24:10 PM](#)

MOTION

Commissioner Taylor stated regarding the Zoning Amendment Initiation and Commission Regulation Changes, Zoning Text Amendment PLNPCM2013-00741, based on the findings listed in the Staff Report and the testimony heard, she moved that the Planning Commission transmit a favorable recommendation to the City Council to adopt the proposed zoning ordinance text amendments, leaving the Zoning Amendment Initiation as is.

The motion failed due to the lack of a second.

[8:26:09 PM](#)

MOTION

Commissioner Wirthlin stated regarding the Zoning Amendment Initiation and Commission Regulation Changes, Zoning Text Amendment PLNPCM2013-00741, based on the findings listed in the Staff Report and the testimony heard, he moved that the Planning Commission transmit a favorable recommendation to the City Council to adopt the proposed zoning ordinance text amendments. Commissioner Woodhead seconded the motion. Commissioners Woodhead, Hoskins, Bernardo Gallegos and Wirthlin voted "aye". Commissioner Taylor voted "nay". The motion passed 5-1

[8:27:48 PM](#)

Commissioner Taylor stated she would like to sponsor a zoning amendment regarding the non-conforming use designation and the loss of the non-conforming use after the property was vacant after a year. She would like to request an exception ordinance or a zoning ordinance similar to the unit legalization that would allow these properties to be allowed.

Mr. Neilson asked if it was in regard to personal issues and stated a discussion should be held to discuss if this was appropriate for Commissioner Taylor to sponsor this petition as it would benefit her personally.

Commissioner Taylor stated her property would benefit from a change in this ordinance. She asked if she could present the petition and ask for someone to sponsor the petition.

The Commission recommended Commissioner Taylor met with Staff to discuss the process and look for another petitioner to help with the presentation.

Commissioner Woodhead asked for something in writing prior to discussion so the Commission could see what was being requested.

Commissioner Wirthlin stated Commissioner Taylor may want to act as a private citizen not a Commissioner.

Commissioner Flores-Sahagun stated there are exceptions for non-conforming properties that can help.

The meeting adjourned at [8:33:11 PM](#)