

SALT LAKE CITY PLANNING COMMISSION MEETING
Room 126 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, March 26, 2014

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:33:53 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, Marie Taylor, Matthew Wirthlin and Mary Woodhead. Commissioner Angela Dean, Michael Gallegos andCarolynn Hoskins were excused.

Planning Staff members present at the meeting were: Wilford Sommerkorn, Planning Director; Michaela Oktay, Planning Manager; Everett Joyce, Senior Planner; Casey Stewart, Senior Planner; BreAnne McConkie, 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, Michael Fife, Clark Ruttinger and Mary Woodhead. Staff members in attendance were Michaela Oktay, Casey Stewart, BreAnne McConkie and Everett Joyce.

The following locations were visited:

- **437 South 200 West, 878-880 West 200 North, and 27 East Dartmoor Place -**
Staff gave a summary of the project at each location.

APPROVAL OF THE MINUTES FROM THE MARCH 12, 2014, MEETING [5:34:43 PM](#)

MOTION [5:34:49 PM](#)

Commissioner Fife moved to approve the March 12, 2014, as amended. Commissioner Taylor seconded the motion. The motion passed unanimously.

REPORT OF THE CHAIR AND VICE CHAIR [5:35:20 PM](#)

Chairperson Drown stated she had nothing to report.

Vice Chairperson Ruttinger stated he had nothing to report.

REPORT OF THE DIRECTOR [5:35:26 PM](#)

Mr. Wilford Sommerkorn, Planning Director, reviewed the City Council briefings and the Sugar House Corridor Rezoning Proposal regarding the form based code and the tennis courts being reviewed by the City Council.

WORK SESSION [5:36:33 PM](#)

[Plan Salt Lake](#) – Plan Salt Lake is a citywide vision document that will help guide the future growth of the City. As part of the planning process for Plan Salt Lake, planning staff will provide an update and brief the Planning Commission on the public engagement process and next steps, as well as solicit feedback on the draft Vision, Guiding Principles, and Performance Indicators. (Staff contact: BreAnne McConkie at (801) 535-7236 or breanne.mcconkie@slcgov.com.) Case number PLNPCM2011-00682.

Ms. BreAnne McConkie, Principal Planner, reviewed the updates to the plan and the time line for the project. She stated future updates and reviews would be brought to the Commission.

The Commission and Staff discussed the following:

- Measuring the performance/success indicators and how the totals were calculated to correctly reflect what was happening in the city as a baseline.
- Performance indicators should not be the end result, but should lead into an explanation or direction on what the next steps should be.

PUBLIC HEARINGS [5:46:13 PM](#)

[The Road Home Conditional use at approximately 437 West 200 South](#) - Matt Minkevitch is requesting approval from the City to continue an emergency winter homeless shelter, which operates under a previous conditional use approval that expires April 15, 2014. The emergency shelter is located in the St. Vincent de Paul's community dining hall at the above listed address. Currently the land is used as a community dining hall and for the last five years an emergency winter homeless shelter. The property is zoned D-3(Downtown Warehouse/Residential 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: Everett Joyce at (801) 535-7930 or everett.joyce@slcgov.com.) Case number PLNPCM2013-00991.

Mr. Everett Joyce, Senior Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending that the Planning Commission approve the petition as outlined in the Staff Report.

The Commission and Staff discussed the following:

- If a time limit would/should be set for the Conditional Use.
 - Typically a Conditional Use did not have a time limit and the City did not allow temporary Conditional Uses, the previous time limit was agreed upon by the applicant.
- The requirement to resubmit a security plan for the facility.

- Staff stated it was to reevaluate the plan as the one on file was submitted five years ago.
- If the number of police visits could be taken into consideration for approval.
 - The Commission could review that as a condition but it was hard to determine if the emergency calls were for the shelter or other issues.
 - Compatibility with the neighborhood would also cover this concern.
- If the Commission could ask questions about the funding for the program.
 - No, program funding was not relevant to the Conditional Use.

Mr. Matt Minkevitch, Road Home Director, reviewed the benefit of the emergency shelter and the Road Home, the programs offered at the shelter and how the shelter worked with other programs to help reduce the number of people living in chronic homelessness. He discussed the importance of offering the services, helping these individuals with their needs and saving lives.

The Commission and Applicant discussed the following:

- If the Applicant felt the neighborhood was over saturated with homeless and how that could be addressed to benefit those working and living in the area.
 - The Road Home was trying to create ways to break up the loitering by offering greater opportunities for individuals to come in off the street and take part in the programs at the shelter.
 - The best tool was housing and helping individuals move into that housing.
 - The Road Home was working to help clean up the trash and power wash the area.
- The use of the overflow shelter in Midvale in relation to the subject shelter.
 - Currently, the increase in homeless families had taken the majority of the beds at the Midvale Center, leaving many homeless men without beds.
 - There were safety issues with housing single men in the same facility with families. This was not the best placement strategy.
- If the increase in beds increases the homeless population in the area.
 - No, the request for the shelter was in response to the needs of the existing homeless.

PUBLIC HEARING [6:10:07 PM](#)

Chairperson Drown opened the Public Hearing.

Mr. Christian Harrison, Downtown Community Council, reviewed the original document brought to the Commission when the Conditional Use was first approved. He reviewed the issues with crime, waste/garbage and homeless in the area. Mr. Harrison reviewed how the Center had been working in the area to address the homeless issues. He asked the Commission to grant the request with the condition that a covenant/good neighbor agreement be required to regulate how the shelter interacted with the neighborhood.

The Commission asked Mr. Harrison if he knew of existing good neighborhood agreements. Mr. Harrison stated he knew of such agreements but did not have an example on hand to submit to the Commission.

Mr. Chris Burbank, Salt Lake City Police, stated the shelter helped reduce the crime in the area as it took people off the street who may be otherwise involved with crime. He stated violent crimes in the area had reduced in the past year and the shelter was an asset to the City. Mr. Burbank stated the more the homeless services were spread out the more crime occurred because the homeless individuals would not travel to the outlying shelters. He stated homelessness in itself is not criminal activity.

The Commission and Mr. Burbank discussed how the shelter had decreased the crime in the area and what numbers were being used to determine the statistics.

Mr. Clair Baldwin, Salt Lake City Fire Department, stated he had reviewed the impact of the shelter now and before it was in service, and the amount of calls for the area had decreased because the individuals were not on the street. He stated many of the individuals on the street were mentally ill and delivering services in a concentrated area was better than having them spread throughout the city. Mr. Baldwin stated the shelter saved lives and improved the homeless issues in Salt Lake City.

The following individual spoke to the petition: Mr. Dennis Kelsch, Mr. Palmer Depaulis, Ms. Pamela Atkinson, Ms. Kathy Bray, Ms. Kristy Chambers, Mr. Jason Mathis, Mr. John Peirpont and Mr. Michael Pope.

The following comments were made:

- The main issue with the homeless was mental illness.
- Just because they were homeless their lives should not be labeled as meaningless and they should be given a chance to survive.
- The shelter was put in place because of the issues in the area.
- The real issue up for consideration was the emergency shelter not the Road Home shelter.
- The City would not tolerate losing individuals on the streets due to the lack of services for the homeless.
- The shelter successfully moves individuals into permanent homes and into society.
- There was a large turnover in the homeless population because they were moved into permanent housing.
- It was more economical to house the homeless in the shelter than in hotels.
- Volunteer of America expressed their support of the Road Home and their programs.
- It was very difficult to house everyone and get people off the streets in the winter which is a must.
- New programs to improve the area were being put in place to address the homeless in Pioneer Park and the Rio Grande area.
- The Fourth Street Clinic expressed their support for the shelter and its programs.
- Businesses in the area would rather have these individuals have a place to sleep than having them freeze on the street in the winter.
- Challenges in the area had grown over the years and the proposed programs were trying to elevate those challenges.

- Work Force Services expressed their support for the shelter and their programs.
- The location of the shelter was more cost effective than shuttling the homeless to other areas of the city.

The Commission and Mr. Depaulis discussed if the neighborhood was built up around the homeless or if the homeless moved in after the neighborhood was established. Mr. Depaulis stated the issue with the homeless in the area existed prior to the growth of the neighborhood.

Chairperson Drown closed the Public Hearing.

[6:50:09 PM](#)

The Commission and Applicant discussed if there was space for the homeless to line up inside the building bring them in off the street. The Applicant stated they would look into reconfiguring the building to accommodate that request.

The Commission and Staff discussed the condition requiring visual monitoring and the details of that monitoring.

DISCUSSION [6:52:57 PM](#)

The Commission discussed if a time limit for the Conditional Use could/should be put in place and if it was appropriate for the petition. They discussed why a time limit was originally placed on the property and concluded it was not appropriate for the Commission to put a time limit on the current proposal.

Commissioner Woodhead stated she was bothered by the notion that either a Commissioner voted for the proposal or they were voting for people to die. She stated that was not the case. Commissioner Woodhead stated the issue was if the zoning could support the Conditional Use and whether the detrimental effects could be mitigated.

The Commission and Staff discussed if a covenant could be placed on the property, if it was legal to require one and what the specifics of the covenant would be. They discussed other areas that have covenants in place and if conditions could be outlined for the petition instead of a covenant. Staff stated more research would need to be conducted to correctly issue a covenant associated with the petition.

The Commission and Applicant discussed the communication with the neighbors and how issues were currently addressed in the area.

Commissioner Fife stated the Commission was voting on the emergency shelter not the Road Home Shelter, it was not a discussion as to if the area was safe or if the concentration of the homeless in the area was too high for the neighborhood. He stated the decision was strictly to allow the Conditional Use for the emergency shelter in the St Vincent de Paul Center during the winter months as requested in the petition.

MOTION [6:59:33 PM](#)

Commissioner Wirthlin stated regarding the Road Home/ St. Vincent de Paul Emergency Housing Conditional Use PLNPCM2013-00991, based on the findings listed in the Staff Report, testimony and evidence presented, he moved that the Planning Commission approve the proposed conditional use with the conditions listed in the Staff Report. Commissioner Ruttinger seconded the motion. Commissioner Fife, Ruttinger and Wirthlin voted “aye”. Commissioners Taylor and Woodhead voted “nay”. Chairperson Drown voted “aye”. The motion passed 4-2.

[7:02:27 PM](#)

The Commission took a short break.

[7:11:35 PM](#)

The Commission reconvened.

[Capitol Hills Plat B, Lot 216 Subdivision Plat Amendment at approximately 37 E. Dartmoor Place](#) - Douglas Olson is requesting approval from the City to amend a subdivision plat to adjust the building area of his lot to accommodate an addition to the existing home located at the above listed address. Currently the land is used as residential and the property is zoned FR-3/12,000 (Foothills Residential District). The subject property is located within Council District 3, represented by Stan Penfold. (Staff contact: Casey Stewart at 801-535-6260 or casey.stewart@slcgov.com.) Case number PLNSUB2014-00028.

Mr. Casey Stewart, Senior Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending that the Planning Commission deny the petition as presented.

The Commission and Staff discussed the following:

- How the setbacks differed from other properties in the subdivision.
- The public comments in support of the proposal.

Mr. James Watts, Attorney, reviewed the case and purpose for the proposal. He stated the Staff Report indicated other City Departments did not have any significant comments or concerns regarding the proposal. He stated the norm for setbacks in the area was ten feet not twenty feet as indicated on the subdivision plat. Mr. Watts stated the subdivisions ran into each other and there was no separation to differentiate them, the homogeneity did not exist. He stated that setback variances had been granted in the area and stated those setbacks had been adjusted but not documented on the subdivision plat therefore, that was proof that modifications to the subdivision had been made. Mr. Watts reviewed the height and building area explaining it would be within the allowable specifications

outlined in the ordinance. He asked the Commission to approve the proposal and allow his client to move forward with the project.

The Commission and Applicant discussed if the proposal would cause the home to exceed the buildable lot coverage requirement for the area. Mr. Watts stated the addition would be within the allowed buildable area but that it extended ten feet into the required setbacks, leaving a ten foot setback on the property.

The Commission and Staff discussed the plats in the area. They discussed if the height was an issue for the project and why the entire subdivision was being reviewed not just the subject lot.

PUBLIC HEARING [7:32:40 PM](#)

Chairperson Drown opened the Public Hearing.

The following individual spoke to the petition: Mr. Mark Jensen and Mr. Mark Jackson.

The following comments were made:

- A variance was given to the Jensen house in the subdivision because of the orientation of the house on the lot.
- The neighborhood agreed to and supported the proposal.
- Height was not an issue as the addition would be the same height as the existing home.

Chairperson Drown closed the Public Hearing.

[7:36:17 PM](#)

The Commission and Applicant discussed the meeting with the neighbors and if the physical plans had been shown to them.

MOTION [7:37:17 PM](#)

Commissioner Woodhead stated regarding the Capitol Hills Plat B Amendment of Lot 216, PLNSUB2014-00028, based on the findings listed in the Staff Report, testimony, field trip and plans presented, she moved that the Planning Commission deny the petition, on the basis that the neighborhood was defined by the amount of space between the houses and the open space, extending a building into that space would change the relationship of all of the homes to each other and although home owners agree to it was not consistent with what the zoning and plans for the neighborhood are. Commissioner Wirthlin seconded the motion.

The Commission discussed the amendment to the neighbor's home and the difference between a variance and a plat amendment. Staff stated possible variances granted in the area had not been researched, that variance requests had their own particular standards in the zoning ordinance.

Commissioner Woodhead and Wirthlin voted “aye”. Commissioners Ruttinger, Fife and Taylor voted “nay”. Chairperson Drown voted “aye”. The motion failed due to a tie vote.

The following comments were made to the motion:

- Commissioner Wirthlin stated he agreed with Commissioner Woodhead’s statements, that the proposal affected the integrity of the subdivision, the proposal would not be in the City’s best interest and that there was no cause for the amendment.
- Commissioner Fife stated if the neighbors were in agreement to the proposal he did not see the issue of allowing the addition.
- Commissioner Taylor stated she supported the proposal as it did not impact the neighborhood in a negative manner.

The Commission and Staff discussed how to handle the tie vote and what the next step would be.

MOTION 7:43:58 PM

Commissioner Wirthlin motioned to table the petition to the April 9, 2014, Planning Commission Meeting in order for more Commissioners to be present and vote on the petition. Commissioner Ruttinger seconded the motion. The motion passed unanimously.

The Commission discussed if the Public Hearing should remain open. They discussed the materials the absent Commissioners would review for the case.

MOTION 7:46:28 PM

Commissioner Wirthlin moved to hear the petition on April 9, 2014. Commissioner Woodhead seconded the motion. The motion passed unanimously.

7:47:34 PM

Chen Rezone at approximately 878-880 West 200 North - Li Chen is requesting approval from the City to amend the Salt Lake City Zoning Map for property located at the above listed address. Currently the land contains a retail and residential use. The purpose of this proposal is to bring the existing retail use into conformance with zoning regulations. The proposal would modify the zoning map for the property currently zoned SR-1/7,000 (Single Family Residential District) to SNB (Small Neighborhood Business). Although the applicant has requested that the property be rezoned to the SNB zone, consideration may be given to rezoning the property to another zoning district with similar characteristics. The subject property is located within Council District 2, represented by Kyle LaMalfa. (Staff contact: BreAnne McConkie at (801) 535-7236 or breanne.mcconkie@slcgov.com.) Case number PLNPCM2013-00942.

Ms. BreAnne McConkie, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff was recommending the Planning Commission forward a favorable recommendation to the City Council regarding the petition as presented.

Ms. Li Chen, Applicant, reviewed the history of the property and the purpose for the proposal.

PUBLIC HEARING [7:51:16 PM](#)

Chairperson Drown opened the Public Hearing; seeing no one in the audience wished to speak to the petition, Chairperson Drown closed the Public Hearing.

MOTION [7:51:29 PM](#)

Commissioner Fife stated regarding the Chen Zoning Map Amendment PLNPCM2013-00942, based on the findings listed in the Staff Report, testimony received, and plans presented, he moved that the Planning Commission transmit a favorable recommendation to the City Council to rezone the subject property located at 878-880 West 200 North from Single Family Residential (R-1-7000) to Small Neighborhood Business (SNB), subject to the conditions listed in the Staff Report. Commissioner Ruttinger seconded the motion. The motion passed unanimously.

The meeting adjourned at [7:52:25 PM](#)