# SALT LAKE CITY PLANNING COMMISSION MEETING Room 126 of the City & County Building 451 South State Street, Salt Lake City, Utah Wednesday, September 23, 2015

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at <u>5:32:41 PM</u>. Audio recordings of the Planning Commission meetings are retained for an indefinite period of time.

Present for the Planning Commission meeting were: Chairperson James Guilkey; Vice Chairperson Andres Paredes; Commissioners Emily Drown, Michael Fife, Carolynn Hoskins and Clark Ruttinger. Commissioner Angela Dean, Michael Gallegos, Jamie Bowen and Matt Lyon were excused.

Planning Staff members present at the meeting were: Nick Norris, Planning Manager; Michaela Oktay, Planning Manager; Michael Maloy, Senior Planner; Daniel Echeverria, Principal Planner; Katia Pace, Principal Planner; Anthony Riederer, Principal Planner; Amy Thompson, Principal Planner; Tracy Tran, Principal Planner; Michelle Moeller, Administrative Secretary and Katie Lewis, Senior City Attorney.

# Field Trip

A field trip was held prior to the work session. Planning Commissioners present were: Michael Fife, James Guilkey, Carolynn Hoskins and Clark Ruttinger. Staff members in attendance were Michaela Oktay, Katia Pace and Daniel Echeverria.

The following site was visited:

- **3101 South 900 East-** Staff gave an overview of the project.
- **600 South Apartments** Staff gave an overview of the project.

The Commission thanked Marie Taylor for her services on the Commission.

Ms. Taylor thanked the Commission for their friendships and reflected on the knowledge she gained while participating on the Commission.

# **APPROVAL OF THE SEPTEMBER 9, 2015, MEETING MINUTES.** <u>5:36:07 PM</u> **MOTION** 5:36:11 PM

Commissioner Fife moved to approve the September 9, 2015, meeting minutes. Commissioner Ruttinger seconded the motion. The motion passed unanimously. Commissioner Drown abstained as she was not present at the subject meeting.

## **REPORT OF THE CHAIR AND VICE CHAIR 5:36:28 PM**

Chairperson Guilkey stated he had nothing to report.

Vice Chairperson Paredes stated he had nothing to report.

# **REPORT OF THE DIRECTOR 5:36:37 PM**

Mr. Nick Norris, Planning Manager, stated he had nothing to report.

Chairperson Guilkey asked about the status of Commissioner Lyon's leave of absence. Mr. Norris stated he would look into the issue and report back to the Commission in October.

#### 5:37:52 PM

M-1 Light Manufacturing Zoning District to Allow Bus Line Yard and Repair - A request by Dennis Copyak, representing Le Bus, to amend section 21A.33.040 Table of Permitted Uses for Manufacturing Districts to allow Bus Line Yard and Repair Facility as a permitted use in the M-1 (Light Manufacturing District). Related provisions of Title 21A "Zoning" may also be amended as part of this petition. The changes would apply citywide. (Staff contact: Amy Thompson at (801) 535-7281 or amy.thompson@slcgov.com.) Case number PLNPCM2015-00578

Ms. Amy Thompson, 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.

The Commission and Staff discussed the following:

The lots that would and would not be affected by the proposal.

Mr. Dennis Copyak, Le Bus, reviewed the reasoning behind the requested zoning change and how Le Bus met the conditions and standards of the ordinance. He asked the Commission to approve the rezoning.

The Commission, Staff and Applicant discussed the following:

- Why the entire zone was changed versus just the subject lot.
  - o It was a use consistent with the other uses in the M-1 zone, therefore it made more sense to change it city wide.

## **PUBLIC HEARING 5:44:04 PM**

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

## **MOTION** 5:44:25 PM

Commissioner Fife stated regarding PLNPCM2015-00578, based on the information in the Staff Report and the discussion heard, he moved that the Planning Commission forward a positive recommendation to the City Council regarding petition PLNPCM2015-00578, text changes to amend section 21A.33.040 Table of Permitted and Conditional Uses for Manufacturing Districts, to allow for Bus Line Yard and Repair Facility as a permitted use in the M-1 (Light Manufacturing) zoning district subject to the conditions listed in the Staff Report. Commissioner Drown seconded the motion. The motion passed unanimously.

## 5:45:54 PM

Conditional Use Flag Lot and Lot Split at approximately 3101 South 900 East - A request by Adam Nash, authorized agent, for Conditional Use and Preliminary Subdivision approval to subdivide and create a flag lot at the above listed address. The subject property is located in the R-1/7,000 (Single Family Residential District) zoning district and is located in City Council District 7, represented by Lisa Ramsey Adams. (Staff contact: Katia Pace, (801)535-6354, or <a href="mailto:katia.pace@slcgov.com">katia.pace@slcgov.com</a>)

- a. Conditional Use-Request to allow the creation of a flag lot. Case number PLNPCM2015-00580
- b. Preliminary Subdivision Request to create two (2) lots from one existing parcel. Case number PLNSUB2015-00646

Ms. Katia Pace, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff was recommending that the Planning Commission approve the petition as presented.

The Commission and Staff discussed the following:

- The sidewalks, curb and gutter in the area.
- If the proposed new home would be compatible with the area.
- The design and size of the proposed new home.
- The owner of the property.

Mr. Adam Nash, developer, stated the Community Council was supportive of the project and the home would fit with the neighborhood.

The Commission and Applicants discussed the following:

- Who owned the property
  - o MJS Real Properties was the owner.

## **PUBLIC HEARING 5:52:37 PM**

Chairperson Guilkey opened the Public Hearing.

Ms. Judy Short, Sugar House Community Council, stated they were pleased with the project and the installation of sidewalks should be part of the proposal. She stated this was the best use of the parcel and the proposed home would fit with the neighborhood.

Chairperson Guilkey closed the Public Hearing.

Mr. Nash stated the property currently had sidewalks, curb and gutter.

The Commission and Applicant discussed the layout of the sidewalk in the neighborhood.

#### **MOTION** 5:55:41 PM

Commissioner Fife stated regarding PLNPCM2015-00580 and PLNSUB2015-00646, Conditional Use Flag Lot and Lot Split at 3101 South 900 East, based on the findings

in the Staff Report, testimony, plans presented and the following findings, he moved that the Planning Commission approve the conditional use and subdivision to allow for the creation of a flag lot, located at approximately 3101 South 900 East subject to conditions one through four in the Staff Report Commissioner Drown seconded the motion. The motion passed unanimously.

#### 5:56:41 PM

600 South Apartments Planned Development and Conditional Building & Site Design Review at approximately 616 S State Street - Adam Lankford, representing the developer The Wasatch Group, is requesting approval from the City to develop a proposed 270-unit apartment building at the above listed address. The applicant is requesting Planned Development approval for relaxation of certain required zoning standards related to ground floor commercial uses and building length. The development also requires Conditional Building and Site Design Review as the proposal exceeds certain height and setback limitations. Currently the land is vacant and the property is zoned D-1, Central Business District, and D-2, Downtown Support District. The subject property is within Council District 4, represented by Luke Garrott. (Staff contact: Daniel Echeverria at (801)535-7165 or daniel.echeverria@slcgov.com.)

- a. Planned Development In order to build the above referenced project, the applicant is requesting Planned Development approval for relaxation of the requirement for ground floor commercial uses next to parking structures. The applicant is also requesting approval for relaxation of the 300' limit to building length. Case PLNSUB2015-00624.
- b. Conditional Building & Site Design (CBSD) Review In order to build the above referenced project, the applicant is requesting approval of building height lower than the 100' minimum on corner D-1 properties. The applicant is also requesting additional building height in the D-2 zoned area of the site, which has a maximum height of 65 feet. The proposed building is approximately 74' in height. The applicant is also requesting modification of the maximum 5' front yard setback standard in order to incorporate small entry courtyards. These standards are allowed to be modified through the CBSD process. Case number PLNPCM2015-00625.

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 approve the petition as presented.

The Commission and Staff discussed the following:

- If street trees were required along 600 South.
  - Yes they would be required every thirty feet on State Street and 600 South.
- If the proposal meet the parking standards.
  - Yes the Developer would be providing one stall per unit.

Mr. Adam Lankford, Wasatch Group, stated they are excited about the project. He asked the Commission if they had any questions.

The Commission, Staff and Applicant discussed the following:

- The location and layout of the parking for the development.
- The State Street windows and what would be behind those windows.
- The uses of the flex spaces on the street level of the project and who would be using those spaces.
- The intent of requiring retail on street levels and how the proposal met that intent.
- If the office space on State Street would be leased out or used for building operation.
  - o It would be leased spaces and could be configured in different ways to accommodate various types of tenants.

# **PUBLIC HEARING 6:10:45 PM**

Chairperson Guilkey opened the Public Hearing.

Ms. Cindy Cromer stated the proposal was a good project but did not fit the standards of the ordinance. She stated she was ecstatic about the affordable housing aspect of the proposal as the city did not need any more market rate housing. Ms. Cromer stated the height of the structure did not meet the ordinance but the reality was the affordable housing aspect would not allow for the additional height required in the ordinance. She stated the recessed areas provided places where none residences would gather and a gate should be installed for safety reasons. Ms. Cromer reviewed the noise issues on 600 South that would deter people from gathering in the area. She stated the proposed ground floor uses were better than those required in the ordinance.

Mr. Chris Motz, State Room, stated they were excited about the project and the development of the area. He stated the development would be positive for the neighborhood and could move the neighborhood in a good direction. Mr. Motz asked the Commission to support the proposal.

Mr. Carlos Paz stated he frequents the area and he was concerned there are no green spaces there. He stated the Developer had multiple developments in the area and the neighborhood needed more green space not buildings. Mr. Paz stated the proposal would not meet the needs of the income restricted individuals and therefore not be used as intended. He asked the Commission to deny the petition and make the lot into a green space.

Chairperson Guilkey closed the Public Hearing.

The Commission, Applicant and Staff discussed the following:

- The number of units in the proposed development.
  - o There would be 274 units.
- If green space amenities were in the Master Plan.

- Yes but the hard part was identifying where those areas should be and acquiring the property.
- If the parking would be an issue for the proposal.
  - o No there was adequate parking under the development.
- The waste management for the proposal.
- If security fencing was needed for the property and how loitering would be addressed.
- The cost to rent the units.
  - \$615-\$1015 depending on the number of bedrooms.

# **MOTION** <u>6:22:34 PM</u>

Commissioner Drown stated regarding PLNSUB2015-00624 and PLNPCM2015-00625 The 600 South Apartments Planned Development and Conditional Building and Site Design Review, based on the information in the Staff Report, public testimony, and discussion by the Planning Commission, she moved that the Planning Commission approve the Planned Development and Conditional and Building Site Design Review request and per the documents, in order to comply with the applicable standards the following conditions one through eight as listed in the Staff Report will apply. Commissioner Ruttinger seconded the motion.

Mr. Norris asked the Commission to add a statement to the motion stating any zoning standard that was applicable that hadn't otherwise been modified by the Plan Development approval still applied.

Commissioner Drown amended the motion to state that all other applicable zoning standards not modified by the Plan Development approval applied. Commissioner Ruttinger seconded the amendment. The motion passed unanimously.

SNB Zone to Allow Single-Practitioner Medical and Dental Offices - A request by City Council, to amend section 21A.33.030 Table of Permitted Uses for Commercial Districts to allow Single-Practitioner Medical and Dental Offices as a permitted use in the SNB (Small Neighborhood Business District). Related provisions of Title 21A "Zoning" may also be amended as part of this petition. The changes would apply citywide. (Staff contact: Anthony Riederer at (801)535-7625 or anthony.riederer@slcgov.com.) Case number PLNPCM2015-00644

Mr. Anthony Riederer, 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.

The Commission and Staff discussed the following:

• What would be allowed in the zoning and how many practitioners would be allowed on each site/office.

- How to limit the number of practitioners on the site and the best language to reflect the intent of the ordinance.
- Why the parcels were being rezoned as a whole and not individually.

# **PUBLIC HEARING 6:43:38 PM**

Chairperson Guilkey opened the Public Hearing.

Ms. Cindy Cromer stated the discussion of the Planning Commission showed what a can of worms medical office use was. She stated this was an ongoing issue but was a done deal because of the sponsors on the City Council and the petition was moving faster than normal. Ms. Cromer discussed and presented a map of the Bryant Neighborhood. She said the neighborhood had the highest concentration of nonconforming businesses and medical practices. She asked the Commission to look at the areas in the proposal and exclude the Bryant neighborhood to allow the neighborhood to reclaim some of the areas for residential housing.

Chairperson Guilkey closed the Public Hearing.

The Commission and Staff discussed the following:

- How the Bryant neighborhood lots would be affected by the proposal.
- If the non-conforming uses in the Bryant neighborhood were legal.
- Why the petition was moving forward so quickly.
- If the rezones should come to the Commission together or separately and how they would be considered.
- If a current house could be turned into a clinic under the new proposal.
  - If it were zoned SNB and could meet the parking requirements it could be converted.
- The four parcels in the Fairpark neighborhood that were currently zoned SNB.
- How the medical clinics came to be in the Bryant Neighborhood.
  - A lot of the clinics were pre 1995 when the zoning allowed for medical offices in residential areas.
- Were there limitations in the zoning ordinance limiting the number of similar uses in a certain number of feet.
  - Uses would be limited if there were negative impacts to the surrounding areas.
  - Health care would probably not be one that would be regulated.
- If the proposal could be extended to law offices.
  - o Offices are permitted in these areas as long as they meet the standards.
- Could the number of practitioners be limited on square footage.
  - o The intent was to limit the intensity of a medical use in a small area.

# **MOTION** <u>6:58:27 PM</u>

Commissioner Fife stated regarding PLNPCM2015-00644, based on the findings and analysis in the Staff Report and testimony and the discussion in the Public Hearing, he moved that the Planning Commission forward a positive recommendation to the

City Council regarding petition PLNPCM2015-00644, to allow "Single-Practitioner medical, dental and health offices" in the SNB zoning district with the change, changing the wording from per suit to per parcel/site. Commissioner Hoskins seconded the motion. The motion passed unanimously.

# 6:59:37 PM

Accessory Dwelling Units Amendment - A request by Mayor Ralph Becker to amend city code to clarify and broaden accessory or detached dwelling unit regulations within the following districts where single-family dwellings are permitted: FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, FP, AG, AG-2, AG-5, AG-20 MU, FB-UN1, and FB-UN2. Related provisions of Title 21A Zoning may also be amended as part of this petition. (Staff contact: Michael Maloy at (801)535-7118 or michael.malov@slcgov.com.) Case number PLNPCM2014-00447

Mr. Michael Maloy, Senior 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.

The Commission and Staff discussed the following:

- Allowable height for ADUs.
- Where the form based code was applicable in the City.
- Where the six hundred and fifty square feet size (650) came from and if it was a good size for an ADU.
- The cost of building or bringing an ADU up to code.

# **PUBLIC HEARING 7:24:01 PM**

Chairperson Guilkey opened the Public Hearing.

Ms. Diane Leonard, Greater Avenues Community Council, stated they are concerned that the petition was not following the correct process. She reviewed the prior process for the ordinance and stated the current process was not transparent. Ms. Leonard reviewed the issues with meeting notification regarding the petition and asked the Commission to postpone the petition until the Community had time to express their opinion. She stated there was a concern over the transportation information being removed from the ordinance and if the plan was to promote people living in ADUs to use public transportation it needed to be available and outlined in the plan.

Ms. Cindy Cromer stated this petition had been long in coming and there were no results from the current proposal. She stated reviewing the results of the ordinance was a good thing but did not happen enough as the transit ordinance needed to be reviewed. Ms. Cromer reviewed why the City had not seen more ADUs constructed under the current ordinance and stated incentives needed to be offered to property owners along the transit corridor. She stated if there was a cap on the number of ADUs that could be created each year, only wealthy neighborhoods would have the units and they would not be affordable.

Mr. Eric Tindall stated there are some people that could not afford to even pay the six hundred seventy five dollars (\$675) a month for rental of these units and these were the people that desperately needed housing. He reviewed how these types of houses can be constructed in a manner to help families and asked the Commission to approve the petition allowing more ADUs to be constructed.

Mr. Tom Landes stated the property owner on 950 East had been trying to approve his unit over the last few months. He reviewed the specs of the unit that were prohibiting the unit from being approved. Mr. Landes asked the Commission to increase the allowable square footage and height for units where they would fit with the surrounding neighborhoods. Mr. Landis stated it made more sense for people to build above garages versus stand alone buildings. He reviewed the issues with mechanical features in a unit of six hundred and fifty (650) square feet.

Ms. Jana Garrett stated as a new resident of Salt Lake City they were looking for a property where an ADU could be built. She stated it was very difficult to find a property that allowed an ADU and it would make sense to let more of these units be created. Ms. Garrett stated the basis of home location in conjunction to transportation should not be an issue and limited the ability to create ADUs.

Mr. Dave Robinson reviewed the townhomes in Sugar House and how they accommodated the current ordinance. He stated Staff had done a great job with the new proposal and accommodating ADUs but the current ordinance did not make sense or help to spread ADUs throughout the city. Mr. Robinson stated the cost of construction was high but was doable. He stated there are a lot of people that want ADUs on their property but are prohibited under the current ordinance. Mr. Robinson stated the notices were sent out and people knew of the meetings so that should not hold up the proposal.

Chairperson Guilkey read the following cards:

Ms. Marie Taylor - Many street in SLC are to narrow, already maxed out with traffic and utility use (ie. McClelland Street between 100 and 200 S). They are one way with all trash cans on one side of the street on trash day. Cul-de-sacs also are too congested in older areas. Needs to be some specific criteria to address these small streets with small lots, no setbacks etc.

Ms. Judy Short, Sugar House Community Council – This needs more public input, there are zero comments in the Staff Report. This could create chaos in some areas. It needs revision and reviewing. See my email to Michael Maloy this afternoon.

Mr. Josh Levey – Allows for more efficient use of land, creation of affordable housing both for the tenant and the owner. In our case would also lead to improvement in safety and appearance of alley.

Mr. David Walker and Ms Mihaela Chelaru – We support the proposed ordinance mainly because of the proposed removal of the fixed transit line requirement. We would like a space to be an art studio and possibly house an elderly parent in the future. We have the space but just need the permit. Thanks

Chairperson Guilkey closed the Public Hearing.

The Commission and Staff discussed the following:

- If the size and height of the units could be increased and how larger units could be accommodated.
- It would be beneficial to consider the comments of the community before forwarding the proposal to the City Council.
- A cap should not be placed on the number of ADU units allowed to be constructed in a year.
- If the petition should be tabled or moved forward.
- If the noticing ordinance was met for the petition.

#### **MOTION 7:51:53 PM**

Commissioner Drown stated regarding PLNPCM2014-00447 the Accessory Dwelling Units amendment, She moved that the Planning Commission continue the Public Hearing and table the discussion to allow Staff to move forward with conversations with the Community Councils and bring the petition back to the Commission for further review at a future meeting. Commissioner Hoskins seconded the motion. Commissioners Paredes, Ruttinger and Fife voted "nay". Commissioners Drown, Hoskins and Guilkey voted "aye".

The Commission discussed what happened to the motion if there was a tie vote and if an alternate motion could be made.

# The motion died due to a tie vote.

#### **MOTION 7:55:37 PM**

Commissioner Ruttinger stated regarding PLNPCM2014-00447 the Accessory Dwelling Units amendment, based on the findings and analysis in the Staff Report, testimony received, and discussion at the Public Hearing, he moved that the Planning Commission Transmit a positive recommendation to the City Council to adopt the proposed zoning text amendment related to accessory dwelling units and detached dwelling units in districts that permit single-family dwellings. Commissioner Fife seconded the motion.

#### **ALTERNATE MOTION 7:56:14 PM**

Commissioner Drown stated regarding PLNPCM2014-00447 the Accessory Dwelling Units amendment, She moved that the Planning Commission continue the Public Hearing and table the discussion to allow Staff to move forward with conversations

with the Community Councils and bring the petition back to the Commission for further review at a future meeting.

The Commission discussed how the motions should be addressed and if a motion that had been voted on and failed could be made again.

Commissioner Drown amended her motion to close the public hearing but allow further conversation with the Community Councils and return to the Commission with the findings. Commissioner Hoskins seconded the motion.

The Commissioners discussed tabling the petition and if additional information would benefit the petition.

The Commission and Staff discussed the process for making the next motion and what the language should be in the motion.

# 8:04:19 PM

The Commission took a short break to allow Staff to clarify the Policies and Procedures regarding the motion

#### 8:10:36 PM

Ms. Katie Lewis, City Attorney, clarified the Policies and Procedures for making the motion and how to move forward with the process.

#### **AMENDMENT 8:12:39 PM**

Commissioner Fife amended the motion to keep the Public Hearing open.
Commissioner Drown approved the amendment. Commissioner Hoskins seconded the amendment. Commissioners Paredes, Drown, Hoskins and Guilkey voted "aye".
Commissioners Ruttinger and Fife voted "nay". The motion passed 4-2.

#### 8:15:07 PM

<u>Electric Vehicle Charging Station Amendment</u> - A request by Mayor Ralph Becker to modify the electric vehicle parking ordinance, which requires parking for electric vehicles for some types of development throughout the City. The amendment will affect section 21A.44.050 of the zoning ordinance. Related provisions of Title 21A Zoning may also be amended as part of this petition. (Staff contact: Tracy Tran at (801)535-7645 or <u>tracy.tran@slcgov.com</u>). Case number PLNPCM2015-00148.

Ms. Tracy Tran, 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.

Mr. Tyler Poulson reviewed the number of electric vehicles in Salt Lake and how charging stations would be affected by the proposal. He reviewed the potential growth of electric vehicles in Salt Lake and the need for future charging stations.

The Commission and Staff discussed the following:

- If it was cost effective to gain LEED points by installing charging stations.
- The different station options and the infrastructure for those options.
- The pros and cons of each station option.
- The best options for the city and developers.

# **PUBLIC HEARING 8:36:01 PM**

Chairperson Guilkey opened the Public Hearing.

Ms. Cindy Cromer reviewed the development forum meeting she attended and that they felt this was a burdensome ordinance for Developers. She reviewed Jason Mathis's letter regarding incentives for adding charging stations as a better strategy. Ms. Cromer stated batteries are getting better and the ordinance should not make development harder.

Mr. David Eckels stated he worked in the electric vehicle industry and was in general support of the concept. He suggested that in addition to multifamily properties it be considered whether the ordinance should apply to office buildings/properties because of the benefit to air quality and people needing charging stations at work. Mr. Eckels stated having that option for people who live out of the city doubled the commuting range for owners of Electric vehicles. He stated the most critical piece of the ordinance was the electrical capacity of the buildings as that was what would prohibit stations being installed in the future.

Chairperson Guilkey closed the Public Hearing.

The Commission and Staff discussed the following:

- If the ordinance had been applied to office uses and why they were not included in the current proposal.
- Requiring new developments to have the capacity to handle charging stations.
- What options worked best for developments and would be most reasonable.
- The enforcement issues with the stations.
- The comments from the Development community.
- The ordinance can change and how the market would drive the installation of charging stations.
- The cost to install the electrical wires for the stations.

# **MOTION** 8:54:27 PM

Commissioner Ruttinger stated regarding PLNPCM2015-00148, based on the information in the memo and the discussion heard, he moved that the Planning Commission transmit a positive recommendation of Option 4 text amendment to the City Council regarding petition PLNPCM2015-00148, text changes to the electric vehicle parking requirements. Commissioner Fife seconded the motion. The motion passed unanimously.

The meeting adjourned at 8:55:28 PM