

SALT LAKE CITY PLANNING COMMISSION MEETING
Room 126 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, February 10, 2016

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:33:08 PM](#). Audio recordings of the Planning Commission meetings are retained for an indefinite period of time.

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

Planning Staff members present at the meeting were: Nora Shepard, Planning Director; Nick Norris, Planning Manager; John Anderson, Senior Planner; Doug Dansie, Senior Planner; Casey Stewart, Senior Planner; Anthony Riederer, Principal Planner; Michelle Moeller, Administrative Secretary and Paul Nielson, Senior City Attorney.

Field Trip

A field trip was held prior to the work session. Planning Commissioners present were: Michael Fife, Maurine Bachman, Carolynn Hoskins, Andres Paredes and Clark Ruttinger. Staff members in attendance were Nick Norris, Casey Stewart, Anthony Riederer, John Anderson, and Doug Dansie.

The following sites were visited:

- **30 East Kensington** – Staff gave an overview of the proposal.
 - The Commission asked if the proposal had enough parking. Staff stated yes.
 - The Commission asked if there was a retail component. Staff stated yes.
- **323 and 325 South 700 East** – Staff gave an overview of the proposal and oriented the Commission to the Site
 - The Commission asked if the primary issue was the rear yard setback. Staff stated that was correct.
- **150 W. Goltz Ave** – Staff gave an overview of the proposal.
- **1100 West and the Jordan River** – Staff gave an overview of the proposal.
 - The Commission asked if there were specific standards for air rights. Staff stated no, just alley vacation standards.
 - The Commission asked about leasing the space and the cost [of](#) air rights.
- **1975 Fortune Road**– Staff gave an overview of the proposal.

APPROVAL OF THE JANUARY 27, 2016, MEETING MINUTES. [5:33:26 PM](#)

MOTION [5:33:31 PM](#)

Commissioner Ruttinger moved to approve the January 27, 2016, meeting minutes. Commissioner Fife seconded the motion. The motion passed unanimously.

REPORT OF THE DIRECTOR [5:34:06 PM](#)

Ms. Nora Shepard, Planning Director, stated the City Council would be discussing the Northwest Quadrant and Downtown Master Plans in March.

REPORT OF THE CHAIR AND VICE CHAIR [5:34:55 PM](#)

Vice Chairperson Paredes stated he had nothing to report.

[5:35:00 PM](#)

RoHa Brewing Project at approximately 30 East Kensington - A request by Robert Phillips for Conditional Use approval to operate a Small Brewery at the above listed address. The proposed operation occupies approximately 5,600 square feet, with 2,800 of it being used as brewing space and the remainder as storage, offices, and a small taproom. The subject property is located in a CC (Corridor Commercial) zoning district and is located in Council District 5, represented by Erin Mendenhall. (Staff Contact: Anthony Riederer at (801)535-7625 or anthony.riederer@slcgov.com) Case number PLNPCM2015-00982

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 approve the petition as presented.

Mr. Robert Phillips, applicant, thanked the Commission and Staff for their help with the proposal. He discussed the conversations with the Community, the support for the proposal and the parking for the facility.

PUBLIC HEARING [5:40:07 PM](#)

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

MOTION [5:40:42 PM](#)

Commissioner Fife stated regarding, PLNPCM2015-00982, Conditional Use for a Small Brewery at 30 East Kensington, based on the analysis of the Staff Report and public comments, he moved that Planning Commission approve the requested Conditional Use application. Commissioner Dean seconded the motion. The motion passed unanimously.

Ms. Shepard acknowledged Mayor Biskupski was in attendance at the meeting.

The Commission welcomed Mayor Biskupski and thanked her for attending.

[5:41:51 PM](#)

Townes at 7th Street Planned Development at approximately 323 and 325 South 700 East - A request by Wes Graham for approval of a proposed seven unit residential condominium project with reduced front and rear yard building setbacks. This project is being reviewed as a planned development because of the reduced building setbacks. The property is located at the above listed address and is in the RMF-45 zoning district (Residential Multi-family) in Council District 4, represented by Derek Kitchen. (Staff contact: Casey Stewart at (801)535-6260 or casey.stewart@slcgov.com) Case number PLNSUB2015-00965

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 deny the petition as presented.

[5:48:57 PM](#)

Chairperson Drown arrived at the meeting.

The Commissioners and Staff discussed the following:

- The orientation of the lot and setbacks for the proposal.
- The process the application would go through if the proposal was for a six unit development and met all of the setbacks.

Mr. Drew Menlove, Mr. Wes Graham and Mr. Lance Howell, applicants, reviewed other projects they had completed in the city. They reviewed the proposal and stated it fit the area. They said it was their goal to minimize the mass/feel and bring down the density in the structure. The Applicants stated the units would be owner occupied and developing only six units would not be feasible.

Mr. Graham reviewed the proposal, the condition of the older home on the lot, issues with graffiti, blight and how the proposal would improve the area. He reviewed how the proposal met the standards in the ordinance. Mr. Graham reviewed other proposals that were given the same exceptions they were asking for. He stated the proposal was for urban living and the community supported the project.

The Commissioners and Applicant discussed the following:

- The use of the north side of the property.
- Parking for the proposal.
- The waste management plan.
- The location of the recycling bin.
- The setback request.

The Commission and Staff discussed the following:

- Why Staff was recommending denial of the petition when other similar projects had been approved.

- The other developments had unique circumstances specific to the lots where this project did not.
- If building to the property line was allowed under the current zoning.
 - Part of the confusion was that there was a zero setback requirement for single family attached building types as stated in the ordinance which was different than what was being proposed.

PUBLIC HEARING [6:09:14 PM](#)

Vice Chairperson Paredes opened the Public Hearing.

Ms. Cindy Cromer stated she has owned properties in the area for a number of years. She stated there were improvements in the design regarding the front façade, she could support six units at the location and some minor modifications to the site plan however; the proposal was for seven units and as she saw it there were two issues:

1. The Developers did not understand the neighborhood - they did not know what amenities had to be protected from transient use, they did not understand the importance of orienting the building to the street originally and they did not know what constituted blight.
2. Miss information and miss representation, this was not intentional but was very different from her view as someone that had been there for a long time.

Ms. Cromer stated the purpose of a PUD was to allow development of a better product not just for the developer but the immediate neighborhood and the larger community. She said the proposal allowed the developer the economic benefits of the additional unit but it was not a benefit for the neighborhood or future owners of the condos. She stated the proposal suffered from a lack of usable green space, the green space was especially important because the front yard setback could not be used in a meaningful way as it was on 700 East and hard surfacing covered a great deal of the site. Ms. Cromer said the big issues was the reference to blight, the graffiti was a self imposed hardship and the City would come around and remove it at no cost, the home at 325 was a contributing structure in the National Registered Historic District and was eligible for federal and state tax credits for its repair.

Vice Chairperson Paredes closed the Public Hearing.

Mr. Wes Graham, applicant, stated blight was an opinion, the home was in disrepair and the owner would rather sell the home than continue to put money into fixing it.

MOTION [6:14:07 PM](#)

Commissioner Dean stated regarding, PLNSUB2015-00958 Townes at 7th Street Planned Development, based on the findings listed in the Staff Report and the testimony and plans presented, she moved that the Planning Commission deny the requested Townes at 7th Street Planned Development.” Commissioner Drown seconded the motion. Commissioners Bowen, Drown, Fife, Hoskins, Lyon and Bachman voted “aye”. Commissioner Ruttinger voted “nay”. The motion passed 6-1.

Vice Chairperson Paredes turned the meeting over to Chairperson Drown for the remainder of the meeting.

[6:16:17 PM](#)

Central Ninth Lofts Partial Alley Vacation at approximately 150 W. Goltz Ave - A request by, Alec Harwin representing Soujourn SLC LLC, for a partial alley vacation for a north to south running alley located at the above listed address. The alley divides the property at 1068 S. Jefferson St. in half. The applicant is requesting to construct a multi-family residential building on the property. He is requesting to vacate a portion of the air rights over the alley to allow a pedestrian bridge to be built between two proposed multi-family residential buildings. The alley would remain open to traffic. The Planning Commission is required to make a recommendation to the City Council for alley vacation requests. The adjacent properties are zoned R-MU and RMF-35. The subject property is located within Council District 5, represented by Erin Mendenhall. (Staff contact: John Anderson at (801)535-7214 or john.anderson@slcgov.com.) Case number PLNPCM2015-00918

Mr. John Anderson, Senior 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 favorable recommendation to the City Council regarding the petition.

Mr. Alec Harwin, Soujourn SLC LLC, reviewed the proposal and asked the Commission for approval. He reviewed the width of the alley and the bridge as outlined in the proposal.

The Commissioners, Staff and Applicant discussed the following:

- Access to the alley way.
- Why the bridge was necessary for the development.

PUBLIC HEARING [6:25:33 PM](#)

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

The Commission and Staff discussed the following:

- How the split in the parcel was created.
- Why the section of alley could not be vacated and absorbed in to the subject parcel.

The Commission discussed the following

- Would have been better to build one building without the alley.

MOTION [6:29:09 PM](#)

Commissioner Lyon stated regarding, PLNSUB2015-00918 Central Ninth Lofts Partial Alley Vacation, based on the findings and analysis in the Staff Report,

testimony, and discussion at the public hearing, he moved that the Planning Commission transmit a positive recommendation for the alley vacation to the City Council subject to conditions one through three listed in the Staff Report. Commissioner Dean seconded the motion. The motion passed unanimously.

[6:29:56 PM](#)

Hayes Avenue Closure between 1100 West and the Jordan River - A request by Salt Lake City Parks and Open Space to vacate Hayes Avenue between 1100 West and the Jordan River. This section of Hayes Avenue has never been constructed and is part of the open space that currently exists on the property. The portion of Hayes Ave that is proposed to be closed runs between the Jordan River and 1100 West. The Planning Commission is required to make a recommendation to the City Council on street closures. The project is located in Council District Two represented by Andrew Johnston (Staff contact: Doug Dansie at (801)535-6182 or doug.dansie@slcgov.com) Case number PLNPCM2015-00764

Mr. Doug Dansie, Senior 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 favorable recommendation to the City Council regarding the petition.

PUBLIC HEARING [6:32:21 PM](#)

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

[6:32:27 PM](#)

Commissioner Bowen left the meeting.

MOTION [6:32:28 PM](#)

Commissioner Dean stated regarding, PLNPCM2015-00764 Hayes Avenue Street Closure, based on the findings and analysis in the Staff Report, she moved that the Planning Commission transmit a favorable recommendation to the City Council to approve the street closure based on the Staff Report. Commissioner Hoskins seconded the motion. The motion passed unanimously.

[6:33:34 PM](#)

Thatcher Chemical Zoning Amendment at approximately 1975 Fortune Road - A request by Craig Thatcher, on behalf of Thatcher Chemical, for a Zoning Amendment to rezone the property located at the above listed address from M-1 Light Manufacturing to M-2 Heavy Manufacturing, in order to facilitate a loading dock, which would be an expansion of the existing use. A zoning change is required for the

use to expand because the use is nonconforming. The zoning ordinance prohibits expansions of nonconforming use. Although the applicant is requesting to change the zoning to M-2, the Planning Commission may consider another zoning district that has similar characteristics. The project is located in Council District 2, represented by Andrew Johnston (Staff contact: Doug Dansie at (801)535-6182 or doug.dansie@slcgov.com.) Case number PLNPCM2015-00128

Mr. Doug Dansie, 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 recommendation of denial to the City Council for the proposed zoning map amendments.

The Commissioners and Staff discussed the following:

- When the use became non-conforming.
- Why the zoning was not changed when the Master Plan was updated in 2014.
- If M1 Zoning allowed loading facilities.
- If the zoning could be split to allow the loading docks.
- The definition of loading docks.
- How the zoning could be configured to allow Thatcher Chemical to simply add loading docks to their property without extending the non-conforming use.

Mr. Norris clarified the main issue was that loading docks were not a land use, they were associated with a land use. He stated because it was a non-conforming use the ordinance did not allow an expansion on a site where that use did not exist prior to becoming non-conforming.

The Commission and Staff discussed the following

- If a loading dock could be added if the current building were reduced in size.
 - No because it was on a right of way.

Mr. Dave Bohn and Mr. Darrin Bauer, applicants, discussed previous plans to expand the warehouse and that expanding was not part of the current proposal. They stated the proposal was to move the shipping [and](#) receiving from one side of the facility to the other.

The Commissioners, Staff and Applicant discussed the following:

- Modifications could be made to non-conforming structures so why was moving the loading docks and issue.
 - The issue was that moving the docks expanded the use onto another site that it did not currently occupy.
- The history of the site and its use.
- The proposed changes would allow for the facility to meet safety codes and standards.

PUBLIC HEARING [6:58:51 PM](#)

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

The Commission discussed the following:

- The options for the proposal and how to best address the issues.
- If a Development Agreement could be drafted and sent to the City Council with the Commission's recommendation.
- The pros and cons of allowing the proposal.
- If conditional rezoning could be done for the property.
- The next steps for the proposal.
- Whether to forward a positive or negative recommendation to the City Council or table the petition.

MOTION [7:11:56 PM](#)

Commissioner Fife stated regarding, PLNPCM2015-00125, 1975 Fortune Road (Thatcher Chemical) Zoning Map Amendment to change from a M1 to M2 Industrial, based on the information contained in the Staff Report and the discussion, he moved the Planning Commission forward a positive recommendation to the City Council to change the zone with the requirement that the Applicant develop a development agreement that would limit the use of this parcel of land to the loading and unloading activity that is proposed. Commissioner Ruttinger seconded the motion.

The Commissioners and Staff discussed the following:

- The standards for approval.
 - There are no official standards for this type of proposal.
- If the proposal was for an actual expansion of the use or just a reorganization for efficiency of the plant.
- The issues with moving the loading docks to the proposed area.
- If the zoning could be adjusted to allow the use.

[7:16:03 PM](#)

Commissioners Fife, Hoskins, Paredes and Bachman voted "aye". Commissioners Lyon, Dean, Ruttinger and Drown voted "nay". The motion failed.

MOTION [7:17:08 PM](#)

Commissioner Lyon stated in regards to PLNPCM2015-00125, 1975 Fortune Road (Thatcher Chemical) Zoning Map Amendment, he moved that the Planning Commission table the petition to explore if there are any other options, to look at what the Applicant was trying to do are explored and to more information was available or until a development agreement could be submitted as part of the actual application. Commissioner Ruttinger seconded the motion

The Commission and Staff discussed the following:

- Why they would or would not support the motion.
- The benefit of tabling the petition.
- How the Commission's recommendation of the petition affected the City Council's decision.
- Other options for the proposal.
- If the Commission or the City Council should develop the Development Agreement.
- The idea was to make sure the parcel was not zoned M2 but was allowed to be used for the loading docks.
- Potential motions.
- The history of the subject parcel and what was allowed on the property.

SUBSTITUTE MOTION [7:25:00 PM](#)

Commissioner Ruttinger stated regarding, PLNPCM2015-00125, 1975 Fortune Road (Thatcher Chemical) Zoning Map Amendment, based on the information contained within the Staff Report, comments and the discussion, he moved the Planning Commission forward a negative recommendation with a note to the City Council that the Planning Commission thinks it would be a good idea for them to develop some sort of Development Agreement with this entity and let them go forward and work it out with the City Council in the event the City Council approves the petition. Commissioner Dean seconded the motion. Commissioners Dean and Ruttinger voted "aye". Commissioners Paredes, Hoskins, Lyon, Fife and Bachman voted "nay". The motion failed.

MOTION [7:28:32 PM](#)

Commissioner Lyon stated in regards to PLNPCM2015-00125, 1975 Fortune Road (Thatcher Chemical) Zoning Map Amendment, he moved that the Planning Commission table the petition to explore if there are any other options, to look at what the Applicant was trying to do are explored and to more information was available or until a development agreement could be submitted as part of the actual application. Commissioner Ruttinger seconded the motion. Commissioners Ruttinger, Lyon and Fife voted "aye". Commissioners Dean, Paredes, Hoskins and Bachman voted "nay". The motion failed.

The Commissioners and Staff discussed what could be done if a motion would not pass.

MOTION [7:31:31 PM](#)

Commissioner Fife stated regarding, PLNPCM2015-00125, 1975 Fortune Road (Thatcher Chemical) Zoning Map Amendment, based on the information contained within the Staff Report and the discussion, he moved the Planning Commission forward a positive recommendation to the City Council to change the zoning for this parcel from M1 to M2 with the requirement that the applicant works with the City to develop a Development Agreement to limit the activities on this parcel to loading and unloading per the plan in the Staff Report. Commissioner Paredes seconded the

**motion. Commissioners Fife, Hoskins, Paredes, Bachman and Drown voted “aye”.
Commissioners Lyon, Dean and Ruttinger voted “nay”. [The motion passed.](#)**

The meeting adjourned at [7:32:42 PM](#)