

SALT LAKE CITY PLANNING COMMISSION MEETING
City & County Building
451 South State Street, Room 326, Salt Lake City, Utah
Wednesday, May 10, 2017

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:36:33 PM](#). Audio recordings of the Planning Commission meetings are retained for a period of time.

Present for the Planning Commission meeting were: Chairperson Matt Lyon, Vice ChairpersonCarolynn Hoskins; Commissioners Maurine Bachman, Weston Clark, Emily Drown and Andres Paredes. Commissioners Sara Urquhart, Ivis Garcia, Clark Ruttinger and Brenda Scheer were excused.

Planning Staff members present at the meeting were Cheri Coffey, Assistant Planning Director, Michaela Oktay, Planning Manager, Daniel Echeverria, Senior Planner; David Gellner, Principal Planner; Katia Pace, Principal Planner and Michelle Poland Administrative Secretary.

Field Trip

A field trip was held prior to the work session. Planning Commissioners present were: Maurine Bachman, Weston Clark and Carolynn Hoskins. Staff members in attendance were David Gellner and Daniel Echeverria.

- **376 E. 8th Avenue** - Staff gave an overview of the proposal.

APPROVAL OF THE APRIL 26, 2017, MEETING MINUTES. [5:36:50 PM](#)

MOTION [5:36:49 PM](#)

Commissioner Clark moved to approve the April 26, 2017, meeting minutes. Commissioner Drown seconded the motion. Commissioners Bachman, Clark, Drown and Paredes voted “aye”. Commissioner Hoskins abstained from voting as she was not present at the subject meeting. The motion passed unanimously.

REPORT OF THE CHAIR AND VICE CHAIR [5:37:02 PM](#)

Chairperson Matt Lyon stated he had nothing to report.

Vice Chairperson Carolynn Hoskins stated she had nothing to report.

REPORT OF THE DIRECTOR [5:37:09 PM](#)

Ms. Michaela Oktay, Planning Manager, stated she had nothing to report.

[5:37:16 PM](#)

Avenues Proper Brewpub at approximately 376 E. 8th Avenue - Andrew Tendick, Owner and General Manager of Proper Entities representing Jem Avenues, LLC, property owner is requesting conditional use approval for a brewpub at the Avenues Proper Restaurant located at the above listed address. This request is

being made in order to conform with changes to the Salt Lake City Zoning Ordinance that were approved by City Council relating to brewpubs and to allow for retail carry-out sales. The Conditional Use would allow for a change in the classification of the operation to reflect their actual business, and allow for retail carry-out sales which are not currently allowed due to the facility & license classification. The building's exterior, parking and other aspects of the existing operation are not being modified through this request. The property is zoned R-MU-35 – Residential/Mixed Use and is located within Council District 3, represented by Stan Penfold. (Staff contact: David J. Gellner at (801)535-6107 or david.gellner@slcgov.com) Case number PLNPCM2017-00116 (Administrative Matter)

Mr. David Gellner, 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. Andrew Tendick, applicant, reviewed the intent and benefit of the proposal and potential increased business traffic .

PUBLIC HEARING [5:45:30 PM](#)

Chairperson Lyon opened the Public Hearing. Seeing no one wished to speak; Chairperson Lyon closed the Public Hearing.

The Commission and Staff discussed the following:

- The support from the Community Council.

MOTION [5:46:07 PM](#)

Commissioner Drown stated regarding PLNPCM2017-00116 – Conditional Use for the Avenues Proper Brewpub – based on the findings and information listed in the Staff Report and the testimony and plans presented, she moved that the Planning Commission approve the requested Conditional Use application PLNPCM2017-00116 for the Avenues Proper Brewpub subject to conditions 1 through 3 as listed in the Staff Report. Commissioner Bachman seconded the motion. Commissioners Hoskins, Bachman, Clark, Drown and Paredes voted “aye”. The motion passed unanimously.

[5:47:12 PM](#)

2200 West Zoning Map Amendment - Jeff Beck representing DIGG 2200 LLC, is requesting approval from the City to change the zoning of the property located at approximately 1932 North 2200 West from BP Business Park to M-1 Light Manufacturing. In addition, the Salt Lake City Council is requesting the City study and make a recommendation on changing the zoning of the properties generally located along 2200 West between North Temple Street and 2100 North from BP Business Park to M-1 Light Manufacturing. The purpose of the zoning change is to implement City master plans and to maximize the economic development potential along the 2200 West corridor. The request also includes an amendment

to the text of Title 21A – Zoning of the City Code as it relates to setback and landscaping requirements in the M-1 Light Manufacturing zoning district. Related provisions of Title 21A-Zoning may also be amended as part of these petitions. The property is located within Council District 1, represented by James Rogers. (Staff contact: Wayne Mills at (801)535-7282, wayne.mills@slcgov.com or Daniel Echeverria at (801)535-7165, Daniel.echeverria@slcgov.com) Case numbers PLNPCM2016-00788 and PLNPCM2016-00870 (Legislative Matter)

Mr. Daniel Echeverria, 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 regarding the petition.

The Commission and Staff discussed the following:

- Why some of the properties were not suggested to be rezoned.
- Why the buffering and setbacks were required along the agriculture zone.
- Other areas where Agriculture Zoning was located next to M-1 Zoning.
- If the Master Plan called to rezone the agriculture properties.
- The purpose of the proposal.

PUBLIC HEARING [5:54:33 PM](#)

Chairperson Lyon opened the Public Hearing. Seeing no one wished to speak; Chairperson Lyon closed the Public Hearing.

The Commission and Staff discussed the following:

- If the proposed changes would affect the airport.
- If potential air quality issues would arise with changing the zoning as proposed.

MOTION [5:55:58 PM](#)

Commissioner Bachman stated regarding PLNPCM2016-00788 and PLNPCM2016-00870 – 2200 West Zoning Map Amendment, based on the Staff Report, information presented, and input received during the public hearing, she moved that the Planning Commission recommend the City Council approve the Zoning Map Amendment related to petitions PLNPCM2016-00788 and PLNPCM2016-00870. She also moved that the Planning Commission recommend the City Council approve zoning text amendments that would require the following additional development regulations on properties located in the M-1 zoning district when located adjacent to properties in an AG-2 or AG-5 zoning districts:

- A 15 foot landscape buffer; and
- A building setback of one foot beyond the required 15 foot landscape buffer for every one foot of building height above 30 feet.

Commissioner Hoskins seconded the motion. Commissioners Hoskins, Bachman, Clark, Drown and Paredes voted “aye”. The motion passed unanimously.

[5:57:28 PM](#)

Eleemosynary (or Charitable Lodging) Text Amendment - This is a request by the Salt Lake City Council to ensure that Salt Lake City has a land use classification for temporary housing for persons who are dying or recovering from an acute illness or injury and that this land use, and land uses like it, are compatible with the residential neighborhood adjacent to the I (Institutional) zoning district. As part of this project the city is proposing changes to the Eleemosynary land use, change to the definition of Assisted Living Facilities and the removal of the distance requirement for Group Homes, Residential Support and Eleemosynary Facilities. The proposed changes may affect sections 21A.33 Land Use Tables and 21A.62 Definitions. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Katia Pace at (801)535-6354 or katia.pace@slcgov.com). Case number PLNPCM2016-00024. (Legislative Matter)

Ms. Katia Pace, 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.

The Commission and Staff discussed the following:

- The definition of congregate care.
- The number of people allowed in each size of facility.
- The difference between a large congregate facility and a hospital.
- The services offered at the facilities.
- If capacity limits for the centers could be implemented and added into the zoning definition.
- How to regulate the number of people in a facility at one time.
- If one could obtain a business license of a congregate facility in a residential area.
- The parking regulation for each size of facility.
- The current zones where these and other similar facilities were allowed.
- The reason the subject facilities were being addressed and if the use should be only allowed in certain zones.
- If the proposal was opening up the doors for these types of facilities to pop up all over the city.
- How the business licensing was regulated for these facilities.
- The language regarding the number of people that can be in the facilities and where it came from.
- Changing the wording to from client to individual to help limit the number of people at a facility.
- The definition of a limited capacity assisted living facility.
- The time limit for people staying at the facilities.

PUBLIC HEARING [6:58:11 PM](#)

Chairperson Lyon opened the Public Hearing.

The following individuals spoke to the petition: Ms. Michele Gilbert, Ms. Dionn Nielsen. Ms. Kim Corree and Mr. Michael Clara.

The following comments were made:

- The INN Between was using the school as well as the current area.
- There are sexual predators using the INN Between and were a risk to the people in the neighborhood.
- The people using these facilities should go to places where they could receive better care.
- The service the INN Between was offering did not exist anywhere else however, it was not what the neighborhood was told would be there in the beginning.
- The language in the proposal was vague and allowed for any people with injuries or illnesses to receive care at the facility at the expense of the neighborhood.
- There needed to be a cap for these facilities and it needed to be enforced.
- Removing the nonprofit requirement could lead to unforeseen issues.
- The cap of twenty five on an institutional zone was to limit the impacts but on a residential zone there was no cap.
- A lot of the facilities have live in Staff that needed to be exempt from the cap.
- Supported the change in wording to individuals.
- It was important that these facilities were distinguished from other care facilities.

Chairperson Lyon read the following cards:

- Ms. D'Yani Wood - A change to zoning that involves an impactful demographic (homeless) in a residential neighborhood should be carefully researched by higher education experts before any final and detrimental changes be made especially if the proposed changes were originally brought about by one single facility and not by some greater need of multiple groups. Experts have not been consulted resulting in our current situation which is no protection for residents and hasty and sudden arrival of a homeless hospice in a fragile residential neighborhood. Thank you
- Mr. Chandler Wood - Zoning changes should be necessitated by a greater need, not by one singular entity. In this case the INN Between. Looking to exploit the system. The fact is there are already systems in place to allow them to do what they want, but they don't want to be a licensed health care facility or move to a zoning that allows for homeless shelter facility (away from residences). Eleemosynary excludes use as a homeless shelter defined as overnight facilities for the homeless. They need to stop living in between zoning definitions and zoning should not be changed just to accommodate them. There is no wider need for these changes and the Inn Between should not be able to come into a neighborhood and change the rules so that they can operate without oversight as an independent specialty homeless shelter which makes their own rules.

Chairperson Lyon closed the Public Hearing.

The Commission and Staff discussed the following:

- Why zoning could not require a medical referral for clients of the facilities.
- How the twenty five person cap was applied.
- If there should be different regulation on for profit and nonprofit facilities.
- The history of the ordinance and the need for the change.
- The need to make the language of this ordinance consistent with other similar facilities.
- If the code regulated overnight stays at the facilities.
- How the building code regulated the number of people in a facility.
- If there was a limit to the number of facilities that could be started per year.
- How traffic and parking would be affected by these facilities.
- How to regulate and track the impact from these facilities on the surrounding neighborhoods.
- If hours of operation could be regulated.
- The language for the motion.

MOTION [8:48:05 PM](#)

Commissioner Bachman stated regarding PLNPCM2016-00024 – Eleemosynary (proposed Congregate Care), she moved that the Planning Commission table the petition and ask Staff to look at in the Institutional Zone, to remove the twenty five person cap and make it a Conditional Use and provide qualifying provisions for the Conditional Use. In the small group home language, change the word clients to individuals and review the definition of whether that included live in Staff or not. She stated tentatively, the other provisions of the ordinance, definitions were appropriate and the public hearing would be continued. Commissioner Clark seconded the motion. Commissioners Hoskins, Bachman, Clark, Drown and Paredes voted “aye”. The motion passed unanimously.

The meeting adjourned at [8:49:43 PM](#)