

SALT LAKE CITY PLANNING COMMISSION MEETING
City & County Building
451 South State Street, Room 326, Salt Lake City, Utah
Wednesday, June 14, 2017

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:30:13 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, Emily Drown, Sara Urquhart, Brenda Scheer, Weston Clark and Andres Paredes. Commissioners Ivis Garcia and Clark Ruttinger were excused.

Planning Staff members present at the meeting were Nick Norris, Planning Director; Wayne Mills, Planning Manager; Daniel Echeverria, Senior Planner; Katia Pace, Principal Planner; Amy Thompson, Principal Planner; Michelle Poland Administrative Secretary and Paul Nielson, Senior City Attorney.

Field Trip

A field trip was held prior to the work session. Planning Commissioners present were: Sara Urquhart, Carolyn Hoskins, Maurine Bachman and Weston Clark. Staff members in attendance were Nick Norris, Wayne Mills and Amy Thompson.

- **75 S. 2400 West** – Staff gave an overview of the proposal and oriented the Commission to the area. The Commission asked where the access to the site would be. Staff indicated the location of the property access. The Commission asked what landscaping was proposed to address the heat island. Staff stated landscaping and some covered parking stalls would be added.

APPROVAL OF THE MAY 24, 2017, MEETING MINUTES. [5:30:25 PM](#)
MOTION

Commissioner Urquhart moved to approve the May 24, 2017, meeting minutes. Commissioner Clark seconded the motion. Commissioners Hoskins, Urquhart, Scheer, Clark and Paredes voted “aye”. Commissioner Drown and Bachman abstained from voting as they were not present at the subject meeting. The motion passed unanimously.

REPORT OF THE CHAIR AND VICE CHAIR [5:31:05 PM](#)
Chairperson Matt Lyon stated he had nothing to report.

Vice Chairperson Carolynn Hoskins stated she had nothing to report.

REPORT OF THE DIRECTOR [5:31:13 PM](#)

Mr. Nick Norris, Planning Director, reviewed the actions the City Council had regarding the TSA Zoning district and other small zoning district rezones the Planning Commission had forwarded.

[5:32:34 PM](#)

Bishop Place Planned Development Approval Time Extension Request – Don Armstrong, owner of the proposed development property, is requesting a third time extension for the previously approved Bishop Place Planned Development. The project was originally approved on June 25, 2014. A yearlong extension was granted on June 8th, 2016. The developer has submitted a request to the Historic Landmark Commission to demolish the existing structures in the development; however, they would like to be able to pursue the Planned Development if they are not able to demolish the structures. The location of the project is approximately 432 N 300 West. The subject property is within Council District 3, represented by Stan Penfold. (Staff contact: Daniel Echeverria at (801) 535-7165 or daniel.echeverria@slcgov.com.) Case numbers PLNSUB2014-00019 & PLNSUB2014-00020

Mr. Daniel Echeverria, Senior Planner, reviewed the Bishop Place Time extension request and the current status of the proposal. He stated Staff recommended that the Planning Commission approve the time extension as proposed.

The Commission and Staff discussed the following:

- The process and why the Applicant was asking for an extension when they were requesting demolition.
- When the application for demolition would be presented to the Historic Landmark Commission.

Mr. Bruce Baird reviewed the issues with the demolition ordinance and the proposal. He explained nothing had changed in the subject proposal.

MOTION [5:35:59 PM](#)

Commissioner Drown stated regarding PLNSUB2014-00019 & PLNSUB2014-00020, she moved to Grant a year-long time extension for the Planned Development to expire on June 27, 2018. Commissioner Bachman seconded the motion. Commissioners Hoskins, Bachman, Drown, Urquhart, Scheer, Clark and Paredes voted “aye”. The motion passed unanimously.

[5:37:39 PM](#)

Special Exception at approximately 75 S. 2400 West - Matthew Idema, the consultant representing the “Parking Spot”, is requesting Special Exception approval to expand a nonconforming use on the subject property. The proposal is to expand the existing 680 stall commercial parking lot, to accommodate approximately 3600 stalls over the entire 33 acre parcel. The subject property is located in the TSA-MUEC-CORE (Transit Station Area-Mixed Use Employment

Center-Core Area) zoning district and the AFPP (Airport flight Path Protection Overlay) zoning district. The Planning Commission has final decision making authority for Special Exceptions. The property is located within Council District 1, represented by James Rogers. (Staff contact is Amy Thompson at (801)535-7281 or amy.thompson@slcgov.com.) Case number PLNPCM2017-00134 (Administrative Item)

Ms. Amy Thompson, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff recommended that the Planning Commission approve the petition as presented.

The Commission and Staff discussed the following:

- If the proposal was significantly expanding a non-conforming use.
- How the ordinance addressed parking lots.
- Why the application was for a Special Exception process and not another process such as a rezone.
- If the petition was granted could the property be redeveloped into a conforming use in the future?
- The history of the parcel and its zoning.
- The comments from the neighboring property owner.

Mr. John Lyons, applicant, reviewed the history of the business, the reason for the request and how the proposal met the standards in the ordinance.

Mr. Matthew Idema, applicant, reviewed the site design and the protections that would be added for the wetlands located on the property.

Mr. Tom Bennet, attorney, reviewed the reason for requesting a Special Exception and not a rezone. He reviewed the history of the property, the standards in the ordinance and how the proposal met those standards.

The Commission, Applicant and Staff discussed the following:

- How the proposal did or did not meet the standards in the ordinance.
- The drainage and grading proposal for the property.
- The pollution the business would create and the number of vehicles that would be using the facility.
- The proposal seemed opposite of what the TSA zone was created for and the Applicant needed to prove it was a benefit to the community or mitigate the impacts.
- The people that would be using the parking lot and how the use would be limiting the number of trips for those people versus other uses of the property.
- The access to the property and the traffic flow.
- The current traffic pattern in the area.

PUBLIC HEARING [6:29:59 PM](#)

Chairperson Lyon opened the Public Hearing.

The following individuals spoke to the petition: Mr. Bruce Baird

The following comments were made:

- The proposal did not comply with the TSA Zoning.
- The administrative decision in 2015, was not binding just because it was not appealed.
- If the asphalt was considered a structure then it could not be increased.
- The request should be for a rezoning.

Chairperson Lyon closed the Public Hearing.

The applicants reviewed the traffic pattern for the property and the number of vehicles proposed to use the business. They reviewed the Administrative Interpretation for the property and how the proposal met that interpretation.

The Commission and Staff discussed and stated the following:

- Standard A in the Ordinance.
- The pros and cons of developing a parking lot on the subject property.
- The flight paths for the airport and how the property would be limited by those paths.
- Why the parking shade structure was not considered a principal structure.
- The current parking plan for the airport.
- Air quality and pollution issues.
- It was prime real-estate being taken away from development to be used as a parking lot.

MOTION [6:55:27 PM](#)

Commissioner Bachman stated regarding Special Exception Expansion of a Nonconforming Use Petition Number: PLNPCM2017-00134, based on the findings listed in the Staff Report, testimony and the proposal presented, she moved that the Planning Commission approve the special exception request for expanding a nonconforming use (the commercial parking lot) located at approximately 75 S 2400 West. The Planning Commission found that the project complied with the review standards as demonstrated in Attachment E of the Staff Report. Commissioner Urquhart seconded the motion. Commissioners Bachman, Drown, Hoskins, Urquhart, Scheer, Clark and Paredes voted “aye”. The motion passed unanimously.

[6:57:30 PM](#)

Zoning Amendment HLC Appeals - A request by Mayor Jackie Biskupski to amend title 21A of the Salt Lake City Municipal Code that relates to the appeals process for decisions made by the Historic Landmark Commission. The purpose of these amendments is to update the Zoning Ordinance so that it is compliant with bill HB

30 that was passed by the Utah State Legislature. The proposed amendment will affect sections 21A.06, 21A.16 and 21A.34 of the zoning ordinance. Related provisions of title 21A may also be amended as part of this petition. These changes would apply citywide. Staff contact is Amy Thompson at (801) 535-7281 or amy.thompson@slcgov.com. Case number PLNHLC2017-00154 (Legislative Item)

Ms. Amy Thompson, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff recommended that the Planning Commission forward a positive recommendation to the City Council regarding the petition.

The Commission and Staff discussed the following:

- The process for a demolition application.
- The history behind the proposal and how it could be amended in the future.
- If the Mayor could delegate review authority.

PUBLIC HEARING [7:04:37 PM](#)

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

MOTION [7:04:57 PM](#)

Commissioner Scheer stated regarding Text Amendments Related to HLC Appeals Petition Number: PLNPCM2017-00154, based on the analysis and findings listed in the Staff Report, testimony and the proposal presented, she moved that the Planning Commission forward a positive recommendation to the City Council regarding the amendments to section 21A.06, 21A.16 and 21A.34.020 as proposed. The Planning Commission finds that the proposed project complies with the review standards as demonstrated in Attachment C of the Staff Report. Commissioner Drown seconded the motion. Commissioners Bachman, Hoskins, Drown, Urquhart, Scheer, Clark and Paredes voted “aye”. The motion passed unanimously.

Commissioner Hoskins left for the evening. [7:05:52 PM](#)

[7:05:55 PM](#)

Eleemosynary (proposed Congregate Care Facility) 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 regulations governing 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 recommended that the Planning Commission approve the petition as presented.

The Commission and Staff discussed the following:

- The standards of review listed in the ordinance.
- The number of patients allowed at a large or small eleemosynary facility.
- The difference between Assisted Living and Eleemosynary facilities.
- If eleemosynary facilities would be allowed in an institutional zone.
- The impacts these facilities have on neighborhoods.
- The number of petitions submitted annually for these facilities.

PUBLIC HEARING [7:32:36 PM](#)

Chairperson Lyon opened the Public Hearing.

The following individuals spoke to the petition: Ms. Dionn Nielson, Ms. Michele Gilbert, Mr. Francisco Hernandez and Ms. Kim Correa.

The following comments were made:

- The INN Between was getting out of control and was not the facility proposed.
- Concerned about the safety of the neighborhood.
- Please take the public's concern into consideration.
- The current INN Between was fine but not a larger facility.
- INN Between was committed to being a good neighbor and held community meetings regarding the facility where the community could address concerns.
- Would like the non-profit and government designation removed from the ordinance because a for-profit company may want to build a facility.

Chairperson Lyon read the following card:

- Mr. Steve Movi – It seems the real issue is that the residents were promised that the INN Between was opening a hospice only. Then they expanded operating beyond what was assured to. Instead of stopping the INN Between, Council is trying to change the amendment to make the illegal actions of the INN Between okay.
- Mr. Bill Pike – The INN Between opened under fake pretenses of being an hospice and was allowed to move into a zone which was not meant for homeless shelters, now it want a no cap policy, all in good faith. It would be irresponsible to lift a cap and restructure zoning for homeless services in residential areas. Who can be

sued or held liable if anything happens to go awry. Who regulates fifty plus homeless people in a bedroom community? Please keep these places small to have to fit in just like a few families would not 10-12 houses worth in such a small space and area plus staff volunteers and visitors.

- Mr. Jim Gilbert – We were told that it was a hospice because the church gave the building or that small of a place for hospice. To total non-profit organization, they weren't but now the totally nonprofit organization has big salaries and enough money to build a new building. Things just change from month to month. Okay the people that area patients (individuals) and families. These people are homeless that is why they opened the hospice. Eleemosynary/congregate care has no specifications what was supposed to be hospice center is family living with them.
- Letter from D'yani- Allowing an unlicensed facility like the INN Between to come into a neighborhood without prior impact analysis is unwise. It is the perfect issue for zoning rules to fix. Currently these types of facilities can move in unobstructed and the burden of proving negative impact falls on the residents who are often unaware of how this process even works even if they are experienced. Even if they experience sever negative impacts from the facility. Personally we would love the chance to prove the impacts exist and have them addressed in any official capacity. Thank you for listening and know there are many more silent neighbors who feel helpless too.

Chairperson Lyon closed the Public Hearing.

The Commission and Staff discussed and stated the following:

- The Public comments were directed to a single facility and the proposal was for an overall zoning amendment.
- If the INN Between wanted to expand, who would review a petition?
- The definition of temporary in the ordinance.
- The rationale for removing the non-profit requirements.
- Large facilities should be Conditional Uses in RMF-45, RMF-75, RMU-45, RMU, CB, and CC,
- The zoning the facilities should be allowed as permitted or conditional uses.
- How to ensure these facilities were not nursing homes or assisted living facilities.
- Adding the specific language "up to six" for small facilities.
- Thanked the community for speaking out.
- The next steps for the proposal.
- The future review process the INN Between would go through if there were changes to the facility.

MOTION [8:20:21 PM](#)

Commissioner Bachman stated regarding PLNPCM2016-00024 – Eleemosynary (proposed Congregate Care) Text Amendment, based on the information in the Staff Report and memorandum to the Planning Commission, the information

presented, and the input received during the public hearing, she moved that the Planning Commission forward a positive recommended to the City Council for the text amendment as outlined in the May 10, 2017, Staff Report. In addition to those proposed ordinance changes in amendment A the Commission would add or change the following:

1. All of the permitted large congregate care facilities changed to conditional uses in the land use table.
2. In the definition of a small congregate care facility add the words “up to six”.
3. In the definition of large and small congregate care add to the list of things that it was not assisted living.
4. Remove 25 person cap in the definition of “Assisted Living Facility;”
5. Remove the 800 foot distance requirements that violate the Fair Housing Act;
6. Rename “Eleemosynary” to “Dwelling, Congregate Care facility”;
7. Redefine the proposed “Dwelling, Congregate Care facility” land use definition;
8. Create two sizes of “Dwelling, Congregate Care facility”, (small) and (large); and,
9. Reorganize the districts where the proposed “Dwelling, Congregate Care facility (large) and (small)” are allowed.

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

The meeting adjourned at [8:22:31 PM](#)