

SALT LAKE CITY PLANNING COMMISSION MEETING
This meeting was held electronically pursuant to the
Salt Lake City Emergency Proclamation
Wednesday, November 18, 2020

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:30:26 PM](#). Audio recordings of the Planning Commission meetings are retained for a period of time.

Present for the Planning Commission meeting were: Chairperson, Brenda Scheer; Vice Chairperson, Amy Barry; Commissioners Maurine Bachman, Adrienne Bell,Carolynn Hoskins, Matt Lyon, Andres Paredes, Sara Urquhart, and Crystal Young-Otterstrom.

Planning Staff members present at the meeting were: Nick Norris, Planning Director; Wayne Mills, Planning Manager; John Anderson, Planning Manager; Paul Nielson, Attorney; Caitlyn Miller, Principal Planner; Chris Earl, Associate Planner; David Gellner, Principal Planner; Katia Pace, Principal Planner; and Marlene Rankins, Administrative Secretary.

Chairperson Brenda Scheer read the emergency proclamation for conducting a virtual meeting.

REPORT OF THE CHAIR AND VICE CHAIR [5:31:35 PM](#)

Chairperson Scheer stated that it is her and Amy Barry's first time serving as Chair and Vice-Chair and asked the public for their patience while they settle into their new roles.

Vice Chairperson Barry stated she had nothing to report.

REPORT OF THE DIRECTOR [5:32:08 PM](#)

Wayne Mills, Planning Manager, provided the public with instructions on how to join and participate during the meeting.

[5:34:11 PM](#)

Consideration of a Stay of Decision - On October 28, 2020 the Planning Commission approved a special exception for additional building height to add a second story to existing home located at approximately 1400 East Federal Way; Case number PLNPCM2020-00465. That decision has been appealed. City ordinance 21A.52.120.B authorizes the Planning Commission to consider whether to stay the decision that is being appealed. A stay prevents the city from taking any further action regarding the application, including issuing building permits, performing inspections, or finalizing inspections, until a decision is reached by the appeals hearing officer. A stay does not prohibit the applicant from performing work on the subject property that does not require a permit or for work related to a permit that has already been issued. If a stay is not granted, the city would be obligated to issue permits, perform inspections and approve permits. The property owner proceeds at their own risk pending a decision on the appeal. (Staff contact: Caitlyn Miller at (385) 315-8115 or caitlyn.miller@slcgov.com)

Nick Norris, Planning Director, provided the commission with a summary regarding the consideration of a Stay of Decision.

The Commission and Staff discussed the following:

- Whether the stay has a built-in expiration date
- Clarification on whether the commission needs to take action on the item
- Clarification on what the standard is for approving a stay as opposed to denying

- Clarification on the location of the tree in question

The Commission did not decide to move forward to approve a stay.

CONSENT AGENDA [5:42:00 PM](#)

[5:42:09 PM](#)

Kensington Tower Time Extension Request – Steve Brown, project representative, is requesting a one-year time extension of approval for the Kensington Tower Design Review. The applicant has indicated that additional time is needed due to delays related to the current COVID-19 pandemic. Design Review was approved by the Planning Commission on November 13, 2019 for a 448-foot-tall multi-family residential tower. The subject property is located at approximately 75 E. 200 S., in the D-1 (Central Business District) within Council District 4, represented by Ana Valdemoros. (Staff contact: John Anderson at (385) 226-6479 or john.anderson@slcgov.com) **Case number PLNPCM2019-00786**

And

APPROVAL OF THE OCTOBER 28, 2020, MEETING MINUTES.

MOTION

Commissioner Lyon moved to approve the items on the consent agenda.

Commissioner Young-Otterstrom seconded the motion. Commissioners Bachman, Barry, Bell, Hoskins, Lyon, Paredes, Urquhart, and Young-Otterstrom voted “Aye”. The motion passed unanimously.

Commissioner Bell recused herself due to potential conflict of interest.

[5:43:54 PM](#)

Conditional Use ADU at approximately 2321 S Windsor St - Andrea Palmer with Modal, representing the property owner, is seeking Conditional Use approval for an Accessory Dwelling Unit (ADU) in a detached structure at approximately 2321 S Windsor Street. The ADU will be located in the Southeast corner of the rear yard of the subject property. The ADU will measure approximately 561 square feet and will measure a height of approximately 11 feet 7 inches. The subject property is located in the R-1/5,000 Single-Family Residential zoning district and is located within Council District 7, represented by Amy Fowler. (Staff contact: Chris Earl at (801) 535-7932 or christopher.earl@slcgov.com) **Case number PLNPCM2020-00512**

Chris Earl, Associate Planner, reviewed the petition as outlined in the Staff Report (located in the case file). He stated Staff recommended that the Planning Commission approve the Conditional Use request with the conditions listed in the staff report.

Andrea Palmer with Modal Living, was available for questions.

PUBLIC HEARING [5:47:38 PM](#)

Chairperson Scheer opened the Public Hearing;

Zachary Dussault – Stated his support of the request.

Dennis Reeves – Provided an email comment stating his opposition of the request.

Seeing no one else wished to speak; Chairperson Scheer closed the Public Hearing.

The Commission and Staff discussed the following:

- Request to indicate time of day pictures are taken of parking areas

MOTION [5:52:16 PM](#)

Commissioner Hoskins stated, based on the information listed in the staff report, the information presented, and the input received during the public hearing, I move that the Commission approve the request for Conditional Use for an accessory dwelling unit (ADU) at 2321 S Windsor Street, as presented in petition PLNPCM2020- 00512, with the conditions listed in the staff report.

Commissioner Bachman seconded the motion. Commissioners Young-Otterstrom, Urquhart, Paredes, Lyon, Barry, Hoskins, and Bachman voted “Aye”. The motion passed unanimously.

[5:54:04 PM](#)

East Liberty Tap House Conditional Use for a Bar at approximately 850 East 900 South - Caroline & Josh Stewart, the property owners, are requesting Conditional Use approval for a bar establishment to be located at 850 E 900 S. The space is currently occupied by the East Liberty Tap House and the bar establishment will retain the same name and ownership. The applicants are proposing to change the existing tavern/restaurant license and approval at this location to a bar establishment which requires a new Conditional Use approval. A Bar is allowed as a Conditional Use in the CB – Community Business zoning district subject to certain size limitations. An area that previously functioned as a private dining room will be incorporated into the bar's space for patrons. The building's exterior, parking and other aspects are not being modified through this request. The subject property is located within Council District 5, represented by Darin Mano (Staff contact: David J. Gellner at (385) 226-3860 or david.gellner@slcgov.com) **Case number PLNPCM2020-00558**

David Gellner, Principal Planner, reviewed the petition as outlined in the Staff Report (located in the case file). He stated Staff recommended that the Planning Commission approve the request with the conditions listed in the staff report.

The Commission and Staff discussed the following:

- Whether there are any changes in the operation proposed
- Whether the size of the outdoor patio must be limited

Caroline and Josh Stewart, applicants, provided some background information regarding the property and further details.

PUBLIC HEARING [6:06:38 PM](#)

Chairperson Scheer opened the Public Hearing;

Zachary Dussault – Stated his support of the request. He also shared his experience living near a bar and how it provides a sense of security knowing there's people nearby.

Seeing no one else wished to speak; Chairperson Scheer closed the Public Hearing.

The Commission and Staff further discussed the following:

- Clarification on the standards for outdoor dining during COVID-19

MOTION [6:10:08 PM](#)

Commissioner Urquhart stated, based on the findings and analysis in the staff report, testimony, and discussion at the public hearing, I move that the Planning Commission approve the Conditional Use application for a Bar Establishment located at approximately 850 E 900 S, as presented in petition PLNPCM2020-00558 with the Conditions of Approval listed in the staff report.

Commissioner Barry seconded the motion. Commissioners Bachman, Barry, Bell, Lyon, Paredes, Urquhart, and Young-Otterstrom voted “Aye”. Commissioner Hoskin abstained from voting due to technical difficulties. The motion passed 7-1.

[6:12:42 PM](#)

Emeril Townhomes Planned Development, Design Review and Preliminary Subdivision at approximately 833 W Emeril Avenue - Jarod Hall, representing the property owner, is requesting approval for a new townhome development at 833 Emeril Avenue. The project will replace one single family residence on a single lot with 12 single family attached townhomes. The total site is 0.27 acres. The proposed project is subject to the following applications:

- a. **Planned Development:** The Planned Development is needed to address the lack of street frontage and modifications to the TSA zoning regulations. **Case number PLNPCM2020-00288**
- b. **Design Review:** The development requires Design Review approval as the development did not receive enough points through the TSA development review process for administrative (staff level) approval. **Case number PLNPCM2020-00289**
- c. **Preliminary Subdivision:** The development also involves a preliminary plat to create the individual new townhome lots. **Case number PLNSUB2020-00347**

The subject property is located within Council District 2, represented by Andrew Johnston. (Staff contact: Katia Pace at (801) 535- 6354 or katia.pace@slcgov.com) She stated staff recommended that the Planning Commission approve the petition with the conditions listed in the staff report.

Jarod Hall, applicant, provided a presentation with further design details.

Katia Pace, Principal Planner, reviewed the petition as outlined in the Staff Report (located in the case file).

The Commission, Staff and Applicant discussed the following:

- Clarification on the TSA point evaluation scoring

PUBLIC HEARING [6:34:08 PM](#)

Chairperson Scheer opened the Public Hearing;

Zachary Dussault – Stated his support of the request.

Seeing no one else wished to speak; Chairperson Scheer closed the Public Hearing.

The Commission and Staff discussed the following:

- Clarification on whether the item was noticed to the Community Council and whether any feedback was received
- Clarification on the design of the street facing second floor

MOTION [6:40:05 PM](#)

Commissioner Bell stated, based on the information in the staff report, the information presented, and the input received during the public hearing, I move that the Planning Commission approve PLNPCM2020-00288, PLNPCM2020-00289, PLNSUB2020-00347, 833 Emeril Townhomes - Planned Development, Design Review and Preliminary Subdivision with the conditions listed in the staff report.

Commissioner Young-Otterstrom seconded the motion. Commissioners Bachman, Barry, Bell, Hoskins, Lyon, Paredes, Urquhart, and Young-Otterstrom voted “Aye”. The motion passed unanimously.

[6:41:48 PM](#)

Deleting Special Exceptions from the Zoning Ordinance and Associated Ordinance Changes -

Mayor Erin Mendenhall, at the request of the Planning Division, is requesting amendments to the zoning ordinance regulations regarding special exceptions. The proposal would delete and eliminate the special exception process from the zoning ordinance. A special exception is a minor alteration of a dimensional requirement of the zoning ordinance or addresses accessory uses and structures. There are more than forty special exceptions authorized in the zoning ordinance. The proposal addresses each special exception and results in each special exception being deleted, permitted, or authorized through a different process in the zoning ordinance. Some special exceptions that will become permitted include changes to standards to add flexibility and reduce impacts. Special exceptions are approved by staff of the Planning Division, the Planning Commission, or Historic Landmark Commission. The proposed amendments involve multiple chapters of the Zoning Ordinance. Related provisions of Title 21A-Zoning and Title 14 may be amended as part of this petition. The changes would apply Citywide. (Staff contact: Nick Norris at (801) 535-6173 or nick.norris@slcgov.com) **Case number PLNPCM2020-0606**

Nick Norris, Planning Director, reviewed the petition as outlined in the Staff Report (located in the case file).

The Commission and Staff discussed the following:

- Clarification on whether extra height for buildings is allowed if the primary structure is nonconforming in height
- Clarification on nonconforming structures

PUBLIC HEARING [7:04:10 PM](#)

Chairperson Scheer opened the Public Hearing;

Cindy Cromer – Stated she mentioned to the Historic Landmark Commission the issue of lack of public notice once the changes are approved. She also stated that over time uses associated with special exceptions have changed dramatically; an example is outdoor dining.

Zachary Dussault – Stated his support of the request.

Seeing no one else wished to speak; Chairperson Scheer closed the Public Hearing.

Nick Norris, Planning Director, provided information on notices that are provided to the public.

The Commission and Staff further discussed the following:

- Whether public comments received by staff are sent to City Council
- Clarification on whether the neighborhood will still receive notices if the petition is approved

- Clarification on the number of special exceptions in the zoning ordinance that are being changed
- Clarification on how the proposed changes affect daycares

MOTION [7:17:02 PM](#)

Commissioner Bell stated, based on the information in the staff report, the information presented, and the input received during the public hearing, I move that the Planning Commission recommend that the City Council approve the proposed text amendment, PLNPCM2020-00606 Special Exception Text Amendment.

Commissioner Bachman seconded the motion. Commissioners Young-Otterstrom, Urquhart, Paredes, Lyon, Hoskins, Bell, Barry and Bachman voted “Aye”. The motion passed unanimously.

The meeting adjourned at [7:20:37 PM](#)