

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**This meeting was held electronically**  
**Wednesday, October 27, 2021**

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at approximately 5:30 pm. Audio recordings of the Planning Commission meetings are retained for a period of time. These minutes are a summary of the meeting. For complete commentary and presentation of the meeting, please visit <https://www.youtube.com/c/SLCLiveMeetings>.

Present for the Planning Commission meeting were: Chairperson, Amy Barry; Vice-Chairperson, Maurine Bachman, Commissioners, Brenda Scheer, Jon Lee, Andres Paredes, Sara Urquhart, Mike Christensen, Aimee Burrows, and Andra Ghent. Commissioner Adrienne Bell was excused.

Planning Staff members present at the meeting were: Wayne Mills, Planning Manager; Kelsey Lindquist, Planning Manager; Paul Nielson, Attorney; Aaron Barlow, Principal Planner; Meagan Booth, Principal Planner; Kristina Gilmore, Senior Planner; Amanda Roman, Principal Planner; David Gellner, Senior Planner; Aubrey Clark, Administrative Secretary.

**APPROVAL OF THE OCTOBER 13, 2021 MEETING MINUTES & CONSENT AGENDA**

Chairperson Barry stated that she will be moving the consent agenda item into the public hearings because she was made aware that the public wished to speak on the item.

**Commissioner Maurine Bachman motioned to approve. Commissioner Brenda Scheer seconded the motion. John Lee abstained. Amiee Burrows did not vote. All**

**REPORT OF THE CHAIR AND VICE CHAIR**

Nothing to report

**REPORT OF THE DIRECTOR**

Wayne Mills welcomed Aimee Burrows to the commission.

**PUBLIC HEARINGS**

**Sheffield ADU at Approximately 1364 South Emigration Street** - Andrea Palmer of Modal Living, representing the property owner, has requested conditional use approval for a 12-foot tall, 590-square-foot accessory dwelling unit (ADU) that will be situated in the rear, northwest corner of the property located at 1364 South Emigration Street. The property is zoned R-1/5,000, Single Family Residential District, where ADUs that are separate from the primary structure must be processed as a conditional use. The subject property is located within Council District 6, represented by Dan Dugan. (Staff contact: Aaron Barlow at 385-386-2764 or [aaron.barlow@slcgov.com](mailto:aaron.barlow@slcgov.com)). **Case number PLNPCM2021-00805**

Aaron Barlow, Principal Planner, reviewed the petition as outlined in the staff report. He stated that Staff recommends approval of the Conditional Use request.

Commissioner Andra Ghent asked for clarification on the lighting requirements. That will be reviewed under the building permit. They aren't allowed light spill, which will be reviewed.

Commissioner Aimee Burrows asked about tree removal and whether that should be considered by the commission. Aaron Barlow clarified the tree removal.

Need to remove the garage prior to the ADU being built. Mr. Mills added that that be added as a condition if they want but must be associated with the conditional use standards.

Chairperson Amy Barry referred to the applicant to speak.

Andrea Palmer, applicant representative, covered the use of the modal unit. She stated they are not currently planning to use it as a rental, that they plan to use it for family. She stated they would be using a hardy board shiplap white siding. She also stated that lighting will not be facing the neighbors and that there will be no windows on the rear of the unit. She stated that the unit would be built offsite and craned into location, she said that necessary permits would be acquired prior to assembly. She stated that one of the reasons for the removal of the garage is that it is in disrepair. She stated that they would be five-foot which is better than the required four-foot setbacks.

Chairperson Amy Barry opened the meeting to the Public Hearing.

## **PUBLIC HEARING**

Planning Manager Wayne Mills stated there was no hands raised. He did state there were emails that were submitted to the commission prior to the meeting for review.

Seeing that no one else wished to speak Chairperson Amy Barry closed the public hearing.

## **MOTION**

**Commissioner Andra Ghent motioned that based on the staff report and information presented, she moved that the Planning Commission approve the request for a conditional use for an ADU in plan case PLNPCM2021-00805 . Sara Bachman seconded the motion. Commissioners Aimee, Jon, Brenda, Maurine, Andres, Andra, Mike, and Sara voted "yes". The motion passed.**

**Dewitt Design Review at Approximately 352 South 500 East** – AJC, property owner representative, has submitted a Design Review Application to exceed the height limitations of 75' within the R-MU (Residential Mixed-Use) zoning district. The additional height ranges from 5'8" to 13'10", all of which are located towards the northern portion of the site. The proposed development is for a new multi-family building with approximately 149 multi-family units. Buildings more than 75-feet tall are allowed up to 125 feet through the Design Review process with Planning Commission approval. The subject property is located within Council District 4, represented by Ana Valdemoros. (Staff contact: Meagan Booth at 385-395-9035 or meagan.booth@slcgov.com.) **Case number PLNPCM2021-00649**

Meagan Booth, Principal Planner, reviewed the petition as outlined in the staff report. She stated that the petition is in compliance with the standards and Staff recommends approval of the design review application.

Commissioner Scheer asked what the substantial design changes were required for the design review process?

Ms. Booth covered the open space, landscaping and other requirements and how the parking shifted.

Aimee Burrows asked if the other standards were met prior to going before the commission except for height? Ms. Booth said that was correct.

Chairperson Barry allowed the applicant time to present.

Justin Heppler, the applicant, reviewed the project and the reason for their asking for the additional height. He clarified that they are not adding more floors and addressed the trellis bar.

Commissioner Jon Lee asked about the façade materials. Are they all one plane? The applicant said they would be somewhat flat but with a slight inch of shadow lines but they are using colors to add dimensions to the building.

Commissioner Lee recommended they go 3-4 inches on the façade changes to add more dimension.

Chairperson Barry opened the Public Hearing.

## **PUBLIC HEARING**

Kendal Phillips objects to the height due to his property to the north being in the shadows of the building height.

Planning Manager Wayne Mills read into the record an email from Kurt Bestor wondering about the road between the new building the his historic home. He wanted to know if the easement would be preserved?

Seeing that no one else wished to speak Chairperson Barry closed the Public Hearing.

Justin Heppler, the applicant, addressed the easement issue, sensitivity to the shadow comment and their opinion that the extra five feet is minimal.

Aimee Burrows asked if the proposed development would be the tallest building on the block. Meagan Booth did not have the answer to that question. Planning Manager Kelsey Lindquist said she would research that question and get back to the commission.

Planning Manager Wayne Mills explained that the additional height is allowed by the code but requires that the design review process.

Commissioner Andra Ghent asked for clarification on why some height is by right and other permissible by design review. Mr. Mills confirmed that if this is denied, they would have to just build to 75 feet.

Commissioner Scheer discussed urban design principles and proximity to downtown and transportation assets as a reason for more height.

Kelsey Lindquist clarified similar developments along 400 S.

Commissioner Scheer discussed material choices and the flatness depending on materials. The applicant reviewed their material choices and the setbacks as they relate to other buildings. Commissioner Scheer recommended beefing up the column of the cantilever.

## **MOTION**

**Commissioner Mike Christensen stated, Based on the findings listed in the Staff Report, the information presented, and input received during the public hearing, I move that the Planning Commission approve the Design Review (Petition PLNPCM2021-00649) for a building height of 86' subject to the following conditions: 1. Building permit elements such as signage, lighting, and streetscape elements must be reviewed and approved as part of the building permit review. This review will be delegated to the staff.**

**Commissioner Andra Ghent seconded the motion. Commissioners Aimee, Jon, Brenda, Maurine, Andres, Andra, Mike, and Sara voted "yes". The motion passed.**

### **Conditional Use for Duplex Expansion at Approximately 1224 and 1226 South 300 East -**

Lucas Hanover, the property owner, for an existing legal, conforming duplex at the above-stated address, requests conditional use approval to increase the building footprint of the unit to the south (1226 S) by approximately 1152 square feet. The addition would consist of 2 bedrooms, a bathroom, living room, and kitchen. No changes to the unit to the north (1224 S) are proposed. The subject property is located within the R-1/5,000 Single-Family Residential zoning district. Conditional use approval is required because the addition exceeds 25% of the original footprint of the legal conforming duplex. The subject property is located within Council District 5, represented by Darin Mano. (Staff contact: Meagan Booth at 385-395-9035 or meagan.booth@slcgov.com.) **Case number PLNPCM2021-00652**

Meagan Booth, Principal Planner, reviewed the petition as outlined in the staff report and staff's recommendation for approval.

Commissioner Scheer asked if new addition is taller than the front building.

Chair Barry allowed the applicant to present. The applicant discussed the reasons for more space and that their family works from home and it is needed. He said the addition attaches to the same eave height as the original building.

Chairperson Barry opened the Public Hearing.

## **PUBLIC HEARING**

Seeing that no one wished to speak Chairperson Scheer closed the public hearing.

Commissioner Burrows asked if there was an owner occupied condition? Mr. Mills stated that this was a requirement for ADUs, this is a duplex and doesn't have that requirement.

## **MOTION**

**Commissioner Maurine Bachman 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 Planning Commission approve the request for Conditional Use for the duplex addition at 1224-1226 S 300 E, as presented in petition PLNPCM2021-00652, with the conditions listed in the staff report.**

**Commissioner Brenda Scheer seconded the motion. Andra, Andres, Sara, Maurine, Aimee, Jon, Brenda, Mike voted "yes". The motion passed.**

**Alley Vacation at Approximately 925 South 1200 West** - Jordan and Elizabeth Frandsen, property owners, have initiated a petition to vacate an approximately 150-foot section of platted alley to the south of their property. The alley is part of two alleys forming a "T" shape, one leg of which runs east/west between 1200 West and Emery Street, and one leg runs north/south from 900 South to the 9 Line Trail. The proposal is to vacate an east/west alley segment and incorporate the vacant land into the neighboring property. The total area of the proposed vacation is approximately 2,100 square feet. The subject alley is located within Council District 2, represented by Dennis Farris. (Staff contact: Krissy Gilmore at 385-214-9714 or kristina.gilmore@slcgov.com) **Case number PLNPCM2021-00806**

Kristina Gilmore, Senior Planner, reviewed the petition as outlined in the staff report. She stated that Staff recommends approval with conditions. Reminded that there is a revised motion sheet in the dropbox for the commission.

Jordan Frandsen, the applicant, explained the alley and that there is no access to it. They realized that an alley vacation hadn't been requested. He has been maintaining it personally and hoping to have a garden. Neighbors don't use this portion of the alley. He has spoken with neighbors.

Chairperson Barry opened the Public Hearing.

## **PUBLIC HEARING**

Jason Seaton – for the petition, excited to see this area taken care of by the applicants.

Esther Stowell – for the petition, definitely a fantastic option, glad neighbors are taking this opportunity to make the neighborhood better.

Chairperson Barry closed the public hearing.

Commissioner Sara Urquhart stated that she isn't a huge fan of alley vacations, feels the land should be kept by the city.

Commissioner Andra Ghent doesn't see the value of the City keeping a small piece of land given the depth and length of the subject area.

## **MOTION**

**Commissioner Brenda Scheer stated, Based on the findings and analysis in the staff report, testimony, and discussion at the public hearing, I move that the Planning Commission transmit a positive recommendation to City Council in regard to the proposed Alley Vacation, file PLNPCM2021-00806 with the following condition: 1. The method of disposition of the alley property shall be consistent with the method of disposition outlined in Section 14.52.040–Method of Disposition and Chapter 2.58 City Owned Real Property of the Salt Lake City Ordinance.**

**Commissioner Mike Christensen seconded the motion. Commissioners Andra, Andres, Maurine, Aimee, Jon, Brenda, Mike voted “yes”. Commissioner Sara Urquhart voted “no”. The motion passed with 7 “yes” and 1 “no”, a positive recommendation will be forwarded to City Council.**

**Zoning Map Amendment for the Property Located at Approximately 1193 West California Avenue** - Kesaia Young, property owner, is requesting that the City amend the zoning map for the property located at the address listed above. The proposal is to rezone the 12,200 square foot property from R-1/7,000 (Single Family Residential) to R-1/5,000 (Single Family Residential). The amendment would allow the property to be subdivided into two lots that each meet the minimum lot area for a single-family dwelling. The property is located within Council District 2, represented by Dennis Faris. (Staff contact: Amanda Roman at 385-386-2765 or amanda.roman@slcgov.com) **Case number PLNPCM2021-00709**

Amanda Roman, Principal Planner, review the petition as outlined in the staff report. She stated that Staff is recommending the commission forward a positive recommendation to City Council.

The applicant, Kesaia Young, stated the request will allow the property to be subdivided to hold two homes. The applicant would continue to own both properties and allow elderly relatives to occupy the home and for the family to be together and to age in place.

Chairperson Barry asked if the two new single-family homes would be located on two separate parcels, Amanda said yes and clarified the difference between this and ADUs. Internal ADUs are now permitted uses and would not be reviewed by the Planning Commission.

Chairperson Barry opened the public hearing.

## **PUBLIC HEARING**

Seeing that no one wished to speak Chairperson Barry closed the public hearing.

Commissioner Burrows asked about if there was another process to make them two lots? Ms. Roman explained that the decision to rezone will be made by City Council, if approved, then the applicants could move forward to subdivide lots. The subdivision would be reviewed administratively.

## **MOTION**

**Maurine Bachman 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 forward a positive recommendation to the City Council to approve PLNPCM2021-00709.**

**Commissioner Maurine Bachman, Mike Christensen seconded the motion. Andra, Andres, Sara, Maurine, Aimee, Jon, Brenda, Mike voted “yes”. The motion to forward a positive recommendation passed unanimously.**

**A five-minute break was called. The meeting was reconvened at 7:08pm.** At the time, Mr. Mills provided information to the public regarding how to join the meeting.

**Zoning Map Amendment for Properties Located at approximately 1850 West Indiana Avenue & 1965 West 500 South** - Tim Stay, CEO of The Other Side Academy is requesting that the City amend the zoning map for portions of the properties located at 1850 W Indiana Avenue and 1965 W 500 S respectively. Both properties are owned by Salt Lake City and are zoned PL - Public Lands. The applicant is requesting to change the zoning of the property to FB-UN2 (Form Based Urban Neighborhood District) in order to develop a walkable urban neighborhood of mixed uses to be known as "The Other Side Village". The rezoning would be applied to approximately 28.5 acres of property at 1850 W Indiana and approximately 8.6 acres of property at 1965 S 500 W. The proposed uses on the approximately 37.1-acre site would include permanent supportive housing for homeless individuals as well as services and resources to include on-site healthcare, medical services, and community gathering spaces. This request only relates to the zoning designation of the property. No specific site development proposal has been submitted or is under consideration at this time. This zoning map amendment does not require an amendment to the Westside Master Plan. The properties are located within

Council District 2, represented by Dennis Faris. (Staff contact: David J. Gellner at (385-226-3860 or david.gellner@slcgov.com) **Case number PLNPCM2021-00787**

David Gellner, Senior Planner, review the petition as outlined in the staff report. He stated that Staff is suggesting that the Commission forward a positive recommendation to City Council.

Chairperson Barry asked staff to clarify the FBUN-2 zone and what was allowed. She also asked why staff is recommending a buffer and why they want to change the zoning to FB-UN2. Mr. Gellner provided background and how it related to research conducted by planning to identify properties large enough for the use and to look at which zones would allow the range of uses desired by the applicant. .

Andres asked if there were similar developments in Salt Lake City? Mr. Gellner said no and the applicant can discuss further.

Commissioner Burrows asked for clarification on the zoning change and uses that would be allowed later. Mr. Gellner said if approved by Council, those uses in the zone and the building forms allowed. Mr. Mills discussed the zoning requirements of the FBUN-2 zone and design considerations along street façades.

Aimee Burrows asked what the next step once it makes it to City Council. Mr. Gellner discussed the council decision process. It was clarified that commissioners can participate in the process as citizens.

Chairperson Barry opened the meeting to the applicant.

The applicant, Tim Stay, shared that they have target occupants. He shared their proposed designs of the tiny homes. He also shared the proposed amenities of the village. He stated it would be a gated community with cameras and controlled access.

The applicant, Joseph Grenny, covered why they believe the community would work. He shared some of their past projects. He also shared crime statistics on their current projects and the community outreach they have done.

The Applicant, Tim Stay, discussed other properties they considered. He shared the statistics that they received from their Change.org poll.

Chairperson Barry reviewed the public commenting instructions. She opened the public hearing.

## **PUBLIC HEARING**

- Anthony Sudweeks – Founder of Wallace Stegner Academy – In favor of the petition.
- Chris Mantas – Business owner in the area – Concerned about it being a past landfill and an industrial area and concerned about impacts.
- Daniel Fale – real estate agent representing the Carter family, nearest property owner to the east – in favor of the petition but want further conversation on traffic, security and site design at a later date.
- Darin Mann – in favor of the petition, has housed a homeless camp in his yard. Supportive of the organization and assisting them. Likes that this is a lasting solution.
- Dee Brewer – representing the Downtown Alliance – in favor of the petition. Find this an innovative option. Supports housing options across the reason. Realize that this village will serve a need and encourage approval.
- Esther Stowell – in opposition to the petition, nothing matters more than children. Neighborhood schools are multicultural. Eight schools within walking distance. There are other places that this village can be located in the valley. There are communities that have more resources than this neighborhood, this is passing the buck to the westside.
- Fraser Nelson – in favor of the petition. Wishes other counties and cities would step up. Feels like they have been asking the RDA to look at improving the area, this group has swooped in and is taking resources away from this area.
- Jason Seaton – in opposition to the petition – says the neighborhood needs more infrastructure and grocery stores. There are multiple grocery stores in other parts of the city but not this area.
- Eric Sansom – In support of the rezone but only if the Tiny Village isn't allowed in – he is concerned that those who are not able to stay at in the tiny village will move into their community and bring drugs and lawlessness. The Other side academy has a 50% retention rate, as Mr. Greney stated, this is a security risk to the community.
- Megan Priest-Rodriguez – in support of the petition. Live in the Ballpark. She deals with the unsheltered a lot. It is the right thing to do to help people get back on their feet.
- Nigel Swaby – lives in Fair Park and running for City Council – in support of the petition but has some concerns –organization has a good track record. This is at the end of an RDA project area. What happens to the 50% of residents that get evicted? Westside is taking on too many projects like this. Feels that the property owners should be responsible for evicted residents.
- Maurice Egan, Director of the Other Side Academy – Turned over time to Paul Fraser, currently homeless.  
In favor of the petition – Feels it would help him get on his feet. Program will change a lot of lives. Gives people hope.
- Rich Stowell – In opposition to the petition – sympathetic to the homeless population. Feels shamed cause he is now having issues when he is looking out for his children, nobody else wanted this. The City is supposed to generate more development to revitalize this area. He is on a board of a neighborhood charter school. Feels there is a better place for the development.
- Soren Simonsen – Executive Director of the Jordan River Commission – in favor of the petition. These people need refuge. Previously worked for the Other side academy, thinks this will be positive.

- Turner Bitton, Chair of Glendale CC representing himself – In support of the petition – There has been a lot of community engagement by this organization. Feels it can act as a community anchor.
- Tyler (wasn't able to catch the last name) - in favor of the petition – a student of TOSA.
- David Rhodes – in favor of the petition – a student of TOSA says he now has hope and purpose after addiction. Peer based community and they keep you accountable.
- Woman (name not clear) - in favor of the petition – a student of the TOSA wants a safe place to sleep.
- Tyeise Bellamy – Founder of Black Lives for Humanity – Cares for people in need – in favor of the petition.
  
- Planning Manager Kelsey Lindquist and Wayne Mills read five emails submitted during the meeting and entered into the record.
  1. Anne Charles – in opposition
  2. Deborah Williams – in opposition
  3. Christopher Dunn - in opposition
  4. Deborah Dinnati - in support
  5. Jordan Frandsen – In support
  6. Deborah Hunt emailed and asked that her email not be read into the record.

Seeing no more people wishing to speak and no more emails, Chairperson Barry Closed to the Public Hearing and opened the meeting to the Commission.

Chairperson Barry asked for clarification on the RDA project area. David Gellner clarified the RDA plan and the different focus nodes in the plan. Permitted uses were discussed, the community doesn't get discretion to dictate which stores or uses that get incorporated. It was also clarified that if the rezone does go through, the Other Side Academy is the applicant, the City is the owner. If the applicant goes away, the city still owns the property. Is there a safety plan for the village? Mr. Gellner clarified that some uses in the code, there is a safety plan required, but not for this housing use.

The commission asked if the landfill still burning? ? Environmental review done? The applicant explained they have done environmental and still are proceeding because they are comfortable with the study. He elaborated some on the process.

Commissioner Scheer clarified that she is overjoyed that there may be a partial solution to the homeless crisis, sponsored by the other side academy. There are also fears that are somewhat justified, this program that they run, could have a lot of potential. Doesn't think the plan to mitigate the project's negative effects hasn't been done. Perhaps development of a "proof of concept plan" or a development agreement should include the neighbors, their fears are valid. Thinks a development agreement should be entered into and mitigation plans should be part of it to ensure safety of future residents in the village

Commissioner Paredes agrees with Commissioner Scheer's sentiments. Commissioner Ghent thinks amendments to this will mean that it will lengthen the process for this to be addressed. .

Chairperson Barry clarified that they wouldn't make conditions, since this is a recommendation to City Council, but they can make suggestions to the Council for their consideration.

Commissioner Burrows is looking at the rezone. Is this the right zone for this development? Mr. Gellner clarified that those uses in the land use tables are permitted if rezoned. Mr. Mills explained that the form based code is designed to create a neighborhood. It would allow mixed use and commercial development.

The commission discussed mitigation of environmental issues and state involvement. The commission discussed that the public can read all the staff reports online. They thanked Mr. Gellner for his thoroughness in his report and answering questions tonight.

## **MOTION**

**Commissioner Brenda Scheer stated, Based on the findings and analysis in the staff report, testimony, and discussion at the public hearing, I move that the Planning Commission recommend that the City Council approve the proposed Zoning Map Amendment, file PLNPCM2021-00787 for the properties located at 1850 W Indiana Avenue and 1965 West 500 South respectively, proposed zone change from the PL (Public Lands) zoning district to the FB-UN2 (Form Based Urban Neighborhood) zoning district with the following recommendation:**

***Whereas the community and the public should have the opportunity to plan the neighborhood with the large and potentially impactful project. We recommend that the Council ask the City staff to work with the applicant, businesses, and the community to prepare a development agreement prior to conveying the property. This plan needs to look at infrastructure, including transportation, services, Commercial development, and the buffering and protection of the existing business and the needs of the nearby residents. The legally required phase 1 & phase 2 of environmental review need to make sure the new residents will not be negatively impacted.***

**Commissioner Mike Christensen seconded the motion.**

There was some discussion about the "negatively impacted" part of the motion, it was clarified that this is relating to new residents and environmental issues.

There was a friendly amendment to remove the last sentence. They also discussed a development agreement and how it is different from the conveyance process. There was discussion again that this wasn't a condition but a suggestion to Council which will make their own final decision on the matter, to rezone with or without suggestions or development agreements. They discussed the costs to adding a development agreement and that this suggestion is in response to the community's input tonight.

The motion moved forward with the friendly amendment accepted, it is restated here:

Commissioner Brenda Scheer stated, Based on the findings and analysis in the staff report, testimony, and discussion at the public hearing, I move that the Planning Commission recommend that the City Council approve the proposed Zoning Map Amendment, file PLNPCM2021-00787 for the properties located at 1850 W Indiana Avenue and 1965 West 500 South respectively, proposed zone change from the PL (Public Lands) zoning district to the FB-UN2 (Form Based Urban Neighborhood) zoning district with the following recommendation:

*Whereas the community and the public should have the opportunity to plan the neighborhood with the large and potentially impactful project. We recommend that the Council ask the City staff to work with the applicant, businesses, and the community to prepare a development agreement prior to conveying the property. This plan needs to look at infrastructure, including transportation, services, Commercial development, and the buffering and protection of the existing business and the needs of the nearby residents.*

Commissioners Maurine Bachman, Mike Christensen, Andra Ghent, Sara Urquhart, Andres Paredes, Jon Lee, and Brenda Scheer voted “yes”. Commissioner Aimee Burrows voted “no”. The motion passed with 7 “yes” and 1 “no”.

Chairperson Barry restated to the public that there are other steps to the public engagement on this item after it is transmitted to the City Council.

Sara Urquhart left the meeting.

### **OTHER BUSINESS**

1. **OPMA Training** – The training was presented by City Attorney Paul Nielson.

The meeting adjourned.