

SALT LAKE CITY PLANNING COMMISSION MEETING
This meeting was held electronically
Wednesday, January 12, 2022

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 Andra Ghent, Jon Lee, Andres Paredes, Mike Christensen, Brenda Scheer, Adrienne Bell, and Aimee Burrows.

Planning Staff members present at the meeting were: Nick Norris, Planning Director; Amy Thompson, Planning Manager; Paul Nielson, Senior City Attorney; Nan Larsen, Senior Planner; Diana Martinez, Principal Planner; Caitlyn Tubbs, Principal Planner; Meagan Booth, Principal Planner; Amanda Roman, Principal Planner; Brooke Olson, Associate Planner; David Schupick, Administrative Secretary.

Chairperson Amy Barry read the virtual meeting determination.

REPORT OF THE CHAIR & VICE-CHAIR

Chairperson Barry reminded the commissioners that they are allowed six absences a year, and that they have been reset for the start of this new year. She also reminded commissioners to respond to attendance emails as soon as possible. She stated that some commissioners still need to submit their conflict-of-interest forms as soon as possible to be filed.

Vice-Chair Bachman stated that she had nothing to report.

REPORT OF THE DIRECTOR

Planning Director Nick Norris stated that due to the increase numbers of the covid-19 virus, meetings will remain virtual. He also stated that the planning division is fully staffed for planning positions. He stated that they are still working to fill the positions for zoning administrator and development review planner. Nick mentioned that the planning division has been facing challenges with employees having to take sick leave due to the covid-19 virus. He mentioned that they are working on putting together an annual report but that it might not be available until sometime in February. He stated that 2021 had the most entitled housing units compared with past years. He stated that they also set an all-time high record for application numbers in 2021, beating the last highest in 2019 by 5%. Nick then gave his presentation on the consent agenda item "Planning Commission Delegation of Authority to Recommend Modifications to Specific Subdivision Design Standard" to give clarification on any misunderstandings.

CONSENT AGENDA

1. **Chromeworks Planned Development and Design Review 269 West Brooklyn Avenue** - George Hauser with SMH Builders, representing the property owners, has submitted a letter requesting a one-year extension for the Chromeworks project that was approved by the Planning Commission on December 9th, 2020. The approval was for a multi-family development located at approximately 269 West Brooklyn Avenue. The subject site is zoned CG (General Commercial) and is located within Council District 5, represented by Darin Mano (Staff contact: Nannette Larsen at 801-535-7645 or nannette.larsen@slcgov.com). **Case numbers PLNPCM2020-00610; PLNPCM2020-00843**

2. **Planning Commission Delegation of Authority to Recommend Modifications to Specific Subdivision Design Standard** - The Salt Lake City Planning Director is requesting that the Planning Commission delegate it's authority to the Planning Director (or designee) to make recommendations to the Mayor regarding modifications to the following design standards stated in Chapter 20.12.010(I) of the Salt Lake City Subdivision Ordinance: a. Blocks shall normally have sufficient width for an ultimate layout of two (2) tiers of lots of the size required by the provisions of the zoning and subdivision ordinances of Salt Lake City. b. Blocks shall not exceed the following perimeter measurements: Two thousand four hundred (2,400) linear feet for zoning districts with minimum lot sizes that range from no minimum up to and including ten thousand (10,000) square feet, and; three thousand (3,000) linear feet for zoning districts with a minimum lot size greater than ten thousand (10,000) square feet. The requested delegation of authority applies to proposed subdivisions located in the Airport, M1, M-2, and AG zoning districts west of I-215 and the EI Extractive Industries, OS and NOS zoning districts located citywide. The delegation would authorize the Planning Director to recommend different lot layouts and larger blocks in the listed zoning districts where individual lots often exceed the maximum block size listed in the subdivision design standards. The Mayor is the final decision-making authority regarding modifications to the subdivision design standards stated in 20.12 of the Subdivision Ordinance and such modifications are subject to the standards stated in Chapter 20.44 of the Subdivision Ordinance.

3. APPROVAL OF THE MINUTES FOR DECEMBER 8 & 15, 2021

Chairperson Amy Barry removed item 2. Planning Commission Delegation of Authority to Recommend Modifications to Specific Subdivision Design Standard from the consent agenda.

Vice-Chairperson Maurine Bachman motioned to approve the consent agenda. Commissioners Andra Ghent seconded the motion. Commissioners Andra Ghent, Andres Paredes, Jon Lee, Mike Christensen, Maurine Bachman, Brenda Scheer, and Aimee Burrows all voted "yes". Adrienne Bell abstains. The motion passes.

Commissioner Brenda Scheer motioned to table Planning Commission Delegation of Authority to Recommend Modifications to Specific Subdivision Design Standard. The motion fails.

Senior City Attorney Paul Nielson asked Chairperson Amy Barry as to why she would want a public hearing on this item since it is not the normal land use application that you would normally have a public hearing. Chairperson Amy Barry stated that Brenda Scheer is sharing concern for people who have expressed issues with the item.

Commissioner Brenda Scheer asked Planning Director Nick Norris for clarification on if modifying a design standard means to make an exception to the design standard for a particular project. Nick Norris stated that essentially, yes that would be correct. Within the subdivision section there are three different factors that need to be considered and the modification must make a finding on those three factors. Brenda Scheer asked if those three factors include the particular use is an industrial one. Nick Norris stated that it would not get specific into the uses. It is specific into whether it fits the standard. There are special circumstances or conditions affecting the said property, and that it is necessary to preserve substantial property rights and the granting of the modification will not be detrimental to the public welfare or safety or injurious to other properties in the vicinity in which the property is situated. Brenda Scheer asked if the industrial uses then don't qualify to have a modification of the design standard. Nick Norris clarified that it would qualify if you are able to find the three factors. Brenda Scheer asked why all the lots west of 215 be unique or be affected by natural conditions. Nick Norris restated the first two of the three factors which are; if there are special circumstance or conditions affecting the property, a modification is necessary for the enjoyment of a substantial property right. Brenda Scheer asked why they wouldn't just lift the subdivision standards for those areas. Nick Norris stated that ideally, they should lift the subdivision standards. Brenda Scheer asked why they are not lifting the subdivision standards then. Nick Norris stated that the reason they are not lifting them is because of the time requirement it would take, and what happens with the subdivisions that are currently in process now. He also stated that they need to be able to address the situation now, and if the planning commission decides that these cases should be coming through them, then they can be added to the agenda for them to review. However, he believes that this situation don't necessarily require the planning commissions input. Brenda Scheer asked what kind of standards would planning staff be using to make the decisions. Nick Norris stated that they would be using the three factors he stated previously, which are the same standards the planning commission would be using. Brenda Scheer asked if there is a limitation to how big industrial lot sizes could be. Nick Norris clarified that they would be following the code, and if the code has no lot size limit then they couldn't apply that. Brenda Scheer asked if town houses in districts that have not been mentioned by Nick Norris would still come through the planning commission. Nick Norris clarified that that would be correct. He also stated that they are trying to fix a conflict they have found in the code, since planning commission used to not be asked about subdivision standards and making modifications. Brenda Scheer asked if Nick Norris could think of any reason why planning commission would want to involve themselves in the process of these subdivisions. Nick Norris stated that the modifications are going to be presented to the mayor who is going to seek advice from professionals who review subdivisions, which is somewhat of a technical standard in some zoning districts. He also stated that he wouldn't support this in zones such as mixed use or commercial, which is why the zoning districts

have been limited. Brenda Scheer asked then if the planning commission would be seeing more of these in the future. Nick Norris stated that it is very possible they could expect more in the future. He stated that this one catches most of the subdivisions compared to other applications that have come in. He also stated that this standard works great in some areas in the city, but not for all zoning districts based on the purpose of those districts. Brenda Scheer asked if you could require it be designed differently. Nick Norris stated that yes, if the modification to the subdivision is not to standard, then they would have to go redesign the subdivision to comply or go through a planned development. Brenda Scheer asked if the property is unique being one of the larger properties, that is following the subdivision standards, would they not be turned down or have additional information requested. Nick Norris stated that he is not able to speak theoretically on situations that require a unique lens on it. Brenda Scheer asked Nick Norris if in the past he has asked applicants to make modifications that are not what the subdivision standards require. Nick Norris stated that since he has been planning director, he has not been asked to make a modification to a subdivision standard. He stated that this is the only one that has created any issues, which tells him most of the other subdivisions are complying with the subdivision design standards. He also stated that there has been public inquires that have come through that don't fully understand what is being asked for approval. Brenda Scheer stated her main objection is that if they abandon their current standards, then they wont have standards to replace them. Nick Norris stated that they in a way would have replacement standards through the adopted major street plan. Brenda Scheer asked Nick Norris if his intention is to wave the design standards in most cases. Nick Norris clarified that unless something says otherwise in one of the adopted policies, he would most likely.

Commissioner Adrienne Bell asked Nick Norris for clarification on if this is simply changing who is making the recommendation to the mayor, from the planning commission to Nick Norris and that ultimately the mayor has the final decision. Nick Norris clarified that yes, that is correct. Adrienne Bell stated that then any issues with the decision could then be presented to the mayor. Nick Norris stated that that is correct.

Commissioner Brenda Scheer asked how anyone would know these decisions are being made. Nick Norris stated that they would be creating a paper trail prior to preliminary plat approval that would be official record. He also stated that most subdivisions don't require a public hearing. Unless city council decides they want more public input on subdivisions, then the process is similar to getting a building permit.

Commissioner Adrienne Bell motioned to the planning commission delegate its authority to the planning director or designee to make recommendations to the mayor regarding applications to the design standards stated in chapter 20.12.0101 of the Salt Lake City subdivision ordinance that are listed in the agenda for tonight's hearing. Commissioners Mike Christensen seconded the motion. Commissioners Andra Ghent, Jon Lee, Mike Christensen, Maurine Bachman, Adrienne Bell, and Aimee Burrows all voted "yes". Andres Paredes and Brenda Scheer voted "no". The motion passes.

PUBLIC HEARINGS

1. ADU Conditional Use and Special Exception Inline Addition at approximately 1362 S 600 E - Kyle Muir, the applicant, is requesting:

a. Conditional Use approval to construct a 496 sq. ft. detached accessory dwelling unit in the rear yard of the property. The subject property is located in the R-1-5000 (Single Family Residential) Zoning District which requires Conditional Use approval to construct an accessory dwelling unit. **Case number PLNPCM2021-00344**

b. Special Exception approval to construct a 600 sq. ft. horizontal inline addition at the rear of the existing dwelling located on the property. The proposed addition extends the footprint of the existing dwelling 32 feet towards the western, rear property line and maintains the existing 3-foot 5-inch width of the northern side yard and the existing 3-foot width of the southern side yard. The R-1-5000 zone requires minimum interior side yards of 4 feet in width on one side of the dwelling and 10 feet in width on the other side. Special Exception approval is required for inline additions which expand the footprint of existing dwelling's noncomplying with yard area regulations. **Case number PLNPCM2021-00345**

The subject property is located within Council District 5, represented by Darin Mano. (Staff contact: Brooke Olson at 801-535-7118 or brooke.olson@slcgov.com)

Associate Planner, Brooke Olson, reviewed the petition as outlined in the staff report. She stated that Staff recommends approval with the conditions listed in the staff report.

Commissioner Aimee Burrows asked for clarification on if there is a difference in stating recommendation three since it is already the rule. Associate Planner Brooke Olson clarified that it won't change the process but since there were a few concerns on it they wanted it to be shown as a condition. Aimee Burrows asked if it was being placed as a recommendation to communicate it to the applicant or if it makes it easier to enforce, since it is always the rule with ADUs. Brooke Olson clarified that it was just their way of calling it out to make sure it is enforced. Aimee Burrows asked if there would need to be a survey before the ADU is constructed to determine that it is at least four feet from the property line. Brooke Olson stated that the building services may require a survey as it goes through the permitting process. They also will require stamped plans from a structural engineer as well as the architect. If there are any discrepancies in the setbacks in the building permit process, they will be addressed before the building permit is issued.

Commissioner Brenda Scheer asked how they can determine whether or not an owner is in residence. Brooke Olson stated that when she reviews the address given in the application on the parcel map. Brenda Scheer asked to clarify that the address is listed on the parcel map for the owner is the address on the application. Brooke Olson clarified that that is correct, and she

also checked business licenses to see if there is any rental license pulled. Brenda Scheer stated that one of the letters stated that Kyle Muir was not currently living in the building at least now. She asked for clarifying if there was a way they could know if he is living there now or at all. Brooke Olson clarified that deed restrictions would be placed on the property requiring him to occupy one of the building if approved for the ADU but since his application is still pending, he is not required to occupy the building.

The applicant Kyle Muir stated that he had no formal presentation. He stated that he had spoken to the neighbors to the North and that they requested a fence. He also stated that on the South side there is a pathway that will remain.

Commissioner Andres Paredes asked for clarification that Kyle Muir has spoken to the neighbors to the North and have figured out a way to get access to the back. Kyle Muir clarified that the access to the back is already there on the South side. He spoke to the neighbors to the North about the build and the request for the fence. Andres Paredes asked what their response was to this conversation. Kyle Muir stated that their response was similar to the recommendations.

Commissioner Brenda Scheer asked if Kyle Muir has gotten permission from the neighbors to the North to access the site with construction vehicles to build the ADU. Kyle Muir stated that yes, he has confirmed permission from them.

Commissioner Aimee Burrows asked if Kyle Muir has seen the public comment since people seem to not be happy with the build. Kyle Muir stated that he has not seen the public comment but that he has talked to all of them and the agreement they came to was that he would be building a fence in return for allowing the access. He stated that the neighbor is not that happy with it and has concerns about parking. Aimee Burrows asked for clarification on how he can access the back on the house. Kyle Muir stated that there is a path between his house and a fence.

PUBLIC HEARING

Chairperson Amy Barry opened the public hearing.

Commissioner Mike Christensen asked the applicant if he plans to occupy the unit or turn it into a part time rental. Applicant stated that he plans on living in the ADU as his main dwelling.

Commissioner Andra Ghent stated that Kyle Muir can state that he plans on living in the ADU but how will this requirement be upheld. Amy Barry stated that it will come under civil enforcement and that the public is able to make complaints. She also stated that if in the future

the requirements of an ADU are not being upheld, the planning department is able to revoke the conditional use of the ADU.

Commissioner Aimee Burrows stated she does not think there is an adequate way of accessing the ADU, which is one of the requirements. Amy Barry asked Aimee Burrows if she believes the condition staff has placed is adequate. Aimee Burrows stated that she would like to see the access way to the ADU before approving it. Aimee burrows asked Brooke Olson if she is satisfied with the access way. Brooke Olson stated that the applicant would just need to provide a site plan showing the access and how they will accommodate that. Aimee Burrows asked if the current site plan shows that. Brooke Olson clarified that the current site plan does not show that, and they would need to provide that before applying for building permits.

Commissioner Adrienne Bell ask for clarification that the access way is from the sidewalk to the back of the property and that there is no widening that needs to be done, just installing the path. Brooke Olson stated that is correct.

Commissioner Brenda Scheer asked if there would be enough room to install the access point with the fence being build. Amy Barry clarified that the access way will be on the South side where there is already a path and not the North where the fence will be constructed. Brenda Scheer asked what the distance is from the building to the property line on the South side where with access point will be installed. Amy Barry stated it is three feet five inches.

Commissioner Aimee Burrows asked for clarification on if the cost of constructing the fence would be split between the landowners or if it could be constructed on the neighbor's property. Amy Barry stated that the fence would have to be built where it is legally allowed on his property.

Commissioner Andra Ghent asked for clarification that even if the property is currently being listed as a short-term rental and the applicant is not complying with Salt Lake City ordinances, it can't bear on their decision to approve the ADU. Amy Barry stated that they are not allowed to speculate legally. Nick Norris clarified that he believes they can since an illegal act occurring on the property. Aimee Burrows state you are required to have a business license to do any rentals and that owner occupied is one of the requirements of the ADU request. Nick Norris stated that approval of the conditional use requires compliance with applicable codes. He also stated that if there is an illegal use on the property, then you can require that use be terminated as part of the approval or deny it. Amy Barry asked for clarification on that their role in a conditional use is to mitigate detrimental impacts. She also asked if they wouldn't have to deny it but could approve it with additional conditions. Nick Norris stated that with conditional use there is a set of approval standards and then there is a list of detrimental impacts. The approval standards must be complied with and one of the standards is that the use complies with the applicable provisions

of the title. The use cannot comply if there is also an illegal use occurring on the property. The illegal use on the property would have to cease to before approval of the conditional use.

Commissioner Brenda Scheer asked if there was a parking standard that would have to be waived to approve the use. Nick Norris clarified that no it would not because the parking standard requirement for ADU allows for on street parking in front of the house and doesn't require the exciting home to come into appliance with the parking standards. Brenda Scheer asked if adding an addition changes things. Nick Norris clarified that it wouldn't because it is based on the use not the size of the home.

Commissioner Andres Paredes asked for clarification that if the ADU is denied, would the applicant still be able to build the ADU just smaller in size. Nick Norris clarified that if the ADU is denied he would not be able to establish a detached ADU on the property as proposed. Attached ADUs are permitted within state code for all residential zoning districts.

Commissioner Aimee Burrows asked for clarification on if this decision would become permanent or if the applicant could submit another drawing and reapply. Nick Norris clarified that the applicant would not be able to make a similar proposal for the time of one year. He also stated that it might be beneficial to have a conversation with the applicant on his intent to terminate the short-term rental.

Chairperson Amy Barry asked the applicant what his feelings are for terminating his short-term rental. Kyle Muir stated that he just learned of his property being rented illegally and that he is not familiar with all the requirements to legally rent it. He is willing to take the right steps to make it a legal rental and that he does understand he must live on site to rent a ADU.

Commissioner Andra Ghent stated concerns that the applicant is not fully aware that short term rentals are not permitted. Amy Barry stated that short term rentals are permitted longer than a month and that the applicant will learn what the ordinance states with time.

Commissioner Andres Paredes stated that the applicant had mentioned he planned on living on property. Aimee Burrows stated that living on the property is one issue and short-term rentals is another.

Chairperson Amy Barry explained the different ways they could present a motion.

Commissioner Brenda Scheer asked for clarification on if the applicant would need to come to the planning commission to build his inline addition. Brooke Olson clarified that the special exception is not required to be reviewed by the planning commission, but since the size of the ADU is dependent on the inline addition being approved, they are being reviewed together.

Chairperson Amy Barry closed the public hearing.

MOTION

Commissioner Adrienne Bell 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 Conditional Use and Special Exception requests as presented in petitions PLNPCM2021-00344 and PLNPCM2021-00345 with the conditions listed in the staff report and the follow additional conditions that the applicant complies with all city ordinances concerning the rental of the existing property.

Commissioner Mike Christensen seconded the motion. Commissioners Jon Lee, Andres Paredes, Maurine Bachman, Mike Christensen, and Aimee Burrows all voted “yes”. Commissioners Andra Ghent, Adrienne Bell, and Brenda Scheer voted “no”. The motion passed.

The Commission took a five-minute break and reconvened at 7:35pm

2. ADU Conditional Use at approximately 1167 Sherman Avenue - The property owner, Jean Arment is requesting conditional use approval for a 15-foot tall, 420-square-foot detached accessory dwelling unit (ADU) that will be located in the northeast area of the rear yard at the above stated address. The subject property located in the R-1/5,000 zoning district which requires Conditional Use approval to construct and accessory dwelling unit. The subject property is within Council District 5, represented by Darin Mano. (Staff contact: Diana Martinez at 801-535-7215 or diana.martinez@slcgov.com) **Case number PLNPCM2021-00899**

Principal Planner, Diana Martinez, reviewed the petition as outlined in the staff report. She stated that Staff recommends approval of the application request.

The applicants Jean Arment and Fred Alldredge stated that they had no formal presentation. Jean stated that their goal is similar to the neighborhoods initiative by staying in her home as she ages and giving her son a place to stay when he is home for part of the year. Fred stated that he tried to keep the design to fit the neighborhood. Jean addressed issues brought up from neighbors about parking by stating that the parking will be the same as it is currently. Fred Alldredge stated that there is no reason for Jean Arment to rent the ADU since her son will be in and out of living there throughout the year.

Commissioner Brenda Scheer stated that there are public concerns for the ADU being close to the property line. She asked the applicant why they didn't decide to move the whole ADU. Jean Arment stated that she enjoys the view from out her back window and didn't want that to be

obstructed from the ADU. She also stated to her it seemed easier to just build off the wall that is already standing.

PUBLIC HEARING

Chairperson Amy Barry opened the public hearing.

Levi Jackson stated that he is concerned with privacy issues since the door of the ADU is facing his bedroom window.

Chairperson Amy Barry closed the public hearing.

Fred Alldredge stated that the height of the ADU would be the same height as the garage is now. He also stated that the door facing Levi's property would be the storage door and that the main door would be facing West. The only window that faces the East is the bathroom window above the sink.

Jean Arment stated that her son wouldn't be out of the ADU for six whole months in row, but rather in and out of living in the property so that there wouldn't be any opportunity to rent out the ADU.

MOTION

Commissioner Mike Christensen stated, Based on the information in the staff report, the information presented, and the input received during the public hearing, I move that the Commission approve the Arment Accessory Dwelling Unit (ADU)- Conditional Use application PLNPCM2021-00899.

Commissioner Andra Ghent seconded the motion. Commissioners Brenda Scheer, Andra Ghent, Adrienne Bell, Jon Lee, Andres Paredes, Maurine Bachman, Mike Christensen, and Aimee Burrows all voted "yes". The motion passed unanimously.

3. ADU Conditional Use at approximately 529 East Sherman Avenue - Angela Wright, the property owner, is requesting conditional use approval to establish an ADU above a detached garage in the rear yard of her property located at approximately 529 East Sherman Avenue. The subject property is zoned R-1-5,000 which requires Conditional Use approval to construct an accessory dwelling unit. The property is located within Council District 5, represented by Darin Mano. (Staff contact: Caitlyn Tubbs at 801-535-7706 or caitlyn.tubbs@slcgov.com) **Case number PLNPCM2021-00969**

Principal Planner, Caitlyn Tubbs, reviewed the petition as outlined in the staff report. She stated that Staff recommends approval with the conditions listed in the staff report.

The applicant Angela Wright stated that she had no formal presentation. She stated that she intends on it being a long-term rental.

PUBLIC HEARING

Chairperson Amy Barry opened the public hearing.

Brita Manzo stated that she is in full support for the ADU.

Joseph Schmidtke stated his full support for the ADU.

Chairperson Amy Barry closed the public hearing.

MOTION

Vice-Chairperson Maurine Bachman stated, Based on the analysis and findings listed in the staff report, information presented, and the input received during the public hearing, I move that the Planning Commission approve the conditional use request to establish a detached accessory dwelling unit located at approximately 529 East Sherman Avenue (petition #PLNPCM2021-00969).

Commissioner Brenda Scheer seconded the motion. Commissioners Brenda Scheer, Andra Ghent, Adrienne Bell, Jon Lee, Andres Paredes, Maurine Bachman, Mike Christensen, and Aimee Burrows all voted “yes”. The motion passed unanimously.

4. Durango Bar Conditional Use at 919-923 South State Street - Pablo Hinojosa, the property owner of Durango Bar, is requesting conditional use approval for a bar establishment located at 919–923 S. State Street. The property is zoned CC (Corridor Commercial), which requires a conditional use application for a bar. The business was originally licensed as a tavern. The subject property is located within Council District 5, represented by Darin Mano. (Staff contact: Meagan Booth at 801-535-7213 or meagan.booth@slcgov.com) **Case number PLNPCM2021-00919**

Principal Planner, Meagan Booth, reviewed the petition as outlined in the staff report. She stated that Staff recommends approval with the conditions listed in the staff report.

The applicant Pablo Hinojosa stated that he had no formal presentation. Pablo stated his goal is to get approved for a liquor license.

Chairperson Amy Barry asked for clarification on that Pablo Hinojosa's main goal is to change the use for his business license. Meagan Booth clarified that it is correct, a conditional use is required to switch the license from a tavern to a bar.

PUBLIC HEARING

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

Commissioner Andres Paredes asked if there was a parking requirement and where the parking is currently located on the property. Meagan Booth stated that there is not a formal parking, that it relies on street parking and shared parking with the neighbors. She also stated that the applicant has had verbal conversations with Autozone and The Ocean Market. Parking has not been an issue in the past as a tavern. The parking to the East belongs to the auto businesses and is not used by the tavern.

Commissioner Aimee Burrows asked for clarification if they currently have a conditional use permit to operate as a tavern and now are just looking to switch it to a bar. Meagan Booth stated that they currently have a business license as a tavern, and they are applying with the DABC for business license for a bar. Aimee Burrows asked if they are currently open and serving alcohol. Meagan Booth clarified that yes, they are but limited to what the tavern allows which doesn't allow liquor. The bar license would allow the selling of liquor. Aimee Burrows asked Amy Barry if there is something they should be looking for with this process. Amy Barry stated that it is just an administrative requirement when changing their business license. It becomes a conditional use and must come before the planning commission. Aimee Burrows asked if staff had any insight. Nick Norris stated that similar changes in business licenses have come before the planning commission before and were approved.

Commissioner Brenda Scheer asked for clarification that no aspect of the building will be altered or changed. Meagan Booth clarified that that is correct, no renovations are going to be made.

MOTION

Commissioner Brenda Scheer 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 conditional use for the bar establishment with the following conditions:

- 1. The applicant shall record a copy of the approved security and operations plan with the Salt Lake City Recorder's office as required for alcohol-related uses.**

Commissioner Aimee Burrows seconded the motion. Commissioners Brenda Scheer, Andra Ghent, Adrienne Bell, Jon Lee, Andres Paredes, Maurine Bachman, Mike Christensen, and Aimee Burrows all voted “yes”. The motion passed unanimously.

5. Brix Design Review at approximately 241 West 400 South - A request by Maximilian Coreth, representing High Boy Ventures, for Design Review approval for a multi-family building located at the above stated address. The proposed 11-story building is 115 feet in height and includes 144 units and 126 parking stalls. The applicant is requesting an additional 50 feet of building height through the Design Review process. The project site is in the D-2 (Downtown Support) zoning district, where 65 feet is the maximum building height permitted without Design Review approval. The proposed project incorporates a public mid-block pedestrian walkway that runs north-south along the western property line. The property is located within Council District 4, represented by Ana Valdemoros. (Staff contact: Amanda Roman at 801-535-7660 or amanda.roman@slcgov.com) **Case number PLNPCM2021-00199**

Principal Planner, Amanda Roman, reviewed the petition as outlined in the staff report. She stated that Staff recommends approval with the conditions listed in the staff report.

Justin Heppler stated that he was the architect for the project. He shared a formal presentation on the midblock walkway.

Commissioner Brenda Scheer asked where the vehicle access is to the building. Justin Heppler stated that it is located on the South side of 400 South. Brenda Scheer asked if there is going to be a curb cut on 400 South. Justin Heppler stated that there is currently a curb cut there that they will be utilizing.

Commissioner Andres Paredes asked the applicant how many stalls will be in the parking garage. Justin Heppler stated that they will have 126 which is over the requirement of 72.

PUBLIC HEARING

Chairperson Amy Barry opened the public hearing.

George Lyhnakis stated he has the property to the west of the building and is concerned with the shared drive. He also stated concern of the shade the building will cast on his property.

Kara Cope stated that she has concern for the luxury apartment not offering condos or affordable living.

Chairperson Amy Barry closed the public hearing.

Justin Heppler stated that the building being on the East would cast shadows on George Lyhnakis property in the morning.

Ian Percy stated that it is a shared easement currently and would be allowed to be used.

Chairperson Amy Barry asked for clarification that easement issues are a civil issue that would have to be resolved through the property owners. Senior City Attorney Paul Nielson clarified that that is correct.

Commissioner Aimee Burrows stated that this building would be taller than the new building being built near it. Commissioner Adrienne Bell stated that this is an area of town in which they encourage density and increased height makes sense.

Commissioner Andra Ghent moved to make an amendment to the motion to change clause three of the recommendations to state "A public easement between Salt Lake City and the property owner will be recorded on the property for the mid-block walkway.". Commissioner Mike Christensen accepted the amendment.

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 request (PLNPCM2021-00199) for the project located at approximately 241 W 400 S, subject to complying with the conditions listed in the staff report.

Commissioner Brenda Scheer seconded the motion. Commissioners Brenda Scheer, Andra Ghent, Adrienne Bell, Jon Lee, Andres Paredes, Maurine Bachman, Mike Christensen, and Aimee Burrows all voted "yes". The motion passed unanimously.

6. Homeless Resource Centers and Homeless Shelters Text Amendment - A proposal from Mayor Erin Mendenhall to remove Homeless Resource Centers and Homeless Shelters from the land use tables in the CG, D2, and D3 zoning districts. The purpose of this proposal is to change the process for approving permanent homeless resource centers and homeless shelters from the conditional use process to a zoning map process by establishing an overlay district for the use. The Planning Commission will consider a proposed overlay district and standards for homeless resource centers and homeless shelters at a later date. (Staff Contact: Nick Norris, Planning Director at 801-535-6173 or nick.norris@slcgov.com) **Case number PLNPCM2021-01033**

Planning Director, Nick Norris, reviewed the petition as outlined in the staff report. He stated that Staff recommends the Planning Commission forward a positive recommendation to City Council.

Commissioner Andra Ghent asked for clarification on what will happen to existing homeless service providers if this were to pass. Nick Norris clarified that existing homeless service providers would not be affected by this and can still operate and in some cases expand. He also stated that some homeless services are provided by religious institutions which have some federal protections. Andra Ghent stated that public comments are very concerned by this and is asking Nick Norris for clarification on if they are not understanding this. Nick Norris clarified that he believes the public does understand what they are doing and their concerns for the approach is reasonable.

Commissioner Aimee Burrows asked for clarification on if they are just forwarding a positive recommendation to city council. Nick Norris confirmed that that is correct. Aimee Burrows ask for clarification if they are moving forward with all three steps. Nick Norris clarified that they are only making a recommendation on step one. Aimee Burrows asked if there is a reinstatement date for the homeless services if this were to move forward. Nick Norris clarified that there is no reinstatement date and that is one of the risks. Aimee Burrows stated concerns for the chance of extreme weather if this were to pass. Nick Norris stated that in those situations, City Council can revoke those temporarily land use regulations. Aimee Burrows ask for clarification that this is basically just removing the pressure of time. Nick Norris clarified that that is correct.

Commissioner Brenda Scheer asked Nick Norris if this would affect a permanent shelter, such as Other Side Village. Nick Norris said it wouldn't affect them because they are part of a different land use. Brenda Scheer asked if the YWCA could expand even though they are a shelter. Nick Norris clarified that they are not classified as a shelter. Brenda Scheer stated that this isn't a broad affect on the homeless. Nick Norris stated that there are a range of different types of uses that provide housing. Brenda Scheer asked if Volunteers of America youth centers would qualify as a homeless resource center. Nick Norris clarified that a homeless resource center is essentially an emergence nightly shelter. It is a place where people can go on a nightly bases to have a place to be. It is different then a detox center where you could be for weeks, months, or longer.

PUBLIC HEARING

Chairperson Amy Barry opened the public hearing.

Amy Hawkins, chair of the Ballpark Community Council stated her strong support for the proposal.

Chris Croswhite senior pastor and executive director of the Rescue Mission Salt Lake stated his disapproval of the proposal.

Cindy Cromer stated her approval of the proposal.

Ilana Raskind stated her disapproval of the proposal.

Kara Cope stated her disapproval of the proposal.

Levy Woodruff stated her disapproval for the proposal.

Nigel Swaby stated his approval for the proposal.

Soren Simonsen stated his approval for the proposal.

Chairperson Amy Barry closed the public hearing.

Chairperson Amy Barry stated that they are making a recommendation to City Council and that there will be more opportunities to comment and participate on this issue when it is brought to City Council.

Commissioner Andra Ghent stated that she doesn't believe she understands best practices when it comes to homelessness. She stated she is uncomfortable without having a path forward. She also stated concern for other cities not stepping forward. Jon Lee stated that he also believes that there need to be a time constraint to move it forward. Aimee Burrows stated that she believes they should be able to solve this issue within the original 180-day timer and is concerned with not having a deadline. Adrienne Bell asked Nick Norris if there was ever a thought to apply this to the CG zone. Nick Norris stated that the petition was initiated as it was written. Andres Paredes stated there are not any other solid plans.

Commissioner Brenda Scheer stated different options for motions.

MOTION

Commissioner Aimee Burrows stated, In regards to PLNPCM2021-01033 based on the information presented and the public input received I move that the Planning Commission forward a negative recommendation to the City Council to remove the uses of the land use tables for homeless shelters and homeless resource centers.

Commissioner Jon Lee seconded the motion. Commissioners Brenda Scheer, Andra Ghent, Adrienne Bell, Jon Lee, Andres Paredes, Maurine Bachman, Mike Christensen, and Aimee Burrows all voted “yes”. Andres Paredes voted “no”. The motion passes.

The meeting adjourned at 10:02 PM.