SALT LAKE CITY PLANNING COMMISSION MEETING This meeting was held electronically Wednesday, March 9, 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, and Aimee Burrows. Commissioner Adrienne Bell was excused.

Planning Staff members present at the meeting were: Planning Manager Kelsey Lindquist, Planning Director Nick Norris, Senior City Attorney Paul Nielson, Principal Planner Katia Pace, Senior Planner Nannette Larsen, Principal Planner Meagan Booth, Associate Planner Katilynn Harris, Senior Planner David Gellner, Senior Planner Eric Daems, Administrative Secretary David Schupick, and Administrative Secretary Aubrey Clark.

<u>TRAINING</u> – Beginning at 5:15 PM the Planning Commission received training from James Wood, from the University of Utah, on housing issues in Salt Lake City.

REPORT OF THE CHAIR & VICE-CHAIR

Chairperson Amy Barry and Vice-Chairperson Maurine Bachman both stated they had nothing to report.

REPORT OF THE DIRECTOR

Planning Manager Kelsey Lindquist stated that there is consideration of returning to in person meetings again and she asked the Planning Commission to send an email stating their comfort level of returning to in person meetings.

Planning Director Nick Norris stated that the Council has approved a few zoning amendments that have come before the Planning Commission in 2021. This included the old sugar house fire station property and properties around Indiana Avenue and 1500 West. He also stated that on the 8th of March 2022, the Council had a discussion on the homeless resource center petition that was brought to the Planning Commission in January of this year. The public hearing will take place on the 22nd of March 2022. Nick also stated that the Planning Commission will be briefed on the progress of the initiation for a petition to make ADU's permitted uses.

APPROVAL OF THE MINUTES FOR FEBRUARY 23, 2022

Commissioner Brenda Scheer motioned to approve the minutes for the previous meeting. Commissioner Mike Christensen seconded the motion. Vice-Chairperson Maurine Bachman, Commissioners Andra Ghent, Jon Lee, Andres Paredes, Mike Christensen, Brenda Scheer, and Aimee Burrows all voted "yes". The motion passes unanimously.

PUBLIC HEARINGS

France ADU Conditional Use at approximately 299 E Oak Forest Road - The project architect, Nick Hammer, representing the property owners is requesting conditional use approval for a 24-foot tall, 522-square-foot second story detached accessory dwelling unit (ADU) that will be located in the northwest of the buildable area behind the principal structure. The subject property is approximately 3.5 acres (154,000 square feet) in size and is zoned FR-1/43,560 (Foothills Estates). It is within District 3, which is represented by Chris Wharton. (Staff contact: Katilynn Harris at 801-535-6179 or katilynn.harris@slcgov.com) Case number PLNPCM2021-01180

Associate Planner, Katilynn Harris, reviewed the petition as outlined in the staff report. She stated that Staff recommends approval of the application request.

Commissioner Burrows asked what the size of the ADU is compared to the size of the primary structure. Staff clarified that the footprint would be roughly 19% of the primary structure. Commissioner Burrows asked for further clarification on the total floor space will be.

The applicant, Nick Hammer, shared a slide presentation showing the proposed structure. He stated that the house is in the bottom west corner of the property and the ADU will only be slightly above the existing grade due to the topography of the lot. He shared the floor plans for the ADU stating that the style will be kept in the style of the existing home.

Commissioner Scheer stated that in the drawings it looks like the main level of the cottage looks like part of the unit. The applicant stated that it was originally, but they were made aware that would put them over the square footage allotment. He stated there is an access door and that they are aware that the two spaces will need to function individually with the storage space being locked or separate. Commissioner Scheer expressed concern that the owner would turn around and use the entire space as an ADU with the door to access the storage area. The applicant asked if they should remove the door. Commissioner Scheer validated that was the minimum the applicant should do suggesting that the design should be altered so that there is no way for the two spaces to be combined.

PUBLIC HEARING

Chairperson Amy Barry opened the public hearing.

• Keenan Wells was unmuted but did not wish to speak on this item. Seeing that no one else wished to speak, Chairperson Amy Barry closed the public hearing.

MOTION

Commissioner Mike Christensen stated, Based on the analysis and findings 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 ADU, petition PLNPCM2021-01180.

Commissioner Maurine Bachman seconded the motion. Commissioner Scheer asked to have an amendment, as a condition, added that stated that the two spaces will be completely separated with the door removed. Commissioner Christensen accepted the amendment. Commissioners Maurine Bachman, Aimee Burrows, Mike Christensen, Andra Ghent, Jon Lee, Adres Paredes all voted "yes". The motion passes unanimously.

<u>Marmalade Condos Planned Development at approximately 230 West 300 North</u> - Salt Lake City received a request from Ralph Nagasawa with MJSA Architects, representing the property owner, for a Planned Development. This request is to facilitate a development of 3 new residential townhouse type of structures, with a total of 13 residential units. The Marmalade Condo project is located at the above stated address. Specifically, the applicant is requesting a modification for structures without street frontage. (Staff contact: Nannette Larsen at 801-535-7645 or nannette.larsen@slcgov.com). Case number PLNPCM2021-00927

Senior Planner, Nannette Larsen, reviewed the petition as outlined in the staff report. She stated that Staff recommends approval of the application request.

Chairperson Amy Barry stated that the Planning Commission does not have the ability to reverse any decision made by the Historic Landmark Commission. Nannette Larsen stated that this is correct, the Planning Commission is only to consider the buildings without frontage.

Ralph Nagasawa shared a formal presentation providing more visuals on the design. He explained they drew inspiration from the historic building that was located on the site.

PUBLIC HEARING

Chairperson Amy Barry opened the public hearing.

- David In favor of the petition.
- Jen Colby In opposition of the petition.
- Jonathan Lee In opposition of the petition.
- Lizzie Carroll In opposition of the petition.
- Toni Felton In opposition of the petition.

Chairperson Amy Barry closed the public hearing.

Ralph Nagasawa stated that they tried to create offset balance. They focused on creating subtle details as opposed to strong or powerful details. Chairperson Amy Barry asked for clarification on the greenspaces that will be provided. Ralph Nagasawa stated that there will be green spaces for the residents as well as shared gathering spaces. He also stated that all parking will be contained on site. Each townhome will have a two-car garage, and the four plus apartments will

have five parking stalls. He also stated that the units will primarily be owner occupants. Chairperson Amy Barry asked for clarification on the landscaping around the setbacks. Ralph stated that they will have full exterior landscaping and will comply with all the zoning ordinances. Chairperson Amy Barry asked for clarification on if the applicant plans on talking to the current residents about their decisions with this project. A member of Ralph Nagasawa's team stated that the property management company has been briefed on the project and that they are minimizing disruption to the tenants.

Commissioner Aimee Burrows asked for clarification on if the applicant would need to come back to planning commission if they combine lots and do a lot line adjustment and also want to sell these units in separate condominiums. Nannette Larsen clarified that they would need to go through a condominium subdivision which does not require it to come back to the Planning Commission for approval. Aimee asked if it is appropriate to approve these actions first and then do those actions later. Nannette clarified that it would be appropriate since nothing can happen on the site until the subdivision plat is approved.

Andra Ghent asked on the landscaping and if it was going to be grass or climate appropriate landscape. A member of Ralph Nagasawa's team stated that the landscape would be climate appropriate.

MOTION

Commissioner Maurine Bachman stated, Based on the information in the staff report I move that the Planning Commission approve the Planned Development petition (PLNPCM2021-00927).

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

The Commission took a five-minute break and reconvened at 6:58pm

<u>S 700 East</u> - Kevin Perry, representing the property owner, is requesting approval for a new residential development, the Bueno Avenue Apartments, at the stated location. The project proposes to consolidate 10 parcels and replace the existing structures with two buildings: a single-story amenity building fronting 700 East and a 4-story apartment building on the interior of the site. The apartment building would consist of a "Rooming House" with 65 units ranging from 1 bedroom to 4-bedroom units. The total site is approximately 1.55 acres. The proposed project is subject to the following applications:

- 1. **Planned Development** The Planned Development is needed to address modifications to the RMF-45 zoning requirements. Changes comprise of reducing the rear yard setback (proposed 15.4', required 30'), reduction of lot width (66' proposed, 80' required) and allowing the accessory building in the front yard. **Case number PLNPCM2021-00045**
- Conditional Use Requesting a "Rooming House" land use designation, which is allowed in the RMF-45 zoning district as a conditional use. Case number PLNPCM2021-00046

The project is located within the RMF-45 (Moderate/High Density Multi-Family Residential District zoning district) within Council District 4, represented by Analia Valdemoros (Staff contact: Katia Pace at (801) 535-6354 or katia.pace@slcgov.com).

Principal Planner, Katia Pace, reviewed the petition as outlined in the staff report. She stated that Staff is recommending approval with conditions. She reviewed the standards that the project meets regarding Conditional Use. She stated that it is Planning Staff's opinion that the project meets the applicable standards and therefore recommends the Planning Commission approve the requests for a Planned Development and Conditional Use with the following conditions: 1. That the 10 parcels be consolidated into one parcel. 2. Provide an access easement for the adjacent property at 135 S 700 East. 3. The development must maintain unimpeded access for pedestrian and bicycle users to safely access 800 East from their development in the existing private right of way.

Commissioner Burrows asked if the standards are in the Staff Report. Chair Barry stated that they are on page 109.

The applicant Michael Augustine reviewed the project with highlights. He stated that their desire and mission for the site is to design creative floor plans with the objective to primarily rent by the bedroom. He reviewed the reasons for the requested setback relief. He stated the building on the street frontage will be the clubhouse which will house the leasing office, the property management company and amenities. He referred to condition number 3, maintaining an unimpeded access for pedestrian and bicycles users to 800 East, it is something that they are not interested in doing, but would be willing to do if the City requires it.

Commissioner Scheer asked who owns the access to 800 East and whether it is a public way. The applicant stated that it is a private right of way that they own. He also stated that there is a property on 700 East as Bueno Avenue comes east onto their property, but they have access. He stated that they may need to redo that and provide them an access easement. Commissioner Scheer clarified that she was referring to the access to 800 East in the back of the property asking who owns the title to the alleyway. The applicant clarified that the alleyway at the back of

the property has access to 800 East and is privately owned by the abutting property owner. Commissioner Scheer asked if they have right of way on it. The applicant stated that they never focused one it because they do not intend to connect to it.

Commissioner Paredes asked if the neighbors are aware that the applicant will be using the right of way and if they are supportive of the access. The applicant stated that they have been in communication, and they are supportive.

PUBLIC HEARING

Chairperson Amy Barry opened the public hearing.

- Esther Hunter Chair of East Central Community Council Would like the project to be tabled. They are concerned with adverse impacts the project may have.
- Cindy Cromer In opposition of the petition.
- Jen Colby In opposition of the petition.
- Crystal Rudds In opposition of the petition.
- John Ribbons In opposition of the petition.
- Jude Rabadue In opposition of the petition.
- Justin Roland In opposition of the petition.
- Keenan Wells In opposition of the petition.
- Melinda Main In opposition of the petition.
- Monica Hilding In opposition of the petition.
- Rich Wilcox In opposition of the petition.
- Sebastian Schenk In opposition of the petition.
- Devin Willey In opposition of the petition.
- Jacob Wilks In opposition of the petition.
- Emailed comment from Saralinda Bell In opposition of the petition.
- Emailed comment from Joshua Kivlovitz In opposition of the petition.
- Emailed comment from Casey McDonough In opposition of the petition.

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

Chairperson Barry address that the re-zone has already gone through and was passed by City Council. She also addressed that many of the public comments raised concerns that the Planning Commission have no purview over. She encouraged the public to reach out to City Council because they are the ones who make a lot of those decisions.

The Applicant addressed that they have over 15 years of experience operating student housing and that they are not forcing people to live in their housing, feeling they have the experience to create this kind of housing. He also stated that there is a kitchen per unit and a bathroom per bedroom.

Planning Director Nick Norris suggested that the Commission speak on the Planned Development before the Conditional Use since the modifications of the Planned Development

would need to be approved before the Conditional Use can be considered. He stated that if the Commission finds that requested modifications should be approved that they could then move on to the Conditional Use.

Chairperson Barry asked the Commission to address the Planned Development.

Commissioner Sheer stated that there are 3 issues with the Planned Development. The first being Commissioner Sheer finds that the accessory building is not in character with the development on the street frontage of 700 East and does not comply with standard C.3 of Planned Development. Second being that an accessory building is not allowed in the frontage feeling is does not comply with C3 of the standards, not feeling there is a street wall continuity. She also sited C4, the street façade. Third being the rear yard setback. She would like to see more open space allowed at the back of the project.

Commissioner Maurine Bachman stated that she agrees with Commissioner Scheer and doesn't feel the accessory building in the front does not fit with what 700 East is becoming.

Commissioners Paredes stated he agrees with Commissioner Scheer as well and would like to see the item tabled.

Chairperson Barry clarifies that the case numbers need to be separated in the motion.

MOTION

Commissioner Scheer made a motion to table the Planned Development asking the applicant to address standards C1, C3 and D1 at a future date with a public hearing.

Commissioner Maurine Bachman seconded the motion.

Commissioner Ghent requested that Commissioner Sheer clarify the concerns with the planned development modifications. Commissioner Scheer clarified the purpose is of a street wall. She explained that 700 East is a very wide street and the taller the building the more defined the space is. Commissioner Ghent was directed to page 102 of the Staff Report by Chairperson Barry. Commissioner Ghent questioned whether it was the building orientation that she feels is not appropriate for the neighborhood. Commissioner Scheer clarified that she was looking at C1, whether the scale, mass and intensity of the proposed planned development is compatible with the neighborhood. She referred to the zoning change that was approved by City Council to RMF-45 that would allow buildings up to 45 feet and said she felt that it would be a better building if it complied with those standards. Commissioner Ghent expressed concern about how long it was

going to take the developer to come up with the changes and felt that they were being too vague. She stated that she wanted to understand what specific changes need to be made.

Chairperson Barry interjected stating that she does feel it is necessary to require specifics, that the developer needs to review the project so that they meet the standards because accessory structures are currently not permitted in the proposed space and Commissioner Scheer wants them to go back and look at it and make it comply. She stated that she has a motion and Commissioners could support it or not.

Commissioner Jon Lee, Maurine Bachman, Andres Paredes, Aimee Burrows, Brenda Scheer, and Mike Christensen all voted "yes". Commissioner Andra Ghent voted "no". The motion passes with 1 "no" and 6 "yes" votes.

Commissioner Brenda Scheer motioned to table the Conditional Use request. Commissioner Mike Christensen seconded the motion. Commissioner Maurine Bachman, Aimee Burrows, Andres Paredes, Brenda Scheer, Andra Ghent, Jon Lee, and Mike Christensen all voted "yes". The motion passed unanimously.

<u>Story</u> Liberty Duet Apartments Design Review and Planned Development at approximately 347, 353, 355, and 357 East 500 South - A request by Zack Jones of Cowboy Partners for Design Review and a Planned Development at the above stated address. The proposal is for a 54-unit, 5 story, multi-family development. The building is proposed to be 60' in height and is located in the R-MU-45 (Residential Mixed-Use) zone. The specific request to the Planning Commission is for the following:

- 1. **Design Review:** The Applicant is requesting an additional 10' of building height as authorized in the R-MU-45 zoning district. **Case number PLNPCM2021-01109**
- 2. **Planned Development:** The Applicant is requesting an additional 5 feet of building height, to reduce the rear yard setback from 30 feet to 10 feet, and to allow balconies, awnings and the roof cantilever to encroach into the required front, corner side, and rear yard setbacks. **Case number PLNPCM2021-001150**

The subject property is within Council District #4, represented by Analia Valdemoros. (Staff contact: Eric Daems at 801-535-7236 or eric.daems@slcgov.com).

Senior Planner, Eric Daems, reviewed the petition as outlined in the staff report. He stated that Staff recommends approval with the conditions listed in the staff report.

Commissioner Andra Ghent asked for clarification on why there is not separate motions for both the planned development and the design review since the Planning Commission could potentially reach a different conclusion on the two items. Eric Daems stated that the planned development could not be approved without the modifications in the design review.

Scott Safford stated that he has looked at the market and has seen demand for two-bedroom units. By having the option for splitting rent with a roommate it makes it more affordable. Zack Jones stated that this development would help those looking for two bedrooms. Since the current building that is vacant has no windows, it makes it difficult to repurpose so they will be demolishing it.

PUBLIC HEARING

Chairperson Amy Barry opened the public hearing.

Keenan Wells – In favor of the petition.
 Chairperson Amy Barry closed the public hearing.

Scott Safford stated that providing parking was a driving factor in this project. He stated that the code requires a half a parking stall per unit, but they are trying to provide 0.7 parking stalls per unit.

Commissioner Andra Ghent asked if it would be possible to have an open business item to address issues with parking since it seems to be a reoccurring issue. Chairperson Amy Barry stated that that was a great idea and that she has had discussions with staff about putting something on a future agenda.

Commissioner Brenda Scheer stated concerns for the project removing two significant trees and the setbacks for this project not being as far back as surrounding buildings. Scott Safford stated that if they were to take the 10-foot setback out of the building they would face a building code problem since to have windows, they need to be 10 feet from the property line. Brenda Scheer asked if they would be willing to go in agreement with the neighbors to the property line to have them set a no build zone of 10 feet to allow this project to build on the property line. Scott Safford stated that going into that agreement could take months and that they are looking to get going with the project. He also stated that they are going to be replanting trees in the front of the building to make up for the ones they will have to cut down. Brenda Scheer stated concerns that newly planted trees would not provide the same canopy as the established trees. Scott Safford stated that they would be able to trim and keep one of the trees but the other one would have to be removed.

MOTION

Commissioner Andra Ghent stated, Based on the findings listed in the staff report, the information presented, and the input received during the public hearing, I move that the

Planning Commission approve the Design Review and Planned Development request for the Liberty Duet project located at approximately 353 E 500 South for petitions PLNPCM2021-01109 and PLNPCM2021-01150, subject to complying with the following conditions listed in the staff report:

- 1. The garage doors include transparent panels for at least 50% of the width between 3' and 8' feet from the ground.
- 2. The parcels be combined prior to beginning construction.
- 3. Final approval for signage be delegated to Staff to review in accordance with adopted standards and ordinances.

Commissioner Mike Christensen seconded the motion. Vice-Chairperson Maurine Bachman, Commissioners Andra Ghent, Jon Lee, Andres Paredes, Mike Christensen, and Aimee Burrows all voted "yes". Brenda Scheer voted "no". The motion passes.

Scott Safford asked if that if the glass in the project could be translucent instead of transparent. Chairperson Amy Barry stated that they would be able to work through that with Eric Daems.

The commission took a five-minute break to reconvene at 9:19 pm.

<u>Design Review at approximately 218 W 300 S</u> - Jeff Douglas with Axis Architects has requested Design Review approval for the property located at above stated address. The proposed development is for a 46-unit multi-family building with ground-floor commercial space proposed at 88'4" in height. The proposed building is in the D-3 Downtown Warehouse/Residential District. Buildings taller than seventy-five feet (75 ft) but less than ninety feet (90 ft) may be authorized through the design review process and permitted by the Planning Commission. The site is located within Council District 4, represented by Ana Valdemoros (Staff contact: Meagan Booth at 801-535-7213 or meagan.booth@slcgov.com). Case number PLNPCM2021-01023

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 Derek Allen shared a presentation that reviewed the project showing the street scape. He stated that they are looking for a modest height increase.

Fellow Applicant Pierre Langue reviewed the project context showing the scale of the project against the neighboring buildings.

Derek Allen shared a few more slide that show the building façade.

PUBLIC HEARING

Chairperson Amy Barry opened the public hearing.

• Keenan Wells – asked for one bike stall per unit to reflect the number of units in the building.

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

Commissioner Scheer asked for the applicant to clarify the stacked parking in the basement. The applicant said that it would not be stacked parking, that it would be a mechanical parking system for a portion of the vehicles. He stated that is it not a automated parking system and provided a presentation of the system the Planning Commission.

Commissioner Ghent asked for a more formal education on automated parking systems in the future.

MOTION

Commissioner Andra Ghent stated, Based on the information in this staff report, the information presented, and the input received during the public hearing, I move that the Planning Commission approve the Design Review item number PLNPCM2021-01023 with the regulations and the conditions below:

- 1. Final approval of the plans shall be delegated to planning staff to ensure compliance with the zoning standards and conditions of approval, including signage and lighting.
- 2. Approval is for the specific items discussed and identified in the staff report. All other applicable zoning regulations and requirements from other city departments still apply.

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

<u>W</u> - Mark Garza, of DEV Group on behalf of property owner Rueco, LLC has requested Design Review approval for the Southern Highlands Apartments project to be located on a combined 0.72 acre (31,363 square foot) parcel in the CG – General Commercial zoning district. The proposed project is for a 153-unit apartment building that will be a mix of 1 bedroom, 2 bedroom and studio units. The proposed building will be 79-feet tall consisting of 5 levels of apartments over 3 levels of concrete parking, one of which will be underground. Buildings in excess of 60-feet tall in the CG zoning district are allowed through the Design Review process with Planning Commission approval. The applicant is going through the Design Review process to request an additional 19-feet of building height over the 60-feet allowed by right in the district. The subject

property is located within Council District 5, represented by Darin Mano. (Staff contact: David J. Gellner at 801-535-6107 or david.gellner@slcgov.com) Case number PLNPCM2021-00929

Senior Planner, David Gellner, reviewed the petition as outlined in the staff report. He stated that Staff recommends approval with the conditions listed in the staff report.

Mark Garza stated that their goal is to provide more storefront and parking for the corner.

PUBLIC HEARING

Chairperson Amy Barry opened the public hearing.

Keenan Wells – In favor of the petition.
 Chairperson Amy Barry closed the public hearing.

Commissioner Brenda Scheer stated concern about the façade on 900 South since it is the major street frontage for this property. Jory Walker stated that they are open to suggestions and would be willing to add murals to the façade. Brenda Scheer stated that she does think they need to add more on the 900 South side. Mark Garza stated he would also be willing to move the mural to the 900 South side.

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 vote to APPROVE the Design Review application for the Southern Highlands Apartments located at approximately 913 & 927 South 400 West, file PLNPCM2021-00929 with the conditions of approval listed in the staff report delegated to staff for verification during the Building Permit review.

- 1. Final approval of the details for site signage, development and site lighting, offstreet loading, landscaping and any public art to be delegated to Planning Staff to ensure compliance with all applicable zoning standards.
- 2. Approval is for the specific items discussed and identified in the staff report. All other applicable zoning regulations and requirements from other city departments still apply.
- 3. Compliance with street tree requirements consistent with the recommendations of the Salt Lake City Urban Forester.
- 4. The parcels must be consolidated and a new parcel recorded with the Salt Lake County Recorder's Office.
- 5. The North elevation of the building is required to have a greater length of storefront and a mural in order to provide a better pedestrian experience along 900 South.

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

The meeting adjourned at 10:00 PM.