

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**City & County Building**  
**451 South State Street, Room 326**  
**Salt Lake City, Utah 84111**  
**Wednesday, August 24, 2022**

Prior to the Commission meeting, the Commissioners received training regarding civil enforcement and zoning from Antonio Padilla of the City's Civil Enforcement Division. Commissioners present for the training were: Chairperson Amy Barry, Vice Chairperson Maurine Bachman, Commissioners Mike Christensen, Brenda Scheer, Aimee Burrows, Rich Tuttle, Levi de Oliveira, and Andra Ghent.

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-Chair Maurine Bachman, and Commissioners, Adrienne Bell, Levi de Oliveira, Brenda Scheer, Aimee Burrows, Rich Tuttle, Andres Paredes, Jon Lee, and Mike Christensen. Commissioners Andra Ghent and Andres Paredes participated online.

Staff members present at the meeting were: Planning Director Nick Norris, Planning Manager Wayne Mills, Planning Manager Kelsey Lindquist, Principal Planner Liz Hart, Senior Planner Krissy Gilmore, Senior Planner Eric Daems, Senior Planner Lex Traughber, and Administrative Assistant Aubrey Clark. Senior City Attorney Paul Nielson also attended the meeting

**APPROVAL OF THE MINUTES**

**Commissioner Aimee Burrows moved to approve the July 27<sup>th</sup> meeting minutes.**

**Commissioner Maurine Bachman seconded the motion.**

**Vice Chair Maurine Bachman, and Commissioners Rich Tuttle, Mike Christensen, Adrienne Bell, Andres Paredes, Aimee Burrows, Andra Ghent, Brenda Scheer, Jon Lee and Chairperson Amy Barry voted "yes."**

**Commissioners Levi de Oliveira, Andra Ghent, Brenda Scheer, and Jon Lee abstained because of their absence from the July 27<sup>th</sup> meeting.**

**The motion passed.**

**REPORT OF THE CHAIR AND VICE CHAIR**

Chair Amy Barry stated her preference for an expectation that commissioners should be present at the meeting location during hybrid meetings whenever "in town and not sick." She asked the other commissioners for their opinions. All commissioners commenting agreed, although some suggested that the hybrid option could be justified for other reasons. Commissioner Lee also commented that the previous hybrid meeting was very helpful when he was thought that he was exposed to COVID. Commissioner Paredes said that a hybrid meeting is a good way to ensure that he can be on time for the meeting when his employment keeps him late. Chair Barry stated that she would like something added to the Commission's Policies and Procedures regarding the matter and that she would be following up with staff.

Vice Chair Maurine Bachman stated that she has nothing to report.

## **REPORT OF THE DIRECTOR**

Planning Manager Wayne Mills stated that he had nothing to report.

**Petition Initiation: Drive Throughs in the CSHBD Zoning District** - The Planning Commission will discuss initiating a petition to amend the zoning ordinance related to drive through restaurants in the Sugar House Business District. The Commission may discuss the impact the land use has on the purpose statement of the zoning district and the Sugar House Community Plan, and whether the land use is appropriate in the zoning district. The Commission may vote to initiate a zoning amendment to address issues discussed. (Staff contact: Nick Norris, Planning Director [nick.norris@slcgov.com](mailto:nick.norris@slcgov.com) or 801-535-6173)

Chair Barry stated as a reminder to the audience, and commissioners, that the Commission would not be deciding the merits of drive-throughs in the Sugar House Business District, but simply whether a petition should be initiated. If a petition is initiated, staff will return with a full presentation. Therefore, discussion on the present item would be limited. Chair Barry encouraged requests to staff for specific items to be presented at a petition presentation, and any questions pertaining to those requests.

Planning Director Nick Norris presented maps of drive throughs in the Sugar House Business District. In response to a question from Chair Barry, he explained that even though the drive-throughs are found in zones one and two, the land use tables for those separate zones are identical. He explained that drive throughs are a permitted use in Sugar House, currently, and that standards in place are intended to reduce the impacts on neighboring properties. He said that part of what the Planning Commission could request is a review of whether those standards are adequate. Director Norris requested direction from the commission regarding the priority and scope of the project. He reminded the Commission that timeliness is a factor of the project scope might be, partly because it affects “stakeholder engagement.” He wanted to know whether the Commission was requesting a review of drive through regulations, or land use tables as well.

Director Norris identified three different types of drive throughs in the area: restaurants, pharmacies and financial institutions. Some other retail businesses have used drive throughs in the past, but their use is negligible today.

Commissioner Aimee Burrows said that she would like to see a focus on regulations and wanted to know if a traffic study would be needed. Director Norris commented that there had been clear deficiencies in a traffic study related to a “problematic” drive through in Sugar House and suggested that “that kind of a traffic study” has value for “some data points” but is not something to be given serious weight in evaluating a drive through location. He reminded the Commission that it could be possible to make “operational changes” to an existing use, but that locations currently used as drive throughs were entitled to continue as drive throughs.

Commissioner Scheer asked what the simplest process would be and asked what would be involved in changing the use from permitted to conditional. Director Norris said that the simplest process would be elimination of the use. He said that changing the use would require study, likely a study of stacking patterns.

Commissioner Andra Ghent commented that Sugar House is promoted as the state’s most walkable neighborhood. She said that it is appropriate to make the issue a priority for this area alone because the growing problem detracts from the goals of the area plan.

Commissioner Burrows said that she would like to review whether different standards could be applied to different types of businesses.

Commissioner Christensen asked that the “record” directly reflect the fact that existing drive throughs would be allowed to continue as drive throughs.

**MOTION**

**Commissioner Aimee Burrows stated, “I move that the Planning Commission initiate a petition to amend the text of the zoning code as it pertains to land uses that include drive throughs in the CSHBD zoning districts to determine if the uses are compatible with the purpose of the zoning district, and to make necessary modifications to ensure the purpose of the district is implemented as it relates to drive throughs.”**

**Commissioner Mike Christensen seconded the motion.**

**Vice Chair Maurine Bachman, and Commissioners Rich Tuttle, Mike Christensen, Adrienne Bell, Andres Paredes, Aimee Burrows, Andra Ghent, Brenda Scheer, and Jon Lee and Chair Amy Barry voted “yes.”**

**The motion passed unanimously.**

**In response to a request from Chair Barry, Nick Norris agreed to return to the Commission with an outline of the petition project prior to public engagement. He also reminded the Commission that the Salt Lake City Code already defines different drive through uses for different types of businesses.**

**PLANNING COMMISSION DISCUSSION** - The Commissioners may discuss planning, zoning, and general land use items that are not listed on the agenda. This discussion will be limited to no more than 10 minutes. There is no public discussion associated with this item.

Chair Barry asked what legal issues might relate to a policy requiring Commissioners to attend all meetings in person. Senior City Attorney Paul Nielson stated that the only consideration would be avoiding the possibility of excluding a commissioner with a disability, otherwise, “it’s your policy.”

**PUBLIC HEARINGS**

**Planned Development at approximately 1146 S Redwood Rd** - Tyler McArthur, the property owner, with Manifest Development is requesting Planned Development approval for Dawson Place, a multi-family townhome style development, located at the above-stated address. The proposed design consists of a total of 10 buildings with 58 new townhome units. The subject property is approximately 1.85 acres in size and located in the CC (Commercial Corridor) zoning district. Planned Development approval is required for this project due to proposed principal buildings without street frontage and additional building height. The CC district allows a maximum height of 30 feet. The applicant is proposing approximately 1 foot of extra height. The subject property is located within Council District 2, represented by Alejandro Puy. (Staff contact: Liz Hart at 801-535-6681 or elizabeth.hart@slcgov.com) **Case number PLNPCM2022-00366**

Principal Planner Liz Hart reviewed the petition as outlined in the Staff Report. Three modifications are requested: an additional one foot in height above the 30-foot limit in the Corridor Commercial district to accommodate roof design; nine of ten principal buildings without public street frontage; and a five-foot

encroachment into the front yard by the second story balconies. The fifty-eight three-story townhomes will have two bedrooms. Liz Hart discussed the general mixed-use neighborhood including proximity to the 9-Line Trail, and the similar, but larger, adjacent Quinci development that was recently approved by the Planning Commission. She stated that staff recommends approval as proposed and she also reviewed a development that was recently approved on the neighboring property.

Alec Meyers, representing Manifest Development, stated that the project is a way to bring “for-sale housing” to Salt Lake City at a “price point” below \$400,000, which would be considered “affordable.” He also stated his company is currently in the process of establishing this project as a condo plat. He said that the pitched roof that was the reason for the height increase request would reduce maintenance costs, and delay roof replacement—benefits moderating condo fees. Alec Meyers added that UDOT has worked with the owners of both adjacent properties to create a shared access road, in order to address Redwood Road traffic.

Commissioner Rich Tuttle wanted to know whether the price point of around \$350,000 is realistic. Alec Meyers replied that, after reviewing current bank lending activity, his company finds that \$350,000 to \$375,000 is realistic. Commissioner Tuttle also asked about contingencies for fire risk. Alec Meyers said that the buildings “will likely be sprinklered,” but that discussions with the fire department are on-going. He added that the fire access road exceeds fire department requirements and that, with the exception of the sprinkler issue, the fire department is “pretty happy” with the project.

Chair Barry opened the public hearing.

## **PUBLIC HEARING**

- Ian Cahoon, representing CW, the Quinci developer – in favor of the petition as a good “complement” to the Quinci. He stated that both projects help to revitalize the Westside and offer “affordable housing.” He noted the proximity to the 9-Line Trail and public transportation.

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

Commissioner Scheer asked the applicant for a response to a letter from neighboring business O’Reilly Auto Parts regarding the condo development’s impact on the “visibility” of the business. The applicant stated that O’Reilly had not contacted developers, but that he had some understanding of the issue regarding signage visibility from the south and would be open to discussion. In response to Commissioner Scheer’s follow-up question, he stated the planned fence was “a detail that hasn’t been worked out yet.” Alec Meyers pointed out that, because O’Reilly rents the store at its location, developers would want to speak with the property owners as well.

Commissioner Paredes wanted to know whether there is a community council in the area of the project that has been briefed on the issue. Liz Hart said that a presentation had been made and that the community council has sent a letter supporting the project, which is in the staff report.

## **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 Planning Commission approve the Planned Development request for Dawson Place located at 1146 S Redwood Road as proposed.”

Vice Chairperson Maurine Bachman seconded the motion.

Vice Chairperson Maurine Bachman, Commissioners Jon Lee, Aimee Burrows, Levi de Oliveira, Andra Ghent, Adrienne Bell, Andres Paredes, Rich Tuttle, Mike Christensen, Brenda Scheer, and Chair Amy Barry voted “yes.”

The motion passed unanimously.

**Lotus Alchemy Design Review and Planned Development at approximately 18, 28, & 54 W 700**

**South** - Grant Wise, representing the property owner Lotus Greenline LLC, has submitted Design Review and Planned Development applications to develop the above-stated property. The project site is in the D-2 (Downtown Support) zoning district. The building will have two structured parking levels with 250 parking stalls and 214 residential units in the 5 levels above. The proposed project also incorporates a public mid-block pedestrian walkway that runs north-south along the eastern property line.

A. Design Review: The proposed building is approximately 76 feet in height. Buildings over 65 feet in height must go through the Design Review process. The applicant is also requesting to modify the maximum length of a street-facing facade. **Case number PLNPCM2022-00442**

B. Planned Development: Planned Development approval is required to exceed the maximum parking allowed in the D-2 zoning district. **Case number PLNPCM2022-00489**

The project is located within Council District 4, represented by Ana Valdemoros. (Staff contact: Krissy Gilmore at 801-535-7780 or [Kristina.gilmore@slcgov.com](mailto:Kristina.gilmore@slcgov.com))

Senior Planner Krissy Gilmore reviewed the petition as outlined in the Staff Report. She stated that staff recommend approval of both petitions with conditions. Neither applicable community council has commented. The owner of a neighboring building has expressed concerns about the loss of on-street parking created by the proposed fire lane, however, Krissy Gilmore explained, any building exceeding 30 feet in height would be required to provide the same additional fire lane. She said that two other public comments could be found in the staff report.

Krissy Gilmore reviewed the proposed modifications and explained that design review is requested because the building, in the D2 zoning district, would be over 65 feet in height (the maximum height allowable height with design review would be 120 feet). The applicant is requesting a height of 76 feet for the six-story structure, which includes 214 dwelling units and ground-level commercial operations. The applicant is also requesting an extension of the allowable street frontage from 200 feet to 293 feet, and an increase in parking spaces to 250.

Krissy Gilmore also explained that the project is on the southern edge of the D1 zone. She showed the positions of neighboring new office and housing developments, a public mid-block walkway, and the proximity of a Trax station. Krissy Gilmore pointed out that the requested height is comparable to new development in the area, although smaller than adjacent properties. Also described was the composition of the building: variety in colors, materials, and horizontal and vertical massing, ground floor engagement, and the single parking garage access.

Krissy Gilmore stated that proposed ground floor engagement exceeds requirements and includes extensive landscaping but also includes benches and tables, which will need separate review as public way encroachments. The high number of parking spaces is partly explained by an agreement for shared parking with a neighboring building. She added that parking is internal and so is not disruptive to other businesses.

The applicants Grant Wise and Joe Torman reviewed the proposed project and praised staff assistance throughout the application process. They explained that the Lotus company currently has properties totaling over 300 existing dwelling units in mixed use multi-family projects and 280 under development. Grant Wise explained highlights of the project including the midblock walkway. Joe Torman added that the company's "hospitality" division would operate a restaurant on the ground floor of the property and that awnings and other features of the restaurant would require additional height. He referred to "six live-work units" in the midblock walkway, two retail spaces, a 'green bike' station, and a sky bridge.

Commissioner Brenda Scheer asked what the height of the fence between the midblock walkway and the restaurant would be. The applicant stated it would be roughly 3 feet. She asked that the plans be clarified to clearly reflect that height to avoid confusion regarding other fence requirements.

Chair Barry opened the public hearing.

## **PUBLIC HEARING**

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

Commissioner Scheer stated that she was "not very happy" with the parking space increase. She wanted to know what had justified the shared agreement with the neighboring building that was basis for the parking increase. She said that the fact that parking was hidden was secondary to the need to promote pedestrian activity.

Commissioner Burrows said that she recognized the very creative efforts in using design features to justify the extension of the width of the building but stated that she felt that accommodations for exceeding zoning requirements should make affordable housing the priority. She suggested that if the large difference in street frontage, from 200 feet to 293 feet, were approved solely on design features then "who is ever going to do affordable housing to get an accommodation."

Commissioner Scheer agreed and stated that Commissioner Burrows had provided a very useful example to be used in discussion of a later agenda item.

Commissioner Ghent agreed with Commissioner Scheer's comments on the parking issue but praised the mixed-use elements of the building. She said that one parking spot per unit should be the standard. She added that "income restricted housing" should be dealt with separately, and that any new units add to the market and therefore help lower prices.

Commissioner Scheer asked for clarification on the levels occupied by the parking garage. The applicant replied that the ground floor, but primarily the second level, contained parking spots. Commissioner Scheer commented that, over time, converting some parking spaces to retail would be difficult.

Commissioner Lee requested clarification of the need of the neighboring building's need for a parking agreement. Joe Torman explained that, as a term of sale, that business had arranged to lease 75 parking spaces to compensate for spaces lost because part of the property purchased for the petition project included the lot the business used for parking. He stated that 75 spaces are the "minimum that they need."

Commissioner Scheer asked whether it would be possible to accommodate other businesses affected by the loss of on street parking. Commissioner Scheer suggested that the in-house restaurant, and tenant businesses would also need parking, adding that some public parking accommodations might be an appropriate condition of approval. Joe Torman said that those issues are under review but involve additional security measures. He said "we would be open" to the condition.

Commissioner De Oliveira said that public transit does not meet the needs of everyone in the city, he is not concerned about a high number of parking spaces.

Senior City Attorney Paul Nielson cautioned that because the building has met its own on-street parking requirements, linking a condition to replacing on-street parking suggests a "right" to on-street parking, and so, would be outside the Commissions parameters. He explained that "a benefit for a third party" is exceeding the scope of Planning Commission oversight.

Joe Torman suggested that spaces dedicated to the neighboring office building could be made available after business hours. Discussion between Commissioners Scheer, Barr and Bell resulted in the request that staff verify some paid public use of the parking spaces allocated to the neighboring office building--possibly restricted to non-business hours.

## **MOTION**

**Commissioner Brenda Scheer 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 (PLNPCM2022-00442) and Planned Development (PLNPCM2022-00489) requests for the project located at approximately 28 W 700 S, with the conditions listed in the staff report plus the following modification that a portion of the parking area will be available for public use."**

**Commissioner Mike Christensen seconded the motion.**

**Commissioner Adrienne Bell made a friendly amendment that the details of the parking be delegated to staff. Commissioner Scheer accepted the amendment.**

**Vice Chair Maurine Bachman, Commissioners Jon Lee, Mike Christensen, Brenda Scheer, Adrienne Bell, Andra Ghent, Rich Tuttle, Andres Paredes, Levi de Oliveira, and Chair Amy Barry voted “yes”. Commissioner Aimee Burrows voted “no”.**

**The motion passed ten “yes” and one “no.”**

**Design Review at approximately 370 S West Temple** - Brian Miller, of Solomon Cordwell Buenz Architects, representing the property owners, is requesting Design Review approval for a hotel at the above-stated address. The proposal is for a 10-story, 209-room hotel with restaurant and amenity space. The property is in the D-1 (Central Business District) zoning district. The project requires Design Review approval as it is proposed as approximately 129 feet tall. Mid-block buildings over 100' tall, are permitted only with Design Review approval by the Planning Commission. The subject property is located within Council District 4, represented by Ana Valdemoros. (Staff contact: Eric Daems at 801-535-7236 or eric.daems@slcgov.com) **Case number PLNPCM2022-00422**

Senior Planner Eric Daems reviewed the petition as outlined in the Staff Report. He stated that staff recommend approval as proposed because it is consistent with the master plan especially with regard to pedestrian engagement. Design review is required because the proposed building height is 129 feet in the D1 zone that requires a 100-foot limit for a mid-block structure. Eric Daems said that the proposed use is for a 10-story, 209-room hotel including a restaurant and other amenities. The property is shared by a future 28-story multi-family building. Both buildings would share parking.

Eric Daems said that compatibility with other structures is a key factor in design review. He identified a rather new two-story building to the north, and the proposed 28-story building to the south and explained varying rooflines, height, and setback as well as varying, massing and materials would offset the imbalance. The proposed structure would provide a step up from the smaller building and a step down from the taller one.

Commissioner Scheer wanted to know what the maximum height would be. Eric Daems replied that there is not a maximum height in the D1 zone, however, any proposed structure over 100 feet must have design review approval.

Michael Glenboski development manager for the applicant reviewed the specifics of the project. He clarified that the hotel and the 28-story structure would be companion projects. He cited a maximum height for the building of 112 feet' [That figure differs from the official staff calculation, but still in excess of the minimum height requirement.] In response to Commissioner Bell's question about the parking he said that the shared parking would use valet parking, so that guests would not enter the shared garage. Of the 342 parking spaces, 123 are designated for hotel use.

Michael Glenboski also mentioned a future mid-block walkway.

Chair Barry opened the public hearing.

## **PUBLIC HEARING**

Seeing that no one wished to speak, either in person or online, Chair Barry closed the public hearing.

Commissioner Aimee Burrows then asked whether the Downtown Community Council usually comments on new projects. Chair Barry said that the Community Council had not commented for “long time.”

## **MOTION**

**Commissioner Adrienne Bell 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 request for the hotel project located at approximately 370 South West Temple for petition PLNPCM2022- 00422.”**

**Commissioner Brenda Scheer seconded the motion.**

**Vice Chairperson Maurine Bachman, Commissioners Rich Tuttle, Andra Ghent, Aimee Burrows, Andres Paredes, Levi de Oliveira, Brenda Scheer, Adrienne Bell, Mike Christensen, Jon Lee, and Chairperson Amy Barry all voted “yes.”**

**The motion passed unanimously.**

**Zoning Map Amendment at approximately 856 W. 1300 South** - Jordan Atkin, with the property owner TAG SLC, is requesting a Zoning Map Amendment to rezone the property located at the above address from the existing R-1-5,000 (Single-family Residential District) to FB-UN-1 (Form Based Urban Neighborhood District). The applicant intends to construct a townhome development (Single-family Attached Residential) of 6 dwellings if the map amendment is approved. The subject property is located within City Council District 2, represented by Alejandro Puy. (Staff Contact: Lex Traughber at 801-535-6184 or lex.traughber@slcgov.com) **Case number PLNPCM2022-00009**

Senior Planner Lex Traughber reviewed the petition as outlined in the Staff Report. He stated that staff recommends negatively on this request based upon the fact that adjacent homes are consistent with existing zoning and so a change to FB-UN-1 is not merited. However, the local community council, and a member of the public have written a letter of support, which are in the packet. Applicant has indicated the intention to build six single-family attached residential units on the property, which is on a block of mostly single-family single-story homes. Corner commercial property faces the Sorensen Unity Center.

Chair Barry asked whether there might be another zoning designation that would meet the needs of the applicant. Lex Traughber said that is unlikely because the other existing homes are one home per lot. Commissioner Burrows asked whether the City Council would receive all information if the Commission

were to disagree with the staff findings. Senior City Attorney Paul Nielson said that while the staff report is sent, the recommendation is the Planning Commission's recommendation.

Jordan Atkin of TAG SLC, on behalf of the applicant, stated that the project would be solely for residential use. He reviewed problems with the existing home on the property including positive radon and asbestos tests and the fact that it is not connected to the Salt Lake City sewer system. The remediation costs do not justify an investment to make a single-family home in the neighborhood livable. He noted that the area master plan calls for a mix of 20 to 30 homes per acre and scaling of all buildings to reduce impacts to nearby single-family homes.

Jordan Atkin praised Lex's assistance in navigating the process. He stated that the proximity to various non-residential businesses and amenities, including the Sorensen Center and the Jordan River, mean that the project, which is a "new housing type" is not "unrealistic" for an area that is already mixed use. He said that the project is "eighty feet away from two separate commercial buildings." He added that a single family attached home is not "materially different" from a single family detached home. He also identified a nearby duplex. Jordan Atkin said that the plan promotes density where it "does not materially affect the existing neighborhood." He stated that the project is a definite improvement over the existing structure and said that he saw no detriment to the neighborhood because the company had created a development agreement limiting height to 30 feet (two and a half stories) which is two feet above the current limits and building coverage would be consistent with the R1-5,000 zone of 40% coverage. The project would be 35% of lot coverage.

Jordan Atkin also pointed to the City's need for "for sale" housing. He said the project had taken eight months to bring to the Commission. He stated that the company he represents is better-resourced than small property owners to attempt such a project, which explains why more small projects have not been started. He said a "gentle increase" pushing "slightly" into single-family neighborhoods is needed.

Commissioner Burrows asked for a definition of TOD. The applicant stated it means Transit Oriented Development.

Commissioner Scheer wanted to know what project would be substituted if the zoning change were to fail. Jordan Atkins responded that with modifications to lot width, two single family homes would be possible. Commissioner Scheer then inquired about the possibilities for ADUs and to which Jordan Atkins said it would be possible but might depend upon owner occupancy.

Commissioner Paredes asked for confirmation that the matter to be voted on would be the zoning change, not the project itself, which was confirmed by Chair Barry.

Commissioner Burrows asked for confirmation that the development agreement would need City Council approval, which was also confirmed by Chair Barry.

Commissioner Andres Paredes asked what other possible zones had been considered. Jordan Atkins responded that the CN zone had been considered as "far worse," SR 3, and M1 are an equal distance from the property, SR3 only allows for two story units and RMF 30 has a limit of four dwelling units. He

said that the FB-UN-1 has stricter façade and articulation requirements that make it a good choice for the neighborhood.

Chair Barry opened the public hearing.

## **PUBLIC HEARING**

Seeing that no one wished to speak, in person or online Chair Barry closed the public hearing.

Commissioner de Oliveira stated support for the rezone because the “area desperately needs revitalization.”

Commissioner Andra Ghent said that she agreed and added that this project would not meet the “exclusive personal benefit” standard of spot zoning. Although rezoning a particular parcel is unusual, she sees a need for more “missing middle” housing, and she said that “Eighty-eight percent of our land is zoned to not have it.”

Chair Barry said that her concerns were about using the FB-UN-1 zoning in areas that it was not intended to be used. She would recommend a zone with a lower number of units. She is not opposed to low level density developments.

Commissioner Scheer said that houses on both sides of the project were single-family pitched roof houses so that the project “would be extremely different looking.” She expressed the opinion that an RMF 30 would be more compatible with the area because the height could be limited. She added “this side-by-side townhouse stuff is pretty-much intrusive everywhere it’s built.”

Commissioner Lee said that “We have more single-family housing than any other city our size this close to downtown.” He said that the housing shortage justifies a need to fill in lots. He added “this is the beginning of a change.” However, the zoning map will not be “so pretty.”

Chair Barry stated her concern that the FB-UN-1 could “take over the area.” Commissioner Lee agreed. Commissioner Bell said that the current zoning is not sufficient to satisfy the master plan. Commissioner Scheer said that it would be preferable, but not immediately possible, to rezone the entire block. Commissioner Bell said that, given the need, and the applicants willingness to limit use, the zoning change for this project would help the problem even if it is “not a perfect solution.”

Commissioner De Oliveira said that, as a Glendale resident, he could foresee many spot-zoning approvals in the future. He would like to see more planning for Glendale.

Chair Barry expressed the concern that “not everything that could be allowed in FB-UN-1, might be appropriate for Glendale.” Commissioner Lee said that the Commission has the discretion not to approve, especially in the cases, as was suggested by Chair Barry where full project plans were not disclosed.

Commissioner Ghent asked for clarification as to whether RMF 30 is a valid option. Chair Barry confirmed that it is. Commissioner Burrows asked that the recommendation include review of proposed development agreements.

## **MOTION**

**Commissioner Mike Christensen stated, “Based on the analysis and findings listed in the staff report, testimony, and the proposal presented, I move that the Planning Commission forward a positive recommendation regarding the requested zoning map amendment for the property located at approximately 856 West 1300 South from R1-5,000 single-family residential district to FB-UN 1, form based urban neighborhood district, on to the City Council. The Planning Commission finds the proposed amendment complies with the review standards as demonstrated in Attachment D of the staff report.”**

**Commissioner Adrienne Bell seconded the motion.**

**Commissioner Burrows made inaudible comments after which, Commissioner Bell made the friendly amendment, “subject to the City Council’s consideration of entering into a development agreement to address the issues presented by the applicant in his presentation.”**

**Commissioner Christensen accepted the friendly amendment.**

**Following admin staff request for clarification of findings, Commissioner Bell added, “We disagree with the staff findings and agree that the petition does meet the standards of the code, that it is consistent with the City’s policies and goals, that it will not have a detrimental effect on adjacent properties, and that the City infrastructure is sufficient to support its development.”**

**Commissioner Christensen accepted the addition of stated findings.**

**Commissioners Adrienne Bell, Andres Paredes, Levi de Oliveira, Andra Ghent, Aimee Burrows, Mike Christensen, and Jon Lee voted “yes.”**

**Vice-Chairperson Maurine Bachman Commissioners Rich Tuttle, Brenda Scheer, and Chairperson Barry voted “no.”**

**The motion passed seven “yes” votes and four “no” votes.**

Senior Planner Lex Traugher thanked the Commission for the thoughtful discussion.

A break was taken by the Commission. The meeting readorned at 7:41 PM.

**Downtown Building Heights & Street Activation Text Amendment** - The Mayor, at the request of the City Council, initiated an amendment to the allowed building heights, required design features, and public space activation within the Downtown Master Plan area. This proposal includes amendments to the following zoning districts: D-1, D-2, D-3, D-4, CG, FBUN1, and FBUN2. Additionally, the proposed code

revisions aim to accommodate growth and respond to new development pressures, while developing standards for public spaces. Changes seek to have a positive impact on human-scale orientation, pedestrian accessibility, and community character. (Staff contact: Kelsey Lindquist at kelsey.lindquist@slcgov.com) **Case number PLNPCM2022-00529**

Planning Manager Kelsey Lindquist and consultants Jessica Garrow and Callie New presented the key elements of the proposed code update. Kelsey Lindquist pointed out that livability in the form-based district was an important aspect of the suggested changes. Callie New reviewed changes made at the request of Commissioners following the consultants' June presentation. The definitions of ground floor "active use," and "amenity spaces" have been revised. Maps of the downtown area have been revised. Work on the design standards for street facing façade lengths has not been completed because of staff time demands. Standards for mid-block walkways have been expanded including allowable encroachments. Justifications for allowable heights exceeding 200 feet have been more clearly defined. Allowable height limits and exceptions have been reviewed for each zone in the city including a revision of the appropriate amount of additional open space required for additional height.

Kelsey Lindquist added that a public comment was added to the Commission drop box just prior to the meeting.

Chair Barry asked for clarification of comments from Carlton Christensen of UTA. Kelsey Lindquist said that the UTA property is in the Depot area, which is zoned GMU with a current maximum height of 120 feet with a pitched roof. She said that currently, most flat-roof petitions are asking for a height of 90 feet. The proposal would allow a maximum height of 180 feet with design review and would also create a new minimum height requirement of 75'. Kelsey Lindquist explained that the public outreach portion of the project suggested that people supported higher buildings in the Depot neighborhood and other areas that about I-15. Staff does not support limitless height in the GMU, which was suggested by UTA's public comment. However, doubling the height in the GMU is a way to transition to the CG zoning to the south.

Commissioner Scheer asked for clarification of the maps. She noted that "none" appeared to mean no height limit with design review and asked for an outline of the design review process in those areas. Jessica Garrow said that the term "none" really referred to the fact that no minimum currently exists in those areas. She said that pedestrian engagement, heights and setbacks, and open space, affordable housing would all be part of the design review. The same design review considerations would apply. The thresholds of requirements and administrative approval would vary between zones.

Kelsey Lindquist responded to Commissioner Scheer's follow up question that complying with one of the five requirements for increased height would not guarantee design review approval, it would guarantee design review. She said that design review standards were included in the packet on page 150. She said that additions and clarifications had been made to existing standards.

Commissioner Lee asked for updating on the building design diagrams. He then commended the overall report.

Commissioner Scheer said that the five allowable exceptions to height limits will allow developers to choose the easiest option, which, she speculated, would be ground floor uses and she added that least appealing option for developers would be affordable housing. Chair Barry agreed that the options were not equivalent in value, and she suggested that the list be split so that a developer not choosing affordable housing would be required to use more than one option of the other categories.

Commissioner Lee suggested that creating any type of unit would contribute to affordable housing because it would expand the market. He added that creating retail space on the ground floor could be quite significant because it makes the city walkable. Commissioner Ghent agreed. Commissioner Bell stated that affordable housing projects use different funding sources, and so are a different type of development. Commissioner Ghent then presented the idea that the city may want to dedicate money to dedicated affordable housing.

## **PUBLIC HEARING**

- Daniel Folley of CRU on the “multi-family team,” in favor of the petition. He is interested in maintaining life sciences in the CG. He looks forward to height increases along 400 South.

See no one else who wished to speak, either in person or online, Chair Barry closed the public comment period.

Kelsey Lindquist confirmed that no changes to land use tables were recommended and so there would be no effect on locations of life science facilities. She also stated that the City budget includes 20 million for affordable housing to which Commissioner Ghent responded that no annual report has been produced for that trust fund in three years. Kelsey Lindquist agreed to forward the comment. Commissioner Sheer then suggested that it could be used as a reward for developers. Commissioner Ghent said that she understood the fund to be for loans for developers, not rent support. Kelsey Lindquist agreed to confirm that fact at a later meeting and to invite the Housing Stability Director to a future meeting.

Commissioner Scheer asked for clarification on requirements for ground floor activation. Jessica Garrow said that either 70% or 80% is a base requirement depending upon the zone, and to meet the height exception the requirement would increase. Commissioner Scheer said that reaching 100% was “too easy” and so the category should be removed as an option for additional height design review. She added that given essential infrastructure of a building, like elevators, 100% isn’t possible. Jessica Garrow said that the percentages were calculated on net usable space, not gross.

## **MOTION**

**Vice Chair 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 for PLNPCM2022-00529, the proposed Downtown Building Height and Street Activation Text Amendment, with the ability to amend the adopted ordinance language as necessary to eliminate potential conflicts with other pending ordinances and ensure consistency with other code sections and references in the zoning ordinance.”**

**Commissioner Mike Christensen seconded the motion.**

**Vice Chairperson Maurine Bachman, Commissioners Andres Paredes, Levi de Oliveira, Andra Ghent, Aimee Burrows, Jon Lee, Brenda Scheer, Rich Tuttle, Mike Christensen, Adrienne Bell, and Chair Barry voted “yes.”**

**The motion passed unanimously.**

The meeting adjourned at 8:23 PM.

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