

SALT LAKE CITY PLANNING COMMISSION MEETING

**City & County Building
451 South State Street, Room 326
Salt Lake City, Utah 84111
Wednesday, March 29, 2023**

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at approximately 5:30 p.m. 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 Maurine Bachman, and Commissioners Amy Barry, Andres Paredes, Brenda Scheer, Levi de Oliveira, Rich Tuttle, and Anaya Gayle. Commissioner Jon Lee, Andra Ghent, Aimee Burrows, and Vice Chair Mike Christensen were excused from the meeting.

Staff members present at the meeting were: Planning Director Nick Norris, Deputy Director Michaela Oktay, Senior City Attorney Katherine Pasker, Senior Planner Cassie Younger, Principal Planner Meagan Booth, Principal Planner Rylee Hall, Principal Planner Katilynn Harris, Senior Planner Sara Javoronok, Project & Policies Manager Ruedi Matthes, and Administrative Assistant Aubrey Clark.

REPORT OF THE CHAIR AND VICE CHAIR

The Chair stated that she had nothing to report.
The Vice-Chair was not in attendance.

REPORT OF THE DIRECTOR

The Director had nothing to report.

PLANNING COMMISSION DISCUSSION

There were no comments brought up by the commissioners.

TENTATIVE CLOSED SESSION

Commissioner Amy Barry motioned to go into a closed session to receive legal counsel. Commissioner Brenda Scheer seconded the motion. Commissioners Anaya Gayle, Andres Paredes, Brenda Scheer, Rich Tuttle, Levi de Oliveria, Amy Barry, and Chair Maurine Bachman voted “yes”. The motion passed.

Chair Bachman asked the public to vacate the room and the Commission went into Closed Session.

Commissioner Barry motioned to end the closed session. Commissioner Levi de Oliveria seconded the motion. Commissioners Anaya Gayle, Rich Tuttle, Amy Barry, Brenda Scheer, Levi de Oliveria, Andres Paredes, and Chair Maurine Bachman voted “yes”. The motion passed.

The regular meeting reconvened at 6:05 PM.

UNFINISHED BUSINESS

1. **Conditional Use for Big D Construction at Approximately 404 S. 400 West** - Continuation of a Tabled Item from the March 8th, 2023, Planning Commission meeting. Big-D Construction, represented by Rob Moore and property owner VENTURE 404 WEST LC, is requesting Conditional

Use approval to construct a 31,350 square foot 3-story addition to their existing 64,573 square foot office building at the above-stated address. The subject property is located in the D-3 (Downtown Warehouse / Residential) Zoning District. Commercial/office uses in buildings of three (3) stories or more without multi-family dwellings shall be allowed only as a conditional use and then only when the applicant has demonstrated that the proposed location is not suitable for multi-family residential use. The subject property is within Council District 2, represented by Alejandro Puy. (Staff contact: Grant Amann at 801-535-6171 or grant.amann@slcgov.com) **Case Number PLNPCM2022-00750**

Associate Planner Grant Amann reviewed the Staff memo, sharing that the proposal remains the same as first presented on March 8, 2023. He reviewed the zoning code, which the Commission used to table the proposal, and showed why that standard does not apply in this case. He stated that Staff recommends the approval of the Conditional Use as proposed.

The applicant stated that he did not have a presentation at this time.

Commissioner Gayle said that after receiving information from council the Commission should disregard code 21A.30.040 C3 requirements.

MOTION

Commissioner Amy Barry stated, “Based on the information presented and the discussion tonight and the previous meeting, I move that the Commission approve this application based on staff’s recommendations with the following modifications: The current design standards are applicable that pertain to parking structure screening. Commissioner Levi de Oliveria seconded the motion.

Commissioner Anaya Gayle asked that Commissioner Barry restate the modification. Commissioner Barry stated that the current design standards for parking be applied, and that the application has something other than the current design standards listed. Commissioner Gayle asked whether the screening was part of the decision in front of them and not a part of a design review later. Senior City Attorney Paul Nielson stated that he didn’t think they were dealing with the design of the project and asked Commissioner Barry if she found that there were any detrimental impacts that are presented by the proposal. Commissioner Barry replied yes and that she felt the screening originally proposed presented an issue with visibility and thus was found to be a detrimental impact. Commissioner Gayle asked for clarification regarding whether the standard existed without the modification to the motion. Commissioners Scheer and Barry clarified that the design standards would not be required due to the application being a Conditional Use, but since there is a finding of a detrimental impact the standards could be applied. Commissioner Gayle asked whether the design standards apply to conditional uses. Director Nick Norris asked whether Commissioner Barry would consider amending the motion to reference the parking garage or structure design standards as identified in city code 21A.44.060.A.15.

Commissioner Barry stated, “Based on the information presented and the discussion tonight and the previous meeting, I move that the Commission approve this application based on staff’s recommendations with the following modifications: The parking structure be subject to the current design standards in 21A.44.060.A.15. Commissioner Levi de Oliveria seconded the motion.

Commissioners Andres Paredes, Levi de Oliveria, Brenda Scheer, Amy Barry, Rich Tuttle, Anaya Gayle, and Chair Maurine Bachman voted “yes”. The motion passed.

PUBLIC HEARINGS

1. **Planned Development for Platform 1500 at Approximately 1512 S. 300 West** - Arlie Green, with Western Region Nonprofit Housing Corporation, representing the property owner, is requesting a Planned Development for a new 60-unit apartment building with all 60 units at 43% AMI or lower. The applicant is seeking relief from the landscape yard requirements of the CG (General Commercial) Zone. The minimum yard requirement in the CG zone is 10 feet, with the applicant proposing a 2.8-foot setback on the rear, a 2.5 foot setback on the front, and a zero-foot setback on the north and south property lines. The subject property is located in Council District 5, which is represented by Darin Mano. (Staff contacts: Meagan Booth at 801-535-7213 or meagan.booth@slcgov.com and Cassie Younger 801-535-6211 or cassie.younger@slcgov.com) **Case Number PLNPCM2022-01154**

Senior Planner Cassie Younger reviewed the proposal as outlined in the Staff Report. She reviewed the Commissions requested changes that were discussed in the Work Session held on March 8, 2023, and stated that the applicant has provided all of the requested items. She stated that Staff recommends approval of the project.

The applicant Thomas Lee stated that he did not have a presentation.

Commissioner Brenda Scheer asked if the rear patio would be landscaped in the same way as the central second story patio. The applicant stated that it was the private patios for the residents. Commissioner Scheer said she would like to see landscape amenities added to those patios.

PUBLIC HEARING

- David Boyer from Precision Appliance – Concerned about parking and wanted to know if there would be allowances for street parking.

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

Chair Bachman asked staff to clarify what will happen with public parking. Principal Planner Meagan Booth stated that the projects in the area have followed the zoning standards for required parking. She also stated that 1500 South will remain unaltered and will allow for on-street parking. Andrew Ave will not have on-street parking due to the narrowness of the right of way and addition of sidewalk on both sides.

MOTION

Commissioner Levi de Oliveria 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 Planned Development petition (PLNPCM2022-01154) as proposed, subject to complying with the conditions listed in the staff report.”

Commissioner Anaya Gayle seconded the motion. Commissioners Anaya Gayle, Rich Tuttle, Amy Barry, Brenda Scheer, Levi de Oliveria, Andres Paredes, and Chair Maurine Bachman voted “yes”. The motion passed unanimously.

2. **Zoning Map Amendment at 924 W 200 North** - TAG SLC, LLC, representing the property owner, is requesting a Zoning Map Amendment for the property located at the above-stated address. The applicant is requesting to rezone the property, totaling about .5 acres, from R-1/5,000 (Single Family Residential) to RMF-30 (Low Density Multi-Family Residential). The proposed request would allow flexibility for development of the property in terms of density and housing types. The subject property

is located within Council District 2, represented by Alejandro Puy. (Staff contact: Rylee Hall at 201-585-6308 or rylee.hall@slcgov.com) **Case Number PLNPCM2022-01142**

Principal Planner Rylee Hall reviewed the petition as outlined in the Staff Report. She stated that Staff recommends the Planning Commission forward a positive recommendation to City Council.

The applicant Jordan Atkin stated that he did not have a formal presentation. He stated that he would like to build single family detached dwellings.

Commissioner Barry asked the applicant why they chose the RMF-30. The applicant stated that they wanted an additional story which would not be available in other zoning. Commissioner Barry wanted to know if there was an alleyway behind the property. Planner Rylee Hall stated that there are private alleys that border the northern and eastern property lines. She also stated that the yard setback is very narrow. Due to this the applicant is considering demolishing the existing home to allow access to the rear of the property. Commissioner Barry asked for clarification on whether the alleyway could be used as another access point. Rylee Hall replied that they are private alleyways and the applicant would have to determine whether or not they could gain access and she was not sure whether they have access by right to either of the alleyways. Commissioner Barry felt it was important to develop this long lot to have another access point and it would be important to know if they have access to the alleyway. Jordan Atkin stated that it was his understanding that the alleyway to the east is a full 33 feet wide and could almost act as a street. He was unsure whether the fire department would accept access to the rear of the property over a private alley.

Commissioner Tuttle asked if the applicant owned the property. The applicant clarified that TAG is representing the current owner, the property is for sale, and TAG is under contract to purchase the property.

Chair Bachman opened the public hearing.

PUBLIC HEARING

- William Watts – discussed the alleyway and warranty deed. He stated that he and the neighbors he talked to do not want the rezoning in their neighborhood.
- Chase Warr – feels the city needs to step back and look at the lasting effects on the neighborhood, asked that the application be tabled or denied.
- Elizabeth Hawk – She stated that she and her neighbors are against the proposal.
- Montana Frechem (present but comment was read into the record) Opposed to the proposal.
- Joshua Dunn – Agrees with his other neighbors and doesn't feel the alleyway is a viable solution for transportation. Feels the proposal has too many houses and wants them to be affordable.
- Michelle Watts – Read from the North Temple Boulevard Master Plan to share why she feels the rezone goes against any applicable comprehensive plan for the area.
- Chris Chrysostom – Neighbor directly to the west of the proposed rezone. Wanted to know what kind of privacy mitigation would be provided should the application be approved.
- Roy Lucker – Opposed to the proposal.
- Kinko Jones (email read into the record) – Opposed to the proposal.
- Joe Crumb (email read into the record) – Opposed to the proposal.

Chair Bachman closed the public hearing.

Commissioner Scheer asked how many single family units could be built on the property size without the rezone. Staff commented that 4 single family units could be built. Commissioner Scheer stated

that she would rather see the property developed in conjunction with the alleyway so the existing home could be maintained. She is opposed to spot zoning for the lot.

Commissioner Tuttle stated that he doesn't like that there isn't a clear design for the property.

Commissioner Barry stated that her main objection is that it is in the middle of the block and that it wouldn't fit with the neighborhood around it. She stated that having 4 homes on the property may fit better.

Commissioner Anaya Gayle read the definition of Spot Zoning. She stated that she didn't see a reason to deny the application.

Commissioner Paredes stated that he would not be opposed to the proposal.

Commissioner Scheer stated that she felt there was a material difference when you are doubling the number of units on a property than what is allowed by right.

MOTION

Commissioner Brenda Scheer stated, "Based on the information presented and the discussion, I move that the Planning Commission recommend the City Council deny the zoning map amendment for the following reasons: The rezone is inconsistent with the surrounding zoning and is a material difference that may have an adverse effect on the neighborhood quality.

Commissioner Rich Tuttle seconded the motion. Commissioners Andres Paredes, Levi de Oliveria, Brenda Scheer, Amy Barry, Rich Tuttle voted "yes". Commissioner Anaya Gayle and Chair Maurine Bachman voted "no". The motion passed with 5 "yes" and 2 "no" votes.

Chair Bachman called for a break. The commission reconvened at 7:18PM.

- 3. Nonconforming Signs Text Amendment** – Mayor Erin Mendenhall has initiated a petition to amend section 21A.46.140 of the zoning ordinance related to nonconforming signs. This proposed amendment is generally focused on aligning sign standards with city goals, supporting businesses, and addressing any applicable state law. The proposed changes would allow for more flexibility for maintaining, reusing, modifying, and updating of existing signs. The proposed changes also clarify when the removal of such signs is required. The planning commission may consider modifications to other related sections of title *21A Zoning* as part of this proposal. (Staff Contact: Katilynn Harris at 801-535-6179 or katilynn.harris@slcgov.com) **Case Number PLNPCM2022-00984**

Principal Planner Katilynn Harris reviewed the proposed amendment. She shared that there are two types of signs that would not be impacted by this text amendment. One being vintage signs and the other is billboards. She stated that Staff recommends forwarding a positive recommendation to City Council.

Commissioner Brenda Scheer wanted Staff to address Scenic Utah's letter opposed to the text amendment. Staff clarified that she included the response to Scenic Utah in the Staff Report and addressed the sign types, changeable copy and twirl time, in the letter. Staff clarified that changeable copy is not in and of itself a sign type but an element of a sign. She also clarified that twirl time and dwell time regulations are found in the billboard section of the regulations and outside the scope of this text amendment. Commissioner Scheer wanted to know why it wasn't included in this text amendment. Staff clarified that was not what they were asked to amend. Director Nick Norris

interjected with background information regarding animated signs saying they are not technically allowed by our code as it stands. He also explained the difference between a billboard and a sign.

Commissioner Tuttle asked Staff to provide an example of a historical sign. The Commission discussed examples.

Chair Bachman opened the public hearing.

PUBLIC HEARING

- Cindy Cromer – For the proposal

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

MOTION

Commissioner Anaya Gayle stated, “Based on the information presented and the input received, I move the Planning Commission recommend that the City Council approve this non-conforming sign text amendment.

Commissioner Brenda Scheer seconded the motion. Commissioners Anaya Gayle, Rich Tuttle, Amy Barry, Brenda Scheer, Levi de Oliveria, Andres Paredes, and Chair Bachman voted “yes”. The motion passed.

WORK SESSIONS

1. **Affordable Housing Incentives** - The Planning Commission will discuss the proposal to amend the zoning ordinance to incentivize affordable housing. The proposed incentives include allowing administrative Design Review and additional building height in various zoning districts, modifying Planned Development requirements, removing the density requirements in the RMF zoning districts, and allowing additional dwelling types in various zoning districts when affordable housing is provided. The proposed amendments involve multiple chapters of the Zoning Ordinance. Related provisions of Title 21A Zoning amended as part of this petition. The changes would apply Citywide. (Staff contact: Sara Javoronok at 801-535-7625 or sara.javoronok@slcgov.com) **Case Number PLNPCM2019-00658**

Senior Planner Sara Javoronok stated that she will be providing responses to the remainder of the Commission’s questions that from the public hearing last May. She discussed:

- Enforcement
 - Increased fines that could apply
 - Noncompliance can result in a lien placed on the property for the fines
 - Revocation of the business license
- Administration
 - Restrictive covenant recorded and in effect for 30 years
 - Prepare guidelines
 - Review of annual reporting
 - City may contract with a third party for review
- City Infrastructure
 - How it will affect water supply
 - Water and sewer lines
 - Streets
- Other Changes
 - Downtown building heights

- Landscaping in commercial districts
- Housekeeping and clarifying changes

Sara Javoronok also stated that Chris Zarek, who developed the scenarios discussed at the previous work session, was present if the Commission had questions for him.

Commissioner Brenda Scheer stated that she does not remember what was in the original proposal and she has a hard time evaluating this proposal. She stated that she is generally not in favor of elaborate changes unless it is something that developers are ready and willing to do.

Chris Zarek with Cowboy Partners, a developer who does market and affordable housing developments, stated that the incentive would lead to additional affordable units. He felt that if this proposal was approved that the developments would start very slowly.

Commissioner Scheer asked if it would make sense to limit the incentives to these projects. Mr. Zarek stated that he did not believe so because the economics will turn. Commissioner Scheer asked if he felt the administrative burdens that are proposed are a disincentive to developers. Mr. Zarek said no.

Commissioner Amy Barry wanted to revisit the questions about water use. She wants the City to look at better ways to calculate those things. Director Nick Norris informed the Commission that the state legislature passed a law last year that says cities have to include a water conservation plan as part of their general plan and that Public Utilities will come before the commission with training.

Commissioner Barry asked about the location of RMU-35 and RMU-45 zones within the City. Staff shared where they are located.

2. **Housing SLC** – The Planning Commission will discuss the land use related policies and actions proposed for Housing SLC, which will replace Growing SLC as the City's five-year moderate income housing plan, prior to a public hearing after the public comment period ends. The Commission received a briefing on March 8, 2023, that provided an overview of the plan, its goals, and the state requirements governing moderate income housing plans. (Staff contact: Ruedigar Matthes at 385-415-4701 or Ruedigar.Matthes@slcgov.com)

Ruedi Matthes reviewed the draft plan. He discussed the goals of the program. He reviewed the action items that needed to be in place, including the adding a Community Benefits Policy, the Affordable Housing Incentives, Hotel/Motel Conversions, Adaptive Reuse Ordinance, Tiny Home Development, Transfer of Development Rights, and Increase Density Limits where compatible.

He reviewed the next steps for the proposal.

Commissioner Levi de Oliveria stated that he felt there was going to be an issue with equity and how it would be enforced and would like to see a map of all City owned property on the west side of the City.

Commissioner Gayle stated she appreciated the work that has gone into the proposal.

Commissioner Scheer felt that a lot of the action strategies in the proposal work against each other.

Director Nick Norris added that the Planning Division is working internally on a project that will become public knowledge soon for zoning amendments around and within the Ballpark area to increase the density. He stated that it will promote more affordable housing. He also stated that they are looking at limiting the density in the Transit Station Areas and allowing adaptive reuse within a historic property that has room for new construction.

Commissioner Levi de Oliveria left the meeting.

3. Updates to Policies & Procedures

Administrative Assistant Aubrey Clark reviewed the recommended changes regarding a new Consent Agenda format for the Policies and Procedures. The Commission had no questions regarding the changes.

Commissioner Anaya Gayle motion to adopt the proposed changes in the policies and procedures for the Salt Lake City Planning Commission.

Commissioner Amy Barry seconded the motion. Commissioners Andres Paredes, Brenda Scheer, Amy Barry, Rich Tuttle, Anaya Gayle, and Chair Maurine Bachman voted “yes”. The motion passed.

The meeting adjourned at approximately 8:36 PM.

For Planning Commission agendas, staff reports, and minutes, visit the Planning Division's website at slc.gov/planning/public-meetings. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.