

SALT LAKE CITY PLANNING COMMISSION MEETING
City & County Building
451 South State Street, Room 326
Salt Lake City, Utah 84111
Wednesday, October 11, 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 and not a verbatim transcript. A video recording of the meeting is available at <https://www.youtube.com/c/SLCLiveMeetings>.

Present for the Planning Commission meeting were: Chair Mike Christensen, and Commissioners, Aimee Burrows, Anaya Gayle, Bree Scheer, Rich Tuttle, Carlos Santos-Rivera, Turner Bitton, and Amy Barry. Vice Chair Andra Ghent was excused from the meeting.

Staff members present at the meeting were: Planning Director Nick Norris, Planning Manager John Anderson, Senior City Attorney Katherine Pasker, Principal Planner Aaron Barlow, Principal Planner Brooke Olson, Senior Planner Krissy Gilmore, Senior Planner Eric Daems, Senior Planner Cassie Younger, and Administrative Assistants Aubrey Clark and David Schupick.

Chair Mike Christensen shared the opening statement.

REPORT OF THE CHAIR AND VICE CHAIR

The Chair stated that he had nothing to report.
The Vice Chair was excused from the meeting.

REPORT OF THE DIRECTOR

Planning Director Nick Norris stated that staff is looking into potentially holding a second Planning Commission meeting in November this year if there is a quorum. He also stated that the City Council has had a couple of briefings on the affordable housing incentives and will have a public hearing on October 17th. Nick Norris also stated that the next Planning Commission meeting on October 25th, 2023, will be a virtual meeting held on Zoom due to construction going on in the building.

OPEN FORUM

No Commissioners had any topics to discuss.

OTHER BUSINESS

- 1. Policies & Procedures Changes** - Staff will discuss needed changes to the Consent Agenda procedure. The changes will simplify the process and bring the procedure in line with other existing procedures previously adopted by the Commission. The Planning Commission will have the option to discuss and vote on the changes. (Staff Contact: Aubrey Clark at 801-535-7759 or aubrey.clark@slcgov.com)

Administrative Assistant Aubrey Clark outlined the new changes made to the Consent Agenda process.

Commissioner Scheer asked if items that require a public hearing will still be allowed on the Consent Agenda. Aubrey Clark stated that public hearing items will be allowed to be on the Consent Agenda.

Aubrey Clark walked the commission through a mock motion.

MOTION

Commissioner Scheer moved to adopt the new Policies & Procedures as outlined in the Staff Report.

Commissioner Santos-Rivera seconded the motion. Commissioners Scheer, Burrows, Barry, Bitton, Tuttle, Christensen, Santos-Rivera, and Gayle voted “yes”. The motion passed unanimously.

REGULAR AGENDA

1. **Overland on Third- Design Review and Planned Development at approximately 320 S. and 330 S. 300 East** - Jackson Ferguson, representing the property owner, is requesting approval for a 168-unit mixed-use building with ground-floor retail space. The proposal is located in the R-MU (Residential Mixed-Use) zoning district.
 - A. **Design Review:** 125' building height where 75' would be required (76'-125' requires Design Review approval). **Case Number: PLNPCM2023-00113**
 - B. **Planned Development:** 10' rear yard setback where 30' would be required. Reduction in ground-level landscaped open space (will be relocated atop the parking podium). 3' side yard setback where 0' or 4' would be required. **Case Number: PLNPCM2023-00114**

The subject properties are located within Council District 4, represented by Ana 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. The applicants gave a formal presentation. They provided visuals as well as additional details on the project.

Commissioner Barry asked for clarification on if there would be retail space for the public on the ground floor or if the ground floor is just amenities for the tenants. The applicant stated that about 1500 square feet of the ground floor will be separate from the amenities and designated to retail. Commissioner Burrows asked for clarification on the ceiling height. The applicant stated it would be 13 feet high for the ground floor and 10 feet high for the remaining floors. Commissioner Scheer asked for the amount of tandem and single parking spaces they will have. The applicant stated that less than half of the spaces would be tandem parking and the tandem parking spaces would be leased to one unit owner. Commissioner Scheer asked how they plan to address the several units that would not be given parking. The applicant stated that they tried to find a balance between providing the most parking with the understanding that the City has no parking requirement for this area.

PUBLIC HEARING

Chair Mike Christensen opened the public hearing.
Cindy Cromer stated their opposition to the project.
Anne Ruth Issacson stated their opposition to the project.
Frederick Hansing stated their opposition to the project.
Seeing no one else wished to speak, Chair Mike Christensen closed the public hearing.

Commissioner Barry stated that she is was not in favor of privatizing all of the landscaping of the project. Commissioner Scheer agreed that she would like to see open space accessible from the street.

MOTION

Commissioner Amy Barry stated, “Based on the information presented and discussion, I move that the Commission approve this Design Review application as recommended by staff.”

Commissioner Bitton seconded the motion. Commissioners Scheer, Burrows, Barry, Bitton, Tuttle, Christensen, Santos-Rivera, and Gayle voted “yes”. The motion passed unanimously.

Commissioner Amy Barry stated “I move that the Commission deny this Planned Development application because evidence has not been presented that demonstrates the proposal complies with the following objectives for a Planned Development:

- A) The open space and landscaping section, parts one through six
- B) The historic section
- C) Housing affordability
- D) Mobility
- E) Sustainability”

Commissioner Scheer seconded the motion. Commissioners Scheer, Burrows, Barry, Tuttle, and Gayle voted “yes”. Commissioners Christensen, Santos-Rivera, and Bitton voted no. The motion passed with 5 “yes” and 3 “no” vote.

2. **Text Amendments to Daycare Uses** - This is a petition initiated by Mayor Mendenhall to amend sections of the Salt Lake City Zoning Ordinance relating to daycare use facilities, including Daycare Centers, Home Daycares, and Home Occupations. Specifically, amendments to sections 21A.33 Land Use Tables, 21A.36.030 Home Occupations, 21A.36.130 Daycares, 21A.60.020 List of Defined terms, and 21A.62.040 Definitions of Terms. The proposed amendments' intent is to reduce zoning barriers to childcare facilities in the city. The proposed amendments are citywide. (Staff Contact: Cassie Younger at 801-535-6211 or cassie.younger@slcgov.com; and Aaron Barlow at 801-535-6182 or aaron.barlow@slcgov.com) **Case Number: PLNPCM2019-00225**

Senior Planner Cassie Younger and Principal Planner Aaron Barlow reviewed the petition as outlined in the staff report.

Commissioner Santos-Rivera asked for clarification on the quota of ages that will be allowed under the amended zoning ordinance. Cassie Younger stated that the ratio would be one caregiver per four children under the age of two, or one caregiver per six children under the age of three, or one caregiver per seven children under the age of four. However, with a mix of a variety of age groups the calculation can get confusing, but there is a ratio requirement for home daycares to reference in the staff report that provides multiple possibilities.

Commissioner Burrows stated that she is in favor of the project to help address the large need within the City for childcare. Commissioner Scheer asked for clarification on if there is a residence requirement to operate the Home Daycares and if there is a limit to how many facilities a provider could operate. Aaron Barlow stated that there is a limit of two facilities per provider under state code. Cassie Younger stated that only the second location would be exempt from the residential primary use. Commissioner Scheer stated concerns for the wording not being clear. The Commission and Staff discussed the definitions and standards to clarify that both facilities would not be exempt from one being a residential primary use.

Commissioner Santos-Rivera asked if someone could operate a Home Daycare within an ADU. Aaron Barlow stated that if the ADU was able to meet all the state code requirements, then they would be allowed to operate a Home Daycare according to the state regulations.

PUBLIC HEARING

Chair Mike Christensen opened the public hearing.

Denise Montgomery stated their opposition to the project.

Cindy Cromer stated concerns for lack of clarity on what is allowed.

Seeing no one else wished to speak, Chair Mike Christensen closed the public hearing.

Commissioner Santos-Rivera stated statistics on the need for more childcare and points of why he is in favor for the project.

Commissioner Bitton asked staff to clarify that this would not relax any business licensing standards. Cassie Younger stated that that is correct, this is just a zoning change and they would be required to comply with all state licensing requirements for the daycare center or home licensed daycare center.

MOTION

Commissioner Bitton stated, “Based on the information presented and discussion, I move that the Commission forward a positive recommendation to adopt this text amendment to the City Council.”

Commissioner Tuttle asked if the motivation to operate a daycare center in a home is because it is more affordable. Aaron Barlow stated that commercial establishment require a lot of overhead making it less more expensive to operate. Cassie Younger stated that it would allow for more affordable childcare.

Commissioner Santos-Rivera seconded the motion. Commissioners Scheer, Burrows, Tuttle, Gayle, Christensen, Santos-Rivera, and Bitton voted “yes”. Commissioner Barry voted no. The motion passed with 7 “yes” and 1 “no” vote.

The Commission took a 10-minute break to reconvene at 7:07 PM.

Commissioner Gayle motioned to reopen the discussion to reconsider the prior vote on Text Amendments to Daycare Uses. Commissioner Scheer seconded the motion. Commissioners Scheer, Burrows, Barry, Gayle, and Christensen voted “yes”. Commissioner Tuttle, Santos-Rivera, and Bitton voted no. The motion passed with 5 “yes” and 3 “no” vote.

Commissioner Gayle asked to walk through the ordinance to clarify that the first licensed home daycare must be accessory to the primary residential use. Staff and the Commission walked through the interpretations of the ordinance. Nick Norris suggested modifying the motion, adding further clarification to the ordinance that first home daycare must be a dwelling that's occupied by the operator of the daycare center.

MOTION

Commissioner Gayle stated, “Based on the information presented and discussion we recommend that City Council approve this language however Staff must work to include language making it clear that the first licensed home daycare must be an ancillary use to a primary residential use.”

Commissioner Scheer seconded the motion. Commissioners Scheer, Burrows, Tuttle, Gayle, Christensen, Santos-Rivera, and Bitton voted “yes”. Commissioner Barry voted no. The motion passed with 7 “yes” and 1 “no” vote.

- 3. Subdivision Code Amendment** - This city initiated petition is proposing changes to Title 20 Subdivisions. The changes are necessary to bring the city's subdivision regulations into compliance

with recent state code changes that require cities to update their codes by February 1, 2024. This proposal reorganizes the subdivision regulations, updates application requirements, makes minor changes to subdivision approval processes, updates the standards for approval for dividing land and modifying lots and parcels, updates the subdivision standards to align with city goals identified in the city's general plan, and makes changes necessary to align with state code mandates for review times and review processes. (Staff Contact: Nick Norris at 801-535-6173 or nick.norris@slcgov.com) **Case Number: PLNPCM2023-00494**

Planning Director Nick Norris reviewed the petition as outlined in the staff report. He also stated concerns from a letter from Sugar House Community Council was received after five o'clock the day of the meeting but was placed in the Dropbox for the Commission to review.

Commissioner Scheer asked how many subdivisions were approved at staff level. Nick Norris stated that in 2022 there were 175 subdivision applications. Commissioner Bitton asked how this would impact the RMF30 changes that were approved last year. Nick Norris stated that this proposal doesn't impact any zoning code, and that one of the review standards for all subdivisions is that they comply with all applicable zoning. Commissioner Santos-Rivera asked for clarification under the subdivision design standards what the protection of natural features involves. Nick Norris clarified what is outlined in the code for maintaining natural features. Commissioner Scheer asked if the natural conditions apply to the Inland Port. Nick Norris stated that it depends on where and what is currently there as some portions of the Inland Port overlay are subject to development agreements that lock them into preexisting regulations.

PUBLIC HEARING

Chair Mike Christensen opened the public hearing.

Seeing no one wished to speak, Chair Mike Christensen closed the public hearing.

MOTION

Commissioner Scheer stated, "Based on the information presented and the discussion, I move that the Planning Commission forward a recommendation to adopt this Code Amendment petition with the authority for staff to add omitted zoning districts, to the City Council."

Commissioner Gayle seconded the motion. Commissioners Scheer, Burrows, Tuttle, Gayle, Christensen, Barry, and Bitton voted "yes". Commissioner Santos-Rivera voted no. The motion passed with 7 "yes" and 1 "no" vote.

Commissioner Burrows had to excuse herself early from the meeting due to prior obligations.

BRIEFINGS

1. **SLC Ballpark Station Area Rezones Briefing** - Mayor Erin Mendenhall has initiated a petition to implement the recommendations in the Ballpark Station Area plan, and rezone properties identified within three future land use areas specified in the plan including the Heart of the Neighborhood, Main Street Area, and Jefferson Park Mixed Use Area. The proposal consists of the following amendments:
 - A. **Zoning Map Amendments:** The proposed zoning map amendments are intended to establish zoning districts that align with the goals, policies, future land use recommendations, and community vision established in the plan.

- B. Zoning Text Amendments:** The City is proposing zoning text amendments to establish a new zone, MU-8, Form Based, Mixed Use 8 Zoning District. The City is proposing associated zoning map amendments to implement the proposed MU-8 zone in the Ballpark Station Area, within a portion of Heart of the Neighborhood and Main Street Area.

This briefing is intended to introduce the proposed zoning amendments to the Commission and gather feedback in anticipation of a future public hearing. The project area is located within Council District 5, represented by Darin Mano. (Staff Contact: Brooke Olson at 801-535-7118 or brooke.olson@slcgov.com) **Case Number: PLNPCM2023-00169**

Principal Planner Brooke Olson reviewed the petition as outlined in the staff report. Commissioner Scheer stated concerns for affordable housing incentives and design review standards. Brooke Olson stated that the design review standards would be the same process and that staff did take in consideration for affordable housing by limiting the proposed building heights in the project area so that the affordable housing incentive can be implemented. Commissioner Scheer stated that she would like to see the design standard that requires vertical and horizontal articulation of building facades removed as it does not look appealing. She also stated concerns for landscaping being privatized and lack of open spaces.

Commissioner Barry stated a desire for when future land use maps are implemented that the zoning displays a future we want to see and not follow what is currently developed. She walked through the zones being proposed and asked for clarification on density and height requirements to confirm that this is the correct direction for the future of the city. Commissioner Bitton asked for parking requirements within the zones. Brooke Olson elaborated on the parking requirements for each zone.

2. **General Plan and Zoning Amendments (Community Benefit Ordinance)** - The Planning Division is considering updates to portions of the Land Use Code to implement priority policies in Thriving in Place to mitigate involuntary displacement due to development pressure. The updates include the creation of a new Title 19 General Plans and amendments to Title 21A.50 Amendments. The identified policy goals for the Planning Division include establishing a community benefit policy for general plan and zoning amendments; the creation of a tenant relocation assistance program; replacement housing requirements for demolitions associated with requested amendments; and new standards for consideration when analyzing a zoning or general plan amendment that consider impacts from potential displacement. With this update, Title 18.97 Mitigation of Residential Housing Loss will be deleted and replaced with the community benefit policy in Title 19 General Plans and Title 21A.50 Amendments. Title 18.64.050 Residential Demolition Provisions will be amended to include provisions to ensure the replacement of housing units that have a similar rent and unit size if housing is demolished. This briefing is intended to introduce the proposed amendments to the Commission and gather feedback in anticipation of a future public hearing. (Staff Contact: Krissy Gilmore at 801-535-7780 or kristina.gilmore@slcgov.com) **Case Number: PLNPCM2023-00535**

Senior Planner Krissy Gilmore reviewed the petition as outlined in the staff report. Commissioner Scheer stated a desire to see a renewal period set in place for neighborhood plans. Commissioner Barry asked how often does a zoning change align with the master plan to be able to skip the general plan. Krissy Gilmore stated that about three-fourths of the time staff sees that it aligns with general plan, but if they are still going through the zoning map amendment then this would still apply. Commissioner Barry stated concerns for the lack of parameters for the relocation assistance if the tenant is only offered lodging in an area that does not fit their needs. Krissy Gilmore stated that this concern was brought up in public involvement and will be further clarified. Commissioner Barry asked how the Planning Commission is to evaluate the potential impacts to any other City service infrastructure or resource that may be impacted by the increase in development potential that may result from the proposed amendment. Krissy Gilmore stated that it would largely come from department review, public lands, sustainability division, and the planning division and then be

presented to the Planning Commission. Commissioner Barry stated that landlords may not evict a tenant to avoid these obligations but what is not addressed in a landlord making a unit uninhabitable to avoid obligations.

Commissioner Santos-Rivera asked for clarification on leaving the housing loss mitigation report. Krissy Gilmore stated the way it currently operates is largely ineffective and that this would better address displaced housing. Commissioner Santos-Rivera stated a desire to see the relocation assistance to be income driven and not necessarily a flat rate.

Commissioner Scheer asked for clarification on if this would remove the Planning Commissions authority to initiate changes to plans. Nick Norris stated that currently the code only allows the authority for the Planning Commission to initiate changes to zoning but not plans. Commissioner Scheer stated a desire for the Planning Commission to be able to petition the City Council to look at redoing a plan.

Commissioner Bitton had to excuse himself early from the meeting due to prior obligations.

Commissioner Santos-Rivera asked if the fund allocated would be adjusted for inflation in the future. Nick Norris stated that staff anticipates having to look at the code periodically to make adjustments.

The meeting adjourned at approximately 8:38 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.