

Planning Commission Work Meeting Minutes

Thursday, March 18, 2021

City Council Chambers

220 East Morris Avenue

Time 6:30 p.m.

Commission Members Present:

Laura Vernon, Chair
Jeremy Carter
Christy Dahlberg
Chad Ewell
Stacey Holscher
George Pechmann
Mary Anna Southey
Liz Gabbitas, Alternate
Clarissa Williams, Alternate

Staff Members Present:

Alexandra White, Community Development Director
Sean Lewis, Deputy Community Development Director
Taylor Greenwell, City Planner
Jeff Atterman, City Planner
Eliza Ungricht, City Planner
Josh Collins, Deputy City Attorney

Community Members:

Bill Hardesty

NOTE: The meeting took place via Zoom.

Planning Commission Chair, Laura Vernon called the meeting to order at 6:30 p.m.

1. Planning Commission Training.

Community Development Director, Alexandra White, conducted the training and described the general process followed by the Community Development Department when a proposal or petition is received. Ultimately, the request is heard by the Planning Commission and/or City Council depending on the type of request. Every land use application begins with an inquiry from a property owner or community member looking to purchase or lease property. They contact the Community Development Department to understand the entitlement path. All major redevelopment projects in South Salt Lake City begin with a pre-development application. It is the City's opportunity to review concept plans and understand the pros and cons associated with an application.

The pre-development process involves various City departments including Community Development, Planning and Zoning, Business Licensing, and the Building Department. Staff also has conversations with the Engineering Department, the Fire Marshall's Office, and the Legal Department. During the pre-development process, applications can take a number of paths and the entitlement process is outlined. Staff helps applicants understand which applications are applicable

and who the land use authority is. They are then walked through the required documentation and the necessary steps to bring the application into compliance. A significant amount of work often takes place before a public meeting is held.

Ms. White explained that planners are responsible for making sure that through the application and project management process they comply with all laws including the South Salt Lake Municipal Code. Staff reports are prepared and framed using the same general format so that it is consistent for the Commission to review. Staff provides the information needed to understand each process so that the Commission can review and ensure that the application is compliant. The Commission should also understand what policy decisions are being made on the application. They approach the review process and propose projects in a manner that helps the Planning Commission and City Council identify issues to be raised as part of the application process.

Sometimes the Planning Commission is the land use authority and the final decision maker on applications. In those instances, staff ensures that applications not only meet the minimum requirements under State law and the South Salt Lake Municipal Code, but the Planning Commission also considers the policy decisions associated with any application. A separate session was to be held regarding subdivision training and what the Planning Commission needs to be aware of when a subdivision plat is received and the types of questions that should be raised as part of the review.

In instances where the Planning Commission is the recommending body, they forward a recommendation of approval or denial to the City Council based on findings of fact or conditions. Ms. White stressed the importance of ensuring that the public process, the process for development, and the land use entitlement process remains public. When members of the Planning Commission are contacted individually regarding applications, the response should be that there is a public process in place and review and communication regarding the application is to take place in a public meeting.

Trainings were being conducted because applications are being submitted, many of which are complex and very large. The size of redevelopment projects in the City is growing and the policy issues are much more significant as well as the implications of how they are designed and implemented into the community. Staff's intent was to devote more time this year to training. Ms. White was also willing to conduct additional ordinance trainings.

Commissioner Southey asked about the status of accessory dwelling units and if the discussion is ongoing. Ms. White explained that staff has a number of ordinance modifications applications coming forward. The first will likely be a townhome ordinance amendment that is expected sometime in April. They were also working on the sign ordinance. There are also topics including accessory dwellings that were being prioritized with the Mayor's Office, the Legal Department, and the City Council. This Legislative Session there were a number of bills that passed. Staff was in the process of prioritizing how to address them and ensure that the ordinance is in compliance.

Commissioner Williams looked forward to the ordinance training.

Chair Vernon asked about the bills that passed this Legislative Session and how they will impact the City. Ms. White stated that staff is currently sorting through them. Some will be addressed in the

forthcoming ordinance updates and others will part of future discussions. The Wasatch Front Regional Council holds a quarterly meeting that American Planning Association (“APA”) members can attend where they describe items relating to land use. Deputy Community Development Director, Sean Lewis, noted that the Utah League of Cities and Towns (“ULCT”) does something similar. Staff attends those sessions and understands what each bill does and provides an analysis of the City’s response and potential changes needed to ordinances or practices.

Commissioner Dahlberg was interested in understanding how the Parking Modernization Study is going and moving forward with TOD development. Mr. Lewis explained that the final draft of the Parking Modernization Study was provided to staff for review and comment earlier in the week. They were not yet prepared to discuss the findings but it was being actively reviewed.

2. Petition to Amend an Existing Conditional Use Permit, C-06-018, to Increase the Size of Electronic Message Center, as well as Upgrade and Renovate an Existing Detached Pole Sign located at 3244 South 300 West.

City Planner, Taylor Greenwell, reported that staff received a Conditional Use Permit application with Project C-20-11 involving a Petition to Amend an Existing Conditional Use Permit to increase the size of an Electronic Message Center (“EMC”) and upgrade and renovate the existing detachable sign. The property is owned by Les Olsen Company who is petitioning the Planning Commission to amend an existing Conditional Use Permit to expand an EMC at 3244 South 300 West. They also would like to refurbish the existing detached pole sign. It was noted that the Planning Commission serves as the authority on all Conditional Use Permits.

The surrounding land uses include light industrial to the north; restaurant, retail, and a motel to the south; restaurant, retail, and light industrial to the east; and the I-15 interchange to the west. The proposed sign will be in the same location as the existing sign. It will be 15 feet from the property line, which meets the City’s setback requirements. There is a 100-foot sight triangle where the Code requires 30 feet. The maximum allowed detached signage on the property is 200 feet that is allocated according to lot frontage. 1½ square feet are allowed per lineal foot of frontage, which in this case equates to 270 feet.

Mr. Lewis explained that the detached structure and pole sign are on top with a smaller EMC beneath the static signage. The applicants would like to reverse this and expand and modernize the small EMC. The static signage was to be reduced and replaced with channel lettering that will be LED lit. They also want to go to a monolith-type format. The current height of the sign is 22’ 8” and no change is proposed. They will retain the structure of the sign but wrap it in an aluminum material. The current existing signage combining the EMC and static signage is 175.5 feet in area. The new proposal reduces the total signage overall with the EMC being expanded from 48 to 91 feet and reducing the static signage from 125 to 46.5 feet. The result will be signage with an area of 137.5 feet. Mr. Lewis explained that the proposed change complies with goals of the General Plan.

Chair Vernon’s understanding was that the Sign Ordinance is being redone and recalled a previous discussion regarding a moratorium on signs. Ms. White reported that the pending ordinance moratorium expired earlier in the year and allows applicants to submit applications that are processed under the old Code. Until the new sign ordinance is reviewed and approved by both the Planning

Commission and City Council, the City is operating under its existing sign ordinance. The proposal is a conditional use, which is essentially a permitted use with conditions that mitigate potential off-site impacts.

Commissioner Pechmann asked about the proposal for monument signs that is underway. Ms. White explained that the existing code includes parameters for detached or pole signs. The current code does not define newer terms but falls within the existing definition of detached pole sign. Policy decisions will have to be made by the Planning Commission and the City Council regarding how they envision the City in the future with respect to the detached sign types. The new pending ordinance, which does not apply to this application, contains specific standards for larger scale development and encourages co-location.

Commissioner Pechmann stated that the current sign looks dated and he understood why they were requesting a change.

The Planning Commission Work Meeting adjourned at 7:05 p.m.

Planning Commission Regular Meeting Minutes
Thursday, March 18, 2021
Meeting Conducted Remotely
Time 7:00 p.m.

Commission Members Present: Laura Vernon, Chair
Jeremy Carter
Christy Dahlberg
Chad Ewell
Stacey Holscher
George Pechmann
Mary Anne Southey
Liz Gabbitas, Alternate
Clarissa Williams, Alternate

Staff Members Present: Alexandra White, Community Development Director
Sean Lewis, Deputy Community Development Director
Taylor Greenwell, City Planner
Jeff Atterman, City Planner
Eliza Ungricht, City Planner
Josh Collins, Deputy City Attorney

Community Members: Bill Hardesty

NOTE: The meeting took place via Zoom.

Chair Vernon called the meeting to order at 7.05 p.m. and read a statement regarding the reason for conducting the meeting remotely with an anchor location.

APPROVAL OF AGENDA

Motion to approve the agenda, as written.

Motion: Commissioner Carter

Second: Commissioner Pechmann

Vote: Commissioner Carter – Aye;
Commissioner Dahlberg – Aye;
Commissioner Ewell – Aye;
Commissioner Holscher – Aye;
Commissioner Pechmann – Aye;
Commissioner Southey – Aye;
Chair Vernon – Aye.

The vote was unanimous.

NEW BUSINESS

1. Public Meeting – Consideration of and Possible Recommendation to Approve First Amended and Restated Development Agreement for the MODA-S Townhomes.

Action Item

Applicant JF S-Line Townhomes, LLC

Address 2255 South 400 East

Community Development Director, Alexandra White, reported that in 2016 the Planning Commission and City Council reviewed and approved a Planned Unit Development (“PUD”) for a 32-lot townhome project located at 2255 South 400 East. It is within the East Streetcar Form-Based Code neighborhood. When it was approved, part of the approval with the Council involved a Development Agreement with a six-year term. The purpose of the agreement was to encourage the developer to sell the townhome units to create owner-occupied units. For the last few years, the developer has been petitioning the City about this Development Agreement and has been actively trying to sell the property without success.

Staff has been working to find a solution but the Development Agreement needs to be modified. They agreed to modify the Development Agreement before it expires. In exchange, the developer has offered to extend the obligation of the agreement and include 24-hour project tenant management on site for 50 years if the City agrees to release them from the requirement to sell in the Development Agreement. Staff felt it was a sufficient trade.

In 2015 and 2016, the intent and insight behind home ownership was the accountability and management of properties to encourage long-term tenancy. Staff also felt that because the developer is making a 50-year promise of tenant management, it will alleviate and addresses potential nuisance concerns. Ms. White reported that a Draft Development Agreement was provided to the Planning Commission who is the recommending body to the City Council who will make the final decision. No public hearing is required.

Commissioner Carter asked about the rates for calls for service to the property relative to what they anticipate with pure ownership. Ms. White stated that with respect to call rates for this specific project, to her knowledge there have been no nuisance complaints or public safety concerns. She stated that the project has been managed very well since the Certificate of Occupancy was issued.

Commissioner Southey asked if the units will still be available for sale as an option. She was surprised to learn that they were unable to sell any of the units based on the current real estate market. She did not object to rentals as long as they are well managed. Ms. White explained that the property as originally titled required each lot to be platted as an individual unit. The possibility of selling or renting any configuration of the units would remain. The proposed agreement would remove the requirement from the City to sell. The property owner would still have that right.

Commissioner Carter asked if there was discussion of extending the time rather than removing it completely. Ms. White stated that the City's attorneys have been in contact with the developer's legal counsel over the past few years about various options. This is where the City is most comfortable. Concern was expressed for the safety and the potential for crime. Ms. White did not know how many of the 32 units are occupied and have been continuously lived in. Rental projects must obtain a Rental Business License that requires property owners to be part of the City's Good Landlord Program.

Commissioner Ewell asked what will happen when the current agreement expires if it is not modified. Ms. White explained that if someone is in default of the Development Agreement, the City meets with its legal counsel and determines a path to compliance. The 50-year maintenance period was proposed by the developers as part of the request.

Motion to recommend approval to the City Council of the First Amended and Restated Development Agreement for the MODA-S Townhomes.

Motion: Commissioner Pechmann

Second: Commissioner Southey

Vote: Commissioner Carter – Aye;
Commissioner Dahlberg – Aye;
Commissioner Ewell – Aye;
Commissioner Holscher – Aye;
Commissioner Pechmann – Aye;
Commissioner Southey – Aye;
Chair Vernon – Aye.

The vote was unanimous.

CONTINUING BUSINESS

There was no Continuing Business.

PLANNING COMMISSION BUSINESS

- Approval of the November 19, 2020, Planning Commission Meeting Minutes.

Action Item

Motion to approve the November 19, 2020, Planning Commission Meeting Minutes.

Motion: Commissioner Holscher

Second: Commissioner Ewell

Vote: Commissioner Carter – Aye;
Commissioner Dahlberg – Aye;
Commissioner Ewell – Aye;
Commissioner Holscher – Aye;
Commissioner Pechmann – Aye;
Commissioner Southey – Aye;
Chair Vernon – Aye.

The vote was unanimous.

- Approval of the December 3, 2020, Planning Commission Meeting Minutes.

Action Item

Motion to approve the December 3, 2020, Planning Commission Meeting Minutes.

Motion: Commissioner Southey

Second: Commissioner Pechmann

Vote: Commissioner Carter – Aye;
Commissioner Dahlberg – Aye;
Commissioner Ewell – Aye;
Commissioner Holscher – Aye;
Commissioner Pechmann – Aye;
Commissioner Southey – Aye;
Chair Vernon – Aye.

The vote was unanimous.

Approval of the January 7, 2021, Planning Commission Meeting Minutes.

Action Item

Motion to approve the January 7, 2021, Planning Commission Meeting Minutes.

Motion: Commissioner Carter

Second: Commissioner Holscher

Vote: Commissioner Carter – Aye;
Commissioner Dahlberg – Aye;
Commissioner Ewell – Aye;
Commissioner Holscher – Aye;
Commissioner Pechmann – Aye;
Commissioner Southey – Aye;

Chair Vernon – Aye.

The vote was unanimous.

- **Approval of the February 4, 2021, Planning Commission Meeting Minutes.**

Action Item

Motion to approve the February 4, 2021, Planning Commission Meeting Minutes.

Motion: Commissioner Pechmann

Second: Commissioner Holscher

**Vote: Commissioner Carter – Aye;
Commissioner Dahlberg – Aye;
Commissioner Ewell – Aye;
Commissioner Holscher – Aye;
Commissioner Pechmann – Aye;
Commissioner Southey – Aye;
Chair Vernon – Aye.**

The vote was unanimous.

STAFF BUSINESS – INFORMATION ITEMS

Ms. White reported that the City is working on a General Plan Update. There had been previous discussion on Phase 1. They are now working on Phase 2 and a survey is live at www.sslournextmove.org. She invited the Commission Members to share it and submit ideas regarding economic development, housing, transportation, and parks and recreation. It was noted that the survey takes less than five minutes to complete.

In anticipation of upcoming Planning Commission Meetings and agenda items, a special meeting was needed to address a critical project. Possible dates were discussed. The next Regular Planning Commission Meeting was scheduled for April 1, 2021.

ADJOURNMENT

Motion to Adjourn: Commissioner Pechmann

Second: Commissioner Carter

**Vote: Commissioner Carter – Aye;
Commissioner Dahlberg – Aye;**

Commissioner Ewell – Aye;
Commissioner Holscher – Aye;
Commissioner Pechmann – Aye;
Commissioner Southey – Aye;
Chair Vernon – Aye.

The vote was unanimous.

The Planning Commission Meeting adjourned at approximately 7:30 p.m.

For Planning Commission

Community Development Director