

*Planning Commission Regular Meeting Minutes  
Thursday, November 19, 2020  
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  
Clarissa Williams, Alternate

**Staff Members Present:**

Sean Lewis, Deputy Community Development Director  
Taylor Greenwell, City Planner  
Jeff Atterman, City Planner  
Josh Collins, Deputy City Attorney  
Charee Peck, Chief of Staff  
Jodi Hoffman, Attorney  
Lauren Bolger, Attorney

**Community Members:**

Gary Birdsall  
Bill Hardesty  
Brian Brown  
Corey Thomas  
David Danzig  
Dewey Reagan  
James Carpenter  
Jared Johnson  
Jeff Miller  
Jeff Young  
Justin Grubb  
Michael Katsanevas  
Nate Sechrest  
Ric Anderson  
Ryan Young  
Scott Olson  
Travis Gutke  
Vince Coley  
Sam Wilson

*NOTE: The meeting took place via Zoom.*

Chair Vernon read the statement regarding the reason for conducting the meeting remotely without an anchor location.

Deputy Community Development Director, Sean Lewis reported that at the beginning of the COVID-19 pandemic several meetings were canceled. Around the end of May, the terms ended for some Planning Commission Members and a few term renewals were overlooked. The previous night the City Council appointed Laura Vernon to serve another four-year term. They also voted to promote Mary Anne Southey from an Alternate to a Regular member. The Mayor recommended that Clarissa Williams join to serve as an Alternate member. The term of Commissioner Susan Dickstein was not renewed. She was thanked for her service.

### **APPROVAL OF AGENDA**

The order of the agenda items was modified to improve efficiency.

**Motion to change the order of the agenda items to address agenda item number 1 third.**

**Motion:** Commissioner Pechmann

**Second:** Commissioner Ewell

**Vote:** Unanimous

### **NEW BUSINESS**

- **Public Hearing.**
- 1. **An Ordinance of the City of South Salt Lake City Council Amending Title 5 of the South Salt Lake City Code, Amending Chapters 3.11, 17.01, 17.04, 17.07, and Related Provisions of the South Salt Lake City Code; Repealing and Replacing Chapter 17.08; Repealing Chapter 9 of the Downtown South Salt Lake Zoning Ordinances and Design Standards; and Repealing Chapter 9 of the East Streetcar Neighborhood Form-Based Code; All as Part of a Comprehensive Effort to Update and Reorganize South Salt Lake City Sign Regulations and to Conform with Recent Mandates in State Law.**

#### **Action Item**

**Applicant** South Salt Lake City

Deputy Community Development Director, Sean Lewis, reported that an email was sent to the Planning Commission from the Utah Sign Association and the International Sign Association that listed some of their concerns. The Mayor also received an online petition generated by Young Electric Sign Company (“YESCO”). Comments were also received via email.

Mr. Lewis reported that the first step was to direct staff to look at the sign ordinance. In 2003, the existing ordinance was adopted. Since then, sign laws have changed dramatically. Part of the ongoing effort was to remove errant and conflicting provisions, reorganize, codify language, and

be in compliance with State law. In order to simplify the Sign Code and the sign forms that are permitted, most of the calculations had been removed.

Sign companies expressed concern that many of the signs in South Salt Lake will become “non-conforming” as a result of the change. Mr. Lewis agreed and clarified that the nonconforming status is a nuanced status. Within any given period of time, no business is asked to remove or repair a sign. The ordinance applies when there is a change of business on a site.

Mr. Lewis reported that the item was reviewed by the Planning Commission on May 26 and by the City Council on June 3. No action was taken. Since May, the proposals put forward as part of the Sign Code have been discussed. A pending ordinance was declared, which included a moratorium on new signs being accepted while the new code is being drafted.

Staff consulted with outside attorneys to draft an ordinance based on the City Council and the Planning Commission's policy direction and input. Mr. Lewis recommended that no action be taken by the Planning Commission to allow for the comments to be added and additional input to be received during the public hearing. There was to be no discussion regarding billboards. There was an issue with public noticing regarding billboards so none of that portion of the ordinance will be discussed. Re-noticing will be done and discussion will take place at the December 3 meeting. Mr. Lewis stated that concerns regarding visual clutter in the City were raised by the Planning Commission and City Council. The desire was to make the City more visually appealing. The new sign ordinance was broken down as follows:

1. General provisions that apply to all signs.
2. Permit exempt signs. There was no need to address the City regarding these types of signs as long as they conform to the standards that are in place.
3. Prohibited signs.
4. Iconic signs.
5. Specific sign type standards, which address size.

Mr. Lewis reported that three things they can look at with respect to signs include the specific time, place, and manner. A recent Supreme Court case prevents the City from looking at content. Per the new ordinance, permit-exempt sign types include the following:

- Yard signs, which would include any kind of opinion sign or political sign;
- For Sale signs;
- A-frame signs for restaurants are allowed to go out; and
- Address numbers.

Mr. Lewis reported that examples of prohibited sign types include:

- Abandoned signs;
- Moving or in-motion signs;
- Mobile signs that are inoperable and/or vehicle-mounted. This does not regulate vehicles but does regulate vehicles that are parked in a lot and have a sign on them and
- Pole signs. The Planning Commission voted unanimously to prohibit pole signs. The City Council voted 5-to-2 to prohibit them. Existing pole signs will not be removed as long as they remain at the same time, place, and manner.

For iconic signs, both the Planning Commission and City Council determine that they are important to the community. They would be allowed to remain in the New Code even if they do not conform to the other sign types in the ordinance. Iconic signs would include the following:

- Walls signs on a building. These will be based on the number of tenants in that building. There are different sign standards for different businesses in multi-tenant buildings. Businesses within buildings that have iconic signs at the top will not have signs at the top. They will be limited to the identity of the building;
- Projecting signs that come out at a 90-degree or 45-degree angle, with the intent of attracting pedestrians;
- Marquee signs that pertain to schools, theatres, and concert halls;
- Awnings. The New Sign Ordinance proposes to limit these types of signs to the vertical plane of the awning rather than at an angle or on the top; and
- Canopy mammoth signs.

Mr. Lewis reported that there are also allowances for roof signs. Window signs also have strict requirements. As long as the terms of the Code are followed, a permit would not be required. Under the New Code, neon signs are permitted.

With respect to pole signs, the Planning Commission and City Council adopted a monument sign standard. Within the sign face, the monument will have one or several tenants represented. There are monolith type signs that will be based on the acreage of the development and confined to larger developments with plenty of retail or other spaces. Menu signs for drive-thrus are also addressed. They are being converted to electronic and video-based signs from the manually modified signs.

There were split votes on highway-oriented signs. For highway-oriented signs based on certain criteria, there is limited opportunity based on where a business is located in relation to the freeway. In order to have a sign there, the company needs to be located directly next to the highway. Electronic Message Centers throughout the City will be subject to review by the Planning Commission and City Council. Some standards allow small Electronic Message Centers on monument signs. They are also allowed elsewhere within the Sign Code. The white intensity that emanates from all signs and the light intensity of Electronic Message Centers was one of the main topics addressed by the sign companies.

Mr. Lewis explained that in some cases, the New Sign Ordinance may be considered restrictive, however, the intent is to be balanced and enable signs that appropriate within the community and provide opportunities to identify every business.

Commissioner Carter asked if flags are considered a form of signage. Mr. Lewis responded that there has been a lot of controversy about flags and the decision was made to address them in the Flag Code, which allows up to three flag poles. The Flag Code will control only the size of the flagpole itself and not the material.

Commissioner Carter inquired about temporary signage, which is considered temporary but has existed for years. Mr. Lewis clarified that it is possible to hang vinyl banners outside of a business, however, there is a limitation on the scale, scope, and position of the banner. A permit is not required but signs can only remain up for a certain number of days, up to three or four times a year for 10 to 30 days at a time.

Chair Vernon opened the public hearing.

*Justin Grubb* from YESCO recognized the need to change the Code and increase curb appeal but was concerned about the drastic changes and the lack of stakeholder involvement. There was no reasonable balance between the proposed changes and the various interests. He was never asked by the City to give his opinion on the matter. He compared the proposed Code to other municipalities and found that the sizes are inadequate.

Mr. Grubb stated that the illumination proposal is also inadequate and is not similar to the standards in neighboring municipalities. He stated that since March there has been little time to review changes to the Code. The examples displayed during the presentation of monolith and monument signs were not correct because the actual signs were twice the size of the examples shown. He proposed that he be allowed to speak to various parties and try to find a middle ground.

*Michael Katsanevas* gave his address as 130 East 3300 South and thanked the Commission for their efforts. He noted that he served on the Commission for 10 years, which was challenging. He commented that signs are a piece of art and statistics show that the rate of crime is decreased by well-illuminated signs. Signs also attract business to the City, especially bright lights from signs. Mr. Katsanevas suggested that the City consider increasing signage. He owns several businesses and takes signage very seriously. His signs are cleaned and well lit. He urged the Commission Members to be open-minded and to take a different approach to the issue.

*Jeff Miller* identified himself as the owner of Mark Miller Subaru and echoed the sentiments of Messrs. Grubb and Katsanevas. He proposed that business owners be allowed to address the loopholes in the sign ordinances that do not exist in other cities. He was pleased to volunteer his time and stated that one of his concerns with the new ordinance is that it only requires a new car dealership to have one wall sign. He needs to two signs; one with the company name and another to identify his service drive. Mr. Miller stated that under the new ordinance, he is not allowed to have two. He added that the proposed modifications would deter companies from locating in South Salt Lake, which will result in a loss of revenue to the City. He acknowledged that the ordinance needs to be changed but there is a need for broader discussion regarding how to improve it and avoid unintended consequences.

*Jeff Young* reported that YESCO is celebrating its 100th year in business. It has 110 locations throughout North America and they operate within numerous codes. He stated that he reviewed the proposed changes with James Carpentier from the International Sign Association and had concerns with what is being proposed. They were willing to partner with the City to help come up with a reasonable and business-supporting Code. He stated that Provo City adopted a more stringent sign code that resulted in a petition being circulated and 300 signatures being gathered.

YESCO has the technical ability to collaborate with staff and stakeholders to introduce terminology that will strike a balance between aesthetics, legibility, and simpler implementation. Ryan Young added that it is difficult to digitally quantify public comments through Zoom. He stated that it will take time for the Commission to work with stakeholders and hold face-to-face meetings.

Ryan Young of YESCO, spoke to technical portions of the code and the brightness standards. He spoke positively of the City's attempt to improve signage and expressed willingness to work with staff on good language that strikes a balance between aesthetics and messaging. Expressed concern that the public is not as involved as it could be during the pandemic where the Planning Commission is meeting over Zoom.

*Vince Coley* from Rainbow Neon Sign Company indicated that he is a resident of South Salt Lake and has his business here. He also serves as the President of the Utah Sign Association . Due to the pandemic, there appeared to be a lack of transparency with the Code modifications. It was not possible for the public to provide positive feedback and there was no particular input from industry representatives. Moving forward, businesses and industries should be allowed to give input.

*Brian Brown*, YESCO's General Manager, reported that he delivered the petition to the Mayor and the Planning Commission. He discussed the pole signs and clarified that since the businesses continue to retain visibility, many of the 350 pole signs in the City will remain. With pole signs, there can still be standards. One option was for the City to provide side-by-side pylon covers to improve their appearance or require them to be properly maintained. Mr. Brown explained that it is very conservative to limit Electronic Message Centers only to smaller monument signs since pole signs are supposed to be mounted on them. Electronic Message Centers are a great tool and the messages can be changed remotely. Standards could be put in place to monitor lighting and

prohibit the uploading of live videos. An incentive was available to upgrade old reader panels and zip tracks.

*James Carpentier* from Mesa Arizona agreed with the request of Mr. Lewis that no action be taken. He reiterated that with the New Code, nearly any symbol will become non-conforming. There is no balance due to of lack of involvement. He offered his assistance.

*Ric Anderson* identified himself as the owner of Signarama located at 3480 South Main Street. He reported that a ban has been in place for about six months. Approximately one dozen firms are reluctant to open businesses in South Salt Lake because they cannot obtain a permit. During those months others have been making lease payments but have not opened for business. Mr. Anderson implored the Commission to immediately lift the ban.

Mr. Lewis explained that no businesses were prohibited from opening. They can open their doors without a sign and only need a license. He reported that the moratorium will end automatically. It is a pending ordinance moratorium that was instituted as part of the laws of the City. Once the moratorium ends, the current Sign Code will remain in place. Under the current ordinance, signs that have been applied for will be reviewed and approved. The proposed ordinance will be valid after it has been taken to the Planning Commission and potentially adopted by the City Council.

There were no further public comments. The public hearing was closed.

Commissioner Pechmann thanked members of the business community for voicing their opinions. With regard to Mr. Brown's comments regarding making a pole sign aesthetically pleasing, more information was sought on how to make them more attractive. He understood the appeal of the pole sign and height. He also recognized that the speed at which vehicles pass plays an important role. It was suggested that the item be tabled to allow further participation from the business community.

Commissioner Southey addressed Mr. Miller's comments regarding potential unintended consequences. She suggested that the Commission find ways to incentivize the updating and improving signs.

Commissioner Carter urged the business community to remain involved and continue to meet with City representatives.

Commissioner Holscher asked if the mandates modified by State law were presented to identify what sections of the Code need to be amended. Mr. Lewis stated that the City is very vigilant about regulating anything that is content-based. The State does not enforce anything other than State billboard rules.

Procedural and timing issues were discussed. Mr. Lewis stated that going forward, billboard companies need to be individually notified. The matter was scheduled to be discussed again on December 3. The three most significant concerns addressed were identified as light intensity, Electronic Message Centers, and pole signs over monument signs. Additional issues could be addressed by the Planning Commission.

Chair Vernon suggested first having discussions with stakeholders before drafting a new ordinance.

Commissioner Pechmann proposed that the non-controversial portions of the Revised Sign Code be voted on as temporary. This would include posters and restaurant A-frame signage. He proposed that they address signage and billboards separately.

Commissioner Pechmann asked about the enforcement of temporary banners. Mr. Lewis stated that there is no active enforcement and it occurs on an as-needed basis.

Commissioner Dahlberg asked if the business community expected that a cost associated with ensuring that a new sign is conforming would deter new businesses from locating in the City. Mr. Lewis clarified that a change in usage in the Code would involve compliance with the updated ordinance. Businesses that move out of the City will leave behind pole signs that will have to be addressed by the new occupant.

Mr. Lewis supported finding an incentive to bring older signs into conformance with the new standards. Sign companies are also in business and want to be profitable and encourage a greater number of signs. The City's intent is to find a balance.

Commissioner Ewell asked if historical signs were designated by the Planning Commission or the City Council and believed that some historical signs should be protected. Mr. Lewis stated that there is no formal process to create iconic signs. Those listed in the ordinance were decided upon by the Planning Commission and City Council.

**Motion to table the proposal until December 3 or a later date, and that City staff and the business community discuss the questions raised regarding the size requirements, lights, and Electronic Message Centers before meeting again.**

**Motion:** Commissioner Pechmann

**Second:** Commissioner Southey

**Vote:** Christy Dahlberg – Aye;  
George Pechmann – Aye;  
Mary Ann Southey – Aye;  
Chad Ewell – Aye;  
Stacey Holscher – Aye;  
Jeremy Carter-Aye;  
Chair Laura Vernon – Aye.

**The motion passed unanimously.**

**2. Petition for a Conditional Use Permit – C-20-008 – For a Manufacturing, Fabrication, Processing, and Packaging Business.**

**Action Item**

**Address** 1144 West 3300 South

**Applicant** Cosset Bath and Body

City Planner, Taylor Greenwell, presented the staff report and stated that David Danzig was representing the applicant, Cosset Bath and Body, who was seeking a Conditional Use Permit (“CUP”) for a manufacturing, fabrication, processing, and packaging business. The business will focus on the manufacturing, storage, processing, and shipping of bath and body products. They are currently operating in the City but are moving after purchasing property and a building. The property consists of 2.57 acres and the proposed business will be 19,479 square feet in size. The building is approximately 24,805 square feet and the applicant will occupy two of the three units in the building. The remaining unit will be leased to an undetermined future tenant. The hours of operation will be Monday through Friday from 6:30 a.m. to 5:30 p.m. Approximately 50 shipments per day were anticipated.

Mr. Greenwell reported that the applicant submitted his license in 2019, which vested the business under the 2019 version of the South Salt Lake City Municipal Code that was modified in January 2020. Under that version of the ordinance, the Planning Commission acts as the land use authority for Conditional Use Permits that are greater than one acre in size. The business is located at 1144 West 3300 South. The surrounding land uses include residential to the north, the Jordan River Parkway Trail to the south, and an automotive repair shop to the east. To the west is the Jordan River and West Valley City. Mr. Greenwell presented the site plan showing the layout of the building and the two northern units that will be occupied by the applicant. The application references a loading dock, however, the applicant was seeking to change to a lift station, which will be reflected on the building permit. Access will be from 3265 South. The area was determined to be suitable for trucks and loading. The building elevations were displayed.

Mr. Greenwell reported that the request meets the General Plan goal regulating land use based on compatibility with surrounding uses, residential areas, and economic feasibility. The application falls under the 2019 version of the ordinance, which did not include specific standards for manufacturing, fabrication, assembly, processing, and packaging businesses. The above item was determined to comply with all requirements of the Municipal Code. Staff recommended approval subject to conditions.

Details of the request were described. One parking space per employee at the highest shift was required for manufacturing uses. 20 employees were proposed at the highest shift and 120 off-street parking spaces were available. The use was determined to be compatible with the South Salt Lake City General Plan and is compatible in terms of use, scale, and design with the uses allowed in the Business Park Land Use District and does not compromise the health, safety, or welfare of persons employed within the vicinity of the proposed use.

Mr. Danzig stated that they are excited to be part of South Salt Lake City. They have operated their business from South Salt Lake City for the last 3 ½ years as a tenant in two other buildings and hoped to make it their permanent home.

Commissioner Carter asked where materials will be stored since the floor plan only shows a shipping and receiving area. Mr. Danzig reported that pallet racks will be installed in the northernmost building where the ingredients will be stored.

Commissioner Pechmann asked how noxious odors will be mitigated that may emanate from the building through the HVAC system. Mr. Greenwell stated that there are no specific conditions addressing that. It is covered in the Fire Code and Building Code, which the applicant will have to comply with under the Building Permit they were applying for. Mr. Greenwell further explained that the CUP includes a condition of compliance that needs to be mitigated to move forward with the Building Permit and Business License.

In response to a question raised Mr. Lewis stated that the matter was not scheduled for a public hearing. Deputy City Attorney, Josh Collins, clarified that Alternate Planning Commission members are not allowed to ask questions and are simply attendees. Procedural issues were discussed.

Chair Vernon was pleased that there will be an occupied space adjacent to the river and that the area will be maintained. Commissioner Pechmann agreed and was glad that the Code will require disposal and that there will not be any runoff into the river. Mr. Danzig stated that they are concerned about the environment, recyclability, and sustainability. He was aware of the previous use of the building and hoped to change the stigma associated with it. It was noted that the building has been vacant for at least two years. Previously, it served as a lockdown drug rehabilitation facility for teenagers.

**Motion to APPROVE Conditional Use Permit, C-20-008, to establish a manufacturing, fabrication, processing, and packaging business at 1144 West 3300 South based on the following:**

**Findings of Fact:**

- 1. On September 10, 2020, Cosset (“Applicant”), represented by David Danzig, submitted an application for a Conditional Use Permit (“CUP”) to establish a manufacturing, fabrication, assembly, processing, and packaging business at 1144 West 3300 South.**
- 2. Cosset applied for a business license on 11/27/2019 but was unable to complete the conditional use permit process until they had purchased the building at 1144 West 3300 South. The applicant did not purchase the building until July 2019. As a result, their Conditional Use Permit application has been processed under the December 2019 iteration of the South Salt Lake Municipal Code.**

- 3. 1144 West 3300 South is located in the Business Park (BP) Land Use District. A Manufacturing, Fabrication, Assembly, Processing, and Packaging business is a Conditional Use in the Business Park Land Use District.**
- 4. The property at 1144 West 3300 South is 2.57 acres in size.**
- 5. The building the proposed business will occupy contains 3 units; the two northernmost units will be occupied by Cosset while the southernmost unit will be leased to an undetermined future tenant.**
- 6. The area of the building to be occupied by Cosset is 19,479 square feet.**
- 7. The entire building at 1144 West 3300 South is 24,805 square feet.**
- 8. The business will have 20 employees at the proposed location.**
- 9. The hours of operation for the proposed business are Monday thru Friday from 6:30 AM – 5:30 PM.**
- 10. Approximately 50 shipments via box truck are expected per day from the proposed business. Delivery trucks will access and leave the site from the northernmost curb cut along 3265 South and 1100 West. The trucks will have up to 53' trailers. The 2019 iteration of the South Salt Lake Municipal Code does not prohibit large trucks from traveling the side streets in the Business Park District.**
- 11. Loading and unloading would take place on the north side of the building at the lift to be constructed as shown on the site plan.**
- 12. The applicant will be installing extensive security on-site including cameras, motion sensors, alarms, and keycard access.**
- 13. The manufacturing process is done primarily by hand with minimal equipment. Primary mechanical equipment is a hydraulic press that does not produce noise above approximately 60 decibels.**
- 14. Typical ingredients used within the manufacturing process include essential oils, fragrances, sodium bicarbonate (baking soda), sodium chloride (salt), high oleic safflower oil, and citric acid. Ingredients are stored dry on pallets.**
- 15. Utilities will be upgraded as needed for the proposed use via the building permit process needed for the proposed use.**
- 16. No offensive odors, steam, or vibrations are expected due to the proposed use as all products sold by the proposed business are made by hand with minimal**

**mechanical equipment. The ingredients include pleasant fragrances, sodium bicarbonate, sodium chloride, and essential oils. HVAC upgrades are proposed as part of the building permit to offset vapors from the manufacturing process.**

- 17. Section 17.27 of the South Salt Lake Municipal Code requires 1 parking space per employee at the highest shift for manufacturing uses. There are 20 employees proposed at the highest shift requiring 20 parking spaces. There are 120 off-street parking spaces available at 1144 West 3300 South.**

**Conclusions of Law:**

- 1. The use, as specifically conditioned below, is consistent with the South Salt Lake City General Plan.**
- 2. The use, as specifically conditioned below, is compatible in use, scale, and design with allowed uses in the Business Park land use district.**
- 3. The use, as specifically conditioned below, does not compromise the health, safety, or welfare of persons employed within or using the proposed development; Those residing or working in the vicinity of the proposed use or development; or Property or improvements in the vicinity of the proposed use or development.**
- 4. The use, as specifically conditioned below does not impose disproportionate burdens on the citizens of the City.**

**Conditions of Approval:**

- 1. The business shall meet all requirements of the South Salt Lake Community Development Department, South Salt Lake Fire Marshal, the South Salt Lake Building Official, and the South Salt Lake Engineering Department for a manufacturing, fabrication, processing, and packaging business.**
- 2. If the business produces noise running operations that cause nuisance, noise mitigation measures will be required.**
- 3. All business activity shall be contained to the interior of the building.**
- 4. All loading and unloading shall take place on-site and not in a right-of-way.**
- 5. The applicant shall apply for South Salt Lake Building Permit for any improvements to the proposed building or site.**
- 6. The proposed business shall not exceed more than 19,479 square feet of floor area.**

7. **The applicant shall comply with all the requirements of Mt. Olympus Improvement District. As proof of compliance, approval by Mt. Olympus for the proposed use will be required for business license approval.**
8. **The applicant shall supply a security plan to the Community Development Department for the building and site. The applicant will apply for all required permits related to the proposed security system to be installed.**
9. **The applicant shall maintain compliance with the on-site parking requirements as specified within 17.27 of the 2019 iteration of the South Salt Lake Municipal Code.**
10. **Any future tenant in the Southernmost building unit will be required to comply with the current requirements of the South Salt Lake Municipal Code for the Business Park land use district.**
11. **Any storage of materials and chemicals must comply with the requirements and standards of the South Salt Lake Fire Marshall. The applicant shall supply Material Safety Data Sheets (“MSDS”) to the Fire Marshall prior to business license approval.**
12. **The applicant shall install a six-foot CMU trash enclosure with solid metal doors on-site in compliance with the current South Salt Lake Municipal Code as part of the building permit process shielded from view from the primary right of way. This will be reflected in the final building permit plans before the release of a South Salt Lake Building Permit. If no onsite enclosure is provided, proof of a prior existing access agreement to a neighboring dumpster enclosure will be required.**
13. **The business owner shall meet all parking requirements under the South Salt Lake Municipal Code.**

**Motion:** Commissioner Dahlberg

**Second:** Commissioner Pechmann

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

**The motion passed unanimously.**

**3. Petition for a Conditional Use Permit – C-20-009 – For a Day Spa Business.**

**Action Item**

**Applicant** CICI Salon & Nail Spa

**Address** 3424 South State Street, Unit E

Mr. Greenwell presented an outline of the staff report and reported that Cici Salon, represented by Wen Xiang Huang, is seeking the approval of a Conditional Use Permit for a day spa business. They will provide nail, barber, cosmetic, and massage services. Mr. Greenwell explained that the four services are highlighted because four State-licensed uses must be provided in the City Ordinance under the day spa definition. The property is 3.47 acres in size and the proposed business will be in a multi-unit building with 900 square-foot units. The property is in the Corridor Commercial (“CC”) land use district in which the day spa will be a conditional use requiring a Conditional Use Permit. The Planning Commission is the land-use authority on CUPs under the current Municipal Code.

The business is located at 3424 South State Street Unit E with restaurant, retail, and grocery uses to the north, restaurant uses to the south, a car dealership and more restaurants to the east, and a grocery store to the west. The services within the project are as follows: 110 square feet for massage, 165 square feet for cosmetology, 105 square feet for barbering, and 320 square feet for nail services. A floor plan showing how the unit is subdivided was presented.

Mr. Greenwell reported that the application complies with Goal LU-1 of the General Regulation Plan, which is focused on compatibility with surrounding uses, residential areas, and economic feasibility. By having the four State-licensed uses, the applicant has met the requirements of a day spa. For day spas outside of that definition, Section and Conditional Use 17.05 may not have specific standards. All of the requirements for a change of use and the general criteria that apply to all conditional uses were met. Staff recommended approval subject to the conditions set forth in the staff report.

Chair Vernon questioned if the tree was part of the property in front of the unit. Mr. Greenwell explained that as part of the entire parcel, there are trees in the landscape islands that require landscaping. Moreover, Mr. Greenwell reported that the Code includes a tree-lined landscape island for every seven spaces.

Chair Vernon expressed concern with the signs on the windows and questioned why they were permitted. Mr. Greenwell explained that there are two signs, the window signs and the main sign at the top. A permit is not needed for the main sign but the window signs will have to be removed because they are not permitted. Mr. Greenwell further clarified that through the permitting process, the applicant may reapply for additional signs.

Mr. Greenwell stated that in response to a question regarding the previous and proposed Conditional Use Permits, the two differ because the business was previously licensed either as a barbershop or as a nail spa. The most recent license had expired, which would establish a change of use. Barbershop and nail salon uses are categorized under the current code as a form of a day spa that involves four State licenses.

Chair Vernon commented that because the business has existed for some time, she had no reservations about the use being extended.

**Motion to APPROVE Conditional Use Permit – C-20-009 – For a Day Spa Business based on the following:**

**Findings of Fact:**

- 1. On September 24, 2020, Cici Salon & Nail Spa (“Applicant”), represented by Wen Xiang Huang, submitted an application for a Conditional Use Permit (“CUP”) to establish a 900 square foot Day Spa at 3424 South State Street, Unit E.**
- 2. 3424 South State Street is 3.47 acres in size.**
- 3. 3424 South State Street, Unit E is located in the Corridor Commercial (CC) land use district.**
- 4. A Day Spa is a Conditional Use in the Corridor Commercial land use district.**
- 5. Section 17.01 of the South Salt Lake Municipal Code defines a Day Spa as “a business that provides at least four (4) distinct therapeutic and/or personal grooming services—performed by a State-licensed barber, cosmetologist, electrologist, esthetician, nail technician, massage therapist, or acupuncturist—and does not provide any service for which a state license is not required.”**
- 6. Cici Salon & Nail Spa will provide four distinct therapeutic and/or grooming services by offering nail service, barber service, cosmetology service, and massage service.**
- 7. The location has been a nail salon and barbershop prior, but the business licenses have expired with the last nail license being from 2014, establishing the proposed business as a change of use required to comply with current municipal code regarding Day Spas.**
- 8. Due to the prior existence of a nail salon and barbershop, the prior infrastructure such as HVAC, ventilation, and power meets standards for a Day Spa under Fire Code and Building Code.**

- 9. The proposed business complies with hazardous materials requirements under the Fire Code in terms of storage and amounts. The proposed business with storage of the following chemicals and quantities on site: 200 bottles of nail polish (0.31 oz per bottle) 1 gallon of nail polish remover, and 1 gallon of acrylic liquid.**
- 10. Building Code permits occupancy of 1 person per 100 square feet. The proposed unit is 900 square feet, permitting the occupancy of nine people.**
- 11. Vehicular and pedestrian access to the site is from State Street.**
- 12. Garbage and recycling are located on the southwest portion of the lot with pickup 2-3 times per week.**
- 13. Hours of operation will be 9:00 a.m. and 7:00 p.m. Monday thru Saturday.**
- 14. Section 17.06.160 of the South Salt Lake Municipal Code requires one off-street parking stall per 250 square feet. The proposed Day Spa is located in a 900 square foot unit requiring 4 off-street parking stalls. The proposed business has five off-street parking stalls dedicated to its location.**
- 15. The five designated parking stalls will be for customers while the four proposed employees will utilize the main parking area of 60 spaces shared by all the buildings on the proposed property.**

**Conclusions of Law:**

- 1. The use, as specifically conditioned below, is consistent with the South Salt Lake City General Plan.**
- 2. The use, as specifically conditioned below, is compatible in use, scale, and design with allowed uses in the Corridor Commercial land use district.**
- 3. The use, as specifically conditioned below, does not compromise the health, safety, or welfare of persons employed within or using the proposed development; Those residing or working in the vicinity of the proposed use or development; or Property or improvements in the vicinity of the proposed use or development.**
- 4. The use, as specifically conditioned below does not impose disproportionate burdens on the citizens of the City.**

**Conditions of Approval:**

- 1. The business shall meet all requirements of the South Salt Lake Community Development Department, South Salt Lake Fire Marshal, the South Salt Lake Building Official, and the South Salt Lake Engineering Department for a Day Spa business.**
- 2. The business shall offer and continually maintain 4 state-licensed uses for a Day Spa as required by Section 17.01 of the South Salt Lake Municipal Code.**
- 3. All four uses shall be offered during business hours.**
- 4. The maximum number of employees is five.**
- 5. The maximum number of building occupants is nine.**
- 6. State and federal background checks shall be submitted to the Business License division for all owners and employees prior to a business license being granted.**
- 7. The proposed business shall comply with all off-street parking standards as required by the South Salt Lake Municipal Code. If business activity exceeds the capacity of designated parking, additional designated parking spaces will be required, and the updated number shall be supplied to the Community Development Department.**
- 8. The existing window signs shall be removed, and a sign permit secured that complies with all sign code requirements in the South Salt Lake Municipal Code.**
- 9. All business activity shall be contained in the interior of the building.**

**Motion:** Commissioner Pechmann

**Second:** Commissioner Carter

**Vote:** Christy Dahlberg – Aye;  
George Pechmann – Aye;  
Mary Ann Southey – Aye;  
Chad Ewell – Aye;  
Stacey Holscher – Aye;  
Jeremy Carter-Aye;  
Chair Laura Vernon – Aye.

**The motion passed unanimously.**

**CONTINUING BUSINESS**

There was no Continuing Business.

**PLANNING COMMISSION BUSINESS**

- **Approval of the July 2, 2020, Planning Commission Minutes**

**Action Item**

**Commissioner Holscher moved to approve the July 2, 2020 meeting minutes. Commissioner Ewell seconded the motion.**

**Vote:**  
Christy Dahlberg – Aye;  
George Pechmann – Aye;  
Mary Ann Southey – Aye;  
Chad Ewell – Aye;  
Stacey Holscher – Aye;  
Jeremy Carter-Aye;  
Chair Laura Vernon – Aye.

**The motion passed unanimously.**

- **Approval of the August 20, 2020, Planning Commission Minutes**

**Action Item**

**Commissioner Carter moved to approve the August 20, 2020, Planning Commission minutes. Commissioner Holscher seconded the motion.**

**Vote:**  
Christy Dahlberg – Aye;  
George Pechmann – Aye;  
Mary Ann Southey – Aye;  
Chad Ewell – Aye;  
Stacey Holscher – Aye;  
Jeremy Carter-Aye;  
Chair Laura Vernon – Aye.

**The motion passed unanimously.**

- **Approval of the October 1, 2020, Planning Commission Minutes**

**Action Item**

**Commissioner Ewell moved to approve the October 1, 2020, Planning Commission Minutes. Commissioner Pechmann seconded the motion.**

**Vote:** Christy Dahlberg – Aye;  
George Pechmann – Aye;  
Mary Ann Southey – Aye;  
Chad Ewell – Aye;  
Stacey Holscher – Aye;  
Jeremy Carter-Aye;  
Chair Laura Vernon – Aye.

**The motion passed unanimously.**

**STAFF BUSINESS – INFORMATION ITEMS**

There was no Staff Business.

**ADJOURNMENT**

**Motion to Adjourn:** Commissioner Pechmann.

**Second:** Commissioner Carter

**Vote:** Unanimous

The Planning Commission Meeting adjourned at approximately 9:20 p.m.

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**For Planning Commission**

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**Planning Division Manager**