

Planning Commission Work Meeting Minutes

Thursday, March 2, 2017

City Council Chambers

220 East Morris Avenue

Time 6:15 p.m.

Commission Members Present:

Jeremy Carter, Presiding
Laura Vernon
Holly Carson
Ray Dewolfe

Staff Members Present:

Michael Florence, Community Development Director
Francis Lilly, Deputy Community Development Director
Alexandra White, City Planner

1. Discussion of Agenda Items.

City Planner, Alexandra White, presented the first item on the agenda and explained that it was a dual application. The first portion of the application was a proposal to amend the Riverfront Master Plan by changing a portion of the existing development from Flex Office to Single-Family Residential. The second portion was a request for final plat approval of a 77-unit single-family subdivision. Ms. White presented an aerial photograph of the area and identified the subject parcel. In the fall of 2015, the Planning Commission approved Phases 1 and 2 of the Riverfront project, which are both single-family components. Phase 3 was originally going to be Flex Office space, but the applicant is now seeking to change that designation to make way for more single-family homes.

Ms. White noted that staff found a minor error on the recorded plat during their review. To resolve the issue, the City Council must approve a street vacation. That request will not be brought before the Planning Commission.

Ms. White then presented the existing Master Plan and the proposed changes, including updates to the open space and fencing plan and the pedestrian and bicycle connection plan. She also explained that the City is working with the developer to acquire Lot 19 for a future park space and trailhead connection to the Jordan River Parkway. With regard to open space, Ms. White stated that the ordinance requires 20% of the subdivision be devoted to open space. The applicant received an exception to this requirement in both Phase 1 and Phase 2 because of the proposed elementary school that is adjacent to both phases. The applicant was seeking the same exception for Phase 3. Ms. White confirmed that the applicant was not proposing any changes to the design of the homes. Staff recommended approval of both requests.

Commissioner Dewolfe asked for clarification on the street vacation. Ms. White explained that the applicant would be petitioning the City Council to vacate the U-shaped road that was recorded on the existing plat.

Deputy Community Development Director, Francis Lilly, presented the staff report for the second item on the agenda. A few months earlier, the Planning Commission heard a request from staff regarding several small ordinance amendments, which included the ordinance dealing with tobacco sales in South Salt Lake City. When the amendment was taken to the City Council, they asked staff to reconsider their previous approach of limiting tobacco sales by square footage. The newly proposed definition was as follows:

“Retail Tobacco Sales” – The sale, exchange, or use of tobacco products and smoking paraphernalia. Retail Tobacco Sales are allowed only in general retail stores that are larger than 30,000 square feet in area, in pharmacies licensed under state code, and in convenience stores with fuel pumps. Tobacco products for retail sale are defined as:

- A. Any cigar, cigarette or electronic cigarette as defined in section 76- 10- 101, Utah Code Annotated;
- B. A tobacco product as defined in section 59- 14- 102, Utah Code Annotated, including chewing tobacco or any substitute for a tobacco product including flavoring or additives to tobacco;
- C. Tobacco paraphernalia as defined in section 76- 10- 104.1, Utah Code Annotated;
- D. Liquid for producing vapor in electronic cigarettes or similar devices, regardless of whether such liquid contains nicotine.

Chair Carter asked why the need for fuel pumps was specified in the definition. Community Development Director, Michael Florence, explained that several tobacco stores were posing as convenience stores but really only selling tobacco products. Requiring fuel pumps would ensure that these stores are true convenience stores.

Chair Carter felt that it would be more appropriate to distinguish tobacco sale by a percentage of total sales rather than square footage. Mr. Lilly explained that the State Code defines retail tobacco specialty stores as having more than 35% of gross sales of tobacco. The issue with adopting that as a City is that they do not have enough staff to audit or enforce that. Chair Carter said that he understood the intent but questioned the method.

Commissioner Dewolfe asked if adoption of this new definition would affect existing uses. Mr. Lilly explained that it would only affect businesses that come in after the amendment is adopted. All existing uses would be essentially grandfathered in.

Mr. Lilly presented the final item on the agenda regarding the proposed Commercial Design Standards. He explained that the City adopted new residential design standards a few years ago and it had proven to be successful, which was why staff decided to improve the commercial design standards. Staff recommended continuing the item to allow staff to refine the renderings and images in the document.

The Planning Commission Work Meeting adjourned at approximately 7:54 p.m.

Planning Commission Regular Meeting Minutes
Thursday, March 2, 2017
City Council Chambers
220 East Morris Avenue
Time 7:00 p.m.

Commission Members Present: Jeremy Carter, Presiding
Laura Vernon
Holly Carson
Ray Dewolfe

Staff Members Present: Michael Florence, Community Development Director
Francis Lilly, Deputy Community Development Director
Alexandra White, City Planner

Moment of Reflection: Chair Carter

Pledge of Allegiance: Commissioner Vernon

Motion to Approve the Agenda: Commissioner Vernon

Second to the Motion: Commissioner Carson

Vote: Unanimous

New Business

- **T-17-001**
- 1. **A Recommendation to the City Council to Amend the Riverfront Master Plan to Change the Sub-District Designation of the Property West of 900 West between Carlisle Street and Fine Drive from Flex Office to Single-Family Residential.**

- **S-17-001**

Final Plat Approval for a 77-Unit Single-Family Residential Subdivision Located at Approximately Fine Drive and 900 West. The Planning Commission will be Considering Approval Contingent on the City Council Adopting an Amendment to the Riverfront Master Plan to Allow for Additional Single-Family Residential.

Action Items

Address Approximately 900 West and Fine Drive

Applicant Thackeray Garn Company

City Planner, Alexandra White, presented the first item on the agenda and explained that it was a dual application. The first part of the application was a proposal to amend the Riverfront Master Plan by changing a portion of the existing development from Flex Office to Single-Family Residential. The second portion of the application was a request for final plat approval of a 77-unit single-family subdivision. Ms. White presented an aerial photograph of the area and identified the subject parcel. She explained that in the fall of 2015, the Planning Commission approved Phases 1 and 2 of the Riverfront Project, which are both single-family components. Phase 3 was originally going to be Flex Office space, but the applicant is now seeking to change that designation to make way for more single-family homes.

Ms. White noted that staff found a minor error on the recorded plat during their review. To resolve the issue, the City Council must approve a street vacation. That request will not be brought before the Planning Commission.

Ms. White then presented the existing Master Plan and the proposed changes, including updates to the open space and fencing plan and the pedestrian and bicycle connection plan. She also explained that the City is working with the developer to acquire Lot 19 for a future park space and trailhead connection to the Jordan River Parkway. With regard to open space, Ms. White stated that the ordinance requires 20% of the subdivision be devoted to open space. The applicant received an exception to this requirement for Phases 1 and 2 because of the proposed elementary school that is adjacent to the phases. The applicant was seeking the same exception for Phase 3. Ms. White confirmed that the applicant was not proposing any changes to the design of the homes. Staff recommended approval of both requests.

Chair Carter asked about the status of the proposed elementary school and was concerned about the lack of green space should the elementary school not come to fruition. Community Development Director, Michael Florence, stated that the school district was still planning to build the school, but they have not yet moved forward with it.

Commissioner Dewolfe reported that he lived in the area and recognized that fencing was a major concern for the neighbors when Phases 1 and 2 were developed. He asked if the applicant would be required to install shadow slats, or if that was a special circumstance in the previous phases. Ms. White commented that this is something they could discuss with the developer. Mr. Florence explained that the City is not requiring white vinyl fencing because of past problems with graffiti.

Mr. Florence stated that the City will be using impact fees from the residential component to negotiate the purchase and improvement of Lot 19. If there are enough funds, the City may purchase a second lot in the development.

Commissioner Vernon asked what portion of the homes and apartments in Phases 1 and 2 are currently occupied. Ms. White stated that the apartments are all built and fully occupied. She believed that the majority of the single-family homes were also occupied.

The applicant, Mark Garza, gave the business address as PO Box 711879 in Salt Lake City. He confirmed that all of the single-family lots have been sold and are in various stages of funding and construction. Most are occupied.

Chair Carter asked Mr. Garza if he was aware of the City's interest in the purchasing a lot for a park. Mr. Garza confirmed that he had discussed the item with City staff and they were willing to participate. Mr. Garza noted that he was working with two different builders for this project, but they are not currently under contract so he could not say who they were.

Chair Carter opened the public hearing at 7:35 p.m.

Lorraine Wilde identified herself as the co-owner of one of the condominiums on Carlisle Park Place. She presented photographs of the traffic conditions on Fine Drive and 700 West and emphasized the dangers of having cars parked along the road. Ms. Wilde asked if the City intended to install a traffic signal at Fine Drive and 700 West to improve safety conditions. She added that the lighting in the development is inadequate.

Derrick Sorensen, was present representing UTA and gave his business address as 669 South 200 East in Salt Lake City. Mr. Sorensen explained that UTA is working with Thackeray Garn to mitigate any potential issues with having residential homes so close to the UTA bussing operation. He suggested that the CC&Rs contain a disclosure about the lots being located next to a 24/7 bus operation. Mr. Sorensen stated that UTA has no intention of stalling the development, but they want to ensure that any future issues are properly mitigated.

Megan Welsh gave her address as 978 West Teal Run Way and was concerned with the additional houses and vehicles and asked if the developer had plans to create another outlet onto 3900 South.

Jaqueline Wilkins, who resides at 3762 South Carlisle Park Place #1, stated that she would have left the housing community if it were not for her 91-year-old mother. She complained about the close proximity of the houses and housing units, cars parked on the street, and the dangerous road conditions. Ms. Wilkins suggested that the developer consider building a parking area rather than housing.

There were no further public comments. Chair Carter closed the public hearing at 8:03 p.m.

Chair Carter asked if Public Works had reexamined the Master Plan to determine if the existing lighting is adequate. Mr. Florence said that this was the first complaint staff had received about inadequate lighting. When the Master Plan was originally created, the Police Department performed a Crime Prevention Study, but nothing has been done since then. Ms. White noted that new lighting was recently installed and turned on along Fine Drive and the river front.

Commissioner Carter asked about the parking ratio requirements for the apartments. Mr. Florence explained that he did not have those numbers as the application did not involve the apartments. Ms. White stated that each of the single-family homes has a two-car garage and a

driveway that can accommodate two additional vehicles. She also confirmed that the street meets all requirements for width.

Mr. Lilly located the parking information in the Master Plan and stated that the parking ratio for the apartments is 1.88 spaces per unit.

Commissioner Carson asked who was responsible for installing traffic signals. Mr. Florence stated that the City determined the need for traffic signals through a committee. He assured the Commission that he would bring up this issue at the next traffic study meeting in March.

Commissioner Dewolfe shared the concerns of the residents who spoke during the public hearing. He suggested that lowering the speed limit on 700 West may help increase safety in this area that and creating another outlet for this neighborhood would help ease congestion.

Commissioner Vernon was excited to have more residential access to the Jordan River but was concerned about the lack of open space and the higher density proposed.

Regarding the UTA bus facility, Commissioner Dewolfe stated that he cannot hear anything from his home but he can see the lights. He feared that the homes directly adjacent to the facility will suffer from excessive light pollution. He hoped they were working on a solution to mitigate that.

Chair Carter encouraged the developer to continue working with UTA and City staff to mitigate these nuisances.

Motion to recommend that the City Council APPROVE the application to amend the Riverfront Master Plan to change the sub-district designation of the property west of 900 West between Carlisle Street and Fine Drive from Flex Office to Single-Family Residential.

Commissioner Carson

Second on the motion:

Commissioner Vernon

Vote:

Unanimous

Motion to APPROVE the final plat for a 77-unit single family residential subdivision while the applicant makes necessary corrections to the plat to address the discrepancy in right-of-way vacations. Once all corrections are made, approval will be subject to the following conditions:

- 1. The Planning Commission will be considering subdivision approval contingent on the City Council adopting an amendment to the Riverfront Master Plan to allow for an additional single-family homes and a right-of-way vacation of Fine Drive west of 900 West, Carlisle Avenue west of 900 West, and the north to south road that connects the two.**

2. **The applicant will continue to work with City staff to make all technical corrections necessary prior to recording.**
3. **The applicant will record a street vacation of the portion of Fine Drive prior to the recording of the Subdivision plat.**
4. **The applicant will provide HOA/CC&R documents prior to the plat being signed by City Staff.**
5. **All site improvement will meet the requirements of the South Salt Lake City Engineer and South Salt Lake Fire Marshal.**
6. **All landscaping and building design standards will meet the requirements of the South Salt Lake Municipal Code and the Riverfront Master Plan.**
7. **Phase 3 of the single-family homes will be subject to the same tree requirements as outlined in Phase 1 and 2 of the Riverfront Master Plan.**

Commissioner Vernon

Second on the motion:

Commissioner Carson

Vote:

Unanimous

• **T-17-003**

2. **A Recommendation to the City Council to Amend Chapters 17.03 and 17.15 of the South Salt Lake Municipal Code to Establish Regulations Pertaining to the Retail Sale of Tobacco and Tobacco Products.**

Action Item

Applicant South Salt Lake City

Deputy Community Development Director, Francis Lilly, presented the staff report and stated that a few months earlier, the Planning Commission heard a request from staff regarding several small ordinance amendments, which include the ordinance dealing with tobacco sales in South Salt Lake City. When the amendment was taken to the City Council, they asked staff to reconsider their previous approach of limiting tobacco sales by square footage. The newly proposed definition was as follows:

“Retail Tobacco Sales” – The sale, exchange, or use of tobacco products and smoking paraphernalia. Retail Tobacco Sales are allowed only in general retail stores that are

larger than 30,000 square feet in area, in pharmacies licensed under state code, and in convenience stores with fuel pumps. Tobacco products for retail sale are defined as:

- E. Any cigar, cigarette or electronic cigarette as defined in section 76- 10- 101, Utah Code Annotated;
- F. A tobacco product as defined in section 59- 14- 102, Utah Code Annotated, including chewing tobacco or any substitute for a tobacco product including flavoring or additives to tobacco;
- G. Tobacco paraphernalia as defined in section 76- 10- 104.1, Utah Code Annotated;
- H. Liquid for producing vapor in electronic cigarettes or similar devices, regardless of whether such liquid contains nicotine.

Mr. Lilly explained that the City has received many comments and complaints from residents and businesses owners about the number of smoke shops coming to South Salt Lake City. This amendment was the City's attempt to regulate the number of shops can operate within the City.

Chair Carter opened the public hearing at 8:33 p.m. There were no public comments. Chair Carter closed the public hearing.

Chair Carter recommended that the City consider limiting business licenses rather than limiting by square footage or certain types of stores. With this definition, the City would be eliminating other businesses be trying to avoid tobacco sales. He did not personally have a problem with tobacco sales as long it is done legally and the businesses are licensed to sell those products.

Mr. Florence reported that some studies have shown that such a concentration of tobacco stores tend to be in lower income areas and these areas are less likely to attract better uses. Staff and the City Council were concerned for the welfare of the City.

Mr. Lilly said that the Planning Commission could continue the items and instruct staff to continue working on this definition. He asked for direction on how they wanted to limit tobacco sales. Chair Carter was in favor of approaching this from licensing. Commissioner Vernon asked them to research limiting the use based on population.

Motion to CONTINUE the item to the next regular Planning Commission Meeting.

Commissioner Carson

Second on the motion:

Commissioner Vernon

Vote:

Unanimous

- **T-17-004**

3. A Recommendation to the City Council to Enact an Ordinance Regulating Design Standards for Commercial and Industrial Design Standards, and to Repeal Conflicting Sections of the Municipal Code.

Action Item

Applicant South Salt Lake City

Mr. Lilly presented the staff report regarding the proposed ordinance regulating design standards for commercial and industrial design standards. He said that the current standards are broad and vague, which can cause the site plan review to be a lengthy process. The proposed standards were intended to provide clarity and add specific design elements that would contribute to quality commercial districts while remaining flexible enough to accommodate the changing market demands. Mr. Lilly stated that he would be presenting the specifics of the ordinance, however, staff was requesting a continuance so that they could refine the renderings and drawings to be included in the ordinance.

Mr. Lilly presented the proposed ordinance language, beginning with the Purpose and criteria for exemptions and modifications. The document then addresses general design standards that would apply to every development. The rest of the document identifies specific design elements for each building type, including storefront, civic, office, commercial retail, commercial bay, large format retail, and flex/industrial buildings. See the attached staff report for details.

Chair Carter opened the public hearing at 9:20 p.m.

Lorraine Wilde addressed the buffering requirements and asked how the City would enforce compliance. She stated that there are many businesses along 700 West that do not have any buffering between their site and the adjacent residential uses. Mr. Lilly invited Ms. Wilde to speak with him after the meeting.

There were no further public comments. Chair Carter closed the public hearing at 9:25 p.m.

Chair Carter asked about the language requiring modular units to be on a permanent foundation and asked if they could simply be placed on a foundation or if they have to be attached. Mr. Lilly offered to research the International Building Code and mimic those requirements.

Commissioner Dewolfe commended staff for their work on the ordinance. He asked if it was popular for cities to have these types of standards as part of their City code. Mr. Lilly answered in the affirmative. Part of their work in this process was to research the standards of the surrounding municipalities and determine whether the proposed standards were feasible.

Commissioner Vernon asked for clarification on the difference between industrial and commercial. Mr. Lilly explained that language could be added to the document to distinguish

between the two types. Chair Carter suggested that the title of the ordinance be changed to Non-Residential Design Standards to remove any potential ambiguity.

Commissioner Dewolfe asked if there was anything in the proposed design standards that would ensure that the buildings are seismically sound. Mr. Lilly stated that those requirements were included in the International Building and Fire Codes, which every developer has to comply with.

Motion to CONTINUE the item to the next regular Planning Commission meeting.

Commissioner Vernon

Second the motion:

Commissioner Carson

Vote:

Unanimous

Continuing Business

There was none.

Commission Business

Motion to APPROVE the January 19, 2017 Planning Commission Meeting Minutes.

Motion to approve:

Commissioner Vernon

Second the motion:

Commissioner Dewolfe

Vote:

Unanimous

Staff Business – Information Items

There was none.

Adjournment

Motion to Adjourn:

Commissioner Carson

Second:

Commissioner Vernon

Vote:

Unanimous

The Planning Commission Meeting adjourned at approximately 9:38 p.m.

For Planning Commission

Michael Florence
Community Development Director