

Planning Commission Work Meeting Minutes

Thursday, June 21, 2018

City Council Chambers

220 East Morris Avenue

Time 6:45 p.m.

Commission Members Present: Jeremy Carter, Conducting
Stacey Holscher
LeAnne Huff
Susan Dickstein

Staff Members Present: Michael Florence, Community and Economic
Development Director
Hannah Vickery, City Attorney
Jeff Attermann, City Planner

1. Discussion of Agenda Items.

Planning Commission Chair, Jeremy Carter, welcomed those present. Community and Economic Development Director, Michael Florence, gave a synopsis of the two items discussed during the previous Work Meeting. The first item was a public hearing on the 441 East 3900 South development. The Commission asked that Mr. Florence craft a presentation for the public. It was noted that the applicant will be present to provide supplemental information. The staff report on the subdivision would be forthcoming and staff was in the process of making sure all pertinent issues are addressed. Mr. Florence mentioned that the property in question has been presented to the Planning Commission several times before. The developer is now proposing 27 townhomes. The developer is requesting a rezone, a General Plan amendment, and subdivision approval. It was noted that the office building on the proposed site is vacant.

The surrounding uses include single-family to the west, multi-family to the north and east, and commercial to the south. The opposite side of the street is the City of Millcreek. The previous petition called for 31 units. The current proposal removed the back four and created additional open space. He explained that generally two accesses are required for this type of development, but the Planning Commission and City Council can modify the requirement as part of a Planned Unit Development (PUD). There is a pitched roof unit concept and a flat roof unit concept with a rooftop patio area. They are proposing that units 1 through 10, which are closer to 3900 South, have rooftops. They asked that units 13 through 15 also have rooftops, but this was open to discussion since the units are closer to single-family homes. Units 16 through 27 were slated for pitched roofs.

Mr. Florence stated that design elements and development specifics should be worked out with the Legal Department and addressed in a Development Agreement, since such items are not specifically addressed in the Code. This would be an agreement between the City and the developer.

In response to a question raised by Commissioner Dickstein, Mr. Florence stated that the proposed units are three stories high.

Mr. Florence described the proposed General Plan amendments and stated that the zoning map is currently commercial. The applicant applied for land use changes including amending the zoning map to a residential multi-family designation and the general plan to a medium density designation. The applicants are proposing a density of 15 units per acre. The RM zoning allows up to 25 units per acre but the Commission, per the General Plan, wanted to keep the density similar to surrounding uses. If there is a change to RM, the requested density will necessitate a Development Agreement. Procedural issues were discussed.

Mr. Florence addressed the next item involving a two-lot subdivision on UTA property. The Commission reviewed the project at the last meeting and there did not appear to be any issues. Additional research brought a problem with the Code to light. The Subdivision Code, under Title 15, specifies that minor subdivisions are only allowed for owner-occupied residential, commercial, and industrial projects. The proposed project is one of the first multi-family subdivisions of its kind under the current code and would necessitate a code clean up before the subdivision could be approved.

Mr. Florence informed the Commission that a building permit to construct the building was pending and that the subdivision would not hold up that process. Mr. Florence discussed the need to look at access and connectivity during the subdivision process and identify ways to improve traffic flow within the vicinity. The General Plan and City ordinances look at connections in developments that create good neighborhoods. One option staff is exploring is public easements through the UTA property. He explained that if vacant property in the area were developed, Plymouth Avenue would not be able to accommodate the additional traffic. He advised the Commission to look at connections and coordinate with UTA to determine whether another public access easement is needed through that property to this end. He invited Commission feedback. Staff suggested the matter be moved to a further date until the amendment is made to the subdivision ordinance.

Commissioner Carter asked if the City has an idea of where an easement would go and how it would work. Mr. Florence doubted they need to identify the road width and exact placement at this time. The specifics would need to be worked out with the Legal Department.

The Planning Commission Work Meeting adjourned at approximately 6:59 p.m.

Planning Commission Regular Meeting Minutes
Thursday, June 21, 2018
City Council Chambers
220 East Morris Avenue
Time 7:00 p.m.

Commission Members Present: Jeremy Carter, Conducting
Stacey Holscher
LeAnne Huff
Susan Dickstein

Staff Members Present: Michael Florence, Community and Economic
Development Director
Hannah Vickery, City Attorney
Jeff Attermann, City Planner

Motion for Chair: **Commissioner Dickstein**

Second to the Motion: **Commissioner Holscher**

Vote: **Unanimous**

Moment of Reflection: **Chair Carter**

Pledge of Allegiance: **Commissioner Carter**

Vote: **Unanimous**

New Business

- **S-18-002**
- 1. PUBLIC HEARING - Final Plat Approval of a Two-Lot Minor Subdivision.**

Action Item

Address 3844 South West Temple

Applicant Housing Authority of Salt Lake

Community and Economic Development Director, Michael Florence, presented the staff report and described the request for the two-lot minor subdivision. Mr. Florence reported that the City ordinance needs to be corrected and asked that the Commission table the item until the needed corrections are made. Staff would provide updates to the Commission as the Subdivision Code is updated. The Subdivision Code specifies that a minor subdivision or regular subdivision can be

created for owner-occupied residential, commercial, or industrial uses. The Code does not mention multi-family—hence the need for correction. The applicant was aware of the issue.

Mr. Florence addressed concerns about connectivity between neighborhoods and stated that access to the project will be off of West Temple and 3900 South. Mr. Florence noted that staff is exploring the possibility of public access easements with UTA to help with overall connectivity and traffic flow.

Commissioner Carter clarified that Mr. Florence was asking the Commission for their input on whether to pursue a conversation with UTA about access potential through their property. Commissioner Carter believed that would be in the City's best interest. Mr. Florence explained that it would benefit UTA in the long term and result in more people accessing the TRAX station. Commissioner Carter pointed out that Waverly Station, north of Plymouth Avenue, does not appear to have a clear path to get to the transit station. He suggested looking at both vehicular and pedestrian traffic and perhaps a combination of a new road and a new walking path.

Mr. Florence pointed out that there is a walking path next to the TRAX line between Waverly Station and the TRAX station, but he had received complaints that the path is not safe. The lights along the path get broken, it is highly vandalized, and deserves attention. Commissioner Carter mentioned a rumor of a development going in across the street on West Temple. Mr. Florence confirmed the rumor and stated that the City has received building plans for the Harmony Park Apartments. The project is proposed by the same developer who constructed the Via Apartments.

Commissioner Carter opened the public hearing at 7:11 p.m. There were no public comments. The public hearing was closed at 7:11 p.m.

Motion to TABLE the application and consider it at a later date.

Motion: Commissioner Holscher

Second: Commissioner Huff

Vote: Unanimous

- **GP18-001**
- 2. **A Request for the City Council to Amend the General Plan Future Land Use Map Designation from General Commercial to Medium Density Residential (9-15 Units/Acre).**

Action Item

Mr. Florence presented the staff report and stated that the above item was presented at the last Work Meeting. The neighborhood was notified of the zone change and General Plan amendment. Mr. Florence provided background on the development and explained that the project is located at 441 East 3900 South. There is currently a decades-old office building on the site and the property

has a history of problems. The previous tenants had Code enforcement issues. The property contained outdoor storage and inoperable vehicle violations that were addressed by the Administrative Law Judge.

The developer petitioned to redevelop the property into a 27-unit townhome development. The idea of redeveloping the site was not new to the Commission and the issue has been before the Commission on at least two prior occasions. Previously, the Commission recommended denial to the City Council.

Mr. Florence reported that the property is 1.69 acres in size. The surrounding uses include single-family to the west, multi-family to the north and east, commercial, and Millcreek City to the south. Mr. Florence displayed the proposed development site plan and explained that the request is now for 27 units compared to the previous proposal of 31 units. The applicants removed four units to increase the amount of common open space.

The applicants are proposing two different building models with both being three-story units. They are proposing the following:

- Units 1–10 will have a rooftop patio;
- Units 16–27 will have a pitched roof; and
- Units 13–15 will have a rooftop patio.

It was noted that these types of specifics would be included in a Development Agreement. Mr. Florence asked for feedback from Commission on the design, which will ultimately be part of an agreement between the City Council and the developer including a recommendation for a zone change.

A density of 15 units per acre is what the applicant has requested. It was noted that the requested RM zoning allows a higher density. The density would also be included in a Development Agreement.

The proposed General Plan amendment calls for a change from General Commercial to Medium Density Residential. The zoning is currently Commercial Corridor and RM (Residential Multiple) zoning is proposed.

Brandon Pehrson gave his address as 11099 South Farnsworth Lane in Sandy and explained that in previous Work Meetings they have discussed types of trees, fencing, and anti-vandalism measures. They have looked into a graffiti blocker and were prepared to enter into the necessary agreements to ensure that the project meets the Commission's satisfaction.

John Thomas from Property Dynamics gave his address as 11650 South State Street in Draper and addressed the increased public outreach they have conducted. They have knocked doors and met with other developers who are building on the flag lots. They also reached out to the City Council. The most salient input from these efforts was concern with the number of units. For this reason, the developers eliminated four units to increase open space for a park. The height of the buildings

was of concern. The developer removed rooftop features from units abutting neighboring residences. The height of the building was decreased by five feet.

It was noted that design drafts were already complete. The neighbors to the west will preserve their privacy as there are few windows facing that direction. There is also a healthy buffer zone. There will be a substantial wall barrier as well as large, mature trees. The front area will feature a park, resulting in two-parks and HOA-maintained grounds. The units will be for sale and as a result, there is not expected to be excessive turnover.

The HOA agreement prohibits one-night VRBO or Airbnb situations. FCS will be the HOA Manager, which is the largest in Utah. FCS manages multiple apartment complexes and HOAs along the Wasatch Front as well as in St. George.

The developer visited the Plymouth Townhomes and was unhappy that their condensers, which he found to be both ugly and loud, were in driveways, which increases driveway accidents. The proposed development will have enclosed, rooftop condenser units, which will eliminate ground noise and be more aesthetically pleasing. The HOA will plant shrubs or flowerbeds to increase curb appeal. The developer liked Plymouth's walkways between townhomes that face one another that featured pergolas, greenery, etc. The developer is proposing twice as much greenspace per unit as Plymouth. He is proud of the project and believes it will be one of the prime projects in the valley.

Commissioner Dickstein was curious as to whether it would look strange to have three different rooftop configurations. Mr. Pehrson clarified that there will only be two rooftop types; Units 13 through 15 could go either way. It was noted that the developer would prefer these units have rooftop space.

Commissioner Holscher asked how close the rooftop units will be to the nearest residential home. Mr. Pehrson responded that the nearest residential unit is a new home owned by residents who are excited to see the parking lot converted into townhomes. The developer provided the residents with a set of plans. The surrounding residences are single-family homes.

Commissioner Dickstein asked for confirmation that the rooftops will not affect anyone other than the property owners identified by Mr. Pehrson. Mr. Pehrson responded that anyone moving into the newer homes along 4th East, especially the two-story homeowners, may not see the rooftops in question. Mr. Thomas asked how tall the typical two-story home will be. Mr. Pehrson responded that they will typically be 28 feet. Mr. Florence stated that the two-stories in question are 30 feet in height.

Mr. Florence asked for clarification regarding roof types. Mr. Pehrson reported that units 1 through 12 are planned to have flat rooftops. They asked that units 13 through 15 also have rooftops, but they understand that these units have a residential zone directly to the west and are willing to forego rooftops for these should the commission see fit.

Mr. Thomas added that they achieve more living space from the flat roof and less height. It was noted that pitched roofs equate to less living space. Mr. Pehrson confirmed that those units have a

slight pitch for drainage purposes. Commissioner Carter reiterated that units 16 through 27 have flat roofs with a gentle slope for drainage.

Commissioner Dickstein, who is a realtor by profession, asked how flat roofs accommodate snow. Mr. Pehrson stated that there are frequently problems with roofs built in the early 1970s. New engineered lumber has alleviated those problems. The old roofs were problematic because they were typically tar-and-gravel. Newer roofs have a TPO membrane which does not allow water penetration. Commissioner Dickstein asked if TPOs require maintenance. Mr. Pehrson responded that they typically aren't a problem. TPO has been used on commercial buildings for years. In the 70s, it was cheaper to do tar-and-gravel. At this point, flat roofs have moved to TPO membranes, which is a welded plastic. Mr. Thomas added that on the back side of his home he has a flat roof that was recently reroofed with TPO.

Commissioner Carter opened the public hearing at 7:31 p.m.

Dea Smith gave her address as 3805 South 400 East and was surprised by the concept of developing 27 townhomes on just more than 1.5 acres. Any structure that is three-stories will block not only her view of the mountains but her neighbors' as well. She has been in her home for 10 years while some of her neighbors have been in theirs for 40 years. She has watched livable areas shrink and traffic increase. She was concerned about the traffic increase that will accompany the new units. She liked her peaceful, short block with trees and preferred to see a nursing home to residential units but understood the need to develop the lot in question. She considered the proposal to be motivated by greed and not growth. She expressed frustration on the part of herself and her neighbors with development and higher density development encroaching on their neighborhood.

There were no further public comments. The public hearing was closed at 7:35 p.m.

Mr. Florence displayed the Waverly Station site map, which consist of three-story townhomes with pitched roofs. The development is similar to the one being reviewed tonight by the Commission. The applicants are proposing something similar if they were to remove the pitched roof and construct a patio area on top.

Commissioner Dickstein had mixed feelings and has seen three-story townhomes that are subpar. She believes the setup in question will be nice and attract better people who stay longer. She considered it to be a tradeoff. Developing a single-family home on the property would not be financially feasible.

Commissioner Carter responded to Ms. Smith's comments and stated that the lot in question is currently zoned "commercial." The height limitations for commercial buildings were similar to residential. A potential commercial development could have the same detrimental effect on Ms. Smith's line of sight to the mountains. Commissioner Carter reminded those present of the project's previous iterations. There was an entrance/exit onto 400 East that is no longer there. In addition, traffic *must* use 3900 South to access the development. The applicant and Commission did what they could to mitigate the impact on the neighborhood. He shared his opinion that the rooftop patios should end after the first three rows.

Commissioner Dickstein sought confirmation that Commissioner Carter's worry was that rooftop patios beyond the first three rows would be able to see into the backyards of single-family residences. Commissioner Carter confirmed that that was indeed his worry. The window on that side of the buildings only shines light on the townhome stairwell, which was not of concern. Potential design features and changes were discussed.

Commissioner Carter desired there be no living space on the west wall of the units in question, especially on the third level. Mr. Florence asked if the third level would be the bedroom. Mr. Pehrson responded that there is a bedroom but that they could place most of the windows on the front or back. They could place a higher window six feet off the ground to let natural light in without people looking out. Such a measure works well with modern style.

Commissioner Holscher asked how many feet the rooftop adds. Mr. Pehrson responded that it equates to roughly five feet for the parapet. Railings will be 42 to 48 feet with railing sections extending up one more foot to provide privacy between units. The total height was determined to be 35 feet, including the rooftop parapets.

Commissioner Carter confirmed that Units 13, 14, and 15 are adjacent to residential. Mr. Pehrson stated that their biggest reason for allowing the units to have rooftops is to provide high-end units where people will stay longer and reduce turnover. The intent was to sell the front units first.

In response to a question raised by Commissioner Dickstein, Mr. Pehrson confirmed that the units with rooftop patios will be able to see into neighboring backyards. Just west of Unit 13 is where the residential section begins. Units beyond Unit 13 will have a visual into backyards without the mature trees. Commissioner Holscher observed that Units 14 and 15 will not have a view into backyards.

Mr. Florence stated that there are existing townhomes to the east. He reminded the Commission that if there are issues, the City will receive complaints. Mr. Pehrson pointed out that the townhomes to the east are apartment-style condos that have only common areas and no backyards.

Commissioner Carter suggested the rooftop patio on Unit 13 be eliminated. Mr. Pehrson stated that if privacy is the issue, they could forego rooftop patios for Units 13, 18, 19, 24, and 25 since each are on the westerly border. Commissioner Dickstein asked if they could accomplish that and still maintain the look of the buildings. Mr. Pehrson was confident he could design a roof that would work.

With regard to design, Mr. Florence asked to be provided with more detail. He was concerned about encroachment into residential neighborhoods. Mr. Pehrson remarked that the commercial space on the easterly side is slightly farther to the north than depicted in the rendering. He reiterated that units with rooftops equate to satisfied owners who stay longer. Commissioner Dickstein pointed out that residents will not spend a significant amount of time on their rooftops. Commissioner Holscher agreed.

Commissioner Carter commented that Units 16 through 27 should definitely not have rooftop patios. He conceded that Units 14 and 15 could as long as there is a dividing wall between Units 13 and 14 to block the line of sight. Commissioner Holscher was comfortable with that arrangement. Commissioner Dickstein indicated that she lives next to an apartment complex with balconies and only occasionally sees people out on their balconies and when they do they do not spend much time there. She did not consider rooftop balconies to be a significant issue. Commissioner Holscher reported that 100,000 people moved to the Salt Lake Valley in 2016. She did not see that trend slowing down and as a result, vacant lots are bound to be developed.

Mr. Pehrson confirmed that Unit 13 should have a sloped roof, but Units 14 and 15 can have rooftop patios. Commissioner Dickstein was had reservations about the aesthetic of having Unit 13 be different from Units 14 and 15.

Mr. Florence asked if the Commission objected to modifying the road to one lane of off 3900 South. Commissioner Holscher asked if there would be safety issues. Mr. Florence responded that it would meet Fire Code and they are allowed to make modifications through the PUD ordinance. The width at 3900 South will be 26 feet, which will accommodate two vehicles. With regard to density, the Commission was of the opinion that 15 units per acre is acceptable.

The Commission agreed that if Unit 13 is prohibited from having roof porches, then Units 14 and 15 should also. Commissioner Carter asked if there is a space for pets. Mr. Pehrson stated that the front area will be a dog park. The back portion will have tables, built-in barbecues, and a playground set. The width of the landscape buffer between the townhomes and single-family homes is roughly five feet on the west side. Mr. Florence stated that they should carefully select trees for this area. Mr. Pehrson pointed out that five feet is usually the size of a park strip on a regular street. Maples are often used in such spaces.

Commissioner Holscher addressed a written comment received at the last meeting that stated there were to be no more than 10 units on a dead end. Mr. Florence responded that this is typically the case, unless it is a PUD in which case the Planning Commission and City Council can modify the requirement.

Motion to TABLE the matter to the next meeting.

Motion: Commissioner Dickstein

Second: Commissioner Holscher

Vote: Unanimous

Continuing Business

There was no continuing business.

Planning Commission Business

- **Approval of the May 22, 2018 Planning Commission Meeting Minutes.**

Motion to APPROVE the May 22, 2018 Planning Commission Meeting Minutes.

Motion: Commissioner Holscher

Second the motion: Commissioner Huff

Vote: Unanimous

- **Approval of the May 29, 2018 Planning Commission Meeting Minutes.**

Motion to APPROVE the May 29, 2018 Planning Commission Meeting Minutes.

Motion: Commissioner Huff

Second the motion: Commissioner Holscher

Vote: Unanimous

Staff Business – Information Items

Mr. Florence reported that the next meeting is scheduled for July 5. Mr. Florence invited interested Commission Members to ride in the parade on July 4.

Adjournment

Motion to Adjourn: Commissioner Holscher

Second: Commissioner Huff

Vote: Unanimous

The Planning Commission Meeting adjourned at approximately 8:03 p.m.

For Planning Commission

**Michael Florence
Community Development Director**



Michael Florence
Community Development Director



For Planning Commission



**SOUTH SALT LAKE
COMMUNITY
DEVELOPMENT**

MICHAEL FLORENCE
DIRECTOR

PLANNING & ZONING
O 801.483.6011
F 801.483.6060

BUILDING DEPT.
O 801.483.6005
F 801.483.6060

BUSINESS LICENSING
O 801.483.6063
F 801.483.6060

CHERIE WOOD
MAYOR

220 E MORRIS AVE
SUITE 200
SOUTH SALT LAKE CITY
UTAH
84115
O 801.483.6000
F 801.483.6001
SOUTHSALT LAKECITY.COM

**AGENDA
PLANNING COMMISSION MEETING**

Thursday, June 21, 2018
City Council Chambers
220 E Morris Avenue, 2nd Floor

PLANNING COMMISSION WORK MEETING

1. 6:45 p.m. – Discussion of Agenda Items

REGULAR PLANNING COMMISSION MEETING AT 7:00 P.M.

Moment of Reflection:
Pledge of Allegiance: Laura Vernon
Approve Agenda:

NEW BUSINESS

- | | | | |
|----|-----------------------|-------------------|--|
| 1. | Public Hearing | S-18-002 | Final Plat approval for a 2-lot minor subdivision.
Action Item.
3844 S. West Temple
Housing Authority of Salt Lake |
| | Address | | |
| | Applicant | | |
| 2. | Public Hearing | GP-18-001 | A request to the City Council to amend the General Plan Future Land Use Map designation from General Commercial to Medium Density Residential (9-15 units/acre).
Action Item. |
| | | Z-18-001 | A request to the City Council to amend the South Salt Lake Zoning Map designation from Corridor Commercial to Residential Multiple and for the addition of a Planned Unit Development Overlay District.
Action Item. |
| | | PUD-18-002 | Preliminary plat approval of a 27-lot Planned Unit Development townhome project.
Action Item.
441 East 3900 South
Property Dynamics |
| | Address | | |
| | Applicant | | |

CONTINUING BUSINESS

None at this time.

PLANNING COMMISSION BUSINESS

Approval of the May 22, 2018 Planning Commission Meeting Minutes
Action Item.

Approval of the May 29, 2018 Planning Commission Meeting Minutes
Action Item.

STAFF BUSINESS – INFORMATION ITEMS

None at this time.

IN COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT, INDIVIDUALS NEEDING AUXILIARY COMMUNICATIVE AIDS OR OTHER SERVICES FOR THIS MEETING SHOULD CONTACT ALEXANDRA WHITE, (801) 483-6011, GIVING AT LEAST 24 HOURS NOTICE.

