

***Planning Commission Work Meeting Minutes***

*Thursday, February 5, 2015*

*City Council Chambers*

*220 East Morris Avenue*

*Time 6:30 p.m.*

**Commission Members Present:**

Jeremy Carter  
Mark Kindred  
Carly Klein  
Rachel Lauritzen  
Portia Mila  
Brandon Dalton  
Lynda Brown

**Staff Members Present:**

Michael Florence, Community Development Director  
Francis Lilly, Deputy Director  
Hayley Pratt, City Planner  
Paul Roberts, Deputy City Attorney

**Item 1- Planning Commission Training.**

Deputy City Attorney, Paul Roberts, gave a PowerPoint presentation regarding proper procedures for open and public meetings. The topics covered by Mr. Roberts included legal definitions for public meetings, sending and posting public notifications, agenda requirements, closed meeting specifications, and written and recorded minutes. There were no questions from the Commission regarding the training.

**Item 2- Discussion of Agenda Items.**

City Planner, Hayley Pratt, presented new business, which includes T-15-001, A Proposed Amendment to the South Salt Lake Home Occupation Ordinance. The applicant, Roy Van Os, requested two items in his application. The first was to increase the allowed floor space in an accessory building from 10% to 20%. The second part of the application was to include commercial kitchens as an allowed use in the home occupation ordinance. The reason for the application was that Mr. Van Os would like to produce granola in his home and sell the product at retail stores and local farmer's markets. Ms. Pratt stated that the Department of Agriculture has requested several requirements be met with the installation of a commercial kitchen as well as the South Salt Lake City Municipal Code and the International Building Code. Ms. Pratt presented a list of the requirements.

In the General Plan, Goal LU-1 specifies that the City's intent is to maintain the residential business and industrial areas and to keep them vibrant, healthy and safe. It is also important to keep the business compatible with the land use. Policy LU-1.1.2 specifies that the City must try to adopt ordinances that preserve the integrity of a residential area and make it a safe and desirable place to live. Ms. Pratt explained that the staff report contains more details about these goals as well as the Land Use Code.

Ms. Pratt presented the home occupation ordinance to the Planning Commission, which states that the business must be clearly incidental and secondary to the use residence, and shall not change the character of the residential dwelling or neighborhood in which it is located. Home occupation will not be allowed changes to the outside appearance of the dwelling, architecturally or otherwise, to accommodate the business uses of the property.

Deputy Director, Francis Lilly, noted that the reason for such strict requirements from the USDA is because there may be opportunities for the product to cross state lines in retail stores and the FDA becomes involved.

Ms. Pratt stated that staff finds that the 20% for an accessory structure is in line with adjacent municipalities and would also allow the home occupations more flexibility. They recommended approval of this portion of the request. Staff, however, recommended denial of the request to establish commercial kitchens as an allowable home occupation use, as they object to the significant infrastructure changes required for the commercial kitchen. In addition, they feel that home occupations are meant to be primarily in the home and not solely out of an accessory building.

In response to the question from Commissioner Dalton, Ms. Pratt explained that the Department of Agriculture would not have such strict requirements if the applicant intended to only sell locally. A commercial kitchen would not be required in such a situation.

Chair Lauritzen commented that the important portion of this item is not just this specific application. Approval of the request could open the door to future applications, which could become problematic.

Mr. Lilly stated that Mr. Van Os would have the opportunity to speak at the regular meeting, and his application is very thorough.

With regard to the increase to 20% allowed floor space, Commissioner Lauritzen stated that the number was suggested to match what is currently allowed in the dwelling.

There were no further comments or questions from the Commission.

The Planning Commission Work Meeting adjourned at 6:49 p.m.

*Planning Commission Regular Meeting Minutes*  
*Thursday, February 5, 2015*  
*City Council Chambers*  
*220 East Morris Avenue*  
*Time 7:00 p.m.*

**Commission Members Present:**

Rachael Lauritzen, Presiding  
Jeremy Carter  
Brandon Dalton  
Carly Klein  
Portia Mila  
Mark Kindred  
Lynda Brown

**Staff Members Present:**

Michael Florence, Community Development Director  
Francis Lilly, Deputy Director  
Hayley Pratt, City Planner  
Paul Roberts, City Attorney

**Moment of Reflection:**

**Chair Lauritzen**

**Pledge of Allegiance:**

**Commissioner Brown**

**Motion to Approve the Agenda:**

**Commissioner Klein**

**Second the motion:**

**Commissioner Brown**

**Vote:**

**Unanimous**

**New Business**

- **Public Hearing**  
**T-15-001**

**A Proposed Amendment to the South Salt Lake Home Occupation Ordinance.**

**Action Item**

**Applicant: Leroy Van Os**

City Planner, Hayley Pratt, presented the staff report and stated that the applicant, Leroy Van Os, petitioned the Planning Commission and City Council to amend the Home Occupation Ordinance, 17.06.130 of the South Salt Lake City Municipal Code. His request was to establish a commercial kitchen home occupation to produce granola that he would then sell at local farmer's markets and at retail outlets. The petition includes a modification to the current code which specifies that only 10% of an accessory structure may be used for the home occupation.

Mr. Van Os requested that the number be increased to 20%. Ms. Pratt commented that these amendment changes would affect all home occupations in the city. The proposal includes conversion of an existing garage space on his property, which needs to be altered to meet the requirements of the Department of Agriculture in order to sell food at retail locations.

Ms. Pratt presented the following a summary of the application and staff recommendations:

- The ordinance amendment would allow the home occupation to use up to 20% of the floor area of an accessory structure and for the installation of a kitchen within the accessory structure.
- The code requirements for commercial kitchens are extensive and would significantly change the character of the residence and neighborhood.
- Staff recommended approval of the request to increase the allowable area of accessory buildings for home occupations to 20% of the total area.
- Staff recommended denial of the request to establish commercial kitchens as allowable home occupation uses.
- The proposed application would establish an ordinance change that would apply to home occupations throughout the City.

In the General Plan, Goal LU-1 specifies that the City's intent is to maintain the residential business and industrial areas and keep them vibrant, healthy, and safe. It is also important to keep the business compatible with the land use. Policy LU-1.1.2 states that the City must try to adopt ordinances that preserve the integrity of a residential area and make it a safer and a desirable place to live. Ms. Pratt stated that the staff report contains additional details about the goals as well as the Land Use Code.

Ms. Pratt presented the home occupation ordinance, which states that the business must be clearly incidental and secondary to the use of the dwelling for residential purposes, and shall not change the character of the residential dwelling or neighborhood in which it is located. Home occupation will not be allowed changes to the outside appearance of the dwelling, architecturally or otherwise, to accommodate the business uses of the property.

Included in the staff report was a list of requirements from the Utah Department of Agriculture for commercial kitchens. Ms. Pratt explained that the list is extensive because there is an opportunity for the product to cross state lines to be sold in retail stores. Also included in the staff report is a list of additional requirements from the South Salt Lake City Municipal Code, the International Building Code, and the South Salt Lake Public Works Department.

Community Development Director, Michael Florence, noted that the reason for the extensive requirements for a commercial kitchen is due to of the potential for retail sales. That was determined to be a critical part of the application.

Ms. Pratt commented that adjacent municipalities allow for greater floor percentage in an accessory building. As a result, staff felt the proposed change would be consistent with the surrounding areas and allow additional flexibility for home occupation growth.

One of the major concerns from staff was that the intent of the home occupation ordinance is to allow the resident to use their home or dwelling as a place of business under certain circumstances, such that their business activities aren't incompatible with surrounding neighborhood uses and surrounding residential activities. Staff felt that the home occupation ordinance was not intended to allow a person to operate a business out of an accessory building alone, but to have part of the residential space used for the business.

Ms. Pratt reminded the Commission that they are the recommending body to the City Council for ordinance amendments. Staff determined that the request to increase the allowable area of accessory buildings for home occupations to 20% is consistent with the intent of the home occupation ordinance but that the request to allow commercial kitchens as allowable uses is inconsistent with the intent of the home occupation ordinance.

The staff recommendations were as follows:

- Staff recommended approval of the request to increase the allowable area of accessory buildings for home occupation to 20% of the total area.
- Staff recommended denial of the request to establish commercial kitchens as allowable home occupation uses.

The applicant, Roy Van Os, gave his address as 211 East Clayborne Avenue in South Salt Lake. He reported that he has worked as an Engineer for the State of Utah for many years and is familiar with the laws and regulations regarding property. He also understood the complexity of amending an ordinance. Mr. Van Os gave examples of commercial kitchens in the community that would be similar to what he is seeking. He explained that the term "commercial" doesn't mean that it has to be large and polluting and the USDA defines "commercial" as a measure of cleanliness. He felt the USDA offered a great deal of flexibility in terms of the commercial kitchen requirements he would need to comply with to meet their standards of cleanliness.

Mr. Van Os presented photographs of existing commercial kitchens in the area that have similar equipment that he would install in his kitchen. Each of the examples were granted approval from the USDA for the manufacturing of food and their equipment is simple and not large in size. The Commission requested copies of the photographs be kept for the record.

With regard to the farmer's markets, Mr. Van Os clarified that farmers markets now require food sold there to be made in commercial kitchens for the safety of the customers. According to his research, this is a nationwide issue. He noted that California now allows Cottage kitchens to sell their product to retail stores.

Commissioner Klein asked staff if future applications would still have to be brought before the Commission if the request were approved. Mr. Florence confirmed that they would.

Commissioner Dalton asked if there is some kind of safeguard in place to prevent the applicant from making something other than granola in his kitchen. Mr. Florence replied that this was a difficult question. The applicant is requesting that commercial kitchens be included as an allowed use, which would apply to the entire City. There are mitigation strategies that the Community Development Director could work out with the applicant to restrict the specific types of uses or foods prepared there, but that hadn't been tested as of yet. The issue for tonight's meeting was the classification of the commercial kitchen in the home occupation ordinance.

In response to a question from Commissioner Carter, Mr. Van Os confirmed that the photographs he presented were of locations with business licenses. They aren't a perfect comparison to the application, but they show examples of the size and scope of the equipment the applicant would be installing in his kitchen.

Mr. Van Os informed the Commission that he spoke with a representative from the USDA who informed him that he would approve of the site as designed without further requirements. The letter from the representative was included in the application.

**Chair Lauritzen opened the public hearing. There were no public comments. Chair Lauritzen closed the public hearing.**

Chair Lauritzen commented that the application is well done and felt that the applicant would execute it well. Her real concern was for subsequent applications that would not be as thorough as this one and for those that would damage the integrity of the neighborhoods. She commented that the proposed business might be better suited for a mixed use area. She agreed with the staff analysis.

Commissioner Dalton indicated that he would like to see more commercial type kitchens in the neighborhoods, as it could create neighborhoods that are more desirable. He also could see some benefit to allowing not only granola production but other small kitchens. Commissioner Dalton was in support of the proposed ordinance change to allow more mixed uses in residential areas.

Chair Lauritzen addressed staff's concern about changing the infrastructure of the building. She wanted to know if they had the option to add a stipulation restricting any change to the residential infrastructure and make sure it could be reverted back if the residence were sold.

Mr. Florence stated that a major concern of theirs was the fact that so many changes would have to be made to the building to accommodate a commercial kitchen such as connection to a proper water source. Building a commercial kitchen could be done in a way that is inexpensive and have low impact on the building but he was not sure how the Business License Ordinance and Building Code could accommodate the changes in residential neighborhoods.

Chair Lauritzen suggested that there may be a middle path to be taken in this situation. If it were determined that there was no need to change the infrastructure to accommodate the business, it wouldn't substantially change the character of the property or the neighborhood, and would be acceptable. In response, Mr. Florence reminded the Commission that the home occupation is to be secondary to the use of the dwelling for residential purposes.

It was also stated that the applicant would not be adjusting a current kitchen and would be creating one. The applicant confirmed that the previous use of the accessory building was historically a dark room for photography and currently has a water supply, sewage system, electricity, and gas in a capacity high enough to operate the oven proposed.

Commissioner Carted commented that the application shouldn't be approved just because the amenities are available.

Commissioner Lauritzen brought up the fact that the ordinance also states that a license can be revoked if it is determined that the home occupation has altered the character of the dwelling. This puts the applicant in a higher risk situation and should be considered with this application. Mr. Florence wasn't certain that a commercial kitchen could be installed without significant infrastructure changes.

With regard to the request for increased floor space percentage, Commissioner Dalton commented that it seemed consistent with the surrounding areas and is in line with what is already allowed in the dwelling. He had no issues with this part of the application.

In terms of the farmer's market issue, Commissioner Mila was concerned that this issue will come up again when others want to sell at the markets and are required to install commercial kitchens to do so. Commissioner Lauritzen was in favor of encouraging more cottage kitchens, and other local productions and felt it was just a question of appropriate placement. Perhaps a future application for changing the area to a mixed use would be appropriate. The neighborhood needs to be taken into consideration in making these decisions.

In response to a question from Commissioner Dalton, Ms. Pratt explained that although they know that Salt Lake City prohibits bakeries as home occupations, they were unable to find a precedent for it. Many of the other cities focus more on the equipment that is installed and used rather than specific occupation restrictions.

Commissioner Carter asked who regulates what is sold at the Farmer's Market. Staff confirmed that they are regulated by the Salt Lake County Health Department and the Utah Department of Agriculture and Food. It was noted that they may not have consistent standards between departments.

**Motion to continue the matter to the February 19, 2015, Planning Commission Meeting, with a request for more research from staff according to staff notes of the discussion.**

**Commissioner Mila**

**Second on the motion:** Commissioner Dalton

**Vote:** Unanimous

**Continuing Business**

There was no continuing business.

**Commission Business**

**Approval of the January 8, 2015, Planning Commission Meeting Minutes.**

**Motion to Approve:** Commissioner Dalton

**Second the motion:** Commissioner Mila

**Vote:** Unanimous

**Staff Business – Information Items**

Mr. Florence commented that this would be Ms. Pratt's final meeting with Planning Commission. The Commission and staff thanked her for her service.

**Adjournment**

**Motion to Adjourn:** Commissioner Carter

**Second:** Commissioner Kindred

**Vote:** Unanimous

The Planning Commission Meeting adjourned at approximately 7:47 p.m.

  
\_\_\_\_\_  
Michael Florence  
Community Development Director

  
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For Planning Commission



PLANNING COMMISSION MEETING  
 DATE: 19 Feb 2015

Please sign and pass on, thank you.

NAME	ADDRESS	REPRESENTING
<u>Dennis Ray</u>	<u>195 W. Oakland</u>	<u>Public Works</u>
<u>Ray Vants</u>	<u>211 E Claybourne Ave</u>	_____
<u>Eric Van Os</u>	<u>211 E Claybourne Ave</u>	_____
<u>Pamela Day</u>	<u>258 W. 3300 S.</u>	<u>Self</u>
<u>Sherril Johnson</u>	<u>3237 S. Main<sup>SE</sup></u>	<u>American United Flu</u>
<u>Ryan Orcutt</u>	" "	" "
<u>Paul House</u>	<u>155 W 3030 SA</u>	<u>Self</u>
<u>Monte ALRED</u>	<u>118 W ANGLO</u>	_____
<u>REX PEARMAIN</u>	<u>156 W WALTON</u>	<u>REX'S AUTO &amp; TRUCK</u>
<u>Dave Feulner</u>	<u>150 W, 3300 S,</u>	<u>Great Western Auto</u>
<u>AJ Green</u>	<u><del>#76</del> 36 S. State St. Suite 100, SLC 84111</u>	<u>WBH Enterprises, LLC; Walton Park, LLC; Westside Steel.</u>
<u>Marty Moreno</u>	<u>140 W. Angelo Ave</u>	<u>self</u>
<u>RICHARD ADDERLEY</u>	<u>111 WEST REESON AVE</u>	<u>SELF</u>
_____	_____	_____